

October 19, 1984, the Secretary concerned may cancel any leave of absence granted under this section.

(2) The Secretary concerned may cancel a leave of absence granted to a member under this section if the Secretary determines that the member is not satisfactorily pursuing the program of education for which the leave was granted.

(e) In this section, the term “eligible member” means a member of the armed forces on active duty who is eligible for basic educational assistance under chapter 30 of title 38 and who—

(1) in the case of an enlisted member, has completed at least one term of enlistment and has reenlisted; and

(2) in the case of an officer, has completed the officer’s initial period of obligated service on active duty.

(Added Pub. L. 98-525, title VII, §707(a)(1), Oct. 19, 1984, 98 Stat. 2571; amended Pub. L. 100-26, §7(i)(2), (k)(3), Apr. 21, 1987, 101 Stat. 282, 284; Pub. L. 103-337, div. A, title X, §1070(e)(2), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 105-85, div. A, title VI, §603(d)(2)(A), Nov. 18, 1997, 111 Stat. 1782; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 108-375, div. A, title V, §554, Oct. 28, 2004, 118 Stat. 1913; Pub. L. 109-364, div. A, title X, §1071(g)(3), Oct. 17, 2006, 120 Stat. 2402.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-364 made technical correction to directory language of Pub. L. 108-375, §554(1). See 2004 Amendment note below.

2004—Subsec. (a). Pub. L. 108-375, §554(2), inserted at end “The period of a leave of absence granted under this section may not exceed two years, except that the period may exceed two years but may not exceed three years in the case of an eligible member pursuing a program of education in a health care profession.”

Pub. L. 108-375, §554(1), as amended by Pub. L. 109-364, struck out “for a period of not to exceed two years” after “leave of absence”.

2002—Subsec. (a). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1997—Subsec. (c)(1). Pub. L. 105-85 substituted “basic allowance for housing under section 403 of title 37, basic allowance for subsistence under section 402 of such title,” for “basic allowance for quarters or basic allowance for subsistence”.

1994—Subsec. (c)(2). Pub. L. 103-337 substituted “section 3021 of title 38” for “section 1421 of title 38”.

1987—Subsec. (d)(1). Pub. L. 100-26, §7(i)(2), substituted “October 19, 1984” for “the date of the enactment of this section”.

Subsec. (e). Pub. L. 100-26, §7(k)(3), inserted “the term” after “In this section,”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title X, §1071(g), Oct. 17, 2006, 120 Stat. 2402, provided that the amendment made by section 1071(g)(3) is effective as of Oct. 28, 2004, and as if included in Pub. L. 108-375 as enacted.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Pub. L. 98-525, title VII, §707(b), Oct. 19, 1984, 98 Stat. 2572, provided that: “Section 708 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1985.”

§ 709. Emergency leave of absence

(a) EMERGENCY LEAVE OF ABSENCE.—The Secretary concerned may grant a member of the armed forces emergency leave of absence for a qualifying emergency.

(b) LIMITATIONS.—An emergency leave of absence under this section—

(1) may be granted only once for any member;

(2) may be granted only to prevent the member from entering unearned leave status or excess leave status; and

(3) may not extend for a period of more than 14 days.

(c) QUALIFYING EMERGENCY.—In this section, the term “qualifying emergency”, with respect to a member of the armed forces, means a circumstance that—

(1) is due to—

(A) a medical condition of a member of the immediate family of the member; or

(B) any other hardship that the Secretary concerned determines appropriate for purposes of this section; and

(2) is verified to the Secretary’s satisfaction based upon information or opinion from a source in addition to the member that the Secretary considers to be objective and reliable.

(d) MILITARY DEPARTMENT REGULATIONS.—Regulations prescribed under this section by the Secretaries of the military department shall be as uniform as practicable and shall be subject to approval by the Secretary of Defense.

(e) DEFINITIONS.—In this section:

(1) The term “unearned leave status” means leave approved to be used by a member of the armed forces that exceeds the amount of leave credit that has been accrued as a result of the member’s active service and that has not been previously used by the member.

(2) The term “excess leave status” means leave approved to be used by a member of the armed forces that is unearned leave for which a member is unable to accrue leave credit during the member’s current term of service before the member’s separation.

(Added Pub. L. 107-314, div. A, title V, §572(a), Dec. 2, 2002, 116 Stat. 2557.)

CHAPTER 41—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

Sec.

711. Senior members of Military Staff Committee of United Nations: appointment.
- 711a. American National Red Cross: detail of commissioned officers.
712. Foreign governments: detail to assist.
713. State Department: assignment or detail as couriers and building inspectors.
- [714, 715. Repealed.]
716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.

Sec.	
717.	Members of the armed forces: participation in international sports.
[718.	Repealed.]
719.	Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration.
720.	Chief of Staff to President: appointment.
[721.	Repealed.]
722.	Attending Physician to the Congress: grade.

AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, §502(i)(2), Oct. 28, 2009, 123 Stat. 2277, struck out item 721 “General and flag officers: limitation on appointments, assignments, details, and duties outside an officer’s own service”.

