

Public Law 90-130

AN ACT

November 8, 1967
[H. R. 5894]

To amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes.

Armed Forces.
Women officers.

74 Stat. 264.

70A Stat. 17.

72 Stat. 1440.

72 Stat. 1444.

70A Stat. 90.

Repeal.

70A Stat. 100.

72 Stat. 130.

71 Stat. 375.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

(1) Section 123 (a) is amended by striking out "3391,".

(2) Section 510(c) is amended by striking out "for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve".

(3) Section 591(c) is amended by striking out "as nurses or medical specialists".

(4) Section 1006(e) is amended by striking out "3847," and "8847,".

(5) Section 1164 is amended by striking out "male" in subsection (a), all of subsection (b), and "or (b)" in subsection (c).

(6) Chapter 63 is amended by repealing section 1255, striking out the corresponding item in the analysis, and by striking out "1255 or" in section 1263(a).

(7) Section 1405 is amended by striking out "6399(c)(2),".

(8) Chapter 307 is amended by—

(A) amending section 3069 to read as follows:

"§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment

"(a) The Army Nurse Corps consists of the Chief and assistant chief of that corps and other officers in grades prescribed by the Secretary of the Army.

"(b) 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, and may not be reappointed.

"(c) The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above major. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.";

(B) amending the text of section 3070 to read as follows:

"(a) The Army Medical Specialist Corps consists of the Chief and assistant chiefs of that corps, other officers in grades prescribed by the Secretary of the Army, 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 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, and may not be reappointed.

"(c) The Surgeon General shall appoint three assistant chiefs from 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. An assistant chief serves during the pleasure of the Surgeon General, but not for more than four years, and may not be reappointed to the same position.";

(C) amending the text of section 3071 to read as follows:

Army Medical
Specialist
Corps.

70A Stat. 169.

Women's Army Corps.

“(a) The Women’s Army Corps consists of the Director and Deputy Director, other officers in grades prescribed by the Secretary of the Army, and enlisted members.

“(b) The Secretary of the Army shall appoint the Director from the officers of the Regular Army in that corps whose regular grade is above major. The Director is the adviser to the Secretary on Women’s Army Corps matters and serves during his pleasure, but normally not for more than four years.

“(c) The Secretary of the Army shall appoint the Deputy Director from the officers of the Regular Army in that corps whose regular grade is above major. She serves during the pleasure of the Secretary, but normally not for more than four years.

“(d) The Secretary of the Army shall designate the positions that he finds necessary for the training and administration of the Women’s Army Corps. He shall fill those positions from officers of that corps who are on active duty and whose Regular or Reserve grade is above captain. An officer holding such a position serves during the pleasure of the Secretary.”; and

(D) amending the item in the analysis relating to section 3069 to read as follows:

“3069. Army Nurse Corps : composition ; chief and assistant chief ; appointment.”

(9) Chapter 331 is amended by—

(A) striking out the designation “(a)” in the first sentence of section 3206, and the words “2,500.” and adding the words “such numbers as may be prescribed by the Secretary.”;

71 Stat. 376.

(B) striking out section 3206(b) ;

(C) striking out the designation “(a)” in the first sentence of section 3207, and the words “350.” and adding the words “such numbers as may be prescribed by the Secretary.”;

(D) striking out section 3207(b) ;

(E) striking out the second sentence of section 3209(b) ;

70A Stat. 174.

(F) striking out column 2 and footnote 3 of the table in section 3211(b) and redesignating column 3 as “Column 2” ;

(G) striking out “3304,” in section 3212 ; and

72 Stat. 1463.

(H) striking out the second sentence of sections 3215(a) and 3215(b) ;

70A Stat. 176.

(10) Chapter 335 is amended by—

(A) striking out “Except for officers of the Army Nurse Corps and the Army Medical Specialist Corps, vacancies” in section 3298(b) and inserting in place thereof “Vacancies” ;

71 Stat. 377.

(B) amending section 3299 by striking out “, except as provided in subsections (f) and (g),” in subsection (a), the last sentence of subsection (c), subsections (f) and (g), and the last sentence of subsection (h) ;

70A Stat. 186 ;
71 Stat. 377 ;
72 Stat. 1565.

(C) repealing section 3304 and striking out the corresponding item in the analysis ;

Repeal.
71 Stat. 378.

