

Public Law 85-155

AN ACT

To improve the career opportunities of nurses and medical specialists of the Army, Navy, and Air Force.

August 21, 1957
[H. R. 2460]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces.

Army Nurse and
Medical Specialist
Act of 1957.

TITLE I—ARMY

SEC. 101. Subtitle B of title 10, United States Code is amended as follows:

(1) Section 3069 is amended to read as follows:

70A Stat. 168.

“§ 3069. Army Nurse Corps: Chief; appointment

“The Army Nurse Corps consists of the Chief of that corps and officers in grades of second lieutenant through colonel. The Secretary of the Army shall appoint the Chief from the officers of the Regular Army in that Corps whose regular grade is above major and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years. She may not be reappointed. Without vacating her regular grade, she is entitled to the temporary grade and the pay and allowances of a colonel while so serving and ranks above all other colonels in that corps.”

(2) Section 3070 is amended to read as follows:

70A Stat. 169.

“§ 3070. Army Medical Specialist Corps: organization; Chief and assistant chiefs

“(a) The Army Medical Specialist Corps consists of the Chief and assistant chiefs of that corps, other officers in grades of second lieutenant through colonel, and the following sections—

“(1) the Dietitian Section;

“(2) the Physical Therapist Section; and

“(3) the Occupational Therapist Section.

“(b) The Secretary of the Army shall appoint the Chief of the Army Medical Specialist Corps from the officers of the Regular Army in that corps whose regular grade is above captain and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years. She may not be reappointed. Without vacating her regular grade, she is entitled to the temporary grade and the pay and allowances of a colonel while so serving, and ranks above all other colonels in that corps.

“(c) The Surgeon General shall appoint three assistant chiefs of the Army Medical Specialist Corps from the officers of the Regular Army in that corps whose regular grade is above captain. Each assistant chief is the chief of a section of that corps. She serves during the pleasure of the Surgeon General, but for not more than four years. She may not be reappointed to the same position. Without vacating her regular grade, each assistant chief is entitled to the temporary grade and the pay and allowances of a lieutenant colonel while so serving and ranks above all other lieutenant colonels in her section.”

70A Stat. 165.

(3) The analysis of chapter 307 is amended by striking out the following item:

“3070. Women’s Medical Specialist Corps: organization; Chief and assistant chiefs.”

and inserting the following item in place thereof:

“3070. Army Medical Specialist Corps: organization; Chief and assistant chiefs.”

70A Stat. 173.

(4) Section 3206 is amended to read as follows:

“§ 3206. Regular Army: commissioned officers on active list; Army Nurse Corps

“(a) The authorized strength of the Army Nurse Corps in commissioned officers on the active list of the Regular Army is 2500.

“(b) Of the authorized strength of the Army Nurse Corps in commissioned officers on the active list of the Regular Army, not more than 5 may be in the regular grade of colonel, and not more than 107 may be in the regular grade of lieutenant colonel.”

70A Stat. 173.

(5) Section 3207 is amended to read as follows:

“§ 3207. Regular Army: commissioned officers on active list; Army Medical Specialist Corps

“(a) The authorized strength of the Army Medical Specialist Corps in commissioned officers on the active list of the Regular Army is 350.

“(b) Of the authorized strength of the Army Medical Specialist Corps in commissioned officers on the active list of the Regular Army, not more than 1 may be in the regular grade of colonel, and not more than 20 may be in the regular grade of lieutenant colonel.”

70A Stat. 171.

(6) The analysis of chapter 331 is amended by striking out the following item:

“3207. Regular Army: commissioned officers on active list; Women’s Medical Specialist Corps.”

and inserting the following item in place thereof:

“3207. Regular Army: commissioned officers on active list; Army Medical Specialist Corps.”

70A Stat. 183.

(7) Section 3288 is amended by inserting the words “section 3291 and” after the words “Except as provided in”.

70A Stat. 183.

(8) Section 3291 is amended to read as follows:

“§ 3291. Commissioned officers: Army Nurse Corps and Army Medical Specialist Corps: original appointment; additional qualifications, grade

“(a) An original appointment in the Regular Army in the Army Nurse Corps or the Army Medical Specialist Corps may be made in the grade of—

“(1) second lieutenant, from women who have performed less than three years of service creditable for promotion under subsection (c), who on the date of nomination have not passed their twenty-seventh birthday, and who are not qualified for appointment in the grade of first lieutenant under clause (2);

“(2) first lieutenant, from women who have performed less than seven years of service creditable for promotion under subsection (c), and who on the date of nomination have not passed their thirtieth birthday; and

“(3) captain, from women who have performed at least seven years of service creditable for promotion under subsection (c), and who on the date of nomination have not passed their thirtieth birthday.

The maximum ages specified in clauses (1) and (2) of this subsection are increased by the period of active commissioned service in the armed forces after December 7, 1941, but not by more than five years.

“(b) To be eligible for appointment in the Army Nurse Corps under this section, a woman must be a graduate of a hospital or university school of nursing and a registered nurse.

“(c) For the purpose of determining years of service creditable for promotion, a person appointed under subsection (a) shall be credited at the time of her appointment with all active commissioned service in the armed forces that she performed after becoming 21 years of age and before her appointment. However, not more than fourteen years of service may be so credited. A person appointed as a commissioned officer under subsection (a) (2) who has not performed at least three years of active commissioned service in the armed forces after December 7, 1941, shall, for the same purposes, be credited with that amount of service.”