2006—Pub. L. 109-364, div. A, title V, §507(a)(1)(B), Oct. 17, 2006, 120 Stat. 2180, added item 722.

2003—Pub. L. 108-136, div. A, title V, §503(b), Nov. 24, 2003, 117 Stat. 1456, struck out item 714 “Defense attaché in France: required grade”.

1997—Pub. L. 105-85, div. A, title V, §§501(b), 597(b), Nov. 18, 1997, 111 Stat. 1724, 1766, added items 714 and 721.

1994—Pub. L. 103-337, div. A, title XVI, §1671(b)(8), Oct. 5, 1994, 108 Stat. 3013, struck out item 715 “Reserve components: detail of members of regular and reserve components to assist”.

1986—Pub. L. 99-433, title I, §110(a)(2), Oct. 1, 1986, 100 Stat. 1001, struck out item 718 “Secretary of Defense: detail of officers to assist”.

1983—Pub. L. 98-94, title X, §1007(a)(2), Sept. 24, 1983, 97 Stat. 662, included reference to the Public Health Service in item 716.

1980—Pub. L. 96-513, title V, §§501(9)(B), 511(23)(C), Dec. 12, 1980, 94 Stat. 2908, 2922, substituted “assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration” for “assignment or detail to Environmental Science Services Administration” in item 719 and added item 720.

Pub. L. 96-215, §2(b), Mar. 25, 1980, 94 Stat. 123, inserted “and to and from National Oceanic and Atmospheric Administration” after “between armed forces” in item 716.

1970—Pub. L. 91-392, §2, Sept. 1, 1970, 84 Stat. 834, substituted “armed forces” for “Army, Navy, Air Force, and Marine Corps” in item 716.

1968—Pub. L. 90-235, §4(a)(1)(B), Jan. 2, 1968, 81 Stat. 759, added item 711a.

1966—Pub. L. 89-683, §1(2), Oct. 15, 1966, 80 Stat. 960, added item 719.

1962—Pub. L. 87-651, title I, §103(b), title II, §205(b), Sept. 7, 1962, 76 Stat. 508, 519, redesignated item 716, relating to participation of members of the armed forces in international sports, as 717, and added item 718.

1960—Pub. L. 86-533, §1(5)(B), June 29, 1960, 74 Stat. 246, repealed item 714 “Reports to Congress on length of tours of duty outside United States by members of Army and Air Force”.

1958—Pub. L. 85-861, §1(18), Sept. 2, 1958, 72 Stat. 1442, added item 716, relating to participation of members of the armed forces in international sports.

Pub. L. 85-599, §11(1), Aug. 6, 1958, 72 Stat. 521, added item 716, relating to transfers of commissioned officers.

REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH

Pub. L. 109-364, div. A, title XI, §1104, Oct. 17, 2006, 120 Stat. 2409, as amended by Pub. L. 112-81, div. A, title X, §1066(c), Dec. 31, 2011, 125 Stat. 1588, provided that:

“(a) REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Whenever a member of the Armed Forces or a civilian employee of the Department of Defense serves continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships, the Secretary of Defense shall submit to the congressional defense

committees, within 90 days, and quarterly thereafter for as long as the service continues, a report on the service of the member or employee.

“(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

“(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each member of the Armed Forces or civilian employee of the Department of Defense covered by such report, the following:

“(1) The name of such member or employee.

“(2) In the case of a member, the Armed Force of such member.

“(3) The committee or member of Congress to which such member or employee is detailed or assigned.

“(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

“(5) The anticipated termination date of the current detail or fellowship of such member or employee.

“(d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP DEFINED.—In this section, the term ‘covered legislative detail or fellowship’ means the following:

“(1) A detail under the provisions of Department of Defense Directive 1000.17.

“(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).”

§ 711. Senior members of Military Staff Committee of United Nations: appointment

The President, by and with the advice and consent of the Senate, may appoint an officer of the Army, an officer of the Navy or the Marine Corps, and an officer of the Air Force, as senior members of the Military Staff Committee of the United Nations. An officer so appointed has the grade of lieutenant general or vice admiral, as the case may be, while serving under that appointment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 32.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
711	10:506b(c) (less last 12 words).	Aug. 7, 1947, ch. 512, §504(c) (less last 12 words), 61 Stat 886.

The words “Within the limitations as to numbers in grade prescribed in this Act”, so far as they relate to the Army and the Air Force, are omitted as executed by the declaration of the national emergency on December 16, 1950, in accordance with an opinion of the Judge Advocate General of the Army (JAGA 1951/6180, 17 Oct. 1951). So far as they relate to the Navy and the Marine Corps they are omitted as surplusage. The words “may appoint” are inserted to make it explicit that the revised section prescribes the appointment as well as the rank and pay that go with it. The word “grade” is substituted for the word “rank”. The words “Navy or Marine Corps” are substituted for the words “Navy, including the Marine Corps”. The words “Army, * * * Air Force” are substituted for the words “Army