(D) striking out the last sentence of section 3305(a) ; and

(E) striking out “other than officers in Army Nurse Corps and Army Medical Specialist Corps” in the catchline of section 3305 and in the corresponding item in the analysis.

(11) Chapter 337 is amended by—

(A) striking out subsection (g) in section 3366 ;

74 Stat. 268.

(B) striking out subsection (d) in section 3367 ;

(C) striking out the dash and clauses (1)-(3) in section 3370(a) and inserting in place thereof “colonel,” ;

(D) striking out “field grade in certain cases” in the catchline of section 3370 and in the corresponding item in the analysis and inserting in place thereof in each case “grade of colonel to fill vacancies” ;

74 Stat. 270.
Repeal. (E) striking out "in a reserve grade below colonel is one that" in the second sentence of section 3383 (b); and

(F) repealing section 3391 and striking out the corresponding item in the analysis.

(12) Chapter 363 is amended by—

Repeal.
74 Stat. 272.

(A) repealing section 3847 and striking out the corresponding item in the analysis; and

(B) striking out "except as provided in section 3847 of this title," and "and each officer in the reserve grade of major who is assigned to the Army Nurse Corps, Army Medical Specialist Corps, or the Women's Army Corps, who has been recommended for promotion to the reserve grade of lieutenant colonel who is not a member of the Retired Reserve, and who has remained in an active status since that recommendation," in section 3848 (a).

Repeal.
71 Stat. 379;
80 Stat. 852.

(13) Chapter 367 is amended by repealing section 3915 and striking out the corresponding item in the analysis.

(14) Chapter 513 is amended by—

70A Stat. 287.

(A) striking out the last two sentences of section 5140 (a) and inserting in place thereof the following: "An officer of the Navy, while serving as Director of the Nurse Corps, has the rank of captain unless otherwise entitled to a higher rank or grade. An appointment as Director does not disturb an officer's permanent status as a commissioned officer in the Nurse Corps.";

(B) amending the second sentence of section 5143 (a) to read as follows: "While so serving, she has the rank of captain in the Navy unless otherwise entitled to a higher rank or grade."; and

(C) striking out subsections (b), (c), (e), and (f) in section 5143.

70A Stat. 293.

(15) Section 5206 is amended by—

(A) amending the second sentence of subsection (a) to read as follows: "While so serving, she has the rank of colonel unless otherwise entitled to a higher rank or grade."; and

(B) striking out subsections (b), (c), (e), and (f).

Repeals.
70A Stat. 298.

(16) Chapter 531 is amended by repealing sections 5410 and 5411 and striking out the corresponding items in the analysis.

(17) Chapter 533 is amended by—

70A Stat. 305;
71 Stat. 381.

(A) striking out subsection (b) in section 5444;

(B) amending section 5444 (c) to read as follows:

"(c) The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of rear admirals authorized under this section for each corps. The numbers so computed are the numbers of officers serving on active duty prescribed for the grade of rear admiral in the corps concerned. However, if the Secretary determines at the time of making any computation under this section that the number of officers required to meet the needs of the service in the grade of rear admiral in any of these corps is less than the prescribed number as computed, the lesser number becomes the prescribed number for the grade of rear admirals in the corps concerned.";

(C) striking out subsection (c) in section 5449;

(D) striking out the second sentence of section 5449 (d);

(E) amending section 5452 to read as follows:

72 Stat. 1491.

§ 5452. Navy: women line officers on active duty; Marine Corps: women officers on active duty

"The Secretary of the Navy shall prescribe the number of women officers serving on active duty in the line of the Navy who may hold appointments in each grade above lieutenant (junior grade) and the number of women officers serving on active duty in the Marine Corps who may hold appointments in each grade above first lieutenant.";

(F) repealing section 5453 and striking out the corresponding item in the analysis;

Repeal.
70A Stat. 313.

(G) striking out “or 5453” in section 5455 and inserting in place thereof “or 5452”; and

(H) amending the item in the analysis relating to section 5452 to read as follows:

“5452. Navy: women line officers on active duty; Marine Corps: women officers on active duty.”

(18) Chapter 543 is amended by—

(A) amending clause (1) of section 5702(a) to read as follows:

70A Stat. 337.

