

July 2, 1942, ch. 477, 56 Stat. 614.
 June 30, 1941, ch. 262, 55 Stat. 371.
 June 13, 1940, ch. 343, 54 Stat. 356.
 Apr. 26, 1939, ch. 88, 53 Stat. 598.
 June 11, 1938, ch. 347, 52 Stat. 647.
 July 1, 1937, ch. 423, 50 Stat. 448.

[§ 491. Renumbered § 431]

Editorial Notes

CODIFICATION

Section 491 of this title, which related to benefits for certain members assigned to the Defense Intelligence Agency, was originally section 431 of this title and was transferred to chapter 8 of this title by Pub. L. 112–81, div. A, title VI, § 631(d)(2), Dec. 31, 2011, 125 Stat. 1460, and renumbered section 491 of this title by Pub. L. 112–239, div. A, title X, § 1076(h)(2), Jan. 2, 2013, 126 Stat. 1955. Section 491 was repealed by Pub. L. 117–81, div. A, title VI, § 604(a), Dec. 27, 2021, 135 Stat. 1767. The section was revived to read as it did immediately before its repeal and renumbered section 431 of this title by Pub. L. 117–263, div. A, title VI, § 615(a), Dec. 23, 2022, 136 Stat. 2624. The section was transferred to its original location in Chapter 7 of this title to reflect the probable intent of Congress.

PRIOR PROVISIONS

Provisions similar to section 491 were contained in section 192 of Title 10, Armed Forces, prior to enactment of section 491 by Pub. L. 99–145.

[§§ 492 to 494. Repealed. Pub. L. 117–81, div. A, title VI, § 604(a), Dec. 27, 2021, 135 Stat. 1767]

Section 492, added Pub. L. 99–661, div. A, title VI, § 615(a)(1), Nov. 14, 1986, 100 Stat. 3879, § 431; renumbered § 432, Pub. L. 100–26, § 8(b)(1), Apr. 21, 1987, 101 Stat. 285; amended Pub. L. 107–107, div. A, title IX, § 931(c), Dec. 28, 2001, 115 Stat. 1200; renumbered § 492 and amended Pub. L. 112–81, div. A, title VI, § 631(d)(2), (e)(30), Dec. 31, 2011, 125 Stat. 1460, 1464, related to travel of a member under competent orders as an escort for the member's dependent who is incapable of traveling alone because of age, mental or physical incapacity, or other extraordinary circumstances.

Section 494, added Pub. L. 102–484, div. A, title VI, § 623(a)(1), Oct. 23, 1992, 106 Stat. 2422, § 434; renumbered § 494 and amended Pub. L. 112–81, div. A, title VI, § 631(d)(2), (e)(31), Dec. 31, 2011, 125 Stat. 1460, 1464, related to cost of subsistence incurred by the member while performing duties as an escort or member of an arms control inspection team of a foreign country while engaged in activities related to the implementation of an arms control treaty or agreement.

[§ 495. Renumbered § 435]

CHAPTER 9—LEAVE

Sec.	
501.	Payments for unused accrued leave.
502.	Absences due to sickness, wounds, and certain other causes.
503.	Absence without leave or over leave.
504.	Cadets and midshipmen: chapter does not apply to.

Editorial Notes

AMENDMENTS

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.

§ 501. Payments for unused accrued leave

(a) In this section, the term “discharge” means—

(1) in the case of an enlisted member, separation or release from active duty under honorable conditions, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated), or appointment as an officer;

(2) in the case of an officer, separation or release from active duty under honorable conditions;

(3) in the case of either an officer or an enlisted member, death while on active duty unless the decedent was put to death as lawful punishment for a crime or a military offense;

(4) in the case of an officer or an enlisted member of a reserve component who is not serving on active duty, separation or release from the reserve component under honorable conditions, or death; and

(5) in the case of an enlisted member of a reserve component who is not serving on active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.

(b)(1) A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration, who has accrued leave to the member's credit at the time of the member's discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which the member was entitled on the date of discharge.

(2) Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant in any uniformed service.

(3) Payment may not be made to a member for any leave he elects to have carried over to a new enlistment in any uniformed service on the day after the date of his discharge; but payment may be made to a member for any leave he elects not to carry over to a new enlistment. However, the number of days of leave for which payment is made may not exceed sixty, less the number of days for which payment was previously made under this section after February 9, 1976.

(4) A member to whom a payment may not be made under this subsection, or a member who reverts from officer to enlisted status, carries the accrued leave standing to his credit from the one status to the other within any uniformed service.

(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

(A) by a member of a reserve component while serving on active duty in support of a contingency operation;

(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation;

(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member is serving on