

## EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title IV, §402(b), Oct. 5, 1999, 113 Stat. 585, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999."

Pub. L. 106-65, div. A, title X, §1066(b), Oct. 5, 1999, 113 Stat. 772, provided that the amendment made by section 1066(b) is effective Oct. 17, 1998, and as if included in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105-261, as enacted.

## EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title IV, §402(c), Oct. 17, 1998, 112 Stat. 1996, provided that: "The amendments made by this section [amending this section] shall take effect on October 1, 1998."

## 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.

## CHAPTER 40—LEAVE

Sec.	
701.	Entitlement and accumulation.
702.	Cadets and midshipmen.
703.	Reenlistment leave.
704.	Use of leave; regulations.
705.	Rest and recuperation absence: qualified members extending duty at designated locations overseas.
705a.	Rest and recuperation absence: certain members undergoing extended deployment to a combat zone.
706.	Administration of leave required to be taken.
707.	Payment upon disapproval of certain court-martial sentences for excess leave required to be taken.
707a.	Payment upon disapproval of certain board of inquiry recommendations for excess leave required to be taken.
708.	Educational leave of absence.
709.	Emergency leave of absence.

## AMENDMENTS

2011—Pub. L. 111-383, div. A, title V, §532(b), Jan. 7, 2011, 124 Stat. 4216, added item 705a.

2003—Pub. L. 108-136, div. A, title VI, §621(b)(2), Nov. 24, 2003, 117 Stat. 1505, struck out "enlisted" before "members" in item 705.

2002—Pub. L. 107-314, div. A, title V, §§506(d), 572(b), 574(b)(2)(B), Dec. 2, 2002, 116 Stat. 2536, 2558, substituted "Rest and recuperation absence: qualified enlisted members extending duty at designated locations overseas" for "Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas" in item 705, added items 706, 707a, and 709, and struck out former item 706 "Administration of leave required to be taken pending review of certain court-martial convictions".

1984—Pub. L. 98-525, title VII, §707(a)(2), Oct. 19, 1984, 98 Stat. 2572, added item 708.

1981—Pub. L. 97-81, §2(b)(2), Nov. 20, 1981, 95 Stat. 1087, added items 706 and 707.

1980—Pub. L. 96-579, §5(b)(2), Dec. 23, 1980, 94 Stat. 3367, added item 705.

## PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES

Pub. L. 110-417, [div. A], title V, §533, Oct. 14, 2008, 122 Stat. 4449, as amended by Pub. L. 112-81, div. A, title V,

§531, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1403, 1465; Pub. L. 112-239, div. A, title V, §522, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1722, 1948, provided that:

## "(a) PILOT PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—Each Secretary of a military department may carry out pilot programs under which officers and enlisted members of the regular components and members on active Guard and Reserve duty of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

"(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

"(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member—

"(1) under an agreement upon entry of the member on active duty; or

"(2) due to receipt by the member of a retention bonus as a member qualified in a critical military skill or assigned to a high priority unit under section 355 of title 37, United States Code.

"(c) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 20 officers and 20 enlisted members of each Armed Force may be selected during a calendar year to participate in the pilot programs under this section.

"(d) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

"(1) LIMITATION.—The period of inactivation from active duty under a pilot program under this section of a member participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

"(2) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Any service by a Reserve officer while participating in a pilot program under this section shall be excluded from computation of the officer's total years of service pursuant to section 14706(a) of title 10, United States Code.

"(3) RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

"(A) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code; or

"(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code.

"(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

"(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

"(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains proficiency, at a level determined by the Secretary concerned to be sufficient, in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

"(3) Following completion of the period of the inactivation of the member from active duty under the