“(1) A board for each corps, other than the Medical Service Corps, to recommend captains in each corps and commanders in the Nurse Corps for continuation on the active list or to recommend captains in each corps, other than the Medical Service Corps and the Nurse Corps, for promotion to the grade of rear admiral, each consisting of not less than three or more than nine officers serving in the grade of rear admiral or above.”;

(B) striking out “and the Nurse Corps” in section 5702(a) (2);

71 Stat. 381.

(C) striking out “captain” in section 5702(a) (2) and inserting in place thereof “commander”;

(D) striking out “and a board for the Nurse Corps to recommend captains and commanders for continuation on the active list, each” in section 5702(a) (3);

(E) striking out clauses (5) and (6) in section 5702(a);

(F) amending the first sentence of section 5702(b) to read as follows: “Each board convened under this section to consider officers in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, the Dental Corps, or the Nurse Corps shall consist of officers in the corps concerned, and each board convened under this section to consider officers in the Medical Service Corps shall consist of officers in the corps indicated in subsection (a).”;

(G) adding the following at the end of section 5702(c): “However, in the case of boards considering officers in the Nurse Corps, the Secretary may complete the minimum required membership by appointing as members of the board officers on the active list of the Navy in the Medical Corps serving in the prescribed grades.”;

70A Stat. 337.

(H) striking out the last sentence in section 5702(e);

71 Stat. 382.

(I) amending the first sentence of section 5704(a) to read as follows: “At least once each year and at such time as he directs, the Secretary of the Navy shall convene selection boards to recommend women officers in the line of the Navy for promotion to the grades of captain, commander, lieutenant commander, and lieutenant.”;

70A Stat. 339.

(J) amending the first sentence of section 5704(b) to read as follows: “The Secretary shall convene selection boards, for each staff corps in which there are women officers appointed under section 5590 in this title, to recommend women officers for promotion to the grades of captain, commander, lieutenant commander, and lieutenant.”;

70A Stat. 327.

(K) amending the first sentence of section 5704(c) to read as follows: “At least once each year and at such times as he directs, the Secretary shall convene selection boards to recommend women officers in the Marine Corps for promotion to the grades of colonel, lieutenant colonel, major, and captain.”;

(L) inserting “captain (Navy),” before “commander” and “colonel,” before “lieutenant colonel” in section 5707(a) (4); and

70A Stat. 341;
71 Stat. 382.
70A Stat. 345.

(M) striking out clause (1) in section 5711(c).

(19) Chapter 545 is amended by—

70A Stat. 347.

(A) striking out “Regular” in the catchline of section 5752 and in the corresponding item of the analysis;

(B) striking out “on the active list” wherever those words appear in section 5752(a);

(C) renumbering clauses (1), (2), and (3) in section 5752(a) as clauses “(2)”, “(3)”, and “(4)”, respectively, and inserting the following new clause:

“(1) Four years in the grade of commander in the Navy or lieutenant colonel in the Marine Corps.”;

(D) amending section 5753 by striking out “subsections (b) and (c)” in subsection (a) and inserting in place thereof “subsection (b)” and by striking out subsection (c);

70A Stat. 350.

(E) amending the first sentence of section 5760(a) to read as follows: “The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of women officers in the line of the Navy that may be recommended for promotion to the grade of captain, commander, or lieutenant commander or the number of women officers of the Marine Corps that may be recommended for promotion to the grade of colonel, lieutenant colonel, or major.”;

10 USC 5701-5711.

(F) striking out “on the active list” wherever those words appear in section 5760(b);

70A Stat. 351;
71 Stat. 383.

(G) striking out “or the Medical Service Corps” in section 5762(a) and inserting in place thereof “the Medical Service Corps, or the Nurse Corps”;

(H) striking out subsection (e) in section 5762;

70A Stat. 352.

(I) amending the first two sentences of section 5763 to read as follows: “The Secretary of the Navy shall furnish the appropriate selection board convened under chapter 543 of this title with the number of women officers of the Navy in a staff corps, other than officers of the Nurse Corps and women officers appointed under section 5574, 5578, 5579, or 5581 of this title, that may be recommended for promotion to the grade of captain, commander, or lieutenant commander. This number is the product of—

70A Stat. 321.

