

on the basis of one-twelfth of a year for each whole calendar month that the employee has been on the rolls. Upon the appointment of any such employee to a regular position he shall be placed in the salary grade to which he would have progressed had his original appointment been made to a regular position of grade 1, plus four grades, and the progression shall be computed on the basis of years of substitute service as herein provided. Any fractional part of a year's substitute service accumulated since the last compensation increase as a substitute shall be included with the regular service as a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position: *Provided*, That no substitute shall be appointed to a higher grade of a regular position than the highest grade to which employees may progress through annual promotions: *Provided further*, That upon appointment of a substitute employee to a regular position he shall not be placed in or promoted to a grade higher than the grade to which he would have progressed, including benefits authorized by section 23 of Public Law 134, approved July 6, 1945, had his original appointment been to a regular position of grade 1: *And provided further*, That employees shall not be allowed credit for service performed under temporary or war-service appointments except when such service is continuous to the date of appointment as a classified substitute or regular employee."

Approved April 15, 1947.

[CHAPTER 38]

AN ACT

To establish a permanent Nurse Corps of the Army and the Navy and to establish a Women's Medical Specialist Corps in the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Army-Navy Nurses Act of 1947".

TITLE I

ARMY NURSES AND WOMEN'S MEDICAL SPECIALIST CORPS

SEC. 101. (a) Effective the date of enactment of this Act, there is established in the Medical Department of the Regular Army an Army Nurse Corps, which shall perform such services as may be prescribed by the Secretary of War. The authorized strength of the Army Nurse Corps, Regular Army, shall be in the ratio of six members thereof to every one thousand persons of the total authorized strength of the Regular Army, but not less than a minimum authorized strength of two thousand five hundred and fifty-eight members. The Army Nurse Corps, Regular Army, shall consist of officers in the grades of second lieutenant to lieutenant colonel, inclusive: *Provided*, That the number of lieutenant colonels on active duty shall at no time exceed seven-tenths per centum, and the number of majors on active duty shall at no time exceed $1\frac{9}{16}$ per centum, of the authorized Regular Army officer strength of such corps.

(b) From the officers permanently commissioned in such Army Nurse Corps, in permanent grade of major or above, and upon the recommendation of the Surgeon General of the Army, the Secretary of War shall appoint the Chief of the Army Nurse Corps, who shall serve as such Chief during his pleasure for a term not to exceed four years and shall not be reappointed, and who, without vacation of her permanent grade, shall have the temporary rank, pay, and allowances of a colonel while so serving.

Restrictions.

59 Stat. 460.
39 U. S. C. § 873.

April 16, 1947
[H. R. 1943]
[Public Law 36]

Army-Navy Nurses
Act of 1947.

Army Nurse Corps.

Authorized strength.

Members; grades.

Restrictions.

Chief of Army
Nurse Corps.

Appointment of
commissioned officers.

(c) Commissioned officers of the Army Nurse Corps, Regular Army, shall be appointed by the President, by and with the advice and consent of the Senate, from female citizens of the United States who have attained the age of twenty-one years. Original appointments other than appointments made under sections 103, 104, and 105 shall be made only in the grade of second lieutenant from female persons not over twenty-eight years of age on the date of nomination by the President, who are graduates of hospital or university training schools, who are registered nurses, and who possess such physical and other qualifications as may be prescribed by the Secretary of War.

Women's Medical
Specialist Corps.

SEC. 102. (a) Effective the date of enactment of this Act, there is established in the Medical Department of the Regular Army, a Women's Medical Specialist Corps, which shall consist of a Dietitian Section, a Physical Therapist Section, and an Occupational Therapist Section, and which shall perform such services as may be prescribed by the Secretary of War. The authorized strength of the Women's Medical Specialist Corps, Regular Army, shall be in the ratio of nine-tenths of a member thereof to every one thousand persons in the total authorized strength of the Regular Army, but not less than a minimum authorized strength as follows: Twenty-four officers in permanent commissioned grade of major and three hundred and eighty-five other officers in permanent commissioned grades of captain to second lieutenant, inclusive. Any increase over and above the aforesaid minimum authorized strength shall be in permanent commissioned grades of captain to second lieutenant, inclusive.

Authorized strength.

Increase of strength.

Chief of Women's
Medical Specialist
Corps.

(b) From the officers permanently commissioned in such Women's Medical Specialist Corps, the Secretary of War shall appoint (1) the Chief of the Women's Medical Specialist Corps, who shall serve as such Chief during his pleasure, and who, without vacation of her permanent grade, shall have the temporary rank, pay, and allowances of a colonel while so serving and (2) three Assistant Chiefs of the Women's Medical Specialist Corps, who shall be the chiefs of the sections of the Women's Medical Specialist Corps, to serve as such Assistant Chiefs during his pleasure, and who, without vacation of their permanent grades, shall have the temporary rank, pay, and allowances of a lieutenant colonel while so serving.

Assistant Chiefs.

Appointment of
commissioned officers.