(9) The analysis of chapter 335 is amended by striking out the following item:

70A Stat. 180.

“3291. Commissioned officers: Army Nurse Corps and Women’s Medical Specialist Corps: original appointment; additional qualifications, grade.”

and inserting the following in place thereof:

“3291. Commissioned officers: Army Nurse Corps and Army Medical Specialist Corps: original appointment; additional qualifications, grade.”

(10) Section 3296 is amended —

70A Stat. 184.
Promotion lists.

(A) by striking out the words “those of the Army Nurse Corps and the Women’s Medical Specialist Corps,” in the first sentence of subsection (a); and

(B) by striking out the words “, except the Army Nurse Corps and the Women’s Medical Specialist Corps” in subsection (b) (3).

(11) Section 3297 (a) is amended—

70A Stat. 185.
Selection boards.

(A) by striking the period at the end of the last sentence; and

(B) by adding at the end thereof the following new phrase: “, and a selection board considering promotion-list officers of the Army Nurse Corps or the Army Medical Specialist Corps may include promotion-list officers who are in the same corps as the officers being considered by that board and whose regular or temporary grades are above major.”

(12) Section 3298 (b) is amended—

70A Stat. 186.
Promotions.

(A) by striking out the word “Vacancies” and inserting the word “vacancies” in place thereof; and

(B) by inserting at the beginning of that sentence the words “Except for officers of the Army Nurse Corps and the Army Medical Specialist Corps,”.

(13) Section 3299 is amended—

70A Stat. 186.

(A) by striking out the words “subsection (f)” in subsection (a) and inserting the words “subsections (f) and (g)” in place thereof;

(B) by adding at the end of subsection (c): “No officer of the Army Nurse Corps or of the Army Medical Specialist Corps may be promoted under this subsection.”; and

(C) by redesignating subsection (g) as subsection (h) and inserting the following new subsection after subsection (f):

“(g) Promotion-list officers of the Army Nurse Corps and Army Medical Specialist Corps may be promoted to the regular grade of lieutenant colonel in accordance with section 3304 of this title.”

70A Stat. 189.

(14) Section 3304 is amended to read as follows:

“§ 3304. Commissioned officers; Army Nurse Corps and Army Medical Specialist Corps: promotion to lieutenant colonel or colonel

“(a) Having in view the number of actual and anticipated vacancies in the promotion lists of the Army Nurse Corps or the Army Medical Specialist Corps in the regular grade of lieutenant colonel and the number of officers desired in that grade on the applicable promotion list, the Secretary of the Army shall furnish to selection boards lists of all promotion-list officers in the regular grade of major who have completed at least 21 years of service with which they are entitled to be credited for promotion and all promotion-list officers in that grade whose names appear on that promotion list above the name of any officer who has completed that service, in the order in which their names appear on that promotion list. The Secretary may also furnish to the boards the names of promotion-list officers in the regular grade of major who have not completed 21 years of service creditable for promotion, in the order in which their names appear on that promotion list. He shall direct the boards to recommend for promotion to the grade of lieutenant colonel a number prescribed by him, but not in excess of the number of promotions anticipated to be made to that grade within the next two years. The Secretary may not furnish the name of any officer to a board unless he furnishes to it the names of all officers above that officer on that promotion list who are not on a recommended list for promotion to that regular grade. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified.

“(b) Having in view the number of actual and anticipated vacancies in the promotion lists of the Army Nurse Corps or the Army Medical Specialist Corps in the regular grade of colonel and the number of officers desired in that grade on the applicable promotion list, the Secretary of the Army shall furnish to selection boards lists of all promotion-list officers in the regular grade of lieutenant colonel (except those officers who would not be eligible for nomination by reason of subsection (d)) in the order in which their names appear on that promotion list. He shall direct the boards to recommend for promotion to the grade of colonel a number prescribed by him but not in excess of the number of promotions anticipated to be made to that grade within the next two years. The list furnished may not contain the name of any officer who is on a recommended list for promotion to that regular grade. The board shall recommend the prescribed number of those officers whom it considers to be best qualified.

“(c) The names of officers recommended for promotion to the regular grade of lieutenant colonel or colonel shall be entered at the foot of, and carried on, the appropriate permanent recommended list for promotion to those grades in the same order among themselves as on the applicable promotion list. Officers shall be promoted in that order when there is a vacancy in those grades for that list. A vacancy in those grades may be filled at any time. It is not mandatory that the authorized numbers be maintained in the regular grades of lieutenant colonel or colonel on a promotion list.

“(d) An officer must complete at least one year of service in the regular grade of lieutenant colonel before being nominated for promotion to the regular grade of colonel.”

(15) The analysis of chapter 335 is amended by striking out the following item:

70A Stat. 180.

“3304. Commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps: promotion to first lieutenant, captain, major, or lieutenant colonel.”

and inserting the following item in place thereof:

“3304. Commissioned officers; Army Nurse Corps and Army Medical Specialist: promotion to lieutenant colonel or colonel.”

(16) Section 3305 is amended:

70A Stat. 189.

(A) by amending the catchline to read as follows:

“§ 3305. Commissioned officers other than officers in Army Nurse Corps and Army Medical Specialist Corps: promotion to colonel”

(B) by inserting the following new sentence at the end of subsection (a): “No officer of the Army Nurse Corps or Army Medical Specialist Corps may be promoted under this section.”

70A Stat. 180.