“(1) the number of such women staff corps officers in the promotion zone for the grade and corps concerned; and

“(2) a fraction, of which the numerator is the number of women line officers who are placed on the promotion list pursuant to the report of the comparable board for the selection of women line officers convened in the same fiscal year, and the denominator is the number of women line officers in the promotion zone considered by that board.”;

70A Stat. 353.

(J) amending the catchlines of sections 5764 and 5765 and the corresponding items in the analysis by striking out in each case “male”;

(K) adding the following new subsection in section 5764:

“(d) The Secretary shall establish a promotion zone in each grade for women officers in the line of the Navy in the manner prescribed in this section for the establishment of promotion zones for male line officers.”;

70A Stat. 354;
75 Stat. 266.

(L) adding the following new subsection in section 5765:

“(d) The Secretary shall establish a promotion zone in each grade for women officers of the Marine Corps in the manner prescribed in this section for the establishment of promotion zones for male officers.”;

70A Stat. 355.

(M) amending section 5766(a) by striking out “, other than women officers appointed under section 5590 of this title,” and inserting before the period at the end “or for women line officers, as the case may be”;

(N) adding the following new subsection in section 5767:

“(c) Whenever the Secretary determines that there is a position of sufficient importance and responsibility to require an incumbent in the grade of rear admiral or brigadier general, and that there is a woman officer of the Navy or the Marine Corps who is best qualified to perform the duties of the position, he may designate that woman officer to hold that position. A woman officer so designated may be appointed by the President, by and with the advice and consent of the Senate, to the grade of rear admiral or brigadier general. Such an appointment is effective on the date the officer reports for the designated duty and terminates on the date she is detached.”;

(O) striking out “Regular” in the catchline of section 5771 and in the corresponding item of the analysis;

70A Stat. 358.

(P) amending section 5771 by striking out “on the active list” wherever those words appear in subsections (a) and (c) and amending subsection (b) to read as follows:

“(b) Women officers in the line of the Navy and women officers of the Marine Corps who are on a promotion list for any grade above lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps are, in the order in which their names appear, eligible for promotion to the grade concerned as vacancies occur in that grade.”;

(Q) striking out “, other than women officers appointed under section 5590 of this title,” in section 5773(a);

70A Stat. 359.

(R) striking out “Except as provided in subsection (c), each” in section 5773(b) and inserting in place thereof “Each”;

(S) striking out subsection (c) in section 5773;

(T) repealing section 5774 and striking out the corresponding item in the analysis;

Repeal.

(U) striking out “a male” wherever those words appear in section 5776(a) and inserting in place thereof “an”;

70A Stat. 361.

(V) striking out “subject to subsections (d) and (e), an” in section 5776(c) and inserting in place thereof “An”;

(W) striking out subsections (d) and (e) in section 5776;

(X) striking out “appointed under section 5590” in section 5778 and inserting in place thereof “selected by boards convened under section 5704”;

(Y) striking out subsection (d) in section 5782; and

71 Stat. 383.

(Z) striking out clause (1) in section 5786(a).

70A Stat. 366.

(20) Chapter 549 is amended by—

(A) adding the following new subsection in section 5891:

72 Stat. 1499.

“(g) For the purpose of this section, a woman officer who is eligible for consideration for promotion by a selection board convened under chapter 543 of this title shall be considered to be on a lineal list.”;

10 USC 5701-5711.

(B) striking out “commander or lieutenant commander” and “lieutenant colonel or major” in section 5896(a)(7) and inserting in place thereof “captain, commander, or lieutenant commander” “colonel, lieutenant colonel, or major”, respectively;

72 Stat. 1501.

(C) amending subsection (c) and (d) of section 5899 to read as follows:

“(c) A woman officer of the Naval Reserve, other than an officer in the Nurse Corps or an officer appointed under section 5581 of this title, is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under this chapter when any woman officer of the Naval Reserve who is junior to her is in or above the promotion zone established for her grade under section 5764 of this title or when her running mate is in or above that zone.

70A Stat. 323.

“(d) A woman officer of the Marine Corps Reserve is in the promotion zone and is eligible for consideration for promotion to the next

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higher grade by a selection board convened under this chapter when any woman officer of the Marine Corps Reserve who is junior to her is in or above the promotion zone established for her grade under section 5765 of this title or when her running mate is in or above that zone.”; and

Ante, p. 378.

(D) amending the text of section 5903 to read as follows:

Failure of selection.

