

- Sec.
7852. Appointment and enlistment in reserve components.
- 7853. Release from Militia duty upon order to active duty in reserve components.
- 7854. Availability of material for Naval Militia.

§ 7851. Composition

The Naval Militia consists of the Naval Militia of the States, the District of Columbia, Guam, and the Virgin Islands.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486; Pub. L. 109-163, div. A, title X, §1057(a)(11), Jan. 6, 2006, 119 Stat. 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7851	50 U.S.C. 1071.	July 9, 1952, ch. 608, §501, 66 Stat. 500.

AMENDMENTS

2006—Pub. L. 109-163 substituted “States, the District of Columbia, Guam, and the Virgin Islands” for “States, the Territories, and the District of Columbia”.

§ 7852. Appointment and enlistment in reserve components

In the discretion of the Secretary of the Navy, any member of the Naval Militia may be appointed or enlisted in the Navy Reserve or the Marine Corps Reserve in the grade for which he is qualified.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486; Pub. L. 109-163, div. A, title V, §515(b)(1)(W), Jan. 6, 2006, 119 Stat. 3233.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7852	50 U.S.C. 1072.	July 9, 1952, ch. 608, §502, 66 Stat. 500.

This section is written to indicate that the Secretary of the Navy has discretion in authorizing the appointment or enlistment in the Naval Reserve of members of the Naval Militia but does not make such appointments or enlistments. Section 593 of this title, based on 50 U.S.C. 942, 943, provides the manner in which all reserve appointments are made, and §510 of this title, based on 50 U.S.C. 941, 952, 956 provides the authority to enlist persons in the reserve components. As worded, this section removes the conflicting statement of appointing authority, and allows appointments and enlistments to be controlled by these other provisions. The words “rank” and “or rating” are omitted as covered by the word “grade”.

AMENDMENTS

2006—Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

§ 7853. Release from Militia duty upon order to active duty in reserve components

When ordered to active duty, a member of the Navy Reserve or the Marine Corps Reserve who is a member of the Naval Militia is relieved from all service and duty in the Naval Militia from the date of active duty specified in his orders until he is released from active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486; Pub. L. 109-163, div. A, title V, §515(b)(1)(X), Jan. 6, 2006, 119 Stat. 3233.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7853	50 U.S.C. 1073.	July 9, 1952, ch. 608, §503, 66 Stat. 500.

The words “in the service of the United States” are omitted as covered by the definition of “active duty” in §101 of this title. The words “is relieved” are substituted for the words “shall stand relieved”.

AMENDMENTS

2006—Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

§ 7854. Availability of material for Naval Militia

Under regulations prescribed by the Secretary of the Navy, vessels, material, armament, equipment, and other facilities of the Navy and the Marine Corps available to the Navy Reserve and the Marine Corps Reserve may also be made available for issue or loan to any State, the District of Columbia, Guam, or the Virgin Islands for the use of its Naval Militia if—

- (1) at least 95 percent of the members of the portion or unit of the Naval Militia to which the facilities would be made available are members of the Navy Reserve or the Marine Corps Reserve; and
- (2) the organization, administration, and training of the Naval Militia conform to standards prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 486; Pub. L. 109-163, div. A, title V, §515(b)(1)(Y), title X, §1057(a)(12), Jan. 6, 2006, 119 Stat. 3233, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7854	50 U.S.C. 1074.	July 9, 1952, ch. 608, §504, 66 Stat. 500.

The words “are or may be made”, before the word “available”, are omitted as surplusage.

In clause (1) the word “members” is substituted for the word “personnel”.

AMENDMENTS

2006—Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve” and “any State, the District of Columbia, Guam, or the Virgin Islands” for “any State, any Territory, or the District of Columbia” in introductory provisions and substituted “Navy Reserve” for “Naval Reserve” in par. (1).

CHAPTER 661—ACCOUNTABILITY AND RESPONSIBILITY

- Sec.
7861. Custody of departmental records and property.
- 7862. Accounts of paymasters of lost or captured naval vessels.
- 7863. Disposal of public stores by order of commanding officer.

AMENDMENTS

1996—Pub. L. 104-106, div. A, title IX, §913(c)(3)(B)(ii), Feb. 10, 1996, 110 Stat. 411, substituted “Disposal of public stores” for “Disbursements” in item 7863.

1986—Pub. L. 99-433, title V, §514(b)(2), Oct. 1, 1986, 100 Stat. 1054, renumbered items 7861 and 7862 as 7862 and 7863, respectively, and inserted item 7861.

1982—Pub. L. 97-295, §1(51)(D), Oct. 12, 1982, 96 Stat. 1300, substituted “naval” for “public” in item 7861.

§ 7861. Custody of departmental records and property

The Secretary of the Navy has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Navy.

