

Statutory Notes and Related Subsidiaries

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. 391, §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.

Editorial Notes

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”.

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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 assigned leave, including uncharged leave, not ex-