

(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.

(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.

(E) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.

(c) WAIVER FOR PERIODS OF WAR OR NATIONAL EMERGENCY.—Subsection (a) does not apply in time of war or of national emergency declared by Congress or the President after November 30, 1980. Subsection (b) does not apply in time of war or of national emergency declared by Congress or the President.

(Added Pub. L. 104-201, div. A, title V, §521(a), Sept. 23, 1996, 110 Stat. 2516; amended Pub. L. 106-65, div. A, title V, §507, Oct. 5, 1999, 113 Stat. 591; Pub. L. 107-107, div. A, title V, §509(b), Dec. 28, 2001, 115 Stat. 1091.)

#### PRIOR PROVISIONS

A prior section 690 was renumbered section 12321 of this title.

Provisions similar to those in subsecs. (a) and (c) of this section were contained in section 688(c) of this title prior to repeal by Pub. L. 104-201, §521(a).

#### AMENDMENTS

2001—Subsec. (b)(2)(E). Pub. L. 107-107 added subpar. (E).

1999—Subsec. (b)(2)(D). Pub. L. 106-65 added subpar. (D).

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable with respect to officers serving on active duty as a defense attaché or service attaché on or after Dec. 28, 2001, see section 509(c) of Pub. L. 107-107, set out as a note under section 688 of this title.

#### EFFECTIVE DATE

Section effective Sept. 30, 1997, see section 521(b) of Pub. L. 104-201, set out as a note under section 688 of this title.

### § 691. Permanent end strength levels to support the National Defense Strategy

(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill the national defense strategy of the United States.

(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

- (1) For the Army, 485,900.
- (2) For the Navy, 347,800.
- (3) For the Marine Corps, 181,200.
- (4) For the Air Force, 333,475.

(c) The budget for the Department of Defense for any fiscal year as submitted to Congress shall include amounts for funding for each of the armed forces (other than the Coast Guard) at least in the amounts necessary to maintain the active duty end strengths prescribed in subsection (b), as in effect at the time that such budget is submitted.

(d) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces (other than the Coast Guard) for any fiscal year below the level specified in subsection (b) unless the reduction in end strength for that armed force for that fiscal year is specifically authorized by law.

(e) The Secretary of Defense or the Secretary concerned may vary a number specified in subsection (b) in accordance with section 115 of this title.

(f) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

(Added Pub. L. 104-106, div. A, title IV, §401(b)(1), Feb. 10, 1996, 110 Stat. 285; amended Pub. L. 104-201, div. A, title IV, §402, Sept. 23, 1996, 110 Stat. 2503; Pub. L. 105-85, div. A, title IV, §402, Nov. 18, 1997, 111 Stat. 1719; Pub. L. 105-261, div. A, title IV, §402(a), (b), Oct. 17, 1998, 112 Stat. 1995, 1996; Pub. L. 106-65, div. A, title IV, §402(a), title X, §1066(b)(1), Oct. 5, 1999, 113 Stat. 585, 772; Pub. L. 106-398, §1 [[div. A], title IV, §§402(a), 403], Oct. 30, 2000, 114 Stat. 1654, 1654A-92; Pub. L. 107-107, div. A, title IV, §402, Dec. 28, 2001, 115 Stat. 1069; Pub. L. 107-314, div. A, title IV, §402, Dec. 2, 2002, 116 Stat. 2524; Pub. L. 108-136, div. A, title IV, §402, Nov. 24, 2003, 117 Stat. 1450; Pub. L. 108-375, div. A, title IV, §402, Oct. 28, 2004, 118 Stat. 1862; Pub. L. 109-163, div. A, title IV, §402, Jan. 6, 2006, 119 Stat. 3219; Pub. L. 109-364, div. A, title IV, §402, Oct. 17, 2006, 120 Stat. 2169; Pub. L. 110-181, div. A, title IV, §402, Jan. 28, 2008, 122 Stat. 86; Pub. L. 110-417, [div. A], title IV, §402, Oct. 14, 2008, 122 Stat. 4428; Pub. L. 111-84, div. A, title IV, §402, Oct. 28, 2009, 123 Stat. 2265; Pub. L. 111-383, div. A, title IV, §402, Jan. 7, 2011, 124 Stat. 4202; Pub. L. 112-81, div. A, title IV, §402, Dec. 31, 2011, 125 Stat. 1382; Pub. L. 112-239, div. A, title IV, §402, Jan. 2, 2013, 126 Stat. 1708; Pub. L. 113-66, div. A, title IV, §402(a), Dec. 26, 2013, 127 Stat. 744; Pub. L. 113-291, div. A, title IV, §402, Dec. 19, 2014, 128 Stat. 3349; Pub. L. 114-92, div. A, title IV, §402, Nov. 25, 2015, 129 Stat. 801; Pub. L. 114-328, div. A, title IV, §402, Dec. 23, 2016, 130 Stat. 2091; Pub. L. 115-91, div. A, title IV, §402, Dec. 12, 2017, 131 Stat. 1368; Pub. L. 115-232, div. A, title IV, §402, Aug. 13, 2018, 132 Stat. 1735; Pub. L. 116-92, div. A, title IV, §402, Dec. 20, 2019, 133 Stat. 1334; Pub. L. 116-283, div. A, title IV, §402(a), Jan. 1, 2021, 134 Stat. 3555.)