(17) The analysis of chapter 335 is amended by striking out the following item:

“3305. Commissioned officers: promotion to colonel.”

and inserting the following item in place thereof:

“3305. Commissioned officers other than officers in Army Nurse Corps and Army Medical Specialist Corps: promotion to colonel.”

(18) Section 3888 is amended—

70A Stat. 223.

(A) by striking out the word “or” appearing after the words “clause (A), (B), (C), (D),” in clause (2) of that section;

Retirement.
Years of service.

(B) by inserting the words “or (F),” after “(E),” in clause (2); and

(C) by inserting the following new clause after clause (2) (E):

“(F) For a commissioned officer appointed in the Army Nurse Corps or Army Medical Specialist Corps, the sum of—

“(i) her years of active commissioned service in the Regular Army after that appointment; and

“(ii) the service credited under sections 101 or 105 of the Army-Navy Nurses Act of 1947 (61 Stat. 41), as amended, or the service credited under section 3291 (c) of this title, as the case may be.”

70A Stat. 225.

(19) Section 3915 is amended to read as follows:

“§ 3915. Twenty-five years: regular majors; Women’s Army Corps, Army Nurse Corps and Army Medical Specialist Corps

“(a) Unless retired or separated at an earlier date, each officer of the Women’s Army Corps whose regular grade is major shall be retired, except as provided by section 47a of title 5, on the thirtieth day after she completes 25 years of service computed under section 3927 (a) of this title.

70 Stat. 933.

“(b) Unless retired or separated at an earlier date, each officer of the Army Nurse Corps and the Army Medical Specialist Corps whose regular grade is major shall be retired, except as provided by section 47a of title 5, on the thirtieth day after she completes 25 years of service computed under section 3927 (a) of this title. However, if her name is carried on a list of officers recommended for appointment to the regular grade of lieutenant colonel, she shall be retained on the active list while her name is so carried. In addition, if the authorized strength of the corps concerned in officers on the active list is not exceeded, the Secretary of the Army may retain her on the active list until she completes 28 years of service computed under section 3927 (a) of this title, in which case she shall be retired, except as provided

70 Stat. 933. by section 47a of title 5, on the thirtieth day after she completes that service.”

70A Stat. 224. (20) The analysis of chapter 367 is amended by striking out the following item:

“3915. Twenty-five years: regular majors; Women’s Army Corps.”

and inserting the following item in place thereof:

“3915. Twenty-five years: regular majors; Women’s Army Corps, Army Nurse Corps and Army Medical Specialist Corps.”

70A Stat. 226. (21) Section 3916 (b) (2) is amended by inserting the words “Army Nurse Corps, or Army Medical Specialist Corps,” after the words “Women’s Army Corps.”

70A Stat. 228. (22) Section 3927 is amended—

(A) by inserting the following new clause immediately after clause (5) in subsection (a):

Retirement.
Years of service.

“(6) For a commissioned officer appointed in the Army Nurse Corps or the Army Medical Specialist Corps, the sum of—

“(A) her years of active commissioned service in the Regular Army after that appointment; and

“(B) the service credited under sections 101 or 105 of the Army-Navy Nurses Act of 1947 (61 Stat. 41), as amended, or the service credited under section 3291 (c) of this title, as the case may be.”;

(B) by striking out the word “or” in subsection (b) (2); and
(C) by inserting the words “, or (6)” after the number “(5)” in subsection (b) (2).

70A Stat. 232. (23) Section 3991 is amended:

(A) by striking out formula “A” of the table therein; and

(B) by redesignating formulas “B”, “C”, “D”, and “E” as formulas “A”, “B”, “C” and “D”, respectively.

Promotion list
position.

SEC. 102. Where two or more officers of the Army Nurse Corps or the Army Medical Specialist Corps have the same regular grade and the same date of rank, their relative position on the applicable promotion list shall be determined as prescribed by the Secretary of the Army.

Restriction.

SEC. 103. An officer of the Army Nurse Corps or Army Medical Specialist Corps who is promoted to a higher regular grade before the date which is one year after the date of the enactment of this Act, may not be retired under title 10, United States Code, sections 3915 (b), 3916, 3919 or 3921 (a), before the date which is two years after the date she is promoted.

Savings clauses.

SEC. 104. (a) This Act does not affect the appointment of an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act.

61 Stat. 43.

(b) This Act does not affect the retired status or retired pay of a person retired under section 108, Army-Navy Nurses Act of 1947, as amended, or any other law.

(c) An officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act does not lose any years of service creditable to her on that date for promotion, computation of basic pay, or other purposes, by the enactment of this Act.

(d) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who is on a recommended list for promotion to a higher regular grade on the effective date of this Act may, if nominated by the President and confirmed by the Senate, be promoted to that grade.

(e) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who, on the effective date of this Act, has been nominated by the President and confirmed by the Senate for appointment to any regular grade, may be appointed in that grade.

SEC. 105. This title may be cited as the "Army Nurse and Medical Specialist Act of 1957."

Short title.

TITLE II—NAVY

SEC. 201. Subtitle C of title 10, United States Code, is amended as follows:

(1) Section 5444 (b) is amended to read as follows:

"(b) The number of officers serving on active duty in the grades of captain and commander in the Nurse Corps may not exceed, respectively, 2/10 of 1 per cent and 5 per cent of the number of officers serving on active duty in that corps."

70A Stat. 304.
Staff corps of
officers.
Active duty.