(c) Commissioned officers of the Women's Medical Specialist Corps, Regular Army, shall be appointed by the President, by and with the advice and consent of the Senate, from female citizens of the United States, who have attained the age of twenty-one years. Original appointments other than appointments under sections 103, 104, and 105 hereof shall be made only in the grade of second lieutenant from female persons not over twenty-eight years of age on the date of nomination by the President and who possess such physical and other qualifications as may be prescribed by the Secretary of War.

Time limitation.

SEC. 103. (a) Prior to a date one year following the date of enactment of this Act, each of the persons specified below shall be tendered an appointment as a commissioned officer in the Army Nurse Corps, Regular Army, established by this Act, in a grade as prescribed in section 104 hereof.

This provision applies to each person who, on the date of enactment of this Act, is serving honorably on active duty as a member, other than as Reserve nurse, of the Army Nurse Corps created by chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, regardless of whether such person is also serving under an appointment made pursuant to the Act of June 22, 1944 (58 Stat. 324), and regardless of the age of such person.

10 U. S. C. §§ 161-
163, 782, 783, 850.

50 U. S. C. app.
§§ 1501-1598.

Qualifications.

(b) Until a date one year following the date of enactment of this Act any person who is a female citizen of the United States, who is

over twenty-one years of age, and who meets the physical and other qualifications prescribed by the Secretary of War, may be appointed a commissioned officer in the Army Nurse Corps, or the Women's Medical Specialist Corps, Regular Army, established by this Act, in a grade as prescribed in section 104 hereof: *Provided*, That a person appointed a commissioned officer in the Army Nurse Corps under this provision shall not have attained the age of thirty-five on the date of nomination by the President, shall be otherwise qualified and, during any of the wars in which the United States is presently engaged, shall have served honorably on active duty as a commissioned officer of the Army of the United States, pursuant to the Act of June 22, 1944 (58 Stat. 324), or as a member, including the status of Reserve nurse, of the Army Nurse Corps created by chapter V of the Act of July 9, 1918 (40 Stat. 879): *Provided further*, That no person shall be appointed a commissioned officer in the Women's Medical Specialist Corps under this section, except a person otherwise qualified, who during any of the wars in which the United States was engaged served honorably on active duty as a dietitian or physical therapist with the Medical Department of the Army of the United States appointed pursuant to the Act of June 22, 1944 (58 Stat. 324), or who served honorably as an occupational therapist with the Medical Department of the Army in the status of a civilian employee.

SEC. 104. A person appointed under the provisions of this title who is credited, as provided in section 105 hereof, with less than the minimum length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of first lieutenant, shall be appointed in the grade of second lieutenant; a person credited with service equal to or greater than the minimum length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of first lieutenant, but less than the minimum length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of captain, shall be appointed in the grade of first lieutenant; a person credited with service equal to or greater than the minimum length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of captain, shall be appointed in the grade of captain; majors and lieutenant colonels shall be appointed by selection, to fill vacancies in those grades from among persons who are appointed or are qualified for appointment in the grade of captain: *Provided*, That no person shall be appointed in the Army Nurse Corps or the Women's Medical Specialist Corps in a grade higher than the rank (either actual or relative) which such person held during any of the wars in which the United States was engaged.

SEC. 105. (a) For the purposes specified in subsection (b) hereof, each person appointed pursuant to provisions of this title shall, at the time of her appointment, be credited with whichever is the greater of the following two periods of service: (1) A period of service equal to the number of years, months, and days which such person served on active Federal military service either as a member (including the status of Reserve nurse) of the Army Nurse Corps created by chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, or as a dietitian or physical therapist with the Medical Department of the Army under the provisions of the Act of December 22, 1942 (56 Stat. 1072), or in the status of a commissioned officer in the Army of the United States under appointment pursuant to the Act of June 22, 1944 (58 Stat. 324); or (2) a period of service determined constructively in accordance with regulations prescribed by the Secretary of War: *Provided*, That in computing the total period of active Federal military service each such person honorably discharged or separated from active Federal military

50 U. S. C. app.
§§ 1591-1598.
10 U. S. C. §§ 161-
163, 782, 783, 850.

Dietitian or physical
therapist.

Occupational ther-
apist.

Appointments deter-
mined by length
of service.

Appointments by
selection.

Restriction.

Crediting of service.

10 U. S. C. §§ 161-
163, 782, 783, 850.

10 U. S. C. §§ 81
note, 164 and note; 37
U. S. C. § 113 note.
Post, p. 52.
50 U. S. C. app.
§§ 1591-1598.

Period from dis-
charge, etc., to ap-
pointment.

service subsequent to May 12, 1945, shall also be credited with the period from the date of her discharge or separation from active Federal military service to the date of her appointment.

Determination of grade, rank, and right to promotion.

