

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,
704(b) .....	37:31a(a) (6th sentence).	§§ 3(a) (5th and 6th sentences), 4(e), 60 Stat. 963; Aug. 4, 1947, ch. 475, § 1 (5th par.), 61 Stat. 749.
	37:33(e).	Aug. 9, 1946, ch. 931, § 2(f) (last 8 words), 60 Stat. 963.
	37:32(f) (last 8 words).	

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”.

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.

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-

pressly 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.)

Editorial Notes

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,