

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	34 U.S.C. 854e (less 2d through 5th provisos).	June 25, 1938, ch. 690, § 206 (less 2d through 5th provisos), 52 Stat. 1179; Apr. 25, 1940, ch. 153, 54 Stat. 162.
	34 U.S.C. 854 (note).	July 9, 1952, ch. 608, § 803 (3d sentence), 66 Stat. 505.

In subsection (a) the words "A member of the Fleet Reserve or the Fleet Marine Corps Reserve" are substituted for the words "That men so transferred to the Fleet Reserve \* \* \* or other provision of law" for clarity. It is clear from the legislative history of the Armed Forces Reserve Act of 1952 that the amendment to the second proviso of 34 U.S.C. 854d made by that Act was intended to cover all members of the Fleet Reserve and Fleet Marine Corps Reserve.

In subsection (b) the word "enlisted" is omitted as surplusage since only enlisted members may transfer to the Fleet Reserve and Fleet Marine Corps Reserve. The words "after 16 years' or more service" are omitted as surplusage since all the members of the Fleet Reserve and Fleet Marine Corps Reserve are in that category. The words "If any member fails to report for the physical examination" are substituted for the words "upon failure \* \* \* of such member to report for inspection" to reflect the true meaning of the section. The words "Under such conditions as may be prescribed by the Secretary of the Navy" are omitted as unnecessary since the authority to order a forfeiture is entirely within the Secretary's discretion.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95-79 struck out requirements relating to physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve.

**§ 6486. Members of the Fleet Reserve and Fleet Marine Corps Reserve: release from active duty**

(a) Except as provided in subsection (b), the Secretary of the Navy may, at any time, release any member of the Fleet Reserve or the Fleet Marine Corps Reserve from active duty.

(b) In time of war or national emergency declared by Congress or by the President after January 1, 1953, a member of the Fleet Reserve or the Fleet Marine Corps Reserve, without his consent, may be released from active duty other than from active duty for training only if—

- (1) a board of officers convened at his request by an authority designated by the Secretary recommends the release and the recommendation is approved;
- (2) the member does not request that a board be convened; or
- (3) his release is otherwise authorized by law.

This subsection does not apply during a period of demobilization or reduction in strength of the Navy or the Marine Corps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 417.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6486 .....	34 U.S.C. 854d (3d proviso).	June 25, 1938, ch. 690, § 205 (3d proviso); added July 9, 1952, ch. 608, § 808, 66 Stat. 508.
	34 U.S.C. 854 (note).	July 9, 1952, ch. 608, § 803 (3d sentence), 66 Stat. 505.

In subsection (a) the words "or active duty for training" are omitted as covered by the term "active duty" as used in this revised title.

In subsection (b) the words "other than from active duty for training" are inserted since the term "active duty" as used in 34 U.S.C. 854d (3d proviso) does not include active duty for training. Clause (3) is inserted, since other provisions of law are necessarily exceptions to the general rule here stated. The words "or the Marine Corps" are inserted in the last sentence of subsection (b) to reflect the applicability of the section to the Fleet Marine Corps Reserve.

**[§§ 6487, 6488. Repealed. Pub. L. 96-513, title III, § 362(b), (c), Dec. 12, 1980, 94 Stat. 2903]**

Section 6487, act Aug. 10, 1956, ch. 1041, 70A Stat. 418, related to retirement pay of certain rear admirals who retire after serving two years on active duty in time of war or national emergency.

Section 6488, act Aug. 10, 1956, ch. 1041, 70A Stat. 418, related to retention of certain wartime appointments or promotions upon release from active duty. See section 1370 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**CHAPTER 577—DEATH BENEFITS; CARE OF THE DEAD**

Sec. [6521.	Repealed.]
6522.	Disposition of effects.

AMENDMENTS

1958—Pub. L. 85-861, §1(145), Sept. 2, 1958, 72 Stat. 1512, struck out item 6521 "Allowance to dependents: designation of beneficiary".

**[§ 6521. Repealed. Pub. L. 85-861, § 36B(21), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 418, related to allowances to dependents, and to designation of beneficiary. See sections 1475 et seq. of this title.

**§ 6522. Disposition of effects**

(a) If money or other personal property of a deceased member of the naval service is in the custody of the Department of the Navy, the Secretary of the Navy shall keep it in safe custody and make a diligent effort to determine and locate the heirs or next of kin of the deceased member. Property remaining unclaimed two years after the death of the member shall be sold, and the proceeds, together with any of his money held in custody, shall be covered into the Treasury.

(b) Within five years after the date the money and proceeds are covered into the Treasury, any claim that is presented therefor supported by competent proof shall be certified to Congress for consideration.

(c) The Secretary shall prescribe regulations for the administration of this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 419.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6522 .....	34 U.S.C. 942.	Mar. 29, 1918, ch. 31, 40 Stat. 499.

In subsection (a) the word “shall” is substituted for the words “authorized and directed”; the word “effort” is substituted for the word “inquiry”; the words “determine and locate” are substituted for the words “ascertain the whereabouts”; the words “personal property” are substituted for the words “all articles of value, papers, keepsakes, and other similar effects”. The phrase “to the credit of the Navy pension fund” is omitted since this fund was abolished by §9 of the Act of June 26, 1934, ch. 756, 48 Stat. 1229. The application of this section is confined to the money and other personal property of the deceased member in the custody of the Department of the Navy to make it clear that disposition is made only of property held by the Department of the Navy and not of property which may be under other custody, over which the Department of the Navy would have no control.

