

(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.
(g)	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.
(h)	50A U.S.C. 1006 (2d sentence, as applicable to allotments).	
	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.

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

In subsection (h), the words “employee in a missing status” are substituted for “persons entitled under section 2 or 14 of this Act to receive pay and allowances” to conform to the definitions in section 5561(2) and (5). In paragraph (2), the words “heretofore or hereafter” are omitted as unnecessary.

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

§ 5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable

(a) For the purpose of this section, “household and personal effects” and “household effects” may include, in addition to other authorized weight allowances, one privately owned motor vehicle which may be shipped at United States expense.

(b) Transportation (including packing, crating, draying, temporarily storing, and unpacking of household and personal effects) may be provided for the dependents and household and personal effects of an employee in active service (without regard to pay grade) who is officially reported as dead, injured, or absent for more than 29 days in a status listed in section 5561(5) (A)-(E) of this title to—

- (1) the official residence of record for the employee;
- (2) the residence of his dependent, next of kin, or other person entitled to the effects under regulations prescribed by the head of the agency concerned; or
- (3) another location determined in advance or later approved by the head of the agency concerned or his designee on request of the employee (if injured) or his dependent, next of kin, or other person described in paragraph (2) of this subsection.

(c) When an employee described in subsection (b) of this section is in an injured status, transportation of dependents and household and personal effects may be provided under this section only when prolonged hospitalization or treatment is anticipated.

(d) Transportation on request of a dependent may be authorized under this section only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(e) Instead of providing transportation for dependents under this section, when the travel has been completed the head of the agency concerned may authorize—

- (1) reimbursement for the commercial cost of the transportation; or
- (2) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

(f) The head of the agency concerned may store the household and personal effects of an employee described in subsection (b) of this section until proper disposition can be made. The cost of the storage and transportation (includ-

ing packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available.

(g) When the head of the agency concerned determines that an emergency exists and that a sale would be in the best interests of the United States, he may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee described in subsection (b) of this section. Before a sale, and if practicable, a reasonable effort shall be made to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled thereto under regulations prescribed by the head of the agency concerned. If there is no owner or other person entitled thereto, or if the owner or other person or their addresses are not ascertained within 1 year from the date of sale, the net proceeds may be covered into the Treasury of the United States as miscellaneous receipts.

(h) A claim for net proceeds covered into the Treasury under subsection (g) of this section may be filed with the Administrator of General Services by the owner, his heir or next of kin, or his legal representative at any time before the end of 5 years from the date the proceeds are covered into the Treasury. When a claim is filed, the Administrator of General Services shall allow or disallow it. A claim that is allowed shall be paid from the appropriation for refunding money erroneously received and covered. If a claim is not filed before the end of 5 years from the date the proceeds are covered into the Treasury, it is barred from being acted on by the Administrator of General Services or the courts.

(i) This section does not amend or repeal—

- (1) section 2575, 2733, 4712, 6522, or 9712 of title 10;
- (2) section 507¹ of title 14; or
- (3) chapter 171 of title 28.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 491; Pub. L. 90-83, §1(33), Sept. 11, 1967, 81 Stat. 201; Pub. L. 102-190, div. A, title X, §1063(a), Dec. 5, 1991, 105 Stat. 1476; Pub. L. 104-316, title II, §202(a), Oct. 19, 1996, 110 Stat. 3842.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	50A U.S.C. 1012 (14th sentence).	Mar. 7, 1942, ch. 166, §12, 56 Stat. 146. Feb. 12, 1946, ch. 6, §1(a), 60 Stat. 5. Aug. 29, 1951, ch. 356, §1, 65 Stat. 207. Apr. 4, 1953, ch. 17, §1(d), 67 Stat. 21. Aug. 29, 1957, Pub. L. 85-217, §1(d), 71 Stat. 492.
(b)	50A U.S.C. 1012 (1st sentence). 50A U.S.C. 1014 (as applicable to §1012 (1st sentence)).	Aug. 14, 1964, Pub. L. 88-428, §1(8), 78 Stat. 437. Mar. 7, 1942, ch. 166, §14 (as applicable to §12 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21.
(c)	50A U.S.C. 1012 (12th sentence).	

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES—CONTINUED
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(d)	50A U.S.C. 1012 (13th sentence).	
(e)	50A U.S.C. 1012 (11th sentence).	
(f)	50A U.S.C. 1012 (9th and 10th sentences).	
(g)	50A U.S.C. 1012 (2d-4th sentences).	
(h)	50A U.S.C. 1012 (5th-7th sentences).	
(i)	50A U.S.C. 1012 (8th sentence).	

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 “Beginning June 25, 1950, and” are omitted as executed. The words “not to exceed” are omitted as unnecessary. The words “outside the United States, or in Alaska or Hawaii” are substituted for “outside the continental limits of the United States or in Alaska”.

In subsection (b), the words “Transportation . . . may be provided” are substituted for “may be moved”. The words “an employee . . . for more than 28 days in a status listed in section 5561(5)(A)–(E) of this title” are substituted for “person . . . for a period of thirty days or more in any status listed in section 2 of this Act” for clarity and to conform to the definitions in section 5561(2) and (5). In paragraph (1), the words “the employee” are substituted for “any such person”. In paragraph (3), the words “head of the agency concerned or his designee” are substituted for “head of the department concerned or by such person as he may designate”.

In subsection (c), the word “employee” is substituted for “person”. The words “transportation . . . may be provided under this section only when” are substituted for “movement . . . provided for herein may be authorized only in cases where”.

In subsection (d), the words “on request of a dependent may be provided under . . . only” are substituted for “No . . . shall be authorized pursuant to . . . upon application by dependents unless”. The words “condition and” are omitted as surplusage.

