

Subsec. (f). Pub. L. 90-245, §1(2), added subsec. (f). 1965—Subsec. (d). Pub. L. 89-151 repealed subsec. (d) which provided that accumulated leave did not survive the death of a member during active service.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title V, §532(b), Oct. 14, 2008, 122 Stat. 4449, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 14, 2008] and applies only with respect to children born on or after that date.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title V, §593(b), Jan. 6, 2006, 119 Stat. 3281, provided that: “Subsection (i) of section 701 of title 10, United States Code (as added by subsection (a)), shall take effect on January 1, 2006, and shall apply only with respect to adoptions completed on or after that date.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §542(b), Nov. 24, 2003, 117 Stat. 1478, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2003, or the date of the enactment of this Act [Nov. 24, 2003], whichever is later.”

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-94, title X, §1031(b)(1), (2), Sept. 24, 1983, 97 Stat. 671, provided that:

“(1) The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Sept. 24, 1983] and shall apply to leave accumulated under section 701(f) of such title [this title] after September 30, 1980.

“(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate 90 days’ leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with the amount of the leave lost and may retain leave in excess of 60 days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of 90 days.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-81 to take effect at the end of the 60-day period beginning on Nov. 20, 1981, and to apply to each member whose sentence by court-martial is approved on or after Jan. 20, 1982, under section 864 or 865 of this title by the officer exercising general court-martial jurisdiction under the provisions of such section as it existed on the day before the effective date of the Military Justice Act of 1983 (Pub. L. 98-209), or under section 860 of this title by the officer empowered to act on the sentence on or after that effective date, see section 7(a) and (b)(1) of Pub. L. 97-81, set out as an Effective Date note under section 706 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-596, §3, Oct. 27, 1972, 86 Stat. 1318, provided that: “The first and second sections of this Act [amending this section and section 501 of Title 37, Pay and Allowances of the Uniformed Services] become effective as of February 28, 1961.”

EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-245, §2, Jan. 2, 1968, 81 Stat. 782, provided that: “Section 1 of this Act [amending this section] applies only to active duty performed after January 1, 1968.”

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-151 effective only in the case of members who die on or after Aug. 28, 1965, see

section 4 of Pub. L. 89-151, set out as a note under section 501 of Title 37, Pay and Allowances of the Uniformed Services.

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.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Authority vested by this chapter in “military departments”, “the Secretary concerned”, or “the Secretary of Defense” to be exercised, with respect to commissioned officer corps of National Oceanic and Atmospheric Administration, by Secretary of Commerce or Secretary’s designee, see section 3071 of Title 33, Navigation and Navigable Waters.

ACCUMULATION OF LEAVE AFTER SEPTEMBER 30, 1980, PURSUANT TO SUBSECTION (f)

Pub. L. 97-39, title VII, §702, Aug. 14, 1981, 95 Stat. 943, provided that: “The amendment made by section 10 of the Military Pay and Allowances Benefits Act of 1980 (Public Law 96-579; 94 Stat. 3368) [amending this section] shall apply with respect to the accumulation of leave by members of the Armed Forces who after September 30, 1979, are assigned (1) to a deployable ship or mobile unit, or (2) to other duty designated after the date of the enactment of this Act [Aug. 14, 1981] as duty qualifying for the purpose of section 701(f) of title 10, United States Code, as amended by that amendment.”

For savings provision extending period for which certain accrued leave under subsec. (f) of this section may be retained by members of Armed Forces, see section 1115 of Pub. L. 101-510, set out as a Treatment of Accumulated Leave note under section 501 of Title 37, Pay and Allowances of the Uniformed Services.

§ 702. Cadets and midshipmen

(a) GRADUATION LEAVE.—Graduates of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy who, upon graduation, are appointed in a component of an armed force, may, in the discretion of the Secretary concerned or his designated representative, be granted graduation leave of not more than 60 days. Leave granted under this subsection is in addition to any other leave and may not be deducted from or charged against other leave authorized by this chapter, and must be completed within three months of the date of graduation. Leave under this subsection may not be carried forward as credit beyond the date of reporting to the first permanent duty station or to a port of embarkation for permanent duty outside the United States or in Alaska or Hawaii.