72 Stat. 1505.

“(a) An officer of the Naval Reserve or the Marine Corps Reserve is considered as having failed of selection for promotion if—

“(1) he is in a promotion zone established under this chapter;

“(2) his name is furnished to the appropriate selection board;

and

“(3) he is not selected for promotion.

“(b) An officer of the Naval Reserve or the Marine Corps Reserve whose name is withheld by the Secretary of the Navy, under section 5899(g) of this title, from consideration by two selection boards for promotion to the same higher grade is considered as having twice failed of selection for promotion to that grade.”

72 Stat. 1504.

(21) Section 5945 is amended by striking out the second sentence.

70A Stat. 371.

Repeal.

(22) Chapter 555 is amended by repealing section 6030 and striking out the corresponding item in the analysis.

(23) Chapter 571 is amended by—

70A Stat. 394.

(A) amending section 6324 to read as follows:

“§ 6324. Officers: creditable service

“For the purpose of this chapter, service as a nurse in the armed forces before April 16, 1947, is considered as commissioned service.”; and

(B) amending the item in the analysis relating to section 6324 to read as follows:

“6324. Officers: creditable service.”

(24) Chapter 573 is amended by—

70A Stat. 402.

(A) amending section 6376 by inserting “(a)” at the beginning and adding the following new subsection:

“(b) This section does not apply to women officers appointed under section 5590 of this title.”;

71 Stat. 384.

(B) amending the catchline of section 6377 and the corresponding item in the analysis by striking out in each case “or for age”;

(C) amending section 6377 by striking out “except the Nurse Corps” in subsection (b), striking out subsection (c), and amending subsection (d) to read as follows:

70A Stat. 403.

“(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 the officer is considered as having twice failed of selection for promotion to the grade of captain and has completed at least twenty-six years of active commissioned service as computed under section 6388 of this title.”;

70A Stat. 409.

(D) inserting “women officers appointed under section 5590 of this title or” in section 6379(b) after “apply to”;

71 Stat. 384.

70A Stat. 413;

71 Stat. 385.

(E) amending section 6396 to read as follows:

“§ 6396. Regular Navy; officers in Nurse Corps in grades below commander: retirement or discharge

“(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 the officer

70A Stat. 361.

“(1) is not on a promotion list;

“(2) is considered as having twice failed of selection for promotion to the grade of commander; and

“(3) has completed at least twenty years of active commissioned service as computed under section 6388 of this title.

“(b) An officer retired under this section shall be retired—

“(1) in the highest grade satisfactorily held by her on active duty as determined by the Secretary, but not lower than her permanent grade; and

“(2) with retired pay at the rate of 2½ per centum of the basic pay of the grade in which retired multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 per centum or less than 50 per centum of the basic pay upon which the computation of retired pay is based.

“(c) An officer on the active list of the Navy serving in the grade of lieutenant in the Nurse Corps shall be honorably discharged on June 30 of the fiscal year in which the officer

“(1) is not on a promotion list; and

“(2) has completed thirteen years of active commissioned service as computed under section 6388 of this title.

However, if she so requests she may be honorably discharged at any time during that fiscal year.

“(d) An officer on the active list of the Navy serving in the grade of lieutenant (junior grade) in the Nurse Corps shall be honorably discharged on June 30 of the fiscal year in which the officer—

“(1) is not on a promotion list; and

“(2) has completed seven years of active commissioned service as computed under section 6388 of this title.

However, if she so requests, she may be honorably discharged at any time during that fiscal year.

“(e) Each officer discharged under this section is entitled to a lump-sum payment equal to two months' basic pay at the time of discharge multiplied by the number of years of active commissioned service as computed under section 6388 of this title, but the payment may not be more than two years' basic pay or more than \$15,000.”;

(F) amending section 6398 to read as follows:

“§ 6398. **Regular Navy; women captains and commanders; Regular Marine Corps, women colonels and lieutenant colonels: retirement for length of service; retired grade and pay**

“(a) Each woman officer on the active list of the Navy, appointed under section 5590 of this title, who holds a permanent appointment in the grade of captain and each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of colonel shall be retired by the President on the first day of the month following the month in which she completes thirty years of active commissioned service in the Navy or the Marine Corps.