In subsection (e)(1), the words “reimbursement for” are substituted for “the payment in money of amounts equal to”.

In subsection (f), the word “employee” is substituted for “person”. The words “such time as” are omitted as surplusage.

In subsection (g), the words “United States” are substituted for “Government” to conform to the style of this title. The word “employee” is substituted for “person”. The words “under . . . prescribed” are substituted for “in accordance with . . . issued”.

In subsection (h), the words “under subsection (g) of this section” are substituted for “under authority of this section”.

In subsection (i), the words “the provisions of” are omitted as surplusage. Paragraph (3) is substituted for “the Federal Tort Claims Act (60 Stat. 842-847), as amended;” to reflect the correct citation of that Act.

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

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5564(a)	50 App.: 1012.	Oct. 19, 1965, Pub. L. 89-271, 79 Stat. 992.

Only that portion of the source law applicable to civilian officers and employees and their dependents is

codified in this section. That portion of the source law applicable to members of the uniformed services and their dependents is codified in 37 U.S.C. 554(a) by section 5(2) of this bill.

Editorial Notes

REFERENCES IN TEXT

Section 507 of title 14, referred to in subsec. (i)(2), was redesignated section 2710 of title 14 by Pub. L. 115-282, title I, §116(b)(2), Dec. 4, 2018, 132 Stat. 4226, and references to section 507 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

AMENDMENTS

1996—Subsec. (h). Pub. L. 104-316 substituted “Administrator of General Services” for “General Accounting Office” wherever appearing.

1991—Subsec. (i)(1). Pub. L. 102-190 substituted “6522, or 9712” for “4713, 6522, 9712, or 9713”.

§ 5565. Agency review

(a) When an employee has been in a missing status almost 12 months and no official report of his death or the circumstances of his continued absence has been received by the head of the agency concerned, he shall have the case fully reviewed. After that review and the end of 12 months in a missing status, or after any later review which shall be made when warranted by information received or other circumstances, the head of the agency concerned or his designee may—

- (1) direct the continuance of his missing status, if there is a reasonable presumption that the employee is alive; or
- (2) make a finding of death.

(b) When a finding of death is made under subsection (a) of this section, it shall include the date death is presumed to have occurred for the purpose of the ending of crediting pay and allowances and settlement of accounts. That date is—

- (1) the day after the day on which the 12 months in a missing status ends; or
- (2) a day determined by the head of the agency concerned or his designee when the missing status has been continued under subsection (a) of this section.

(c) For the purpose of determining status under this section, a dependent of an employee in active service is deemed an employee. A determination under this section made by the head of the agency concerned or his designee is conclusive on all other agencies of the United States. This section does not entitle a dependent to pay, allowances, or other compensation to which he is not otherwise entitled.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 492.)

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. 1005 (1st and 2d sentences).	Mar. 7, 1942, ch. 166, §5, 56 Stat. 145. Dec. 24, 1942, ch. 828, §1 (3d par.), 56 Stat. 1093. Aug. 14, 1964, Pub. L. 88-428, §1(4), 78 Stat. 437.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
	50A U.S.C. 1014 (as applicable to §1005 (1st sentence)).	Mar. 7, 1942, ch. 166, §14 (as applicable to §5 (1st sentence)), 56 Stat. 147. Apr. 4, 1953, ch. 17, §1(e), 67 Stat. 21.
(b)	50A U.S.C. 1005 (less 1st and 2d sentences).	
(c)	50A U.S.C. 1009(b) (as applicable to §1005).	Mar. 7, 1942, ch. 166, §9(b) (as applicable to §5); added Aug. 29, 1957, Pub. L. 85-217, §1(c), 71 Stat. 492.

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 “When an employee has been in a missing status almost 12 months” are substituted for “When the twelve months’ period from the date of commencement of absence is about to expire in any case of a person entitled under section 2 of this Act to receive or be credited with pay and allowances” for clarity and to conform to the definitions in section 5561(2) and (5). For the same reasons, the words “the end of 12 months in a missing status” are substituted for “the twelve months’ absence shall have expired”. The words “or his designee” are supplied on authority of 50A U.S.C. 1009(a) which is codified in part in section 5566(a). In paragraph (1), the words “his” and “employee” are substituted for “person’s” and “person”.

In subsection (b), the words “under subsection (a) of this section” are inserted for clarity. The words “and payment of death gratuities” are omitted as inapplicable to civilian officers and employees. In paragraph (1), the words “the day on which the 12 months in a missing status ends” are substituted for “the day of expiration of an absence of twelve months” for consistency with subsection (a) of this section and in view of the definition in section 5561(5). In paragraph (2), the words “or his designee” are supplied on authority of 50A U.S.C. 1009(a) which is in part codified in section 5566(a). The words “under subsection (a) of this section” are substituted for “as hereinbefore authorized”.

In subsection (c), the word “sole” is omitted as surplusage and in view of the provisions of section 5566(h). The word “deemed” is supplied to evidence the legal fiction provided by the words “is a ‘person’ under this Act” in 50A U.S.C. 1009(a). The words “or his designee” are supplied on authority of 50A U.S.C. 1009(a) which is in part codified in section 5566(a). The words “agencies of the United States” are substituted for “departments of the Government”. The words “This section does not entitle” are substituted for “Provided, That nothing in this section shall be construed as conferring . . . any right”.

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

§ 5566. Agency determinations

(a) The head of the agency concerned or his designee may make any determination necessary to administer this subchapter, and when so made it is conclusive as to—

- (1) death or finding of death;
- (2) the fact of dependency under this subchapter;
- (3) any other status covered by this subchapter;

(4) an essential date, including one on which evidence or information is received by the head of the agency concerned; and

(5) whether information received concerning an employee is to be construed and acted on as an official report of death.