(b) INVOLUNTARY LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY CADETS AND MIDSHIPMEN.—(1) Under regulations prescribed under subsection (d), the Secretary concerned may place an academy cadet or midshipman on involuntary leave for any period during which the Superintendent of the Academy at which the cadet or midshipman is admitted has suspended the cadet or midshipman from duty at the Academy—

- (A) pending separation from the Academy;
- (B) pending return to the Academy to repeat an academic semester or year; or
- (C) for other good cause.

(2) A cadet or midshipman placed on involuntary leave under paragraph (1) is not entitled to any pay under section 203(c) of title 37 for the period of the leave.

(3) Return of an academy cadet or midshipman to a pay status at the Academy concerned from involuntary leave status under paragraph (1) does not restore any entitlement of the cadet or midshipman to pay for the period of the involuntary leave.

(c) INAPPLICABLE LEAVE PROVISIONS.—Sections 701, 703, and 704 of this title and subsection (a) do not apply to academy cadets or midshipmen or cadets or midshipmen serving elsewhere in the armed forces.

(d) REGULATIONS.—The Secretary concerned, or his designated representative, may prescribe regulations relating to leave for cadets and midshipmen.

(e) DEFINITION.—In this section, the term “academy cadet or midshipman” means—

- (1) a cadet of the United States Military Academy;
- (2) a midshipman of the United States Naval Academy;
- (3) a cadet of the United States Air Force Academy; or
- (4) a cadet of the United States Coast Guard Academy.

(Added Pub. L. 87-649, §3(1), Sept. 7, 1962, 76 Stat. 492; amended Pub. L. 96-513, title V, §511(20), Dec. 12, 1980, 94 Stat. 2921; Pub. L. 103-160, div. A, title V, §532, Nov. 30, 1993, 107 Stat. 1657; Pub. L. 105-261, div. A, title V, §562, Oct. 17, 1998, 112 Stat. 2027; Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-290.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
702(a)	37:31a(c).	Aug. 9, 1946, ch. 931, §3(c); added June 2, 1950, ch. 217, §1, 64 Stat. 194.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.
702(b)	37:38 (less applicability to payment for leave).	Aug. 9, 1946, ch. 931, §10 (less applicability to payment for leave); added Aug. 4, 1947, ch. 475, §3 (less applicability to payment for leave), 61 Stat. 749.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.

In subsection (a), the words “outside the United States or in Alaska or Hawaii” are substituted for the words “outside the continental limits of the United States” to conform to the interpretation of those words in other sections of title 10 and revised title 37.

In subsections (a) and (b), the words “, or his designated representative,” are substituted for the last 8 words of section 32(f) of existing title 37.

AMENDMENTS

2000—Subsec. (b)(2). Pub. L. 106-398 substituted “section 203(c)” for “section 230(c)”.

1998—Subsec. (a). Pub. L. 105-261, §562(c)(1), inserted heading.

Subsec. (b). Pub. L. 105-261, §562(a)(3), added subsec. (b). Former first and second sentences of subsec. (b) redesignated subssecs. (c) and (d), respectively.

Subsec. (c). Pub. L. 105-261, §562(a)(2), (b)(1), (c)(2), redesignated first sentence of subsec. (b) as subsec. (c), inserted heading, and substituted “academy cadets or midshipmen” for “cadets at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, midshipmen at the United States Naval Academy.”

Subsec. (d). Pub. L. 105-261, §562(a)(1), (c)(3), redesignated second sentence of subsec. (b) as subsec. (d) and inserted heading.

Subsec. (e). Pub. L. 105-261, §562(b)(2), added subsec. (e).

1993—Subsec. (a). Pub. L. 103-160 struck out “regular” before “component” in first sentence.

1980—Subsec. (b). Pub. L. 96-513 substituted “Sections 701, 703, and 704 of this title and subsection (a)” for “Sections 701, 702(a), 703, and 704 of this chapter”.

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.