

Validation of prior removals of restrictions, etc.

SEC. 7. All removals of restrictions and approvals of deeds heretofore made by the Secretary of the Interior, regardless of whether applications were made therefor by the Indian owner, are hereby validated and confirmed.

Restricted lands.

SEC. 8. That no tract of land, nor any interest therein, which is hereafter purchased by the Secretary of the Interior with restricted funds by or for an Indian or Indians of the Five Civilized Tribes in Oklahoma of one-half or more Indian blood, enrolled or unenrolled, shall be construed to be restricted unless the deed conveying same shows upon its face that such purchase was made with restricted funds.

Validation of conveyances.

SEC. 9. That all conveyances, including oil and gas or mineral leases, by Indians of the Five Civilized Tribes in Oklahoma of lands acquired by inheritance or devise, made after the effective date of the Act of January 27, 1933, and prior to the effective date of this Act, that were approved either by a county court in Oklahoma or by the Secretary of the Interior are hereby validated and confirmed: *Provided*, That if any such conveyance is subject to attack upon grounds other than sufficiency of approval or lack of approval thereof, such conveyance shall not be affected by this Act.

47 Stat. 777, 25 U. S. C. § 355 note.

SEC. 10. Section 2 of the Act of June 26, 1936 (49 Stat. 1967), commonly known as the Oklahoma Welfare Act, shall be amended by the addition of a new paragraph as follows:

25 U. S. C. § 502.

Waiver of preference right.

"The preference right of the Secretary to purchase shall be considered as waived where notice of the pendency of sale is given in writing to the Superintendent of the Five Civilized Tribes for at least ten days prior to the date of sale and the Secretary does not within that time exercise the preferential right to purchase."

Applicability of oil and gas conservation laws to restricted lands.

SEC. 11. All restricted lands of the Five Civilized Tribes are hereby made subject to all oil and gas conservation laws of Oklahoma: *Provided*, That no order of the Corporation Commission affecting restricted Indian land shall be valid as to such land until submitted to and approved by the Secretary of the Interior or his duly authorized representative.

Repeals.

SEC. 12. Sections 1 and 8 of the Act of January 27, 1933 (47 Stat. 777), are hereby repealed.

SEC. 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved August 4, 1947.

[CHAPTER 459]

AN ACT

To revise the Medical Department of the Army and the Medical Department of the Navy, and for other purposes.

August 4, 1947 [H. R. 3215] [Public Law 337]

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 Medical Services Corps Act of 1947".

Army-Navy Medical Services Corps Act of 1947.

TITLE I

ARMY MEDICAL SERVICE CORPS

Composition.

SEC. 101. Effective the date of enactment of this Act, there is established in the Medical Department of the Regular Army the Medical Service Corps, which shall consist of the Pharmacy, Supply, and Administration Section, the Medical Allied Sciences Section, the Sanitary Engineering Section, the Optometry Section, and such other sections as may be deemed necessary by the Secretary of War, and which shall perform such services as may be prescribed by the

Secretary of War. The authorized strength of the Medical Service Corps, Regular Army, shall be such strength as may from time to time be prescribed by the Secretary of War. The Medical Service Corps, Regular Army, shall consist of officers in the grades of second lieutenant to colonel, inclusive: *Provided*, That the number of colonels on active duty in the Medical Service Corps, Regular Army, shall at no time exceed 2 per centum of the authorized Regular Army officer strength of such corps.

Authorized strength.

Colonels.

Chief of Medical Service Corps.

SEC. 102 (a) From the officers commissioned in the Medical Service Corps, Regular Army, in the permanent grade of major or above, the Secretary of War shall appoint the Chief of the Medical Service Corps, who shall serve as Chief during his pleasure, and who, if commissioned in permanent grade below colonel, shall, without vacation of his permanent grade, have the temporary rank, pay, and allowances of a colonel while so serving, and who, while so serving, shall be superior in rank to all other colonels in the corps.

Designation of Assistant Chiefs.

(b) From the officers commissioned in the Medical Service Corps, Regular Army, the Surgeon General shall designate Assistant Chiefs, who shall be Chiefs of Sections, and who shall be consultants to him in activities relative to that specific section.

Retired rank, etc., of Chief.

