

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.
704a.	Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.
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.
709a.	Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.
710.	Career flexibility to enhance retention of members.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title V, § 551(b)(1), Aug. 13, 2018, 132 Stat. 1768, added item 710.

2016—Pub. L. 114-328, div. A, title V, §§ 521(b)(2), 522(b), Dec. 23, 2016, 130 Stat. 2115, 2116, added items 704a and 709a.

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; Pub. L. 113-291, div. A, title V, § 522, Dec. 19, 2014, 128 Stat. 3360; Pub. L. 114-92, div. A, title V, § 523, Nov. 25, 2015, 129 Stat. 812, which related to pilot programs under which active members of the Armed Forces could 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, was repealed by Pub. L. 115-232, div. A, title V, § 551(b)(2), Aug. 13, 2018, 132 Stat. 1769. See section 710 of this title.

§ 701. Entitlement and accumulation

(a) A member of an armed force is entitled to leave at the rate of 2½ calendar days for each month of active service, excluding periods of—

- (1) absence from duty without leave;
- (2) absence over leave;
- (3) confinement as the result of a sentence of a court-martial; and
- (4) leave required to be taken under section 876a of this title.

Full-time training, or other full-time duty for a period of more than 29 days, performed under section 316, 502, 503, 504, or 505 of title 32 by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, and for which he is entitled to pay, is active service for the purposes of this section.

(b) Except as provided in subsections (d), (f), and (g), a member may not accumulate more than 60 days' leave. However, leave taken during a fiscal year may be charged to leave accumulated during that fiscal year without regard to this limitation.

(c) A member who retired after August 9, 1946, who is continued on, or is recalled to active duty, may have his leave which accumulated during his service before retirement carried over to his period of service after retirement.

(d) Notwithstanding subsection (b), during the period beginning on October 1, 2008, through September 30, 2015, a member may accumulate up to 75 days of leave.

(e) Leave taken before discharge is considered to be active service.

(f)(1)(A) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member described in subparagraph (B) who, except for this paragraph, would lose at the end of the fiscal year any accumulated leave in excess of the number of days of leave authorized to be accumulated under subsection (b) or (d), to retain an accumulated total of 120 days leave.

(B) This subsection applies to a member who—

- (i) serves on active duty for a continuous period of at least 120 days in an area in which