

less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months," after "for not more than 15 days".

2003—Pub. L. 108-136, § 621(b)(2), struck out "enlisted" before "members" in section catchline.

Subsec. (a). Pub. L. 108-136, § 621(b)(1), substituted "a member" for "an enlisted member" in introductory provisions.

2002—Pub. L. 107-314, § 574(b)(2)(A), substituted "recuperation absence: qualified enlisted members" for "re recuperative absence for qualified enlisted members" in section catchline.

Subsec. (b). Pub. L. 107-314 substituted "recuperation" for "recuperative" in pars. (1) and (2) and inserted before period at end of par. (2) " , or to an alternative destination and return at a cost not to exceed the cost of round-trip transportation from the location of the extended tour of duty to such nearest port".

#### EFFECTIVE DATE

Pub. L. 96-579, § 5(c)(2), Dec. 23, 1980, 94 Stat. 3367, provided: "Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section [Dec. 23, 1980] and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment."

#### § 705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone

(a) REST AND RECUPERATION AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide a member of the armed forces described in subsection (b) the benefits described in subsection (c).

(b) COVERED MEMBERS.—A member of the armed forces described in this subsection is any member who—

(1) is assigned or deployed for at least 270 days in an area or location—

(A) that is designated by the President as a combat zone; and

(B) in which hardship duty pay is authorized to be paid under section 305 of title 37; and

(2) meets such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a).

(c) BENEFITS.—The benefits described in this subsection are the following:

(1) A period of rest and recuperation absence for not more than 15 days.

(2) Round-trip transportation at Government expense from the area or location in which the member is serving in connection with the exercise of the period of rest and recuperation.

(d) CONSTRUCTION WITH OTHER LEAVE.—Any benefits provided a member under this section are in addition to any other leave or absence to which the member may be entitled.

(Added Pub. L. 111-383, div. A, title V, § 532(a), Jan. 7, 2011, 124 Stat. 4216.)

#### § 706. Administration of leave required to be taken

(a) A period of leave required to be taken under section 876a or 1182(c)(2) of this title shall be charged against any accrued leave to the member's credit on the day before the day such

leave begins unless the member elects to be paid for such accrued leave under subsection (b). If the member does not elect to be paid for such accrued leave under subsection (b), or does not have sufficient accrued leave to his credit to cover the total period of leave required to be taken, the leave not covered by accrued leave shall be charged as excess leave. If the member elects to be paid for accrued leave under subsection (b), the total period of leave required to be taken shall be charged as excess leave.

(b)(1) A member who is required to take leave under section 876a or 1182(c)(2) of this title and who has accrued leave to his credit on the day before the day such leave begins may elect to be paid for such accrued leave. Any such payment shall be based on the rate of basic pay to which the member was entitled on the day before the day such leave began. If the member does not elect to be paid for such accrued leave, the member is entitled to pay and allowances during the period of accrued leave required to be taken.

(2) Except as provided in paragraph (1) and in sections 707 and 707a of this title, a member may not accrue or receive pay or allowances during a period of leave required to be taken under section 876a or 1182(c)(2) of this title.

(c) A member required to take leave under section 876a or 1182(c)(2) of this title is not entitled to any right or benefit under chapter 43 of title 38 solely because of employment during the period of such leave.

(Added Pub. L. 97-81, § 2(b)(1), Nov. 20, 1981, 95 Stat. 1085; amended Pub. L. 102-568, title V, § 506(c)(5), Oct. 29, 1992, 106 Stat. 4341; Pub. L. 103-337, div. A, title X, § 1070(e)(1), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 103-353, § 2(b)(3), Oct. 13, 1994, 108 Stat. 3169; Pub. L. 104-106, div. A, title XV, § 1503(a)(7), Feb. 10, 1996, 110 Stat. 511; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-290; Pub. L. 107-314, div. A, title V, § 506(c), Dec. 2, 2002, 116 Stat. 2535.)

#### AMENDMENTS

2002—Pub. L. 107-314, § 506(c)(2), struck out "pending review of certain court-martial convictions" at end of section catchline.

Subsec. (a). Pub. L. 107-314, § 506(c)(1)(A), inserted "or 1182(c)(2)" after "section 876a".

Subsec. (b). Pub. L. 107-314, § 506(c)(1), inserted "or 1182(c)(2)" after "section 876a" in pars. (1) and (2) and substituted "sections 707 and 707a" for "section 707" in par. (2).

Subsec. (c). Pub. L. 107-314, § 506(c)(1)(A), inserted "or 1182(c)(2)" after "section 876a".

2000—Subsec. (c). Pub. L. 106-398 struck out "(1)" before "A member required" and struck out par. (2) which read as follows: "Section 974 of this title does not apply to a member required to take leave under section 876a of this title during the period of such leave."

1996—Subsec. (c)(1). Pub. L. 104-106 substituted "chapter 43 of title 38" for "section 4301 of title 38".

1994—Subsec. (c)(1). Pub. L. 103-353, which directed the amendment of par. (1) by substituting "chapter 43" for "section 4321", could not be executed because intervening amendment by Pub. L. 103-337 had substituted "section 4301" for "section 4321". See below.

Pub. L. 103-337 substituted "4301" for "4321".  
1992—Subsec. (c)(1). Pub. L. 102-568 substituted "section 4321" for "section 2021".

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-353 effective with respect to reemployments initiated on or after the first day