(A) the Pharmacy, Supply, and Administration Section;
(B) the Medical Allied Sciences Section;
(C) the Sanitary Engineering Section;
(D) the Optometry Section; and
(E) other sections considered necessary by the Secretary of the Army.


HISTORICAL AND REVISION NOTES

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

3068(a) ...... 10:81–1 (last sentence, less 5th through 14th
words). 10:156a (last 16 words of 1st sentence) is omitted as superseded by section 3067 of this title, which establishes the Medical Service Corps in the Army Medical Service. 10:156a (last 16 words of 1st sentence) is omitted as superseded by section 3012(e) of this title, which authorizes the Secretary of the Army to prescribe the duties of members of the Army. 10:81–1 (last sentence, less 5th through 14th words) is omitted as surplusage.

In subsection (b), the words “of the Regular Army in that corps whose regular grade is above captain” are substituted for the words “commissioned in the Medical Service Corps, Regular Army, in the permanent grade of major or above”. The words “if he holds a lower regular grade” are substituted for the words “if commissioned in permanent grade below colonel”. The words “is entitled” are substituted for the words “shall have”. The words “ranks above” are substituted for the words “shall be superior in rank”. The words “is the Surgeon General’s consultant” are substituted for the words “who shall be consultants to him”.

PRIOR PROVISIONS

A prior section 3068, acts Aug. 10, 1956, ch. 1041, 70A Stat. 168; Sept. 7, 1962, 76 Stat. 494, contained substantially the same provisions as the present section but placed the upper limit for the rank of officers of the Medical Service Corps at colonel, prior to repeal by Pub. L. 89–609.

AMENDMENTS

1962—Par. (5). Pub. L. 97–295 redesignated cl. (a), (b), (c), (d), and (e) as subs paras. (A), (B), (C), (D), and (E), respectively.

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

(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 lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.

(c) The Surgeon General shall appoint the assistant chief from the officers of the Regular Army in that corps whose regular grade is above lieutenant colonel. 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.


HISTORICAL AND REVISION NOTES

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

3069 ...... 10:81–1 (5th through 8th words of last sentence). 10:166(a) (words of last sentence before proviso). 10:166(b).

June 28, 1950, ch. 383, §307 (5th through 8th words of last sentence), 64 Stat. 270.

Amendment by Pub. L. 107–314 substituted “major general” for “brigadier general”.


Subsec. (b). Pub. L. 104–201, §502(a)(1), substituted “lieutenant colonel” for “major” in first sentence, inserted “An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general,” after first sentence, and inserted “to the same position” before period at end of last sentence.

Subsec. (c). Pub. L. 104–201, §502(a)(2), substituted “lieutenant colonel” for “major”.

1967—Pub. L. 90–130 divided existing provisions into subsecs. (a), (b), and (c), made minor changes in phraseology, inserted provision for the appointment and service of an assistant chief, struck out limitation restricting membership in the Corps to grades of second lieutenant through colonel, and struck out provision entitling the Chief to the temporary grade of colonel while serving as Chief.

1966—Pub. L. 89–609 combined third and fourth sentences, substituting “; and” for period at end of third sentence and introductory word “She” to fourth sentence, and substituted “the regular grade held, the Chief” for “her regular grade, she” in fifth sentence.

1962—Pub. L. 87–649 struck out provisions which authorized the pay and allowances of a colonel for Chief of the Army Nurse Corps.

1957—Pub. L. 85–155 substituted “second lieutenant through colonel” for “second lieutenant through lieutenant colonel”, “major” for “captain”, and “entitled to the temporary grade and the pay and allowances of a colonel while so serving and ranks above all other colonels in that corps” for “entitled to the rank, pay and allowances of a colonel so serving”.

EFFECTIVE DATE OF 1962 AMENDMENT

SHORT TITLE
Section 105 of title I of Pub. L. 85–155 provided that: “This [amending this section and sections 3070, 3206, 3207, 3288, 3291, 3296 to 3299, 3304, 3305, 3888, 3915, 3916, 3927, and 3991 of this title] may be cited as the ‘Army Nurse and Medical Specialist Act of 1957’.”

SAVINGS PROVISION
Section 194 of Pub. L. 85–155 provided that: “(a) This [amending this section and sections 3070, 3206, 3207, 3288, 3291, 3296 to 3299, 3304, 3305, 3888, 3915, 3916, 3927, 3991, 5140, 5444, 5449, 5702, 5707, 5708, 5753, 5762, 5773, 5775, 5776, 5782, 6377 to 6379, 6381, 6388, 6395, 6396, 8206, 8207, 8212, 8285 to 8288, 8297, 8298 to 8301, 8303, 8365, 8386, 8915, 8927 and 8991 of this title, and repealing sections 3881, 3882, 3887, 3912, 9292, 8291, 8304, 8881, 8882, 8887, 8912 and 8928 of this title] does not affect the appointment of an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act [Aug. 21, 1957].

“(b) This [amending this section and sections 3070, 3206, 3207, 3288, 3291, 3296 to 3299, 3304, 3305, 3888, 3915, 3916, 3927, 3991, 5140, 5444, 5449, 5702, 5707, 5708, 5753, 5762, 5773, 5775, 5776, 5782, 6377 to 6379, 6381, 6388, 6395, 6396, 8206, 8207, 8212, 8285 to 8288, 8297, 8298 to 8301, 8303, 8365, 8386, 8915, 8927 and 8991 of this title, and repealing sections 3881, 3882, 3887, 3912, 9292, 8291, 8304, 8881, 8882, 8887, 8912 and 8928 of this title] does not affect the retired status or retirement pay of a person retired under section 108, Army-Navy Officers Act of 1947, or any other law.

“(c) An officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, on the active list on the effective date of this Act [Aug. 21, 1957] does not lose any years of service creditable to her on that date for promotion, computation of basic pay, or other purposes, by the enactment of this Act.

“(d) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who is on a recommended list for promotion to a higher regular grade on the effective date of this Act [Aug. 21, 1957] may, if nominated by the President and confirmed by the Senate, be promoted to that grade.

“(e) Notwithstanding any other provision of law, an officer of the Army Nurse Corps, Regular Army, or the Army Medical Specialist Corps, Regular Army, who, on the effective date of this Act [Aug. 21, 1957], has been nominated by the President and confirmed by the Senate for appointment to any regular grade, may be appointed in that grade.”

AUTHORITY TO SUSPEND MANDATORY RETIREMENT, DISCHARGE, SEPARATION, OR TRANSFER FROM ACTIVE STATUS
Section 4(a) of Pub. L. 90–130 authorized the Secretary of the Army to suspend the operation of any provision of law relating 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 for a period of five years following Nov. 8, 1967.

AUTHORITY OF MILITARY DEPARTMENT SECRETARIES TO CONVENE BOARDS TO RECOMMEND DEFERMENT OF RETIREMENT OR SEPARATION OF NURSES
Section 4(f) of Pub. L. 90–130, Nov. 8, 1967, 81 Stat. 394, authorized until July 1, 1972, when the needs of the service required, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force to convene annually boards of officers to consider officers of the Army 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 could 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 was earlier.

§ 3070. Army Medical Specialist Corps: organization; Chief and assistant chiefs
(a) The Army Medical Specialist Corps consists of the Chief and assistant chiefs of that corps, other officers in grades prescribed by the Secretary of the Army, and the following sections;
(1) The Dietitian Section.
(2) The Physical Therapist Section.
(3) The Occupational Therapist Section.
(4) The Physician Assistant Section.
(5) The Chiropractic 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 up to five 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.

(d) Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.