

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

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.

§ 703. Reenlistment leave

(a) Leave for not more than 90 days may be authorized, in the discretion of the Secretary concerned, or his designated representative, to a member of an armed force who reenlists. Leave authorized under this section shall be deducted from leave accrued during active service before reenlistment or charged against leave that may accrue during future active service, or both.

(b) Under regulations prescribed by the Secretary of Defense, and notwithstanding subsection (a), a member who is on active duty in an area described in section 310(a)(2) or paragraph (1) or (3) of section 351(a) of title 37 and who, by reenlistment, extension of enlistment, or other voluntary action, extends his required tour of duty in that area for at least six months may be—

(1) authorized not more than thirty days of leave, exclusive of travel time, at an authorized place selected by the member; and

(2) transported at the expense of the United States to and from that place.

Leave under this subsection may not be charged or credited to leave that accrued or that may accrue under section 701 of this title. The provisions of this subsection shall be effective only in the case of members who extend their required tours of duty on or before June 30, 1973.

(Added Pub. L. 87-649, §3(1), Sept. 7, 1962, 76 Stat. 493; amended Pub. L. 89-735, Nov. 2, 1966, 80 Stat. 1163; Pub. L. 90-330, June 5, 1968, 82 Stat. 170; Pub. L. 91-302, July 2, 1970, 84 Stat. 368; Pub. L. 92-481, Oct. 9, 1972, 86 Stat. 795; Pub. L. 115-91, div. A, title VI, §618(c), Dec. 12, 2017, 131 Stat. 1426.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------------------|---|
| 703 | 37:31a(a) (4th and 7th sentences). | Aug. 9, 1946, ch. 931, §3(a) (4th and 7th sentences), 60 Stat. 963. |
| | 37:32(f) (last 8 words) | Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963. |

The 4th sentence of section 31a(a) of existing title 37 is omitted as executed. The words “, or his designated representative,” are substituted for the last 8 words of section 32(f) of existing title 37.

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-91 inserted “or paragraph (1) or (3) of section 351(a)” after “section 310(a)(2)” in introductory provisions.

1972—Subsec. (b). Pub. L. 92-481 substituted “June 30, 1973” for “June 30, 1972”.

1970—Subsec. (b). Pub. L. 91-302 substituted “June 30, 1972” for “June 30, 1970”.

1968—Subsec. (b). Pub. L. 90-330 substituted “June 30, 1970” for “June 30, 1968”.

1966—Pub. L. 89-735 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

§ 704. Use of leave; regulations

(a) Under regulations prescribed by the Secretary concerned, or his designated representative, leave may be taken by a member on a calendar-day basis as vacation or absence from duty with pay, annually as accruing, or otherwise.

(b) Regulations prescribed under subsection (a) shall—

(1) provide equal treatment of officers and enlisted members;

(2) establish to the fullest extent practicable uniform policies for the several armed forces;

(3) provide that leave shall be taken annually as accruing to the extent consistent with military requirements and other exigencies; and

(4) provide for the determination of the number of calendar days of leave to which a member is entitled, including the number of calendar days of absence from duty or vacation to be counted or charged against leave.

(c) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary concerned shall prescribe regulations to facilitate the granting of leave to a member of the armed forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation; and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted.

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the armed forces is a natural parent of a child; or

(B) to determine an obligation of a member of the armed forces to provide child support.

(3) DEFINITIONS.—In this subsection:

(A) The term “court” has the meaning given that term in section 1408(a) of this title.

(B) The term “child support” has the meaning given that term in section 459(i) of the Social Security Act (42 U.S.C. 659(i)).

(Added Pub. L. 87-649, §3(1), Sept. 7, 1962, 76 Stat. 493; amended Pub. L. 108-375, div. A, title X, §1084(k), Oct. 28, 2004, 118 Stat. 2064.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 704(a) | 37:31a(a) (5th sentence). | Aug. 9, 1946, ch. 391, §3(a) (5th and 6th sentences), 4(e), 60 Stat. 963; Aug. 4, 1947, ch. 475, §1 (5th par.), 61 Stat. 749. |
| 704(b) | 37:31a(a) (6th sentence). 37:33(e). 37:32(f) (last 8 words). | Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963. |

In subsection (a), the 1st 18 words of the 5th sentence of section 31a(a) of existing title 37 are omitted as executed. The words “, or his designated representative,” are substituted for the last 8 words of section 32(f) of existing title 37.