(b) The period of service credited to a person as provided in subsection (a) hereof shall be counted and construed as continuous active commissioned service on the active list of the Regular Army for the following two purposes: (1) For the purpose of determining the grade and rank of a person appointed under the provisions of this title, and (2) for the purpose of determining a person's right to promotion subsequent to appointment under the provisions of this title. Except for the foregoing specified purposes, provisions of existing law regarding length of service and benefits accruing therefrom shall not be affected.

Determination of relative rank.

SEC. 106. Relative rank among commissioned officers of the Army Nurse Corps and the Women's Medical Specialist Corps, within each corps, and between such officers and other commissioned officers of the Regular Army, shall be determined in the manner now or hereafter prescribed by law for the determination of relative rank among other commissioned officers of the Regular Army. Commissioned officers of each such corps shall not be entitled, by virtue of their rank, to command, except within their respective corps, and over such persons as may be placed under their charge by competent authority, but may be assigned by the Secretary of War to perform such duties as the interests of the service may require.

Duties.

Promotions to permanent grades.

SEC. 107. (a) Commissioned officers of the Army Nurse Corps and the Women's Medical Specialist Corps, Regular Army, shall, upon completion of the length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of first lieutenant, be promoted to the permanent grade of first lieutenant; commissioned officers of such corps shall, after completing the length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of captain, be promoted to the permanent grade of captain upon satisfactorily passing such examinations as the Secretary of War shall prescribe. Promotion to the permanent grade of major shall be by selection, under regulations prescribed by the Secretary of War, from among officers in the grade of captain who have completed the length of service now or hereafter prescribed for promotion of promotion-list officers to the grade of major. Promotion to the permanent grade of lieutenant colonel shall be by selection, under regulations prescribed by the Secretary of War, from officers in the permanent grade of major with at least one year's service in the grade of major.

Major.

Lieutenant colonel.

Examinations.

(b) The examination for promotion referred to in subsection (a) above shall be prescribed by the Secretary of War and shall be held before a board of three officers designated by the Secretary of War. Should any officer fail to pass such examination, she shall be continued on active duty for a period of one year after the date upon which her promotion would normally have occurred, but without being so promoted, and upon the expiration of such year, or such time anterior to the expiration thereof as may be determined by the Secretary of War to be for the best interests of the service, such officer shall undergo such reexamination as may be prescribed by the Secretary of War and which shall be held before a board of officers designated by the Secretary of War, none of whom participated in the original examination of the officer concerned. If the officer concerned fails to pass the reexamination, she shall be honorably discharged from the service in the permanent grade then held with severance pay the same as now or hereafter prescribed for officers of the Regular Army separated by reason of not being selected for promotion.

Reexamination.

Failure to pass.

Retirement after 20 years' service.

SEC. 108. (a) An officer on the active list of either the Army Nurse Corps or the Women's Medical Specialist Corps, Regular

Army, after twenty years' active Federal service in the armed forces of the United States, may upon her request, at the discretion of the Secretary of War, be retired and shall receive retired pay equal to 2½ per centum of the base and longevity pay she would receive if serving on active duty in the grade in which retired, multiplied by a number equal to the number of years of such active Federal service: *Provided*, That in computing the number of years of such service for the purpose of determining the percentage of active-duty pay, and for no other purpose, any fractional part of a year amounting to six months or more shall be counted as a complete year: *Provided further*, That in no event shall such retired pay exceed 75 per centum of such base and longevity pay: *And provided further*, That regardless of the years of service completed, at any time after such an officer shall have attained the age of fifty, if her permanent grade is below that of major, or at any time after such an officer shall have attained the age of fifty-five, if her permanent grade is major or higher, she may, at the discretion of the Secretary of War without her consent, be retired and upon such retirement she shall receive retired pay equal to 2½ per centum of the base and longevity pay she would receive if serving on active duty in the grade in which retired, multiplied by a number equal to the number of years of her active Federal service, but in no event shall such retired pay exceed 75 per centum of such base and longevity pay.

(b) Unless entitled to higher retired rank or pay under any provision of law, each commissioned officer who shall have served for four years as Chief of the Army Nurse Corps, Regular Army, or as Chief of the Women's Medical Specialist Corps, Regular Army, or as an Assistant Chief of the Women's Medical Specialist Corps, Regular Army, shall upon retirement be retired with the rank held by her while so serving, and shall receive retired pay at the rate prescribed by law, computed on the basis of the base and longevity pay which she would receive if serving on active duty with such rank, and if thereafter recalled to active service, shall be recalled in such rank and shall constitute an additional number therein: *Provided*, That the commissioned officer first appointed as Chief of the Army Nurse Corps and the commissioned officer first appointed as Chief of the Women's Medical Specialist Corps, pursuant to this Act, shall, without limitation as to the time they shall serve in such capacities, upon retirement be retired with the rank held while so serving, and shall receive retired pay at the rate prescribed by law, computed on the basis of the base and longevity pay they would receive if serving on active duty with such rank.