#### AMENDMENTS

2021—Pub. L. 116-283, §402(a)(1), substituted “the National Defense Strategy” for “two major regional contingencies” in section catchline.

Subsec. (a). Pub. L. 116-283, §402(a)(2), substituted “the national defense strategy of” for “a national defense strategy calling for” and struck out “to be able to successfully conduct two nearly simultaneous major regional contingencies” before period at end.

Subsec. (b). Pub. L. 116-283, §402(a)(3), substituted “485,900” for “480,000” in par. (1), “347,800” for “340,500” in par. (2), “181,200” for “186,200” in par. (3), and “333,475” for “332,800” in par. (4).

Subsec. (e). Pub. L. 116-283, §402(a)(4), inserted “or the Secretary concerned” after “Secretary of Defense” and substituted “vary a number specified in subsection (b) in accordance with section 115 of this title” for “reduce a number specified in subsection (b) by not more than 2 percent”.

2019—Subsec. (b). Pub. L. 116-92 substituted “480,000” for “487,500” in par. (1), “340,500” for “335,400” in par. (2), “186,200” for “186,100” in par. (3), and “329,100” for “329,100” in par. (4).

2018—Subsec. (b). Pub. L. 115-232 substituted “487,500” for “483,500” in par. (1), “335,400” for “327,900” in par. (2), “186,100” for “186,000” in par. (3), and “329,100” for “325,100” in par. (4).

2017—Subsec. (b). Pub. L. 115-91 substituted “483,500” for “476,000” in par. (1), “327,900” for “323,900” in par. (2), “186,000” for “185,000” in par. (3), and “325,100” for “321,000” in par. (4).

2016—Subsec. (b). Pub. L. 114-328 substituted “476,000” for “475,000” in par. (1), “323,900” for “329,200” in par. (2), “185,000” for “184,000” in par. (3), and “321,000” for “317,000” in par. (4).

2015—Subsec. (b). Pub. L. 114-92, § 402(1), substituted “475,000” for “490,000” in par. (1), “329,200” for “323,600” in par. (2), “184,000” for “184,100” in par. (3), and “317,000” for “310,900” in par. (4).

Subsec. (e). Pub. L. 114-92, § 402(2), substituted “2 percent” for “0.5 percent”.

2014—Subsec. (b). Pub. L. 113-291 substituted “490,000” for “510,000” in par. (1), “184,100” for “188,000” in par. (3), and “310,900” for “327,600” in par. (4).

2013—Subsec. (b). Pub. L. 113-66 substituted “510,000” for “542,700” in par. (1), “323,600” for “322,700” in par. (2), “188,000” for “193,500” in par. (3), and “327,600” for “329,460” in par. (4).

Pub. L. 112-239, § 402(a), substituted “542,700” for “547,400” in par. (1), “322,700” for “325,700” in par. (2), “193,500” for “202,100” in par. (3), and “329,460” for “332,800” in par. (4).

Subsec. (e). Pub. L. 112-239, § 402(b), added subsec. (e).

2011—Subsec. (b). Pub. L. 112-81 substituted “325,700” for “324,300” in par. (2) and “332,800” for “332,200” in par. (4).

Pub. L. 111-383 substituted “324,300” for “328,800” in par. (2) and “332,200” for “331,700” in par. (4).

2009—Subsec. (b). Pub. L. 111-84 substituted “547,400” for “532,400” in par. (1), “328,800” for “325,300” in par. (2), “202,100” for “194,000” in par. (3), and “331,700” for “317,050” in par. (4).

2008—Subsec. (b). Pub. L. 110-417 substituted “532,400” for “525,400” in par. (1), “325,300” for “328,400” in par. (2), “194,000” for “189,000” in par. (3), and “317,050” for “328,600” in par. (4).