(2) Section 5444 (c) is amended by—

(A) adding the word "and" after the semicolon in clause (1), and striking out clauses (2) and (3) and inserting in place thereof the following clause:

"(2) the number of captains and commanders authorized under this section for the Nurse Corps.";

(B) striking out in the third sentence the words "in the grade of captain in the Medical Service Corps, or in the grade of commander or lieutenant commander in the Nurse Corps" and inserting in place thereof the words "or in the grade of captain or commander in the Nurse Corps"; and

(C) striking out in the last sentence the word "commander" and the words "lieutenant commander" and inserting in place thereof the word "captain" and the word "commander", respectively.

(3) Section 5444 (e) is amended by striking out the last sentence.

(4) Section 5449 is amended by—

(A) repealing subsection (c) and relettering subsections (d), (e), and (f), as (c), (d), and (e), respectively;

(B) amending the first sentence of present subsection (d) to read as follows: "The number of officers on the active list of the Navy in the Nurse Corps holding permanent appointments in the grades of captain and commander may not exceed, respectively, 2/10 of 1 per cent and 5 per cent of the number of officers on the active list of the Navy in that Corps."; and

(C) striking out in the last sentence of present subsection (e) the words "lieutenant commander" and the word "commander" and inserting in place thereof the word "commander" and the word "captain", respectively.

70A Stat. 311.
Permanent grade.

(5) Section 5702 is amended by—

(A) striking out in clause (2) of subsection (a) the words "each corps and each grade" and inserting in place thereof the words "each corps, other than the Medical Service Corps and the Nurse Corps, and for each grade";

(B) adding to subsection (a) the following clauses:

"(3) A board for the Medical Service Corps to recommend captains for continuation on the active list, and a board for the Nurse Corps to recommend captains and commanders for continuation on the active list, each consisting of not less than three or more than six officers of the Regular Navy in the Medical Corps serving in the grade of rear admiral.

70A Stat. 337.
Selection boards.

"(4) A board for the Medical Service Corps, for each grade, to recommend commanders, lieutenant commanders, lieutenants, and lieutenants (junior grade) for promotion to the next higher grade, each consisting of not less than six or more than nine officers serving in the grade of captain or above, of whom two-thirds shall be officers in the Medical Corps and one-third officers in the Medical Service Corps, except that when officers in the Medical Service Corps in dental specialties are eligible for consideration for promotion the membership of the board shall include, in lieu of one of the officers in the Medical Corps, an officer in the Dental Corps serving in the grade of captain or above.

"(5) A board for the Nurse Corps to recommend commanders for promotion to captain, consisting of not less than six or more than nine officers serving in the grade of captain or above, of whom two-thirds shall be officers in the Medical Corps and one-third officers in the Nurse Corps unless there are insufficient officers of the Nurse Corps available to serve in which case the Secretary shall complete the minimum required membership by the appointment of officers in the Medical Corps serving in the grade of captain or above.

"(6) A board for the Nurse Corps, for each grade, to recommend lieutenant commanders, lieutenants, and lieutenants (junior grade) for promotion to the next higher grade, each consisting of not less than six or more than nine officers of whom two-thirds shall be officers in the Medical Corps serving in the grade of captain or above and one-third officers in the Nurse Corps serving in the grade of captain or commander.";

(C) amending subsection (b) to read as follows:

"(b) Each board convened under this section to consider officers in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, or the Dental Corps shall consist of officers in the corps concerned, and each board convened under this section to consider officers of the Medical Service Corps or the Nurse Corps shall consist of officers in the corps indicated in subsection (a). Except as provided in subsections (c) and (d), each board convened under this section shall consist of officers of the Regular Navy on the active list or the retired list.";

(D) amending subsection (c) by striking out the word "When" and inserting in place thereof the words "Except as provided in subsection (a), when"; and

(E) amending the second sentence of subsection (e) to read as follows: "However, boards to recommend officers in the Nurse Corps for promotion to the grades of captain and commander need not be convened unless there is a vacancy in the grade concerned or the Secretary estimates or determines that a vacancy will occur during the next 12 months."

(6) Section 5707 (a) is amended by repealing clause (3) and renumbering clauses (4), (5), (6), and (7) as (3), (4), (5), and (6), respectively.

(7) Section 5708 is amended by—

(A) repealing clause (5) of subsection (b) and renumbering clauses (6), (7), and (8), as (5), (6), and (7), respectively; and

(B) striking out in clause (2) of subsection (c) the words "lieutenant (junior grade)" and inserting in place thereof the words "lieutenant or lieutenant (junior grade)".

(8) Section 5753 (b) is amended to read as follows:

"(b) Officers in the Medical Corps, the Chaplain Corps, the Dental Corps, the Medical Service Corps, and the Nurse Corps, in the grades of lieutenant and lieutenant (junior grade), except officers in those

Promotions.
70A Stat. 341.

Reports; certification.
70A Stat. 342.

70A Stat. 347.
Eligibility.

corps appointed under section 5590 of this title, are eligible for consideration for promotion to the next higher grade by a selection board convened under chapter 543 of this title when they are in the promotion zone or are senior to the officers in the promotion zone in the grade in which they are serving."

(9) Section 5762 is amended by—

(A) striking out in the first sentence of subsection (a) the words "or the Dental Corps, or the grade of commander in the Medical Service Corps" and inserting in place thereof the words "Dental Corps, or the Medical Service Corps";

(B) repealing subsection (b) and relettering subsections (c), (d), (e), and (f) as (b), (c), (d), and (e), respectively;

(C) striking out in present subsection (e) the words "or the Medical Service Corps" and inserting in place thereof the words "the Medical Service Corps, or the Nurse Corps";

(D) striking out in subsection (f) the words "commander or lieutenant commander" and inserting in place thereof the words "captain or commander"; and

(E) repealing subsection (g).