(c) In determining eligibility for retirement and the percentage of active-service pay to be employed in computing the amount of retired pay under any provision of law, each commissioned officer on the active list of the Regular Army who is commissioned in any of the corps established by this Act, shall be deemed to have at least the same length of continuous active commissioned service in the Regular Army as any officer junior to her rank in the Medical Department of the Regular Army.

SEC. 109. Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers of the Regular Army, to former male commissioned officers of the Regular Army, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers of any of the corps established by this Act, Regular Army, to former commissioned officers of any of the corps established by this Act, Regular Army, and to their dependents and beneficiaries.

Retired pay.

Fractional part of year.

Limitation. Retirement after ages 50 and 55.

Retired pay.

Limitation.

Retired rank, etc., of Chiefs and Assistant Chiefs.

Officers first appointed Chiefs.

Continuous active commissioned service in Regular Army.

Applicability of laws to commissioned officers.

Credit for active military service.

10 U. S. C. §§ 81 note, 164 and note; 37 U. S. C. § 113 note. *Post*, p. 52.
50 U. S. C. app. §§ 1591-1598.
Termination of commission.

Addition to numbers of commissioned officers of Regular Army.

Appointment restrictions.

10 U. S. C. §§ 161-163, 782, 783, 850.

Supra.
50 U. S. C. app. §§ 1591-1598.

Termination of Army Nurse Corps.

Supra.
Pay, leave, etc.

Officers' Reserve Corps.
Army Nurse Corps Section; Women's Medical Specialist Corps Section.

Applicability of laws to commissioned officers, etc.

Appointments.

SEC. 110. Except for the purpose of determining a person's grade, rank, and right to promotion in the Regular Army (see section 105 (b) hereof) in computing years of active Federal military service for all purposes of any person, there shall be credited active military service in the Army Nurse Corps and in the Navy Nurse Corps, active military service rendered pursuant to an appointment under the provisions of the Act of December 22, 1942 (56 Stat. 1072), and active military service rendered pursuant to an appointment under the Act of June 23, 1944 (58 Stat. 324).

SEC. 111. The Secretary of War, under the circumstances and in accordance with regulations prescribed by the President, may terminate the commission of any officer commissioned in any of the corps established by this title.

SEC. 112. Personnel appointed in the Regular Army under the provisions of this Act shall be in addition to the numbers of other commissioned officers of the Regular Army now or hereafter prescribed by law.

SEC. 113. (a) Effective on the date of enactment of this Act, no further appointment shall be made in the Army Nurse Corps created by Chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, and no further appointment shall be made pursuant to the Act of December 22, 1942 (56 Stat. 1073), or pursuant to the Act of June 22, 1944 (58 Stat. 324). The acceptance of any Regular Army appointment under this Act shall operate to vacate any other military or civilian status in or with the Military Establishment theretofore occupied by the appointee except an appointment pursuant to the Act of June 22, 1944.

(b) Effective six months following the date of enactment of this Act, the Army Nurse Corps created by chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, and all offices and appointments therein shall cease to exist: *Provided*, That this provision shall not affect the rights, benefits, privileges, pay, allowances, gratuities, or leave accrued to a person, her dependents, or beneficiaries by virtue of any laws or regulations in effect prior to the enactment of this Act, and where necessary to the full enjoyment of terminal leave, terminal-leave pay, retirement and retired pay, pensions, travel allowance, transportation of dependents and effects, and rights, benefits, privileges and gratuities to which such person or her dependents have become entitled, such corps, offices, and appointments shall continue to exist but only for such purposes.

SEC. 114. Effective the date of enactment of this Act, there shall be established in the Officers' Reserve Corps of the Army of the United States an Army Nurse Corps Section and a Women's Medical Specialist Corps Section.

SEC. 115. Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to commissioned officers and former commissioned officers of the Officers' Reserve Corps, and to their dependents and beneficiaries, shall, in like cases, be applicable respectively to commissioned officers and former commissioned officers of the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Officers' Reserve Corps, and to their dependents and beneficiaries.

SEC. 116. Appointments in the Army Nurse Corps Section and the Women's Medical Specialist Corps Section of the Officers' Reserve Corps may be made in such grades and under such regulations as may be prescribed by the Secretary of War, from female citizens of the United States, who have attained the age of twenty-one years, and

who possess such physical and other qualifications as may be prescribed by the Secretary of War: *Provided*, That female officers appointed pursuant to the Act of June 22, 1944, and honorably separated from the service thereafter may, if otherwise qualified, be appointed in the appropriate section of the Officers' Reserve Corps established hereby in the highest grade satisfactorily held by her in active service.

SEC. 117. In addition to the obligation to render active service now or hereafter provided with respect to other members of the Officers' Reserve Corps a member of those sections established in the Officers' Reserve Corps by this title may, with her consent, be called to active duty by the Secretary of War for any period or periods of time according to the needs of the Military Establishment, as determined by the Secretary of War.

