

formed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.”

Pub. L. 101-510, div. A, title XI, §1115, Nov. 5, 1990, 104 Stat. 1636, as amended by Pub. L. 102-25, title III, §§309(b), 314(1), (3), Apr. 6, 1991, 105 Stat. 83, 86, provided that:

“(a) INAPPLICABILITY OF ELIGIBILITY LIMITATION.—The limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply with respect to the following leave:

“(1) Leave accrued by a member of a reserve component of the Armed Forces while serving on active duty (other than for training) in connection with the Persian Gulf conflict pursuant to an order to active duty authorized under section 672, 673, 673b, or 674 [now 12301, 12302, 12304, or 12306] of title 10, United States Code.

“(2) Leave accrued by a member of the Armed Forces in the Retired Reserve while serving on active duty in connection with the Persian Gulf conflict pursuant to an order to active duty authorized by section 675 [now 12307] of title 10, United States Code.

“(3) Leave accrued by a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, a member of the Retired Reserve, or a member of the Fleet Reserve or Fleet Marine Corps Reserve while such retired member or member, as the case may be, is serving on active duty in connection with the Persian Gulf conflict pursuant to an order to active duty authorized by section 688 of title 10, United States Code.

“(4) Leave accrued by a member referred to in paragraph (1), (2), or (3) while serving on active duty (other than for training) in connection with the Persian Gulf conflict pursuant to an order to such active duty issued with the consent of the member during a period in which members of the Armed Forces are being ordered to active duty in connection with such operation pursuant to a provision of title 10, United States Code, referred to in such paragraph.

“(b) SAVING PROVISION FOR CERTAIN ACCRUED LEAVE.—(1) Subject to paragraph (2), a member of the Armed Forces who, under section 701(f) of title 10, United States Code—

“(A) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1991 shall be permitted to retain such leave until the end of fiscal year 1992; or

“(B) would lose any accumulated leave in excess of 60 days at the end of fiscal year 1992 (other than by reason of clause (A)) shall be permitted to retain such leave until the end of fiscal year 1993.

“(2) In no case may a member be permitted to accumulate leave under this section in excess of 90 days.

“(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations establishing standards and procedures for the administration of this section.”

[Pub. L. 102-25, title III, §309(c), Apr. 6, 1991, 105 Stat. 83, provided that: “The amendment made by subsection (b) [amending section 1115(a) of Pub. L. 101-510, set out above] shall take effect as of November 5, 1990.”]

OPTIONS OF MEMBERS AS TO BASIS OF PAYMENT FOR ACCRUED LEAVE

Pub. L. 94-361, title III, §304(h), July 14, 1976, 90 Stat. 926, provided that: “Notwithstanding the provisions of section 501(b)(1) of title 37, United States Code, as amended by subsection (c), and subject to the limitations prescribed in section 501(b)(3) of such title, as amended by subsection (c), any leave accrued by any member of the Army, Navy, Air Force, Marine Corps,

Coast Guard, or National Oceanic and Atmospheric Administration prior to the first day of the second calendar month following the month [July, 1976] in which this section is enacted shall, at the option of such member, be paid for on the same basis such leave would have been paid for under the provisions of section 501(b) of title 37, United States Code, on the day prior to the first day of the second calendar month following the month in which this section is enacted”.

§ 502. Absences due to sickness, wounds, and certain other causes

(a) A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent because of sickness or wounds, or who is directed by the Secretary concerned, or the Secretary’s designated representative, to be absent from duty to await orders pending disability retirement proceedings for a period that is longer than the leave authorized by section 701 of title 10, is entitled to the pay and allowances to which the member would be entitled if the member were not so absent. A member who is absent with leave for any other reason for not longer than the leave authorized by that section is entitled to the same pay and allowances to which the member would be entitled if the member were not on leave, and to any additional allowances otherwise provided by law for members on leave.

(b) Except as provided in subsection (a) and section 701(g) of title 10, a member who is authorized by the Secretary concerned, or the Secretary’s designated representative, to be absent for a period that is longer than the leave authorized by section 701 of title 10 is not entitled to pay or allowances during the part of the member’s absence that is more than the number of days’ leave authorized by that section. 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.

(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. 99-661, div. A, title V, §506(b), Nov. 14, 1986, 100 Stat. 3865; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 116-283, div. A, title IX, §925(g)(1)(B), (3)(B), Jan. 1, 2021, 134 Stat. 3827, 3828; Pub. L. 117-263, div. A, title VI, §631(c)(2)(B), Dec. 23, 2022, 136 Stat. 2631; Pub. L. 118-159, div. A, title V, §552(c), Dec. 23, 2024, 138 Stat. 1894.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
502(a)	37:33(b) (1st and last sentences). 37:39 (less last proviso).	Aug. 9, 1946, ch. 931, §4(b) (less 3d sentence); re-stated Aug. 4, 1947, ch. 475, §1 (2d par., less 3d sentence), 61 Stat. 748.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.
502(b)	37:33(b) (2d sentence).	Aug. 17, 1949, ch. 452, §1 (less last proviso), 63 Stat. 611.

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.