(Added Pub. L. 99-433, title V, § 514(b)(2), Oct. 1, 1986, 100 Stat. 1055.)

PRIOR PROVISIONS

A prior section 7861 was renumbered section 7862 of this title.

§ 7862. Accounts of paymasters of lost or captured naval vessels

When settling the account of a paymaster of a lost or captured naval vessel, the Comptroller General in settling money accounts, and the Secretary of the Navy in settling property accounts, shall credit the account of the paymaster for the amount of provisions, clothing, small stores, and money for which the paymaster is charged that the Comptroller General or Secretary believes was lost inevitably because of the loss or capture. The paymaster is then free of liability for the provisions, clothing, small stores, and money.

(Added Pub. L. 97-258, § 2(b)(12)(B), Sept. 13, 1982, 96 Stat. 1057, § 7861; amended Pub. L. 97-295, § 1(51)(C), Oct. 12, 1982, 96 Stat. 1300; renumbered § 7862, Pub. L. 99-433, title V, § 514(b)(1), Oct. 1, 1986, 100 Stat. 1054.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7861	31:44 (1st sentence).	June 10, 1921, ch. 18, § 304 (1st par. 1st sentence), 42 Stat. 24.
	31:104.	R.S. § 284; Feb. 18, 1875, ch. 80, § 1 (4th complete par. on p. 317), 18 Stat. 317.

The word “naval” is substituted for “belonging to the Navy of the United States” to eliminate unnecessary words. The words “Secretary of the Navy” are substituted for “Paymaster General of the Navy” because of section 1 of the Act of March 29, 1894 (ch. 49, 28 Stat. 47), and 10:5061. The words “the account of the paymaster” are substituted for “him” for clarity. The words “such portion of the”, “on their books”, and “of a public vessel” are omitted as surplus. The words “free of” are substituted for “fully exonerated by such credit from all” to eliminate unnecessary words. The words “so proved to have been captured or lost” are omitted as surplus.

PRIOR PROVISIONS

A prior section 7862 was renumbered section 7863 of this title.

AMENDMENTS

1982—Pub. L. 97-295 substituted “naval” for “public” in section catchline.

§ 7863. Disposal of public stores by order of commanding officer

When settling an account of a disbursing official, the Comptroller General shall allow disposal of public stores the disbursing official made under an order of a commanding officer

when presented with satisfactory evidence that the order was made and that the stores were disposed of as the order provided. The commanding officer is accountable for the disposal.

(Added Pub. L. 97-258, § 2(b)(12)(B), Sept. 13, 1982, 96 Stat. 1057, § 7862; renumbered § 7863, Pub. L. 99-433, title V, § 514(b)(1), Oct. 1, 1986, 100 Stat. 1054; amended Pub. L. 104-106, div. A, title IX, § 913(c)(3)(A), (B)(i), Feb. 10, 1996, 110 Stat. 411; Pub. L. 104-201, div. A, title X, § 1074(a)(20), Sept. 23, 1996, 110 Stat. 2660.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7862	31:44 (1st sentence).	June 10, 1921, ch. 18, § 304 (1st par. 1st sentence), 42 Stat. 24.
	31:106.	R.S. § 285.

The words “disbursing official” are substituted for “disbursing officer” for consistency with other titles of the United States Code. The words “Comptroller General” are substituted for “General Accounting Office” for consistency. The words “of the Navy” are omitted because of the restatement. The words “when presented with” are substituted for “upon” for clarity. The words “by whose order such disbursement or disposal was made” are omitted as surplus.

AMENDMENTS

1996—Pub. L. 104-201 inserted “were” after “the stores” in first sentence.

Pub. L. 104-106, § 913(c)(3)(B)(i), substituted “Disposal of public stores” for “Disbursements” in section catchline.

Pub. L. 104-106, § 913(c)(3)(A), in first sentence, struck out “disbursements of public moneys or” after “Comptroller General shall allow” and “the money was paid or” after “the order was made and that” and, in second sentence, struck out “disbursement or” after “commanding officer is accountable for the”.

CHAPTER 663—NAMES AND INSIGNIA

Sec.

7881. Unauthorized use of Marine Corps insignia.

§ 7881. Unauthorized use of Marine Corps insignia

(a) The seal, emblem, and initials of the United States Marine Corps shall be deemed to be insignia of the United States.

(b) No person may, except with the written permission of the Secretary of the Navy, use or imitate the seal, emblem, name, or initials of the United States Marine Corps in connection with any promotion, goods, services, or commercial activity in a manner reasonably tending to suggest that such use is approved, endorsed, or authorized by the Marine Corps or any other component of the Department of Defense.

(c) Whenever it appears to the Attorney General of the United States that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (b), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.