(10) Section 5773 is amended by amending the first sentence of subsection (c) to read as follows: "Each commander and lieutenant commander in the Nurse Corps, whose name is placed on a promotion list under subsection (a), may be promoted to the grade for which selected when a vacancy for her occurs in that grade."

(11) Section 5775 is amended by striking out in subsection (e) the words "Each officer in the Medical Service Corps who is promoted to the grade of captain and each officer in the Nurse Corps who is promoted to the grade of commander or lieutenant commander" and inserting in place thereof the words "Each officer in the Nurse Corps who is promoted to the grade of captain or commander".

(12) Section 5776 is amended by striking out in subsection (d) the words "in the grade of lieutenant commander or lieutenant".

(13) Section 5782 is amended by amending subsection (d) to read as follows:

"(d) Notwithstanding subsections (b) and (c), no officer may be permanently appointed in the grade of captain or commander in the Nurse Corps unless there is a vacancy for her in the grade in that corps as determined by computations made under section 5449 of this title."

(14) The analysis of chapter 573 is amended by striking out the following items:

"6377. Regular Navy, line captains restricted in performance of duty and staff corps captains; Regular Marine Corps, colonels designated for supply duty: retirement for length of service.

"6378. Regular Navy, line captains restricted in performance of duty and staff corps captains; Regular Marine Corps, colonels designated for supply duty: continuation on active list; retirement."

and inserting in place thereof the following items:

"6377. Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders; Regular Marine Corps, colonels designated for supply duty: retirement for length of service or for age.

"6378. Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders; Regular Marine Corps, colonels designated for supply duty: continuation on active list; retirement."

70A Stat. 327.

70A Stat. 336.

70A Stat. 351.

70A Stat. 359.

Pay and allow-
ances.
70A Stat. 359.

Failure of selec-
tion.
70A Stat. 361.
Permanent pro-
motion.
70A Stat. 363.

70A Stat. 398.

70A Stat. 402.

(15) Section 6377 is amended by—

(A) changing the caption to read as follows:

“Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders; Regular Marine Corps, colonels designated for supply duty: retirement for length of service or for age”

(B) striking out in subsection (b) the words “Medical Service Corps” and inserting in place thereof the words “Nurse Corps”;

(C) amending subsection (c) to read as follows:

Retirement.

“(c) If not continued on the active list under section 6378 of this title, each officer serving in the grade of captain on the active list of the Navy in the Nurse Corps shall be retired on June 30 of the fiscal year in which she becomes 55 years of age or completes 30 years of active service as computed under section 6388 of this title, whichever is earlier.”;

70A Stat. 409.

(D) inserting between subsection (c) and (d) the following new subsection and relettering subsection (d) as (e):

“(d) If not on a promotion list and if not continued on the active list under section 6378 of this title, each officer serving in the grade of commander on the active list of the Navy in the Nurse Corps shall be retired on June 30 of the fiscal year in which she becomes 55 years of age or completes 30 years of active service as computed under section 6388 of this title, whichever is earlier.”

(E) amending present subsection (d) by striking out the words “subsections (a), (b), and (c)” and inserting in place thereof the words “subsections (a) and (b)”.

70A Stat. 403.

(16) Section 6378 is amended by—

(A) changing the caption to read as follows:

“Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders; Regular Marine Corps, colonels designated for supply duty: continuation on active list; retirement”

(B) striking out in the first sentence of subsection (a) the words “except the Medical Service Corps,” and inserting in place thereof a comma and the words “each officer serving in the grade of commander on the active list of the Navy in the Nurse Corps.”;

(C) striking out in the second sentence of subsection (a) the words “captain or colonel” and inserting in place thereof the words “captain, colonel, or commander”; and

(D) amending clause (7) of subsection (b) to read as follows:

“(7) The number of captains in the Medical Corps, the Dental Corps, the Medical Service Corps and the Nurse Corps, and the number of commanders in the Nurse Corps, that the Secretary of the Navy determines to be necessary to meet the needs of the service.”

70A Stat. 404.

(17) Section 6379 is amended by—

(A) striking out in subsection (a) the words “or an officer in the Medical Service Corps”; and

(B) amending subsection (b) to read as follows:

“(b) This section does not apply to officers in the Nurse Corps.”

70A Stat. 404.

(18) Section 6381 is amended by inserting after subsection (b) the following new subsection:

Retired pay.

“(c) The retired pay under this section of an officer in the Nurse Corps may not be less than 50 per cent of the basic pay upon which the computation of retired pay is based.”

70A Stat. 405.

(19) Section 6382 is amended by inserting in subsection (b) after the words “lieutenant (junior grade)” a comma and the words “except an officer of the Nurse Corps.”.

(20) Section 6388 is amended by striking out in subsection (d) in the first sentence the words "of the preceding sections" and the words "serving in the grade of lieutenant (junior grade)", and in the second sentence the words "of the preceding sections".

Computation of service.
70A Stat. 409.

(21) Section 6395 is amended by—

Discharge for unsatisfactory service.
70A Stat. 411.

(A) striking out in clause (3) of subsection (h) the words "serving in the grade of lieutenant (junior grade)"; and

(B) repealing clause (4) of subsection (h) and renumbering clause (5) as clause (4).

(22) Section 6396 is amended by—

70A Stat. 413.

