

poses, but may not be counted for the purposes of completion of the term of enlistment of the member (in the case of an enlisted member) or for purposes of section 3021 of title 38, relating to entitlement to supplemental educational assistance.

(d)(1) In time of war, or of national emergency declared by the President or the Congress after 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.)

§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of