

“to higher enlisted grades or ratings” are inserted for clarity. The eligibility of retired enlisted men for appointments to warrant and commissioned grades is covered by chapter 539 of this title where the requirements for these appointments are set forth. The words “unless entitled to a higher grade under another provision of law” are inserted to make it clear that retired enlisted members are not precluded by this section from obtaining the benefits of other provisions of law that may give a higher grade to them on their release from active duty.

The provision relating to pay, allowances, and benefits is omitted because it was superseded by §§514 and 516 of the Career Compensation Act of 1949 (37 U.S.C. 314 and 316).

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6484 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8385. Members of the Fleet Reserve and Fleet Marine Corps Reserve: authority to recall

(a) A member of the Fleet Reserve or the Fleet Marine Corps Reserve may be ordered by competent authority to active duty without his consent—

- (1) in time of war or national emergency declared by Congress, for the duration of the war or national emergency and for six months thereafter;
- (2) in time of national emergency declared by the President; or
- (3) when otherwise authorized by law.

(b) In time of peace any member of the Fleet Reserve or the Fleet Marine Corps Reserve may be required to perform not more than two months' active duty for training in each four-year period.

(Aug. 10, 1956, ch. 1041, 70A Stat. 417, §6485; Pub. L. 95-79, title VIII, §805, July 30, 1977, 91 Stat. 333; renumbered §8385, Pub. L. 115-232, div. A, title VIII, §807(b)(17), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 6485 | 34 U.S.C. 854d (1st 87 words of 2d proviso). | June 25, 1938, ch. 690, §205 (1st 87 words of 2d proviso), 52 Stat. 1179; July 9, 1952, ch. 608, §808, 66 Stat. 508. |
| | 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

2018—Pub. L. 115-232 renumbered section 6485 of this title as this section.

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.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8386. 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, §6486; renumbered §8386, Pub. L. 115-232, div. A, title VIII, §807(b)(17), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------------|---|
| 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.

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".

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6486 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

CHAPTER 847—DEATH BENEFITS; CARE OF THE DEAD

Sec. 8392. Disposition of effects.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(2)(A), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 577 of this title as this chapter and item 6522 as 8392.

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

§ 8392. 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, §6522; renumbered §8392, Pub. L. 115-232, div. A, title VIII, §807(b)(18), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

PRIOR PROVISIONS

Prior sections 8392 to 8396 were repealed by Pub. L. 103-337, div. A, title XVI, §1629(c)(1), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996.

Section 8392, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to appointment of adjutant general or assistant adjutant general in reserve commissioned grade in which Federal recognition in Air National Guard was extended. See section 12215(b) of this title.

Section 8393, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531, provided that sea or foreign service not to be required for promotion of reserve commissioned officers in reserve grades.

Section 8394, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to acceptance of promotion by officers of Air National Guard of United States or Air Force Reserve. See section 14309 of this title.

Section 8395, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to appointment of reserve officers in time of war. See section 14317(e) of this title.

Section 8396, added Pub. L. 96-513, title II, §206(b), Dec. 12, 1980, 94 Stat. 2884, provided that this chapter, except section 8353, did not apply to reserve officers on active-duty list.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6522 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

PART III—EDUCATION AND TRAINING

Table with 2 columns: Chap., Sec. 851. Officer Procurement Programs 8411, 852. Training Generally 8431, 853. United States Naval Academy 8451, 855. United States Naval Postgraduate School 8541, 857. Retirement of Civilian Members of the Teaching Staffs of the United States Naval Academy and United States Naval Postgraduate School 8581, 859. Professional Military Education Schools 8591

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(f)(2), Aug. 13, 2018, 132 Stat. 1838, redesignated items for chapters 601 to 609 as 851 to 859 and redesignated section numbers 6901 to 7101 as 8411 to 8591. Section numbers were conformed to the first section appearing in each chapter after renumbering by Pub. L. 115-232 to reflect the probable intent of Congress.

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.