(A) amending subsection (a) to read as follows:

"(a) An officer on the active list of the Navy serving in the grade of lieutenant commander in the Nurse Corps shall, subject to the provisions of section 5777 of this title, be retired on June 30 of the fiscal year in which she becomes 55 years of age or completes 30 years of service computed under section 6388 of this title, whichever is earlier.";

70A Stat. 361.

(B) amending subsection (b) to read as follows:

70A Stat. 409.

"(b) An officer on the active list of the Navy serving in a grade below lieutenant commander in the Nurse Corps shall, subject to section 5777 of this title, be retired on June 30 of the fiscal year in which she becomes 50 years of age or completes 20 years of service computed under section 6388 of this title, whichever is later."

(C) repealing subsection (c) and relettering subsection (d) as (c);

(D) amending clause (2) of present subsection (d) by striking out the phrase "more than 75 per cent" and inserting in place thereof the phrase "more than 75 per cent or less than 50 per cent".

(23) Section 5140 (a) is amended by striking out in the first sentence the words "commander or lieutenant commander" and inserting the words "lieutenant commander or above" in place thereof.

Nurse Corps director.
70A Stat. 287.

SEC. 202. Notwithstanding the provisions of section 5762 (e) of title 10, United States Code, as amended by this Act, for one year after the effective date of this Act, the number of officers in the Nurse Corps that may be recommended for promotion to the grade of lieutenant commander, which the Secretary of the Navy may furnish a selection board convened under chapter 543 of title 10, United States Code, may be a number equal to the number of lieutenants in the Nurse Corps in and senior to the promotion zone for that grade, minus the number of officers of that grade on the promotion list.

Numbers recommended for promotion.

SEC. 203. (a) A woman officer appointed in the Medical Service Corps of the Navy before the effective date of this Act may, upon her application, made not later than January 30, 1958, be reappointed in that corps under section 5579 of title 10, United States Code, notwithstanding the limitations specified therein with regard to age or grade. The provisions of law applicable to male officers appointed under that section are applicable to a woman officer so reappointed.

Reappointments.

(b) A woman officer reappointed in the Medical Service Corps of the Navy under subsection (a) shall be reappointed in her permanent grade with date of rank held by her at the time of reappointment. The running mate of a woman officer so reappointed shall be an eligible male line officer of the Navy of appropriate precedence assigned by the Secretary of the Navy. Officers so reappointed who at time of reappointment had to their credit leave accrued, but not taken, shall not, by reason of reappointment lose such accrued leave.

70A Stat. 323.

(c) A woman officer appointed in the Medical Service Corps of the Naval Reserve before the effective date of this Act is considered for all purposes to have been appointed under section 5581 of title 10, United States Code. Such an officer shall be assigned a running mate in the same manner as is provided for a male officer appointed in the Medical Service Corps of the Naval Reserve.

70A Stat. 323.

TITLE III—AIR FORCE

SEC. 301. Subtitle D of title 10, United States Code, is amended as follows:

70A Stat. 499.

(1) Section 8206 is amended to read as follows:

“§ 8206. Regular Air Force: Commissioned officers on active list; Air Force nurses

“(a) The authorized strength in Air Force nurses on the active list of the Regular Air Force is as prescribed by the Secretary of the Air Force within the authorized strength of the Regular Air Force in commissioned officers on the active list.

“(b) Of the authorized strength of the Air Force in Air Force nurses on the active list of the Regular Air Force, not more than five may be in the regular grade of colonel, and not more than one hundred and seven may be in the regular grade of lieutenant colonel.”

70A Stat. 499

(2) Section 8207 is amended to read as follows:

“§ 8207. Regular Air Force: Commissioned officers on active list; medical specialists

“(a) The authorized strength in Air Force medical specialists on the active list of the Regular Air Force is as prescribed by the Secretary of the Air Force within the authorized strength of the Regular Air Force in commissioned officers on the active list.

“(b) Of the authorized strength in medical specialists on the active list of the Regular Air Force, not more than one may be in the regular grade of colonel, and not more than twenty may be in the regular grade of lieutenant colonel.”

Strength.
70A Stat. 501.
Appointment.
70A Stat. 507.

(3) Section 8212 is amended by striking out the figure “8304.”

(4) Section 8285 is amended by adding the following sentence at the end thereof: “In addition, to be eligible for original appointment with a view to designation as an Air Force nurse, a person must be a graduate of a hospital or university school of nursing and a registered nurse.”

Age limitations.
70A Stat. 507.

(5) Section 8286 is amended—

(A) by striking out in subsection (a) the words “8291 or”; and

(B) by adding the following new subsection at the end thereof:

“(c) This section does not apply to persons appointed with a view to designation as an Air Force nurse or medical specialist.”

70A Stat. 508.
Service credit.

(6) Section 8287 is amended—

(A) by striking out in subsection (a) the words “except a person” and inserting in place thereof the words “except as provided in subsection (b) of this section and except for persons”; and

(B) by inserting the following new subsection after subsection (a):

“(b) For the purposes set forth in subsection (a), a person originally appointed in a commissioned grade in the Regular Air Force with a view to designation as an Air Force nurse or medical specialist shall be credited, at the time of her appointment, with all active commissioned service in the Armed Forces after December 6, 1941, that she performed after becoming 21 years of age and before her appointment. However, not more than 14 years of service may be so credited. For the same purposes, a person who is originally appointed in the grade of first lieutenant under section 8288 (b) of this title and who has not performed at least three years of active commissioned service in the armed forces after December 6, 1941, shall be credited with that amount of service.”