(c) Unless entitled to higher retired rank or pay under any provision of law, each such commissioned officer who shall have served for four years as Chief of the Medical Service Corps, shall upon retirement be retired with the rank held while so serving, shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which he would receive if serving on active duty with such rank, and if thereafter recalled to active service shall be recalled in such rank.

Original appointments.
59 Stat. 663.
10 U. S. C. §§ 505-505d, 481, 552c, 552a.
Ante, p. 95.

SEC. 103. Except as provided in Public Law 281, Seventy-ninth Congress, approved December 28, 1945, as amended, and except as hereinafter provided for transfer thereto, original appointments in the Medical Service Corps, Regular Army, shall be made only in the grade of second lieutenant from citizens of the United States between the ages of twenty-one and thirty years, who possess such physical and other qualifications as may be prescribed by the Secretary of War: *Provided*, That appointments from sources other than the Regular Army or its active Reserve shall be made from persons who are graduates from accredited schools of pharmacy, optometry, or other schools or colleges with degrees in sciences allied to medicine or such other degrees as may be approved by the Surgeon General, and each person appointed and commissioned an officer of the Medical Service Corps who at the time of appointment holds a degree of doctor of philosophy or comparable degree recognized by the Surgeon General in a science allied to medicine may, subject to regulations as prescribed by the Secretary of War, be credited at the time of appointment with an amount of service equal to three years.

Appointments from sources other than Army.

Person holding doctorate degree in science.

SEC. 104. Effective from date of enactment of this Act, commissioned officers of the Medical Service Corps, Regular Army, shall be promoted to the permanent grades of first lieutenant, captain, major, and lieutenant colonel as now or hereafter prescribed for promotion of promotion-list officers to such grades, respectively. Promotion to the permanent grade of colonel shall be by selection under regulations prescribed by the Secretary of War from officers in the grade of lieutenant colonel with at least one year's service in that grade.

Promotion to permanent grades.

SEC. 105. Effective the date of enactment of this Act, Public Law 281, Seventy-ninth Congress, approved December 28, 1945, as amended, is hereby further amended as follows:

(a) Section 5 of said Act is amended by striking out paragraphs (c) and (d) and inserting in lieu thereof a new paragraph (c) as follows:

59 Stat. 665.
10 U. S. C. § 505c
(c), (d).

Appointments according to periods of service.

“(c) Persons appointed in the Medical Service Corps shall be appointed in grades of second lieutenant, first lieutenant, captain, or major according to the periods of service with which they are credited in the same manner as set forth in paragraph (a) of this section for persons appointed in arms and services of the Regular Army, the officers of which are on the promotion list.”

59 Stat. 665.
10 U. S. C. § 505d
(b), (c).

(b) Section 6 of said Act is amended by striking out from paragraph (b) thereof the words “The Pharmacy Corps” and by striking out paragraph (c) thereof and inserting in lieu thereof a new paragraph (c) as follows:

“(c) In the Medical Service Corps if he would upon appointment receive credit for twenty-three or more years’ service under section 5 of this Act.”

Ante, p. 735.

Transfer of officers of Pharmacy Corps.

SEC. 106. Officers of the Regular Army who, on the date of enactment of this Act, hold commissions in the Pharmacy Corps, are, effective the date of enactment of this Act, transferred in grade to the Medical Service Corps. Each such officer so transferred shall be reappointed in the Medical Service Corps in the permanent grade held by him at the time of such transfer; shall be credited for the purpose of determining eligibility for promotion, with continuous commissioned service on the active list of the Regular Army in the Medical Service Corps equal to the period of service credited to him for promotion purposes under existing provisions of law, and shall, subsequent to such transfer, be thereafter promoted in accordance with the promotion system set forth in section 104 of this Act.

Corps abolished.

SEC. 107. (a) Effective the date of enactment of this Act, the Pharmacy Corps and the Medical Administrative Corps are abolished.

Transfer of persons holding temporary appointments in Army, etc.

(b) Effective the date of enactment of this Act, persons holding temporary appointments or commissions in the Army of the United States permanently assigned or detailed to the Medical Administrative Corps, the Pharmacy Corps, or the Sanitary Corps, shall be automatically transferred and permanently assigned or detailed, as the case may be, to the Medical Service Corps, Regular Army, established by this Act, in the same temporary grade and rank held by them at such time.

Regulations.