Pub. L. 110-181 substituted “525,400” for “502,400” in par. (1), “328,400” for “340,700” in par. (2), “189,000” for “180,000” in par. (3), and “328,600” for “334,200” in par. (4).

2006—Subsec. (b)(2) to (4). Pub. L. 109-364 substituted “340,700” for “352,700” in par. (2), “180,000” for “179,000” in par. (3), and “334,200” for “357,400” in par. (4).

Pub. L. 109-163 substituted “352,700” for “365,900” in par. (2), “179,000” for “178,000” in par. (3), and “357,400” for “359,700” in par. (4).

2004—Subsec. (b). Pub. L. 108-375 substituted “502,400” for “482,400” in par. (1), “365,900” for “373,800” in par. (2), “178,000” for “175,000” in par. (3), and “359,700” for “359,300” in par. (4).

2003—Subsec. (b)(1). Pub. L. 108-136, § 402(1), substituted “482,400” for “480,000”.

Subsec. (b)(2). Pub. L. 108-136, § 402(2), substituted “373,800” for “375,700”.

Subsec. (b)(4). Pub. L. 108-136, § 402(3), substituted “359,300” for “359,000”.

2002—Subsec. (b)(2) to (4). Pub. L. 107-314, § 402(a), substituted “375,700” for “376,000” in par. (2), “175,000” for “172,600” in par. (3), and “359,000” for “358,800” in par. (4).

Subsec. (e). Pub. L. 107-314, § 402(b), struck out subsec. (e) which read as follows: “For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to or greater than the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.”

2001—Subsec. (b)(2). Pub. L. 107-107, § 402(1), substituted “376,000” for “372,000”.

Subsec. (b)(4). Pub. L. 107-107, § 402(2), substituted “358,800” for “357,000”.

2000—Subsec. (b)(2) to (4). Pub. L. 106-398, § 1 [[div. A], title IV, § 402(a)], substituted “372,000” for “371,781” in par. (2), “172,600” for “172,148” in par. (3), and “357,000” for “360,877” in par. (4).

Subsec. (e). Pub. L. 106-398, § 1 [[div. A], title IV, § 403], inserted “or greater than” after “identical to”.

1999—Subsec. (b)(2) to (4). Pub. L. 106-65, § 402(a), substituted “371,781” for “372,696” in par. (2), “172,148” for “172,200” in par. (3), and “360,877” for “370,802” in par. (4).

Subsec. (e). Pub. L. 106-65, § 1066(b)(1), made technical amendment to directory language of Pub. L. 105-261, § 402(b). See 1998 Amendment note below.

1998—Subsec. (b). Pub. L. 105-261, § 402(a), substituted “480,000” for “495,000” in par. (1), “372,696” for “390,802” in par. (2), “172,200” for “174,000” in par. (3), and “370,802” for “371,577” in par. (4).

Subsec. (e). Pub. L. 105-261, § 402(b), as amended by Pub. L. 106-65, § 1066(b)(1), substituted “0.5 percent.” for “1 percent or, in the case of the Army, by not more than 1.5 percent.”

1997—Subsec. (b)(2). Pub. L. 105-85, § 402(a)(1), substituted “390,802” for “395,000”.

Subsec. (b)(4). Pub. L. 105-85, § 402(a)(2), substituted “371,577” for “381,000”.

Subsec. (e). Pub. L. 105-85, § 402(b), inserted “or, in the case of the Army, by not more than 1.5 percent” before period at end.

1996—Subsec. (c). Pub. L. 104-201, § 402(a)(2), added subsec. (c) and struck out former subsec. (c) which read as follows: “No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.”

Subsec. (d). Pub. L. 104-201, § 402(a)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-201, § 402(a)(1), (b), redesignated subsec. (d) as (e) and substituted “not more than 1 percent” for “not more than 0.5 percent”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-201, § 402(a)(1), redesignated subsec. (e) as (f).

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, § 1 [[div. A], title IV, § 402(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-92, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2000.”

#### 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 relat-

ing 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.
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#### 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 the member is entitled to special pay under section 310(a) of title 37;

(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.

(C) Except as provided in paragraph (2), leave in excess of the days of leave authorized to be accumulated under subsection (b) or (d) that are accumulated under this paragraph is lost unless it is used by the member before the end of the third fiscal year (or fourth fiscal year, if accumulated while subsection (d) is in effect) after the fiscal year in which the continuous period of service referred to in subparagraph (B) terminated.