TITLE II

NAVY NURSE CORPS

SEC. 201. A Nurse Corps, which shall be a component part of the Medical Department of the Navy, is hereby created and established as a Staff Corps of the United States Navy. The Navy Nurse Corps shall consist of officers commissioned in the grade of nurse by the President, by and with the advice and consent of the Senate, and such officers shall have the rank of commander, lieutenant commander, lieutenant, lieutenant (junior grade), or ensign: *Provided*, That the total number of officers in the permanent rank of commander and lieutenant commander shall not exceed seven-tenths per centum and one and six-tenths per centum, respectively, of the total number of officers permanently commissioned in the Navy Nurse Corps and serving on active duty. The total authorized number of officers of the Nurse Corps shall be six for each thousand of the authorized number of officers, midshipmen, and enlisted personnel of the active list of the Regular Navy and Regular Marine Corps.

SEC. 202. There shall be a Director of the Nurse Corps appointed by the Secretary of the Navy, upon the recommendation of the Surgeon General of the Navy, from among the officers of the active list of the Nurse Corps of the permanent grade or rank of lieutenant commander or above for a term of not more than four years, to serve at the pleasure of the Secretary of the Navy. While so serving the Director shall have the rank of captain, shall be entitled to the pay and allowances as are now or may be hereafter prescribed by law for a captain of the Navy, and her regular status as a commissioned officer of the Nurse Corps shall not be disturbed by reason of such appointment.

SEC. 203. All members of the active list of the existing Nurse Corps of the Regular Navy, who, on the effective date of this Act, are serving in a temporary rank authorized by present law, may, during a period of not more than six months after enactment of this Act, be transferred to the Nurse Corps created by this Act, and, upon transfer, shall be appointed for temporary service pursuant to, and subject to the limitations of, the Act of July 24, 1941 (55 Stat. 603), as now or hereafter amended, to the same rank and with the same precedence held by them on the date of such transfer, and for the purposes of such appointments under the said Act, such members of the Nurse Corps shall be considered to be commissioned officers in the Regular Navy. Nurses so transferred, who at the

Officers separated from service.
58 Stat. 324.
50 U. S. C. app. §§ 1501-1508.

Call to active duty.

Post, p. 882.

Members; rank.

Limitation.

Authorized number.

Director of Nurse Corps.

Rank, pay, etc.

Transfers for temporary service.
Post, p. 882.

34 U. S. C. §§ 350-350j.
Post, p. 312.

Accrued leave.

- Running mates. Assignment of permanent ranks.
- Restriction.
- Appointments subject to revocation.
- Qualifications.
- Authority of officers. *Post*, p. 882.
- Restriction.
- Laws relating to advancement in rank. *Post*, p. 883.
- Nonapplicability of designated sections.
- 34 U. S. C. §§ 348o, 348p, 349c. *Post*, p. 882.
- 34 U. S. C. § 348b. *Post*, p. 882.
Officer recommended for advancement to rank of commander.
- 34 U. S. C. § 348o. *Post*, p. 882.
- Convening of selection board.
- time of such transfer had to their credit leave accrued but not taken, shall not, by reason of such transfer, lose such accrued leave. Prior to the termination of their temporary appointments, the Secretary of the Navy shall appoint a board of not less than three naval officers, who, in accordance with such regulations as he may prescribe, shall assign running mates to the Nurse Corps officers transferred and appointed for temporary service pursuant to this section, and such officers shall be assigned permanent ranks corresponding to the permanent ranks held by their running mates: *Provided*, That no officer of the Nurse Corps shall be assigned a permanent rank above that of commander.
- SEC. 204. Except as provided in sections 203 and 211 of this title, appointments to the grade of nurse in the Regular Navy shall be with the rank of ensign, and each such appointment shall be subject to revocation by the Secretary of the Navy until such time as the appointee is advanced to the rank of lieutenant (junior grade). Officers whose appointments are so revoked shall be discharged from the service without advanced pay. Such appointees shall be female citizens of the United States who shall have reached the age of twenty-one years on July 1 of the calendar year in which appointed, and who shall not have reached the age of twenty-nine years on July 1 of the calendar year in which appointed. No person shall be appointed pursuant to this section until she shall have established her mental, moral, educational, professional, and physical qualifications to the satisfaction of the Secretary of the Navy.
- SEC. 205. Officers of the Navy Nurse Corps shall have authority in medical and sanitary matters and all other work within the line of their professional duties in and about naval hospitals and other activities of the Medical Department of the Navy next after officers of the Medical Corps and the Dental Corps of the Navy. They shall exercise such military authority as may be prescribed from time to time by the Secretary of the Navy: *Provided*, That they shall not be eligible for the exercise of command.
- SEC. 206. (a) Subject to the limitations of section 201 of this title, all provisions of law now existing or hereafter enacted relating to the advancement in rank of officers of the Staff Corps of the Navy, except those provisions relating to the same subject matter provided for in the following subsections of this section, shall be construed to include officers of the Nurse Corps.
- (b) Paragraph 2, section 16, of the Act of June 10, 1926 (44 Stat. 723); section 17 of the Act of June 10, 1926 (44 Stat. 724); and section 4 of the Act of August 5, 1935 (49 Stat. 530), shall not apply to officers of the Nurse Corps established by this title.
- (c) Section 3 of the Act of June 10, 1926, is hereby amended by inserting the following proviso after the colon which appears after the word "mate" in line 17, paragraph 4, thereof, on page 718, volume 44, Statutes at Large: "*Provided further*, That an officer of the Nurse Corps recommended for advancement to the rank of commander in the approved report of a selection board shall be eligible for advancement to such rank when a vacancy occurs therein and when so advanced, such officer shall be entitled to the pay and allowances of the rank of commander only from the date of the vacancy?."
- (d) Section 16 of the Act of June 10, 1926, is hereby amended by striking out the period as it appears after the word "him" in line 7, paragraph 1, thereof, on page 723, volume 44, Statutes at Large, substituting a colon therefor, and adding the following proviso: "*Provided*, That a selection board to recommend officers of the Nurse Corps for advancement to the rank of commander shall be convened only if there exists a vacancy in such rank or if the Secretary of the Navy