“(b) Each woman officer on the active list of the Navy, appointed under section 5590 of this title, who holds a permanent appointment in the grade of commander and is not on a promotion list for a higher permanent grade and each woman officer on the active list of the Marine Corps who holds a permanent appointment in the grade of lieutenant colonel and is not on a promotion list for a higher permanent grade shall be retired by the President on the first day of the month following the month in which she completes twenty-six years of active commissioned service in the Navy or the Marine Corps.

“(c) Each officer retired under this section—

“(1) unless otherwise entitled to a higher grade shall be retired in the permanent grade held by her at the time of retirement; and

“(2) is entitled to retired pay at the rate of 2½ per centum of

70A Stat. 409.

72 Stat. 130.

70A Stat. 413.

70A Stat. 327.

the basic pay of the grade in which retired multiplied by the number of years of service that may be credited to her under section 1405 of this title, but the retired pay may not be more than 75 per centum or less than 50 per centum of the basic pay upon which the computation of retired pay is based.”;

72 Stat. 130.

Repeal.
70A Stat. 414.

(G) repealing section 6399 and striking out the corresponding item in the analysis; and

(H) amending the items in the analysis relating to sections 6396 and 6398 to read as follows:

“6396. Regular Navy; officers in Nurse Corps in grades below commander: retirement or discharge.

* * * * *

“6398. Regular Navy; women captains and commanders; Regular Marine Corps; women colonels and lieutenant colonels: retirement for length of service; retired grade and pay.”

Repeal.
70A Stat. 495.

(25) Chapter 807 is amended by repealing section 8071 and striking out the corresponding item in the analysis.

71 Stat. 386.

(26) Chapter 831 is amended by—

(A) striking out subsection (b) in section 8206;

(B) striking out subsection (b) in section 8207;

70A Stat. 499.

(C) striking out all of section 8208 after the first sentence;

(D) striking out “Except for Air Force nurses and medical specialists, the” in section 8209 and inserting in place thereof “The”;

(E) striking out all of section 8215 after the first sentence; and

(F) amending the catchline for section 8215 and the corresponding item in the analysis by striking out in each case “; female enlisted members on active duty”.

70A Stat. 511;
71 Stat. 387;
72 Stat. 1565.

(27) Chapter 835 is amended by—

(A) amending section 8299 by striking out “, except as provided in subsection (f) or (g),” wherever those words appear in subsection (a) and striking out the last sentence of subsection (c), subsections (f) and (g), and the last sentence of subsection (h);

71 Stat. 388.

(B) striking out subsection (d) in section 8300;

(C) striking out subsection (b) in section 8301;

(D) striking out subsection (f) in section 8303; and

(E) striking out subsections (g) and (h) in section 8305.

74 Stat. 276.

(28) Chapter 837 is amended by—

(A) striking out subsection (f) in section 8366;

(B) inserting a period after “major” in clause (2) of section 8368 (a) and striking out the remainder of that clause; and

(C) repealing section 8370 and striking out the corresponding item in the analysis.

Repeal.
72 Stat. 1526.

(29) Chapter 841 is amended by—

(A) striking out subsection (b) in section 8504;

(B) amending the catchline of section 8504 and the corresponding item in the analysis by striking out in each case “: limitations; grade”.

70A Stat. 526.

Repeal.
70A Stat. 531.

(30) Chapter 845 is amended by repealing section 8580 and striking out the corresponding item in the analysis.

(31) Chapter 863 is amended by—

(A) repealing section 8847 and striking out the corresponding item in the analysis; and

(B) striking out “, except an officer covered by section 8847 of this title,” in section 8848 (a).

Repeal.
74 Stat. 279.

(32) Chapter 867 is amended by—

(A) amending section 8915 to read as follows:

70A Stat. 550;
71 Stat. 389.

“§ 8915. Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major

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

72 Stat. 1540.
70A Stat. 550.

(B) amending section 8916(b) to read as follows:

“(b) The Secretary of the Air Force may defer the retirement under this section of any promotion list officer in the regular grade of lieutenant colonel who is a medical, dental, veterinary, or medical service officer, a medical specialist, or a chaplain, but not later than the date on which he becomes sixty years of age.”; and

(C) amending the item in the analysis relating to section 8915 to read as follows:

“8915. Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major.”

SEC. 2. Title 32, United States Code, is amended as follows:

(1) Section 305 is amended by—

70A Stat. 602;
72 Stat. 1543.

