

Executive Documents**EXECUTIVE ORDER NO. 12268**

Ex. Ord. No. 12268, Jan. 15, 1981, 46 F.R. 4671, provided for the implementation of the Hostage Relief Act of 1980 (Pub. L. 96-449).

EXECUTIVE ORDER NO. 12313

Ex. Ord. No. 12313, July 13, 1981, 46 F.R. 36689, designated Jan. 11, 1981, as date on which all citizens and resident aliens of the United States who had been placed in captive status as a result of seizure of United States Embassy in Iran were returned to United States or otherwise accounted for and were no longer under foreign control.

§ 5562. Pay and allowances; continuance while in a missing status; limitations

(a) An employee in a missing status is entitled to receive or have credited to his account, for the period he is in that status, the same pay and allowances to which he was entitled at the beginning of that period or may become entitled thereafter. Notwithstanding any other provision of law, an employee in a missing status on or after January 1, 1965, is entitled—

(1) to payment for annual leave which accrued to his account on or after January 1, 1965, but which was forfeited under section 6304 of this title because he was unable to use that leave by virtue of his missing status; or

(2) to have all of that leave restored to him and credited to a separate leave account in accordance with the provisions of section 6304(d)(2) of this title.

An employee shall elect in writing, within 90 days immediately following December 14, 1973, or within 90 days immediately following the termination of his missing status, whichever is later, whether he desires payment for the leave under clause (1) of this subsection or credit of the leave under clause (2) of this subsection. Payment under clause (1) of this subsection shall be at the employee's rate of basic pay in effect at the time the leave was forfeited.

(b) Entitlement to pay and allowances under subsection (a) of this section ends on the date of—

(1) receipt by the head of the agency concerned of evidence that the employee is dead; or

(2) death prescribed or determined under section 5565 of this title.

That entitlement does not end—

(A) on the expiration of the term of service or employment of an employee while he is in a missing status; or

(B) earlier than the dates prescribed in paragraphs (1) and (2) of this subsection if the employee dies while he is in a missing status.

(c) An employee who is officially determined to be absent from his post of duty without authority is indebted to the United States for payments of amounts credited to his account under subsection (a) of this section for the period of that absence.

(d) When an employee in a missing status is continued in that status under section 5565 of this title, he continues to be entitled to have pay and allowances credited under subsection (a) of this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 490; Pub. L. 93-181, § 7(a), Dec. 14, 1973, 87 Stat. 707; Pub. L. 96-54, § 2(a)(33), Aug. 14, 1979, 93 Stat. 383.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	50A U.S.C. 1002(a) (1st sentence, less last 46 words).	Mar. 7, 1942, ch. 166, § 2(a) (1st 2 sentences and 3d sentence, less 1st 28 words); added July 1, 1944, ch. 371, § 2, 58 Stat. 679. Apr. 4, 1953, ch. 17, § 1(a), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, § 1(b), 71 Stat. 491. Aug. 14, 1964, Pub. L. 88-428, § 1(3)(A), (B), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to § 1002(a) (1st sentence)).	Mar. 7, 1942, ch. 166, § 14 (as applicable to § 2(a) (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, § 1(e), 67 Stat. 21.
(b)	50A U.S.C. 1002(a) (last 46 words of 1st sentence, and 2d sentence).	
(c)	50A U.S.C. 1002(a) (3d sentence, less 1st 28 words).	
(d)	50A U.S.C. 1006 (2d sentence, as applicable to pay and allowances).	Mar. 7, 1942, ch. 166, § 6 (2d sentence, as applicable to pay and allowances); added Dec. 24, 1942, ch. 828, § 1 (4th par.), 56 Stat. 1093. Aug. 14, 1964, Pub. L. 88-428, § 1(5)(B), 78 Stat. 437.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words “An employee in a missing status” are substituted for the first 66 words of 50A U.S.C. 1002(a) to conform to the definitions in section 5561(2) and (5). The words “pay and allowances” are substituted for the enumeration of pay and allowances in the first sentence of 50A U.S.C. 1002(a) to conform to the definition in sections 5561(6). The words “or is performing full-time training duty, other full-time duty, or inactive duty training” and “except that the pay and allowances for a person who is performing full-time training duty or other full-time duty without pay, or inactive duty training with or without pay, shall be that to which he would have been entitled if he had been performing full-time active duty with pay;” are omitted as inapplicable to civilian officers and employees.

In subsection (b), the words “under subsection (a) of this section” are inserted for clarity.

In subsection (c), the words “United States” are substituted for “Government” to conform to the style of this title. The words “under subsection (a) of this section” are inserted for clarity.

In subsection (d), the words “an employee in a missing status” are substituted for “a person missing under the conditions specified in section 2 of this Act” to conform to the definitions in section 5561(2) and (5).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes**AMENDMENTS**

1979—Subsec. (a). Pub. L. 96-54 substituted “December 14, 1973,” for “the date of enactment of this sentence”.