In subsection (b), 37:33(e) (less 1st sentence) is omitted as executed.

CODIFICATION

The text of section 363(b) of Pub. L. 104-193, which was set out as a note under this section and was transferred to the end of this section and redesignated as subsec. (c), was based on Pub. L. 104-193, title III, §363(b), Aug. 22, 1996, 110 Stat. 2248, as amended by Pub. L. 107-296, title XVII, §1704(e)(1)(B), Nov. 25, 2002, 116 Stat. 2315.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-375, §1084(k)(1)–(3), transferred section 363(b) of Pub. L. 104-193 to the end of this section and redesignated it as subsec. (c). See Codification note above.

Subsec. (c)(1). Pub. L. 108-375, §1084(k)(4)(A), (B)(i), in introductory provisions, substituted “Secretary concerned” for “Secretary of each military department, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy,” and “armed forces” for “Armed Forces”.

Subsec. (c)(1)(B). Pub. L. 108-375, §1084(k)(4)(B)(ii), struck out “(as defined in section 101 of title 10, United States Code)” after “contingency operation”.

Subsec. (c)(2)(A), (B). Pub. L. 108-375, §1084(k)(4)(A), substituted “armed forces” for “Armed Forces”.

Subsec. (c)(3). Pub. L. 108-375, §1084(k)(4)(C)(i), substituted “In this subsection:” for “For purposes of this subsection—” in introductory provisions.

Subsec. (c)(3)(A). Pub. L. 108-375, §1084(k)(4)(C)(ii), substituted “this title” for “title 10, United States Code”.

Subsec. (c)(3)(B). Pub. L. 108-375, §1084(k)(4)(C)(iii), substituted “that term” for “such term”.

EFFECTIVE DATE

Section effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS INVOLVING PARENTAL SUPPORT OBLIGATIONS

Pub. L. 104-193, title III, §363(b), Aug. 22, 1996, 110 Stat. 2248, as amended by Pub. L. 107-296, title XVII, §1704(e)(1)(B), Nov. 25, 2002, 116 Stat. 2315, formerly set out as a note under this section, was transferred to subsec. (c) of this section.

§ 704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law

No member or category of members of the armed forces may be authorized, granted, or as-

signed leave, including uncharged leave, not expressly authorized by a provision of this chapter or another statute unless expressly authorized by an Act of Congress enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

(Added Pub. L. 114-328, div. A, title V, §521(b)(1), Dec. 23, 2016, 130 Stat. 2115.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, referred to in text, is the date of enactment of Pub. L. 114-328, which was approved Dec. 23, 2016.

§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas

(a) Under regulations prescribed by the Secretary concerned, a member of an armed force who—

- (1) is entitled to basic pay;
- (2) has a specialty that is designated by the Secretary concerned for the purposes of this section;
- (3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and
- (4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 or 352 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b). Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

(b) The benefits authorized by subsection (a) are—

- (1) a period of rest and recuperation absence for not more than 30 days; or
- (2) a period of rest and recuperation absence for not more than 15 days for members whose qualifying tour of duty is 12 months or less, or for not more than 20 days for members whose qualifying tour of duty is longer than 12 months, and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return, 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.

(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness.

(Added Pub. L. 96-579, §5(b)(1), Dec. 23, 1980, 94 Stat. 3366; amended Pub. L. 107-314, div. A, title V, §574(a)–(b)(2)(A), Dec. 2, 2002, 116 Stat. 2558; Pub. L. 108-136, div. A, title VI, §621(b), Nov. 24, 2003, 117 Stat. 1505; Pub. L. 110-181, div. A, title V, §552, Jan. 28, 2008, 122 Stat. 117; Pub. L. 115-91, div. A, title VI, §618(d), Dec. 12, 2017, 131 Stat. 1426.)