(A) striking out “Except as provided in subsection (b), only male persons selected from the” and inserting in place thereof “The” in subsection (a);

(B) striking out the first sentence of subsection (b); and

(C) striking out “However, to” and “woman” in the second sentence of subsection (b) and inserting in place thereof “To” and “person”, respectively.

(2) Section 313(b) is amended by inserting “and” after the semicolon in clause (1), striking out “; and” at the end of clause (2) and inserting a period in place thereof, and striking out clause (3).

72 Stat. 1544.

SEC. 3. Title 37, United States Code, is amended as follows:

(1) Section 202 is amended by adding the following new subsection at the end thereof:

76 Stat. 454.

“(k) While serving under an appointment under section 5767(c) of title 10, a woman officer of the Navy is entitled to the pay of a rear admiral of the lower half.”

Ante, p. 378.

(2) Section 904 is amended—

76 Stat. 487.

(A) by striking out “5774” in subsections (a), (b), and (d) and inserting “5773” in place thereof;

(B) by amending clauses (5) and (10) of subsection (a) to read as follows:

“(5) women line officers of the Navy;

“* * * * *

“(10) women officers of the Marine Corps;”;

(C) by striking out subsections (c) and (e); and

(D) by striking out “Except as provided by subsection (e) of this section, a” in subsection (d) and inserting in place thereof “A”.

SEC. 4. (a) For five years following the effective date of this Act, the Secretary of the Army may suspend the operation of any provision of law pertaining to the mandatory retirement, discharge, separation, or transfer from an active status of an officer of the Army Nurse Corps, Army Medical Specialist Corps, or Women’s Army Corps.

Suspension of certain provisions.

(b) The amendments made by this Act to section 6396 of title 10, United States Code, do not become effective with respect to officers of the Regular Navy in the Nurse Corps serving in the grade of lieutenant commander until June 30 of the second fiscal year following the fiscal year in which this Act is approved.

Ante, p. 380.

(c) Notwithstanding section 6396 of title 10, United States Code, as amended by this Act, an officer of the Regular Navy in the Nurse

Corps who is serving in the grade of lieutenant (junior grade) on the effective date of this Act may not be discharged under that section until June 30 of the second fiscal year following the fiscal year in which this Act is approved.

(d) Notwithstanding any other provision of law, an officer of the Regular Navy in the Nurse Corps who is serving in the grade of lieutenant on the effective date of this Act and who on that date has completed more than thirteen years of active commissioned service may not be involuntarily discharged under section 6396 of title 10, United States Code, as amended by this Act but shall, unless sooner selected for promotion to the grade of lieutenant commander, be retired on June 30 of the fiscal year in which she completes at least twenty years of active commissioned service. Each officer retired under this subsection shall be retired with the retired grade and pay prescribed in section 6396(c) of title 10, United States Code, as it existed before the enactment of this Act.

(e) For five years following the effective date of this Act, the Secretary of the Air Force may suspend the operation of any provision of law pertaining to the mandatory retirement, discharge, separation, or transfer from an active status of an Air Force female officer, except an officer designated under section 8067, title 10, United States Code, to perform professional functions other than as an Air Force nurse or as an Air Force medical specialist.

(f) Until July 1, 1972, when the needs of the service require, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force may convene annually boards of officers to consider officers of the Army Nurse Corps, officers of the Navy Nurse Corps, or Air Force nurses, respectively, who otherwise would be required to be retired or separated under this Act within the calendar or fiscal year in which the board is convened. Upon the recommendation of such a board, the Secretary concerned may defer the separation or retirement of such an officer for a term of not more than five years, unless recommended for further deferment by a subsequent board of officers, and in any case not beyond the month following her attaining age sixty or July 1, 1976, whichever may be earlier. Officers whose separation or retirement is so deferred shall be additional to the numbers of officers authorized by sections 3202, 3211, 8202, and 8211, title 10, United States Code.

Approved November 8, 1967.

Public Law 90-131

AN ACT

Making appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, 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 following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, and for other purposes, namely:

Ante, p. 380.

70A Stat. 413;
71 Stat. 385.

70A Stat. 494.

Retirement
deferment.

70A Stat. 172.

November 8, 1967
[H. R. 12474]

National Aeronautics and Space Administration Appropriation Act, 1968.