1973—Subsec. (a). Pub. L. 93-181 inserted provisions relating to employees in missing status on or after January 1, 1965.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1979 AMENDMENT**

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

FORMER EMPLOYEES OR THEIR BENEFICIARIES

Pub. L. 93-181, §7(b), Dec. 14, 1973, 87 Stat. 707, provided that: "The amendment made by subsection (a) of this section [amending subsec. (a) of this section] shall apply to former employees or their beneficiaries."

§ 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations

(a) An allotment (including one for the purchase of United States savings bonds) made by an employee before he was in a missing status may be continued for the period he is in that status, notwithstanding the end of the period for which the allotment was made.

(b) In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the head of the agency concerned, he or his designee may authorize such a new or increased allotment as circumstances warrant, which is payable for the period the employee concerned is in a missing status.

(c) All allotments from the pay and allowances of an employee in a missing status may not total more than the amount of pay and allowances he is permitted to allot under regulations prescribed by the head of the agency concerned.

(d) A premium paid by the United States on insurance issued on the life of an employee, which is unearned because it covers a period after his death, reverts to the appropriation of the agency concerned.

(e) Subject to subsections (f) and (g) of this section, the head of the agency concerned or his designee may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status when that action is in the interests of the employee, his dependents, or the United States.

(f) When the head of the agency concerned officially reports that an employee in a missing status is alive, an allotment under subsections (a)–(d) of this section may be paid, subject to section 5562 of this title, until the date the head of the agency concerned receives evidence that the employee is dead or has returned to the controllable jurisdiction of the agency concerned.

(g) When an employee in a missing status is continued in that status under section 5565 of this title, an allotment under subsections (a)–(d) of this section may be continued, increased, or initiated.

(h) When the head of the agency concerned considers it essential for the well-being and protection of the dependents of an employee in active service (other than an employee in a missing status), he may, with or without the consent of the employee and subject to termination on specific request of the employee—

- (1) direct the payment of a new allotment from the pay of the employee;
- (2) increase or decrease the amount of an allotment made by the employee; and
- (3) continue payment of an allotment of the employee which has expired.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 490.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	50A U.S.C. 1003 (1st sentence).	Mar. 7, 1942, ch. 166, §3, 56 Stat. 144. Dec. 24, 1942, ch. 828, §1 (1st par.), 56 Stat. 1092. July 1, 1944, ch. 371, §3, 58 Stat. 680.
(b)	50A U.S.C. 1003 (2d sentence, less proviso).	
(c)	50A U.S.C. 1003 (1st proviso of 2d sentence).	
(d)	50A U.S.C. 1003 (2d proviso of 2d sentence).	
(e)	50A U.S.C. 1004	Mar. 7, 1942, ch. 166, §4, 56 Stat. 144. Dec. 24, 1942, ch. 828, §1 (2d par.), 56 Stat. 1093. July 1, 1944, ch. 371, §4, 58 Stat. 680.
(f)	50A U.S.C. 1006 (1st sentence).	Mar. 7, 1942, ch. 166, §6 (1st sentence and 2d sentence, as applicable to allotments); added. Dec. 24, 1942, ch. 828, §1 (4th par.), 56 Stat. 1093. Apr. 4, 1953, ch. 17, §1(b), 67 Stat. 21. Aug. 14, 1964, Pub. L. 88-428, §1(5), 78 Stat. 437.
	50A U.S.C. 1014 (as applicable to §1006 (1st sentence)).	Mar. 7, 1942, ch. 166, §14 (as applicable to §6 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21.
(g)	50A U.S.C. 1006 (2d sentence, as applicable to allotments).	
(h)	50A U.S.C. 1007.	Mar. 7, 1942, ch. 166 §7, 56 Stat. 145. Aug. 14, 1964, Pub. L. 88-428, §1(6), 78 Stat. 437.

Only that portion of the source law which is applicable to civilian officers and employees and their dependents is codified in this section.

In subsection (a), the words "employee . . . in a missing status" are substituted for the reference to "person . . . entitled under section 2 of this Act to receive or be credited with pay and allowances" to conform to the definitions in section 5561(2) and (5). The words "except as otherwise provided herein" are omitted as unnecessary.

In subsection (b), the words "head of the agency concerned, he or his designee" are substituted for "head of the department concerned . . . head of the department concerned, or such subordinate as he may designate". The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (c), the words "in effect" are omitted as surplusage. The words "employee in a missing status" are substituted for "absent person" to conform to the definitions in section 5561(2) and (5).

In subsection (d), the words "United States" are substituted for "Government" to conform to the style of this title. The word "employee" is substituted for "person" to conform to the definition in section 5561(2).

In subsection (e), the words "head of the agency concerned or his designee" are substituted for "head of the department concerned, or such subordinates as he may designate". The words "employee in a missing status" are substituted for "person entitled to receive or be credited with pay and allowances under section 2 of this Act" to conform to the definitions in section 5561(2) and (5). The words "United States" are substituted for "Government" to conform to the style of this title.