estimates or determines that a vacancy will occur in the ensuing twelve-month period."

(e) Boards for selection of Nurse Corps officers for recommendation for advancement to the ranks of commander, lieutenant commander, and lieutenant shall be composed of not less than six nor more than nine officers not below the rank of captain on the active or retired list of the Medical Corps: *Provided*, That in case there is not a sufficient number of officers of the Medical Corps legally or physically qualified to serve on the selection board as herein provided, officers of the line of the active list of the rank of captain may be detailed to duty on such board to constitute the required membership.

SEC. 207. (a) All provisions of law now existing or hereafter enacted relating to retired officers of the staff corps of the Navy and to the retirement or separation from the active list of such officers, except those provisions relating to the same subject matter provided for in the following subsections of this section, shall be construed to include officers of the Nurse Corps.

(b) Each officer of the Navy Nurse Corps who attains the age of fifty-five years while serving in the rank of commander or lieutenant commander and each officer of such corps who attains the age of fifty years while serving in the rank of lieutenant or below, shall be retired by the President on the first day of the month following that in which she attains such age, and, except as otherwise provided in this section, shall be placed on the retired list in the permanent rank held by her at the time of retirement. Nothing contained in this subsection shall be construed to prohibit the transfer, under section 203 hereof, to the Nurse Corps created by this Act of such members of the Nurse Corps, which existed prior to the enactment of this Act, as may have reached the retirement ages specified herein prior to such transfer.

(c) An officer of the Navy Nurse Corps, who may be retired for any reason while serving as Director of such corps or subsequent to service as Director while serving in a lower rank, may, in the discretion of the President if she shall have served two and one-half years or more as Director, be placed on the retired list in the rank held by her as Director: *Provided*, That the commissioned officer first appointed as Director of the Navy Nurse Corps, pursuant to this Act, shall without limitation as to the time she shall serve in such capacity, upon retirement be retired with the rank held while so serving, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay she would have received if serving on active duty with such rank.

(d) An officer of the Navy Nurse Corps who shall have served prior to July 1, 1946, in a rank higher than her permanent rank, other than by virtue of appointment as Director of the said corps, shall, when retired for any reason if not otherwise entitled to the same or higher rank, be advanced to the highest rank in which, as determined by the Secretary of the Navy, she served satisfactorily. In any case where, as determined by the Secretary of the Navy, any such officer has not performed satisfactory duty in the highest rank held by her while on active duty, she shall be placed on the retired list with the next lower rank in which she has served but not lower than her permanent rank.

(e) An officer of the Nurse Corps placed on the retired list in her permanent rank pursuant to subsection (b) of this section shall receive retired pay at the rate of 2½ per centum of the active-duty pay to which entitled at the time of retirement multiplied by the number of years for which entitled to credit in the computation of her active-duty pay, not to exceed a total of 75 per centum of said active-duty pay.

Selection board.

Detail of officers of the line.

Laws relating to retirement or separation.
Post, p. 882.

Retirement at ages 55 and 50.

Transfers.

Retirement of Director.

Officer first appointed Director.

Service in rank higher than permanent rank.

Failure to perform satisfactory duty in highest rank.

Retired pay.

