

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,

div. A, title VI, § 618(d), Dec. 12, 2017, 131 Stat. 1426.)

### Editorial Notes

#### AMENDMENTS

2017—Subsec. (a). Pub. L. 115–91 inserted “or 352” after “section 314” in concluding provisions.

2008—Subsec. (b)(2). Pub. L. 110–181 inserted “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,” after “for not more than 15 days”.

2003—Pub. L. 108–136, § 621(b)(2), struck out “enlisted” before “members” in section catchline.

Subsec. (a). Pub. L. 108–136, § 621(b)(1), substituted “a member” for “an enlisted member” in introductory provisions.

2002—Pub. L. 107–314, § 574(b)(2)(A), substituted “recuperation absence: qualified enlisted members” for “recuperative absence for qualified enlisted members” in section catchline.

Subsec. (b). Pub. L. 107–314 substituted “recuperation” for “recuperative” in pars. (1) and (2) and inserted before period at end of par. (2) “, 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”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Pub. L. 96–579, § 5(c)(2), Dec. 23, 1980, 94 Stat. 3367, provided: “Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section [Dec. 23, 1980] and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.”

### § 705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone

(a) REST AND RECUPERATION AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide a member of the armed forces described in subsection (b) the benefits described in subsection (c).

(b) COVERED MEMBERS.—A member of the armed forces described in this subsection is any member who—

(1) is assigned or deployed for at least 270 days in an area or location—

(A) that is designated by the President as a combat zone; and

(B) in which hardship duty pay is authorized to be paid under section 305 or 352(a) of title 37; and

(2) meets such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a).

(c) BENEFITS.—The benefits described in this subsection are the following:

(1) A period of rest and recuperation absence for not more than 15 days.

(2) Round-trip transportation at Government expense from the area or location in which the member is serving in connection with the exercise of the period of rest and recuperation.

(d) CONSTRUCTION WITH OTHER LEAVE.—Any benefits provided a member under this section are in addition to any other leave or absence to which the member may be entitled.

(Added Pub. L. 111–383, div. A, title V, § 532(a), Jan. 7, 2011, 124 Stat. 4216; amended Pub. L. 115–91, div. A, title VI, § 618(e), Dec. 12, 2017, 131 Stat. 1426.)

### Editorial Notes

#### AMENDMENTS

2017—Subsec. (b)(1)(B). Pub. L. 115–91 inserted “or 352(a)” after “section 305”.

### § 706. Administration of leave required to be taken

(a) A period of leave required to be taken under section 876a or 1182(c)(2) of this title shall be charged against any accrued leave to the member’s credit on the day before the day such leave begins unless the member elects to be paid for such accrued leave under subsection (b). If the member does not elect to be paid for such accrued leave under subsection (b), or does not have sufficient accrued leave to his credit to cover the total period of leave required to be taken, the leave not covered by accrued leave shall be charged as excess leave. If the member elects to be paid for accrued leave under subsection (b), the total period of leave required to be taken shall be charged as excess leave.

(b)(1) A member who is required to take leave under section 876a or 1182(c)(2) of this title and who has accrued leave to his credit on the day before the day such leave begins may elect to be paid for such accrued leave. Any such payment shall be based on the rate of basic pay to which the member was entitled on the day before the day such leave began. If the member does not elect to be paid for such accrued leave, the member is entitled to pay and allowances during the period of accrued leave required to be taken.

(2) Except as provided in paragraph (1) and in sections 707 and 707a of this title, a member may not accrue or receive pay or allowances during a period of leave required to be taken under section 876a or 1182(c)(2) of this title.

(c) A member required to take leave under section 876a or 1182(c)(2) of this title is not entitled to any right or benefit under chapter 43 of title 38 solely because of employment during the period of such leave.

(Added Pub. L. 97–81, § 2(b)(1), Nov. 20, 1981, 95 Stat. 1085; amended Pub. L. 102–568, title V, § 506(c)(5), Oct. 29, 1992, 106 Stat. 4341; Pub. L. 103–337, div. A, title X, § 1070(e)(1), Oct. 5, 1994, 108 Stat. 2859; Pub. L. 103–353, § 2(b)(3), Oct. 13, 1994, 108 Stat. 3169; Pub. L. 104–106, div. A, title XV, § 1503(a)(7), Feb. 10, 1996, 110 Stat. 511; Pub. L. 106–398, § 1 [[div. A], title X, § 1087(a)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A–290; Pub. L. 107–314, div. A, title V, § 506(c), Dec. 2, 2002, 116 Stat. 2535.)

### Editorial Notes

#### AMENDMENTS

2002—Pub. L. 107–314, § 506(c)(2), struck out “pending review of certain court-martial convictions” at end of section catchline.

Subsec. (a). Pub. L. 107–314, § 506(c)(1)(A), inserted “or 1182(c)(2)” after “section 876a”.

Subsec. (b). Pub. L. 107–314, § 506(c)(1), inserted “or 1182(c)(2)” after “section 876a” in pars. (1) and (2) and