

Pub. L. 109-163, § 515(b)(1)(M), substituted "Navy Reserve" for "Naval Reserve" wherever appearing in text.

1996—Subsec. (c). Pub. L. 104-106 substituted "section 12732" for "section 1332".

1994—Subsec. (a). Pub. L. 103-337, § 1673(c), substituted "12645" for "1005".

Pub. L. 103-337, § 1628(1), inserted "while on the active-duty list" after "to the next higher grade" and "or released from active duty and placed on the reserve active-status list" after "from an active status".

Subsec. (b). Pub. L. 103-337, § 1628(2), struck out "or (f)" after "subsection (a)".

Subsec. (c). Pub. L. 103-337, § 1628(3)(H), designated last sentence as par. (4) and in that sentence substituted "paragraph (1)" for "the first two sentences of this subsection" and struck out "captain or" after "permanent grade of".

Pub. L. 103-337, § 1628(3)(G), designated 4th sentence as par. (3) and in that sentence substituted "paragraph (1)" for "the first two sentences of this subsection".

Pub. L. 103-337, § 1628(3)(F), designated sentence after table as par. (2) and in that sentence substituted "the first sentence of paragraph (1)" for "the first sentence of this subsection".

Pub. L. 103-337, § 1628(3)(E), in table struck out line relating to grades of captain in Navy and colonel in Marine Corps and substituted "28 years" for "26 years".

Pub. L. 103-337, § 1628(3)(D), inserted "while on the active-duty list" after "to the next higher grade" in first sentence.

Pub. L. 103-337, § 1628(3)(C), substituted "major or lieutenant colonel" for "major or above" in two places.

Pub. L. 103-337, § 1628(3)(B), substituted "lieutenant commander or commander" for "lieutenant commander or above" in two places.

Pub. L. 103-337, § 1628(3)(A), inserted "(1)" after "(c)".

Subsec. (e). Pub. L. 103-337, § 1628(4), struck out subsec. (e) which read as follows: "This section does not apply to women reserve officers or to reserve officers in the Nurse Corps."

Subsec. (f). Pub. L. 103-337, § 1628(4), struck out subsec. (f) which provided for transfer or discharge of rear admirals (lower half) in Naval Reserve and brigadier generals in Marine Corps Reserve on completion of 30 years service or five years in grade and for rear admirals in Naval Reserve and major generals in Marine Corps Reserve on completion of 35 years service or five years in grade and provided that rear admirals (lower half) and rear admirals in Naval Reserve and brigadier generals and major generals in Marine Corps Reserve could be considered for early retirement by continuation board. See sections 14508 and 14705 of this title.

Subsec. (g). Pub. L. 103-337, § 1628(4), struck out subsec. (g) which read as follows: "An officer in an active status in the Naval Reserve in the permanent grade of ensign who is found not qualified for promotion to the grade of lieutenant (junior grade), and an officer in an active status in the Marine Corps Reserve in the permanent grade of second lieutenant who is found not qualified for promotion to the grade of first lieutenant, may (unless he is sooner promoted) be eliminated from an active status."

1991—Subsec. (d). Pub. L. 102-190 substituted "W-5" for "W-4".

1985—Subsec. (f)(1), (3). Pub. L. 99-145 substituted "rear admiral (lower half)" for "commodore".

1984—Subsec. (g). Pub. L. 98-525 added subsec. (g).

1981—Subsec. (f)(1), (3). Pub. L. 97-86 substituted "commodore" for "commodore admiral".

1980—Subsec. (b). Pub. L. 96-513, § 337(a)(1), substituted "subsection (a) or (f)" for "subsection (a)".

Subsec. (d). Pub. L. 96-513, § 337(a)(2), substituted "as the years of active commissioned service of any regular officer on the active-duty" for "as any officer in the line on the active" and "or any regular officer on the active-duty list of the Marine Corps" for "or any officer on the active list of the Marine Corps".

Subsec. (e). Pub. L. 96-513, § 337(a)(3), substituted "does not apply to" for "applies to women officers appointed under section 5581 of this title, but not to other".

Subsec. (f). Pub. L. 96-513, § 337(a)(4), added subsec. (f).

1960—Subsec. (c). Pub. L. 86-559 empowered the Secretary to defer the retirement or discharge of officers serving in the grade of lieutenant commander in the Ready Reserve, in the permanent grade of lieutenant commander or above in the Naval Reserve, in the permanent grade of major or above in the Marine Corps Reserve, and in the permanent grade of captain or commander in the Medical Corps, Chaplain Corps, or Dental Corps in the Naval Reserve.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, § 1501(c), Feb. 10, 1996, 110 Stat. 498, provided that the amendment made by that section is effective as of Dec. 1, 1994, and as if included as an amendment made by the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as originally enacted.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1673(c)(1) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, and amendment by section 1628 of Pub. L. 103-337 effective Oct. 1, 1996, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-86 effective Sept. 15, 1981, see section 405(f) of Pub. L. 97-86, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

### **[§ 6390. Repealed. Pub. L. 96-513, title III, § 335, Dec. 12, 1980, 94 Stat. 2898]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 410; May 20, 1958, Pub. L. 85-422, § 11(a)(6)(E), 71 Stat. 131; Oct. 2, 1963, Pub. L. 88-132, § 5(h)(4), 77 Stat. 214; Sept. 8, 1980, Pub. L. 96-342, title VIII, § 813(d)(8), 94 Stat. 1107, related to the retirement at age 62 of officers on the active list of the Navy and officers of the Marine Corps. See section 1251 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.

### **[§§ 6391, 6392. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(b)(3), Oct. 5, 1994, 108 Stat. 2963]**

Section 6391, added Pub. L. 85-861, § 1(144)(B), Sept. 2, 1958, 72 Stat. 1510; amended Pub. L. 86-559, § 1(47), June 30, 1960, 74 Stat. 275; Pub. L. 102-190, div. A, title XI, § 1131(8)(A), Dec. 5, 1991, 105 Stat. 1506; Pub. L. 104-106, div. A, title XV, § 1501(c)(25), Feb. 10, 1996, 110 Stat. 499, related to transfer to Retired Reserve of officers in Naval Reserve or Marine Corps Reserve above chief warrant officer, W-5, on becoming 62 years of age with provisions for deferral of retirement until age 64. See section 14512(b) of this title.

Section 6392, added Pub. L. 100-180, div. A, title VII, § 717(b)(1), Dec. 4, 1987, 101 Stat. 1114; amended Pub. L. 101-189, div. A, title VII, §§ 710(b), 711(b), Nov. 29, 1989, 103 Stat. 1476, 1477, related to retention in active status