- Physical disability. (f) An officer of the Nurse Corps retired by reason of physical disability incurred in the line of duty shall, if placed on the retired list in a rank higher than her permanent rank, receive retired pay equal to 75 per centum of active-duty pay to which she would be entitled if serving, at the time of retirement, on active duty in the rank in which placed upon the retired list.
- Retired pay. (g) An officer of the Nurse Corps retired other than by reason of physical disability incurred in the line of duty shall, if placed on the retired list in a rank higher than her permanent rank, receive retired pay equal to 2½ per centum of the active-duty pay to which she would be entitled if serving, at the time of retirement, on active duty in the rank in which placed upon the retired list, multiplied by the number of years for which entitled to credit in the computation of her active-duty pay, not to exceed a total of 75 per centum of said active-duty pay.
- Fractional year. (h) In any instance in which retired pay is computed as prescribed in subsections (e) and (g) of this section, a fractional year of six months or more shall be considered a full year in computing the number of years by which the rate of 2½ per centum is multiplied.
- Service credit for voluntary retirement. (i) The number of years service to be credited to officers of the Navy Nurse Corps in determining their eligibility for voluntary retirement shall be based on the total of all active service either under an appointment or contract or as a commissioned officer in the Nurse Corps of the Army or Navy, or the reserve components thereof and all active service in the Nurse Corps or the Nurse Corps Reserve abolished by this Act shall, for this purpose only, be regarded as commissioned service in the Navy or the reserve components thereof, as the case may be.
- Title and uniform. (j) Retired officers of the Navy Nurse Corps shall be authorized to bear the title, and, under such regulations as may be prescribed by the Secretary of the Navy, to wear the uniform of the rank with which retired.
- Allowances, benefits, etc. SEC. 208. (a) All provisions of law relating to pay, leave, money allowances for subsistence and rental of quarters, mileage and other travel allowances, or other allowances, benefits, or emoluments, of male officers of the Navy, except those provisions relating to the same subject matter provided for in subsection (b) of this section, are hereby made applicable to officers of the Nurse Corps: *Provided*, That the husbands of officers of the Navy Nurse Corps shall not be considered dependents of such officers unless they are in fact dependent on their wives for their chief support, and the children of such officers shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support: *Provided further*, That officers of the Nurse Corps may be subsisted in hospital messes in accordance with section 17 (a) of the Act of August 2, 1946 (Public Law 604, Seventy-ninth Congress, second session), and such officers may be assigned quarters in naval hospitals under such regulations as the Secretary of the Navy may prescribe.
- Dependents. (b) Longevity pay for officers of the Navy Nurse Corps shall be based upon the total of all periods of active service during which they have held or shall hold appointments as nurses or as commissioned officers in the Nurse Corps of the Army, Navy, or Public Health Service, or the reserve components thereof.
- Subsistence and quarters. 60 Stat. 855.
34 U. S. C. § 901a.
- Longevity pay. (b) Longevity pay for officers of the Navy Nurse Corps shall be based upon the total of all periods of active service during which they have held or shall hold appointments as nurses or as commissioned officers in the Nurse Corps of the Army, Navy, or Public Health Service, or the reserve components thereof.
- Termination of commission. SEC. 209. The Secretary of the Navy, under the circumstances and in accordance with the regulations prescribed by the President, may terminate the commission of any officer commissioned in the Nurse Corps established by this title.
- 34 U. S. C. § 853f.
56 Stat. 731.
34 U. S. C. § 857g.
- SEC. 210. The Naval Reserve Act of 1938 (52 Stat. 1175), as amended, is hereby further amended by adding after section 508 thereof an additional title as follows:

"TITLE VI—NURSE CORPS RESERVE

"SEC. 601. A Nurse Corps Reserve is hereby established which shall be a branch of the Naval Reserve and shall be administered under the same provisions in all respects (except as may be necessary to adapt said provisions to the Nurse Corps Reserve, or as specifically provided herein) as those contained in this Act or which may hereafter be enacted with respect to the Volunteer Reserve.

"SEC. 602. Members of the Nurse Corps Reserve may be commissioned in appropriate ranks corresponding to those of the Nurse Corps of the Regular Navy in accordance with such regulations as the Secretary of the Navy may prescribe. Such members of the Nurse Corps Reserve, when on active duty, shall have the same authority in and about naval hospitals and other activities of the Medical Department of the Navy as officers of the Nurse Corps of the Regular Navy.

"SEC. 603. The Reserve established by this title shall be composed of members who are female citizens of the United States and who shall have such professional or other qualifications as shall be prescribed by the Secretary of the Navy.

"SEC. 604. All nurses of the Volunteer Reserve appointed under the authority of title 1, section 4, of this Act are hereby transferred to the Nurse Corps Reserve established by section 601 of this title in such permanent ranks as the Secretary of the Navy may determine and the temporary ranks held by those on active duty on the effective date of this title shall not be vacated by reason of such transfer. Each nurse so transferred, who at the time of such transfer had to her credit leave accrued but not taken, may, subsequent to such transfer, be granted such leave without loss of pay and allowances."

SEC. 211. Sections 5, 6, and 7 of the Act of April 18, 1946 (60 Stat. 92), as now or hereafter amended, shall be construed to include members of the Nurse Corps Reserve and former members of the Nurse Corps or the Nurse Corps Reserve abolished by this Act: *Provided*, That no member of the Nurse Corps Reserve or former member of the Nurse Corps or the Nurse Corps Reserve who has reached the age of thirty-five years shall be commissioned in the Nurse Corps of the United States Navy created and established by this Act.

