

HISTORICAL AND REVISION NOTES—Continued

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.

In subsection (a), the words “After August 31, 1946”, in section 33(b) of existing title 37, are omitted as executed. The words “allowance or”, in section 33(b) of existing title 37, are omitted as surplusage. The last sentence of section 33(b) of existing title 37 is omitted as executed, since the Act of December 28, 1945 (59 Stat. 663) was repealed by section 506(g) of the Officer Personnel Act of 1947 (61 Stat. 892).

In subsections (a) and (b), the words “, or his designated representative,” are substituted for the last 8 words of section 32(f) of existing title 37.

In subsection (b), the words “Except as provided in subsection (a) of this section” are inserted for clarity. The words “the part of his absence that is more than the number of days’ leave authorized by that section” are substituted for the words “such absence”.

Editorial Notes

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-159 inserted at end “Nothing in this subsection may be construed to deprive a member, detailed or assigned by the Secretary concerned as a full-time student at a civilian institution to pursue a program of education that is substantially the same as a program of education offered to civilians, of pay or allowances to which such member is entitled.”

2022—Subsec. (b). Pub. L. 117-263 substituted “section 701(g)” for “section 701(h)”.

2021—Subsec. (a). Pub. L. 116-283, §925(g)(3)(B)(i), (ii), substituted “the Secretary’s designated representative” for “his designated representative” and substituted “the member” for “he” wherever appearing.

Pub. L. 116-283, §925(g)(1)(B), which directed insertion of “Space Force,” after “Marines Corps,” was executed by making the insertion after “Marine Corps,” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 116-283, §925(g)(3)(B)(i), (iii), substituted “the Secretary’s designated representative” for “his designated representative” and “the member’s” for “his”.

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1986—Subsec. (b). Pub. L. 99-661 inserted “and section 701(h) of title 10”.

1980—Subsec. (a). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-232 effective Jan. 1, 2023, see section 631(d) of Pub. L. 117-263, set out as a note under section 701 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security,

and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 503. Absence without leave or over leave

(a)(1) Subject to paragraph (2), a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent without leave or over leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(2)(A) In the case of a member of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard when it is operating as service in the Department of the Navy, the Secretary of Defense may determine to pay the pay and allowances described in paragraph (1).

(B) The Secretary may not delegate the authority to make a determination under subparagraph (A).

(C) Not later than 30 days after determining to pay any pay or allowance under subparagraph (A), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding such determination.

(b) A commissioned officer of the Regular Corps of the Public Health Service, or an officer of the Reserve Corps¹ of the Public Health Service on active duty, who is absent without leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 482; Pub. L. 89-718, §49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, §516(15), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 116-283, div. A, title IX, §925(g)(1)(C), Jan. 1, 2021, 134 Stat. 3827; Pub. L. 118-31, div. A, title VI, §603, Dec. 22, 2023, 137 Stat. 289.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503(a)	37:33(b) (3d sentence).	Aug. 9, 1946, ch. 931, §4(b) (3d sentence); restated Aug. 4, 1947, ch. 475, §1 (3d sentence of 2d par.), 61 Stat. 748.
	37:39 (less last proviso).	Aug. 17, 1949, ch. 452, §1 (less last proviso), 63 Stat. 611.
503(b)	42:210-1(b).	July 1, 1944, ch. 373, §219(b); added Aug. 9, 1950, ch. 654, §2 (2d par.), 64 Stat. 426.

In subsections (a) and (b), the words “for the period of that absence” are substituted for the words “during such absence”.

Editorial Notes

AMENDMENTS

2023—Subsec. (a). Pub. L. 118-31 designated existing provisions as par. (1), substituted “Subject to paragraph (2), a member” for “A member”, and added par. (2).

2021—Subsec. (a). Pub. L. 116-283, which directed insertion of “Space Force,” after “Marines Corps,” was

¹ See Change of Name note below.

executed by making the insertion after “Marine Corps,” to reflect the probable intent of Congress.

1980—Subsec. (a). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Reserve Corps of the Public Health Service deemed to be a reference to the Ready Reserve Corps, see section 204(c)(3) of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) Pub. L. 96-513, set out as a note under section 101 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in Public Health Service, transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3 of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

§ 504. Cadets and midshipmen: chapter does not apply to

This chapter does not apply to cadets at the United States Military Academy, the United States Air Force Academy, the Coast Guard Academy, midshipmen at the United States Naval Academy, or cadets or midshipmen serving elsewhere in the armed forces.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 483.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
504	37:38 (as applicable to payment for leave).	Aug. 9, 1946, ch. 931, § 10 (as applicable to payment for leave); added Aug. 4, 1947, ch. 475, § 3 (as applicable to payment for leave), 61 Stat. 749; Sept. 2, 1958, Pub. L. 85-861, § 33(d)(2), 72 Stat. 1567.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 10—PAYMENTS TO MISSING PERSONS

- Sec.
- 551. Definitions.
- 552. Pay and allowances; continuance while in a missing status; limitations.
- 553. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.
- [554. Repealed.]
- 555. Secretarial review.
- 556. Secretarial determinations.
- 557. Settlement of accounts.
- 558. Income tax deferment.
- 559. Benefits for members held as captives.

Editorial Notes

AMENDMENTS

2013—Pub. L. 112-239, div. A, title X, § 1076(a)(8), Jan. 2, 2013, 126 Stat. 1948, made technical amendment to directory language of Pub. L. 112-81, § 631(f)(3)(B). See 2011 Amendment note below.

2011—Pub. L. 112-81, div. A, title VI, § 631(f)(3)(B), Dec. 31, 2011, 125 Stat. 1465, as amended by Pub. L. 112-239, div. A, title X, § 1076(a)(8), Jan. 2, 2013, 126 Stat. 1948, struck out item 554 “Travel and transportation; dependents; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable”.

1990—Pub. L. 101-510, div. A, title XIV, § 1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

1986—Pub. L. 99-399, title VIII, § 806(a)(2), Aug. 27, 1986, 100 Stat. 885, added item 559.

1972—Pub. L. 92-477, § 1(1), Oct. 9, 1972, 86 Stat. 793, inserted “trailers; additional movements;” after “household and personal effects;” in item 554.

1966—Pub. L. 89-554, § 5(b), Sept. 6, 1966, 80 Stat. 625, added chapter 10 and items 551 to 558.

§ 551. Definitions

In this chapter:

(1) The term “dependent”, with respect to a member of a uniformed service, means—

- (A) his spouse;
- (B) his unmarried child (including an unmarried dependent stepchild or adopted child) under 21 years of age;
- (C) his dependent mother or father;
- (D) a dependent designated in official records; and
- (E) a person determined to be dependent by the Secretary concerned, or his designee.

(2) The term “missing status” means the status of a member of a uniformed service who is officially carried or determined to be absent in a status of—

- (A) missing;
- (B) missing in action;
- (C) interned in a foreign country;
- (D) captured, beleaguered, or besieged by a hostile force; or
- (E) detained in a foreign country against his will.