

106-398, §1 [[div. A], title V, §575(b), title X, §1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, §561(b), Dec. 28, 2001, 115 Stat. 1119.)

CODIFICATION

Another section 435 was renumbered section 436 of this title.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, §578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §575(b)], struck out heading and text of subsec. (c). Text read as follows: “Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title V, §575(b)] of Pub. L. 106-398, applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by that section is effective as of Oct. 5, 1999, and as if included in the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106-65, as enacted.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 sections 1491, 12503; title 32 section 115.

§ 436. Per diem allowance for lengthy or numerous deployments

(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary’s jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 401 or more days out of the preceding 730 days. The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.

(b) DEFINITION OF DEPLOYED.—In this section, the term “deployed”, with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of “deployment” prescribed under paragraph (4) of that section).

(c) AMOUNT OF PER DIEM.—The amount of the high-deployment per diem payable to a member under this section is \$100.

(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment per diem allowance that is not fully substantiated by the recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with

other evidence determined by the Secretary as being sufficient to substantiate the claim.

(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment per diem payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.

(Added Pub. L. 106-65, div. A, title V, §586(b), Oct. 5, 1999, 113 Stat. 638, §435; renumbered §436 and amended, Pub. L. 106-398, §1 [[div. A], title V, §574(c), title X, §1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-137, 1654A-292; Pub. L. 107-107, div. A, title V, §592(a), Dec. 28, 2001, 115 Stat. 1125.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 inserted at end “The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves.”

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(b)(4)], renumbered section 435 of this title as this section.

Subsec. (a). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(1)], substituted “401 or more days out of the preceding 730 days” for “251 days or more out of the preceding 365 days”.

Subsec. (b). Pub. L. 106-398, §1 [[div. A], title V, §574(c)(2)], substituted “prescribed under paragraph (4)” for “prescribed under paragraph (3)”.

EFFECTIVE DATE

Pub. L. 106-65, div. A, title V, §586(d)(2), Oct. 5, 1999, 113 Stat. 639, provided that: “Section 435 [now 436] of title 37, United States Code (as added by subsection (b)) [this section], shall take effect on October 1, 2001.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12503 of this title.

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.

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; and