In subsection (b) the word “covered” is substituted for the word “deposited”.

### PART III—EDUCATION AND TRAINING

Chap.		Sec.
601.	Officer Procurement Programs .....	6901
602.	Training Generally .....	6931
603.	United States Naval Academy .....	6951
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607.	Retirement of Civilian Members of the Teaching Staffs of the United States Naval Academy and United States Naval Postgraduate School .....	7081
609.	Professional Military Education Schools .....	7101

#### AMENDMENTS

1998—Pub. L. 105-261, div. A, title V, §521(b)(2), Oct. 17, 1998, 112 Stat. 2011, added item for chapter 602.

1991—Pub. L. 102-190, div. A, title X, §1061(a)(27)(B), Dec. 5, 1991, 105 Stat. 1474, substituted “Education” for “Educational” in item for chapter 609.

1990—Pub. L. 101-510, div. A, title IX, §912(b), Nov. 5, 1990, 104 Stat. 1627, added item for chapter 609.

#### CHAPTER 601—OFFICER PROCUREMENT PROGRAMS

Sec.	
[6901 to 6910. Repealed.]	
6911.	Aviation cadets: grade; procurement; transfer.
6912.	Aviation cadets: benefits.
6913.	Aviation cadets: appointment as reserve officers.
[6914. Repealed.]	
6915.	Reserve student aviation pilots; reserve aviation pilots: appointments in commissioned grade.

#### AMENDMENTS

1980—Pub. L. 96-513, title V, §503(52), Dec. 12, 1980, 94 Stat. 2915, struck out items 6909 “Direct procurement: qualifications; retention or transfer to Reserve” and 6914 “Reserve naval aviators: appointment in Regular Navy and Regular Marine Corps; eligibility; grade; rank”.

1964—Pub. L. 88-647, title III, §301(18), Oct. 13, 1964, 78 Stat. 1072, struck out items 6901 “Naval Reserve Officers’ Training Corps: administration”, 6902 “Transfer of graduates of Naval Reserve Officers’ Training Corps to Regular Navy”, 6903 “Officer candidate training program: administration; qualifications for enrollment”, 6904 “Officer candidate training program: members enrolled from Naval Reserve Officers’ Training Corps; appointment as midshipmen; pay; allowances; commissioning”, 6905 “Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances”, 6906 “Officer candidate

training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns”, 6908 “Officer candidate training program: naval aviators; retention or transfer to Reserve”, 6910 “Payment of expenses”.

1961—Pub. L. 87-100, §1(2), July 21, 1961, 75 Stat. 218, struck out item 6907 “Officer candidate training program: officers other than naval aviators; retention or transfer to Reserve”.

1958—Pub. L. 85-861, §1(147)(B), Sept. 2, 1958, 72 Stat. 1513, substituted “benefits” for “pay and allowances” in item 6912.

#### [§§ 6901 to 6906. Repealed. Pub. L. 88-647, title III, §301(17), Oct. 13, 1964, 78 Stat. 1072]

Section 6901, acts Aug. 10, 1956, ch. 1041, 70A Stat. 420; Sept. 2, 1958, Pub. L. 85-861, §1(146), 72 Stat. 1512, related to administration of Naval Reserve Officers’ Training Corps.

Sections 6902, 6903, act Aug. 10, 1956, ch. 1041, 70A Stat. 420, 421, related to transfer of graduates of Naval Reserve Officers’ Training Corps to Regular Navy, administration of officer candidate training program, and to qualifications for enrollment. See sections 2104 and 2106 of this title.

Sections 6904 to 6906, acts Aug. 10, 1956, ch. 1041, 70A Stat. 421, 422, 423; Sept. 7, 1962, Pub. L. 87-649, §14c(48)-(50), 76 Stat. 501, related to officer candidate training program and qualifications and training of members. See chapters 102 and 103 of this title.

#### [§ 6907. Repealed. Pub. L. 87-100, §1(1), July 21, 1961, 75 Stat. 218]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 424, related to retention or transfer to Reserve of officers other than naval aviators under officer candidate training program.

#### [§ 6908. Repealed. Pub. L. 88-647, title III, §301(17), Oct. 13, 1964, 78 Stat. 1072]

Section, act Aug. 10, 1956, 1041, 70A Stat. 424, related to selection of naval aviators for retention of transfer to the Reserve.

#### [§ 6909. Repealed. Pub. L. 96-513, title III, §329, Dec. 12, 1980, 94 Stat. 2896]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 425, related to direct procurement of ensigns and second lieutenants.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 6910. Repealed. Pub. L. 88-647, title III, §301(17), Oct. 13, 1964, 78 Stat. 1072]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 426, authorized payment of expenses of officer procurement program.

#### § 6911. Aviation cadets: grade; procurement; transfer

(a) The grade of aviation cadet is a special enlisted grade in the naval service. Under such regulations as the Secretary of the Navy prescribes, citizens in civil life may be enlisted as, and enlisted members of the naval service with their consent may be designated as, aviation cadets.

(b) Except in time of war or emergency declared by Congress, 20 percent of the aviation cadets procured in each fiscal year shall be pro-