

of the armed forces, or (2) electing to carry over such unused leave to a new enlistment in his respective branch of the armed forces on the day following date of discharge. A member excluded from cash settlement by the foregoing provision and a member reverting from warrant or commissioned officer to enlisted status shall carry any unused accrued leave standing to his credit from one status to another within his respective branch of the armed forces. Unused leave settled and compensated for in cash in accordance with this subsection shall not be considered as service for any purpose. Settlement and compensation in accordance with this subsection shall, in the case of a member or former member of the Armed Forces who dies after retirement or discharge and without having received that compensation, be made to the survivors of that member or former member in the manner prescribed in section 35 (b) of this title.

* * * *

(As amended July 24, 1956, ch. 682, § 1, 70 Stat. 625.)

AMENDMENTS

1956—Subsec. (c) amended by act July 24, 1956, to authorize payments to survivors of members or former members of the Armed Forces for unused leave credit.

EFFECTIVE DATE OF 1956 AMENDMENT; LIMITATIONS; APPROPRIATIONS

Sections 2 and 3 of act July 24, 1956, provided that:
 "SEC. 2. This Act [amending subsec. (c)] takes effect August 9, 1946. No settlement and compensation may be made under this Act in the case of a member or former member who died before the date of enactment of this Act unless application is made to the Secretary concerned within two years after the date of enactment of this Act [July 24, 1956].

"SEC. 3. Any settlement and compensation made under this Act [amending subsec. (c)] shall be made from current applicable appropriations."

PAY AND ALLOWANCES FOR ARMY AND AIR FORCE OFFICERS ABSENT BETWEEN AUG. 31, 1946, AND JUNE 4, 1956

Act June 4, 1956, ch. 362, 70 Stat. 245, provided:

"[SEC. 1. TIME TO APPLY; VALIDATION OF PAYMENTS.] That commissioned officers of the Regular Army or Regular Air Force (except those appointed pursuant to the Act of December 28, 1945 (59 Stat. 663) [section 693 et seq. of Title 38, Pensions, Bonuses, and Veteran's Relief]), as amended, who, subsequent to August 31, 1946, and prior to the date of enactment of this Act [June 4, 1956], were absent from duty by authority of the Secretary concerned for any period after their acceptance of appointment as a commissioned officer of the Regular Army or Regular Air Force during which period they were awaiting orders assigning them to their initial-duty stations, shall, if application therefor is made within two years after the date of enactment of this Act [June 4, 1956] and to the extent they have not already been paid therefor, be paid pay and allowances for that period. Payments of pay and allowances heretofore made to these officers for such periods shall be validated upon a determination by the Secretary concerned, or his designee, that such payments were free from fraud and collusion.

"SEC. 2. [REPAYMENTS.] Any commissioned officer or former commissioned officer of the Regular Army or Regular Air Force who has repaid the United States an amount paid to him as pay and allowances for a period described in the first section of this Act, is entitled to be paid the amount involved, if otherwise proper, under this Act.

"SEC. 3. [AUTHORITY OF COMPTROLLER GENERAL; RELIEF OF DISBURSING OFFICERS; NONAPPLICABILITY TO ORIGINAL PAYMENTS OR REPAYMENTS.] The Comptroller General of the United States, or his designee, shall, within two years from the date of this Act [June 4, 1956], relieve disburs-

ing officers, including special disbursing agents, of the Army and the Air Force from accountability or responsibility for any payments described in this Act, and shall allow credits in the settlement of the accounts of such officers or agents for payments which are determined by the Secretary concerned, or his designee, to be free from fraud or collusion. The determination by the Secretary concerned, or his designee, shall be final and conclusive upon the Comptroller General: *Provided*, That this section shall not apply to original payments authorized by the first section of this Act or to the repayments authorized by section 2 hereof.

"SEC. 4. [FUNDS AVAILABLE.] Any appropriations available to the military department concerned for the pay and allowances of military personnel are available for payments under this Act."

VALIDATION OF CERTAIN PAYMENTS FOR ACCRUED LEAVE

Act Aug. 28, 1954, ch. 1052, 68 Stat. 917, provided that:

"(a) Notwithstanding the provisions of section 4 (c) of the Armed Forces Leave Act of 1946, as amended [subsec. (c) of this section], any payments for accrued leave heretofore erroneously made to any member of the Armed Forces who was discharged after August 31, 1946, for the purpose of immediate reenlistment for an indefinite period are hereby validated.

"(b) The Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers for any payment validated by this Act."

Chapter 2.—READJUSTED PAY AND ALLOWANCES

§ 112c. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641.

Section, acts Feb. 18, 1946, ch. 30, title III, § 301, 60 Stat. 20; Oct. 12, 1949, ch. 681, title V, § 524, 63 Stat. 836, related to the transportation of dependents and household effects of civilian personnel of the Naval Establishment stationed outside the continental United States, and is now covered by section 7477 of Title 10, Armed Forces.

§§ 117a, 117a-1. Repealed. Oct. 12, 1949, ch. 681, title V, § 531 (a), 63 Stat. 838.

Section 117a, act June 27, 1944, ch. 288, § 2, 58 Stat. 392, related to travel allowances for candidates for United States Military Academy cadetships, and is now covered by section 253 of this title.

Section 117a-1, act Aug. 2, 1946, ch. 756, § 20, 60 Stat. 855, related to mileage allowance for Naval and Coast Guard Academy candidates, and transportation and subsistence of discharges, and is now covered by section 253 of this title.

Chapter 4.—READJUSTED PAY AND ALLOWANCES

SUBCHAPTER I. DEFINITIONS, BASIC PAY, AND SPECIAL PAY

Sec.

237a. Restriction on foreign duty pay to persons serving in Territories or possessions of which they are residents [New].

239. Same; persons not covered by section 238 [New].

(a) Computation.

(b) Exceptions.

(c) Limitation on amount.

(d) Officers who previously served in an enlisted status.

(e) Definition of "reenlistment".

(f) Refunds with respect to incomplete terms of reenlistment.

(g) Regulations.

SUBCHAPTER II. ALLOWANCES

251a. Equivalency of commuted rations for enlisted personnel on leave or authorized to mess separately [New].