

Public Law 86-197

AN ACT

To authorize the crediting of certain service for purpose of retired pay for nonregular service, and for other purposes.

August 25, 1959
[H. R. 3365]

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:

Armed Forces.
Retired pay.

70A Stat. 102.
Computation of
service.

(1) Section 1332(a) (1) is amended—

(a) by inserting the following new clause after clause (C) :

“(D) the National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States;”;

(b) by redesignating clauses (D), (E), and (F) as clauses “(E)”, “(F)”, and “(G)”, respectively; and

(c) by striking out the word “and” at the end of clauses (E) and (F) and adding the following new clauses:

“(H) the Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901;

“(I) the Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072); and

“(J) an active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

“(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

“(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women’s Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist; and”.

(2) Section 1332(a) is amended by adding the following sentence at the end thereof: “For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.”

(3) Section 1332(b) is amended by striking out clause (6) and inserting the following clauses in place thereof:

“(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

Service not
counted.

“(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a) (1).”.

70A Stat. 210.

- (4) Section 3683(4) is amended to read as follows:

"(4) all active full-time service, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(A) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(B) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949."

70A Stat. 228.

- (5) Section 3926 is amended by adding the following new subsection at the end thereof:

"(d) For the purpose of determining whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under section 3911 of this title, all service computed under section 3683 of this title shall be treated as if it were service as a commissioned officer."

70A Stat. 224.

70A Stat. 394.

- (6) Section 6324 is amended by striking out the words "an officer" and inserting the words "a regular officer or a reserve officer" in place thereof.

70A Stat. 535.

- (7) Section 8683(4) is amended to read as follows:

"(4) all active full-time service, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(A) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(B) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist."

70A Stat. 552.

- (8) Section 8926 is amended by adding the following new subsection at the end thereof:

"(d) For the purpose of determining whether an Air Force nurse or medical specialist may be retired under section 8911 of this title, all service computed under section 8683 of this title shall be treated as if it were service as a commissioned officer."

70A Stat. 549.

70A Stat. 535.

SEC. 2. All appointments made after December 6, 1941, in the Army of the United States without component under the joint resolution of September 22, 1941 (ch. 414, 55 Stat. 728), that were not earlier terminated by administrative action or specific provision of law may be considered for all purposes to have continued in effect until the close of March 31, 1953.

SEC. 3. This Act does not deprive any person of any service credit to which he was entitled on the day before the effective date of this Act.

Election of annuity.

SEC. 4. Any person who, on the effective date of this Act, would not have completed 18 years of service for which he is entitled to credit in the computation of his basic pay under the laws in effect prior to the effective date of this Act, and who, as a result of the enactment of this Act, is credited with more than 17 years of such service, shall be allowed twelve months from the effective date of this Act to make the election provided by section 1431(b) of title 10, United States Code, notwithstanding the requirement of the second sentence of that section.

70A Stat. 108.

Approved August 25, 1959.