SEC. 212. Nurses appointed to commissioned rank pursuant to section 203 of this title who, under a prior appointment in the Nurse Corps, shall have subscribed to the oath of office as required by section 1757, Revised Statutes, shall not be required to renew such oath or take a new oath under her appointment as a commissioned officer in the Nurse Corps of the United States Navy if her service in the Nurse Corps after taking such oath shall have been continuous.

SEC. 213. Effective six months after enactment of this title, all laws or parts of laws inconsistent with the provisions of this title are hereby repealed, and the provisions of this title shall be in effect in lieu thereof and such repeal shall include but shall not be limited to the following Acts and parts of Acts:

(a) The third paragraph, subheading "Repairs, Bureau of Medicine and Surgery", heading "Bureau of Medicine and Surgery", of the Act of May 13, 1908, as it appears on page 146, volume 35, Statutes at Large.

(b) So much of the Act of May 13, 1926 (44 Stat. 531), as relates to the Navy Nurse Corps.

(c) So much of the Act of June 20, 1930 (46 Stat. 790), as amended by the Acts of March 3, 1931 (46 Stat. 1502), and October 17, 1940 (54 Stat. 1192), as relates to the Navy Nurse Corps.

(d) That part of section 4 of the Act of June 25, 1938 (52 Stat. 1176), which relates to the appointment of female registered nurses in the Volunteer Reserve.

Establishment; administration.

Commissioned ranks.

Authority.

Qualifications.

Transfers.

52 Stat. 1176.
34 U. S. C. § 853b.
Post, p. 90.

Accrued leave.

34 U. S. C. §§ 15, 16,
228a.
Post, p. 867.

Age limitation.

Oath of office.
Ante, p. 47.

5 U. S. C. § 18.

Repeals.

34 U. S. C. §§ 41, 42,
878, 887.34 U. S. C. §§ 438-
440a.34 U. S. C. §§ 436,
437.34 U. S. C. § 853b.
Post, p. 90.

37 U. S. C. § 102. (e) That part of section 2 of the Act of June 16, 1942 (56 Stat. 360), which authorizes an increase of 20 per centum in base pay of Navy nurses while on sea duty.

37 U. S. C. § 113. (f) So much of section 13 of the Act of June 16, 1942 (56 Stat. 366), as relates to the Navy Nurse Corps.

34 U. S. C. §§ 262, 263, 918, 919. (g) The Act of July 3, 1942 (56 Stat. 646).

37 U. S. C. § 113 note. (h) Section 7 of the Act of December 22, 1942 (56 Stat. 1074).

34 U. S. C. § 262 note. (i) The Act of February 26, 1944 (58 Stat. 105).

37 U. S. C. § 113 note. (j) The Act of December 3, 1945 (59 Stat. 594).

Repealed laws relating to retirement.

SEC. 214. All provisions of existing law repealed by section 213 of this title, which relate to the retirement and the retired pay of members or officers of the Navy Nurse Corps, shall remain in effect with respect to such members or officers who have been retired prior to the effective date of section 213 of this title, and no retired member or officer of the Navy Nurse Corps shall suffer by reason of this title any reduction or loss of retirement benefits to which she was entitled upon the effective date of this Act.

Effective date.

SEC. 215. Except as provided in section 213 hereof, this title shall take effect upon the date of its enactment.

Approved April 16, 1947.

[CHAPTER 39]

AN ACT

April 16, 1947
[S. 363]
[Public Law 37]

To amend section 3 of the Act of July 24, 1946 (Public Law 534, Seventy-ninth Congress).

Larceny in interstate or foreign commerce.
60 Stat. 657.
18 U. S. C. § 411.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of July 24, 1946 (Public Law 534, Seventy-ninth Congress, be, and it is hereby, amended to read as follows:

"To establish the interstate or foreign commerce character of any shipment in any prosecution under this Act the waybill, or other shipping document, of such shipment shall be prima facie evidence of the place from which and to which such shipment was made."

Approved April 16, 1947.

[CHAPTER 41]

AN ACT

April 25, 1947
[H. R. 731]
[Public Law 38]

To establish the Theodore Roosevelt National Memorial Park; to erect a monument in memory of Theodore Roosevelt in the village of Medora, North Dakota; and for other purposes.

North Dakota.
Theodore Roosevelt
National Memorial
Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all those certain tracts, pieces, or parcels of land, title to which is vested in the United States of America, and being in the State of North Dakota, and within the boundaries particularly described, as follows, to wit: Beginning at the point where the north line of the right-of-way of United States Highway Numbered 10 intersects the east boundary of section 36, township 140 north, range 101 west, fifth principal meridian; thence southwesterly and northwesterly along the north line of said right-of-way through section 1, township 139 north, range 101 west, and sections 36, 35, 34, 27, 28, and 29, township 140 north, range 101 west, to the west boundary of said section 29; north along section lines to the northwest corner of said section 29; west along section line to the southwest corner of section 19, township 140 north, range 101 west; north along township line to the southeast corner of the northeast quarter of the northeast quarter