70A Stat. 508.

(C) by redesignating present subsections (b), (c), (d), and (e) as “(c)”, “(d)”, “(e)”, and “(f)”, respectively.

(7) Section 8288 is amended—

(A) by inserting “(a)” at the beginning thereof;

(B) by inserting before the words “section 8294” the words “subsection (b) of this section and”;

(C) by inserting after the words “section 8287” the designations “(a), (c), (d), or (e)”;

(D) by adding the following new subsection at the end thereof:

“(b) Based on the service credited under section 8287 (b) of this title, the commissioned grade in which an Air Force nurse or medical specialist is originally appointed in the Regular Air Force is:

“(1) For persons with less than three years of service who on the date of nomination have not passed their twenty-seventh birthday and who are not qualified under clause (2)—second lieutenant.

“(2) For persons with less than seven years of service who are qualified under regulations prescribed by the Secretary of the Air Force and who on the date of nomination have not passed their thirtieth birthday—first lieutenant.

“(3) For persons with at least seven years of service who on the date of nomination have not passed their thirty-ninth birthday—captain.

The maximum ages specified in clauses (1) and (2) of this subsection are increased by the period of active commissioned service which the member performed in the armed forces after December 6, 1941, but not by more than five years.”

(8) The last sentence of section 8297 (a) is amended to read as follows: “However, a selection board considering—

“(1) Under section 8300 (a) or (b) of this title female promotion list officers other than those designated under section 8067 of this title, may include female promotion list officers who are not designated under that section, who are senior in regular grade, to and who outrank, any female officer being considered by that board; and

“(2) Air Force nurses or medical specialists, may include Air Force nurses or medical specialists, as the case may be, in a temporary or regular grade above major.”

(9) Section 8298 (b) is amended by adding the following new sentence at the end thereof: “This subsection does not apply to Air Force nurses or medical specialists.”

(10) Section 8299 is amended—

(A) by inserting in subsection (a) after the words “subsection (f)” the words “or (g)”;

(B) by inserting the following new sentence at the end of subsection (c): “This subsection does not apply to the promotion of Air Force nurses or medical specialists to the grade of captain, major, or lieutenant colonel.”

(C) by inserting the following new subsection after subsection (f):

“(g) Air Force nurses and medical specialists may be promoted to the regular grade of lieutenant colonel in the manner prescribed in section 8305 of this title to fill vacancies in the number authorized for that grade by the Secretary. Whenever a selection board is considering Air Force nurses or medical specialists for promotion to the regular grade of lieutenant colonel, the Secretary shall furnish to the board the name of each Air Force nurse or medical specialist, as the case may be, in the regular grade of major who has completed at least 21 years of service with which she is entitled to be credited for promotion purposes, and the names of all of those officers in that regular grade whose names appear on the applicable promotion list above the name of any

70A Stat. 508.
Grade determination.

Age limitations.

70A Stat. 510.
Selection boards.

Promotions.
70A Stat. 511.

70A Stat. 511.

officer who has completed at least 21 years of that service. In addition, he may furnish to the board, in the order in which their names appear on the applicable promotion list, the names of any other Air Force nurses or medical specialists, as the case may be, in the regular grade of major who have not completed 21 years of that service."

(D) by redesignating present subsection (g) as "(h)".

70A Stat. 512.

(11) Section 8300 is amended by adding the following new subsection at the end thereof:

"(d) This section does not apply to the promotion of Air Force nurses or medical specialists to the regular grade of lieutenant colonel."

70A Stat. 513.

(12) Section 8301 (b) is amended to read as follows:

"(b) This section does not apply to the promotion of Air Force nurses or medical specialists to the regular grade of lieutenant colonel."

70A Stat. 514.

(13) Section 8303 is amended by adding the following new subsection at the end thereof:

"(f) This section does not apply to Air Force nurses or medical specialists being considered for promotion to the regular grade of lieutenant colonel."

70A Stat. 516.

(14) Section 8305 is amended—

(A) by amending subsection (g) to read as follows:

"(g) Air Force nurses and medical specialists may be promoted under this section only to fill vacancies in the number authorized for that grade by the Secretary."

(B) by adding the following new subsection at the end thereof:

"(h) This section does not apply to female officers on the Air Force promotion list who are not designated under section 8067 of this title."

70A Stat. 506.

(15) The analysis of chapter 835 is amended by striking out the following items:

"8291. Commissioned officers; Air Force nurses and women medical specialists: original appointment; additional qualifications, grade."; and

"8304. Commissioned officers; Air Force nurses and women medical specialists: promotion to first lieutenant, captain, major, lieutenant colonel, or colonel."

Retirement.
70A Stat. 547.

(16) Section 8888 is amended—

(A) by inserting the following new clause after clause (2) (B):

"(C) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air force after her appointment in the Regular Air Force."

(B) by striking out in present clause (2) (D) the words "(A) or (C)" and inserting in place thereof the words "(A), (C), or (D)";

(C) by striking out in present clause (2) (E) the words "clause (B)" and inserting in place thereof the words "clause (B) or (C)"; and

(D) by redesignating present clauses (C), (D), and (E) as "(D)", "(E)", and "(F)", respectively.

70A Stat. 546.

(17) The analysis of chapter 865 is amended by striking out the following items:

"8881. Age 50: Regular Air Force nurses and women medical specialists below major.

"8882. Age 55: Regular Air Force nurses and women medical specialists above captain."; and

"8887. Computation of years of service: discretionary retirement; Regular Air Force nurses and women medical specialists."

(18) Section 8915 is amended—

(A) by inserting “(a)” at the beginning thereof;

(B) by striking out the words “section 8067” and inserting in place thereof the words “section 8067 (a)-(d) or (g)-(i)”; and

(C) by adding the following new subsection at the end thereof:

“(b) The Secretary of the Air Force may defer the retirement under this section of any Air Force nurse or medical specialist in the regular grade of major until the thirtieth day after she completes 28 years of service computed under section 8927 (a) of this title.”

(19) Section 8916 (a) is amended by striking out the words “, except an Air Force nurse or a woman medical specialist,”.

(20) Section 8927 (a) is amended—

(A) by inserting the following new clause after clause (2):

“(3) For an Air Force nurse or medical specialist, the period of service credited to her under the Army-Navy Nurses Act of 1947, as amended, or credited to her under section 8287 (b) of this title at the time of her appointment, plus her years of active commissioned service in the Regular Air Force after her appointment in the Regular Air Force.”

(B) by striking out in present clause (4) the words “(1) or (3)” and inserting in place thereof the words “(1), (3), or (4)”;

(C) by striking out in present clause (5) the words “clause (2)” and inserting in place thereof the words “clause (2) or (3)”;

and

(D) by redesignating present clauses (3), (4), and (5) as “(4)”, “(5)”, and “(6)”, respectively.

(21) The analysis of chapter 867 is amended—

(A) by striking out the following items:

“8912. Twenty years or more: Regular Air Force nurses and women medical specialists.”;

“8915. Twenty-five years: female majors except those designated under section 8067 of this title.”; and

“8928. Computation of years of service: voluntary retirement; Regular Air Force nurses and women medical specialists.”; and

(B) by inserting the following new item:

“8915. Twenty-five years: female majors except those designated under section 8067 (a)-(d) or (g)-(i) of this title.”

(22) Section 8991 is amended—

(A) by striking out formula “A” of the table therein; and

(B) by redesignating formulas “B”, “C”, “D”, and “E” as “A”, “B”, “C”, and “D”, respectively.

SEC. 302. The Secretary of the Air Force may convene boards of officers to review the records and compute the service of each Air Force nurse or medical specialist who is on the active list of the Regular Air Force on the effective date of this Act, in order to adjust the service credited to each of them to reflect the service authorized to be credited under section 8287 (b) of title 10, United States Code. When that adjustment is made, the officers whose credit is so adjusted shall be given precedence for promotion purposes in accordance with their adjusted dates of rank. If, as a result of readjustment of service credit under this section, an officer becomes eligible for promotion, she shall be considered for promotion by the next selection board considering officers of her grade and category. If she is promoted on the recommendation of that board, her date of regular grade and her position on the applicable promotion list shall be adjusted to reflect her increased service.

SEC. 303. An Air Force nurse or medical specialist who is promoted to a higher regular grade within one year after the effective date of this Act and who would otherwise be retired under chapter 865 or 867

Retirement.
70A Stat. 550.

70A Stat. 550.

70A Stat. 553.

70A Stat. 548.

Retired pay.
70A Stat. 556.

Service credit
adjustment.

70A Stat. 508.

Retirement date.

of title 10, United States Code, before that date which is two years after the date she is promoted, may not be retired under either of those chapters until that date which is two years after the date she is promoted.

Savings clauses.

SEC. 304. This Act does not affect—

(1) the appointment of an Air Force nurse or medical specialist on the active list of the Regular Air Force on the effective date of this Act; or

61 Stat. 41.

(2) the status or retired pay of any person retired under section 108 of the Army-Navy Nurses Act of 1947, as amended, or any other provision of law.

SEC. 305. Notwithstanding any other provision of law—

(1) an Air Force nurse or medical specialist who is on a recommended list for promotion to a higher regular grade on the effective date of this Act may, if nominated by the President and confirmed by the Senate, be promoted to that grade; and

(2) an Air Force nurse or medical specialist who, on the effective date of this Act, has been nominated by the President and confirmed by the Senate for promotion to a higher regular grade, may be promoted to that grade.

TITLE IV

SEC. 401. Title 10, United States Code, is amended as follows:

Repeals.
70A Stat. 222,
509.

(1) Sections 3881, 3882, 3887, 3912, 3928, 8291, 8298 (c), 8299 (h), 8304, 8881, 8882, 8887, 8912, and 8928 are repealed.

(2) The analysis of chapter 365 is amended by striking out the following items:

“3881. Age 50: regular commissioned officers below major; Army Nurse Corps and Women’s Medical Specialist Corps.”;

“3882. Age 55: regular commissioned officers above captain; Army Nurse Corps and Women’s Medical Specialist Corps.”; and

“3887. Computation of years of service: discretionary retirement; regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps.”

70A Stat. 224.

(3) The analysis of chapter 367 is amended by striking out the following items:

“3912. Twenty years or more: regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps.”; and

“3928. Computation of years of service: voluntary retirement; regular commissioned officers; Army Nurse Corps and Women’s Medical Specialist Corps.”

Approved August 21, 1957.

Public Law 85-156

AN ACT

August 21, 1957
[H. R. 5492]

To amend the Act of August 31, 1954 (68 Stat. 1044) to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 31, 1954 (68 Stat. 1044), is hereby amended by striking out the year “1957”, and inserting in lieu thereof the year “1960”.

43 USC 485b
note.

Approved August 21, 1957.