(c) The Secretary of War is authorized to prescribe from time to time such regulations as may be necessary for the administration of title I of this Act.

Back pay.

(d) No back pay shall accrue to any person by reason of the enactment hereof.

Repeal.

(e) Effective the date of enactment of this Act, all laws and parts of laws, insofar as they are inconsistent with or in conflict with the provisions of title I of this Act, are repealed.

TITLE II

NAVY MEDICAL SERVICE CORPS

Composition.

SEC. 201. Effective the date of enactment of this Act, there is established in the Medical Department of the United States Navy a Medical Service Corps which shall consist of the Pharmacy, Supply, and Administration Section, the Medical Allied Sciences Section, the Optometry Section, and such other sections as may be deemed necessary by the Secretary of the Navy. The authorized strength of the Medical Service Corps shall be 20 per centum of the authorized strength of the Medical Corps of the Navy. The Medical Service Corps shall consist of officers in the grades of ensign to captain, inclusive.

Authorized strength.

The first proviso to section 4 of the Act of June 10, 1926 (44 Stat. 719), as amended, is hereby further amended to read as follows: “That

34 U. S. C. § 348c.
Post, p. 881.
Precedence.

except as otherwise provided herein, officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) supply officers, (d) chaplains, (e) civil engineers, (f) dental officers, (g) officers of the Medical Service Corps, and (h) officers of the Nurse Corps." The authorized number of captains on the active list of the Medical Service Corps shall equal 2 per centum of the total number of officers on the active list of that corps at any one time. A computation to determine such authorized number shall be made by the Secretary of the Navy as of January first of each year, and the resulting number as so computed shall be held and considered for all purposes as the authorized number until a subsequent computation shall be made.

SEC. 202. Officers of the Medical Service Corps shall be staff officers and shall be subject to all provisions of law now existing or hereafter enacted relating to the advancement in rank and retirement of officers of the Medical Corps of the Navy, with the exception of the provisions relating to the composition of selection boards for staff officers. Boards for selection of officers of the Medical Service Corps for recommendation for advancement in rank shall be composed of not less than six nor more than nine officers of the Medical Corps not below the rank of captain: *Provided*, That in case there be not a sufficient number of officers of the Medical Corps legally or physically capacitated to serve on such board as herein provided, officers of the line on the active list above the rank of commander shall be detailed to duty on such board to constitute the required minimum membership: *And provided further*, That commanders in the Medical Service Corps shall not be involuntarily retired by reason of failure of selection for promotion until they shall have completed thirty years of service.

SEC. 203. During the period that appointments to the Regular Navy may be made pursuant to section 5 of the Act of April 18, 1946 (Public Law 347, Seventy-ninth Congress, second session), all appointments to the Medical Service Corps shall be made in accordance with the provisions of said Act.

SEC. 204. All appointments in the Medical Service Corps, except those provided for in section 203 of this Act, shall be in the grade of ensign from those persons serving as commissioned warrant or warrant officers of the Hospital Corps of the Regular Navy and from other persons who possess such physical and other qualifications for appointment as may be prescribed by the Secretary of the Navy: *Provided*, That appointments from sources other than the Regular Navy shall be made from persons who are graduates of accredited schools of pharmacy, optometry, or other schools or colleges with degrees in sciences allied to medicine or such degrees as may be approved by the Surgeon General: *Provided further*, That persons holding a doctorate degree in sciences allied to medicine approved by the Surgeon General at time of appointment in the Medical Service Corps may, subject to regulations to be prescribed by the Secretary of the Navy, be appointed in the grade of lieutenant (junior grade). No person shall be appointed under the provisions of this section unless he be a citizen of the United States between the ages of twenty-one and thirty-two years and until he shall have established his mental, moral, and professional qualifications to the satisfaction of the Secretary of the Navy.

SEC. 205. All appointments in the Medical Service Corps shall be made by the President, by and with the advice and consent of the Senate.

SEC. 206. The Secretary of the Navy, under such regulations as he may prescribe, may revoke the commission of any officer appointed

Captains.

Computation to determine number.

Staff officers.
Post, p. 881.

Selection boards.

Detail of officers of the line.

Involuntary retirement.

Appointments.
Post, p. 881.60 Stat. 92.
34 U. S. C. § 15.
Post, p. 867.Appointments in grade of ensign.
Post, pp. 881, 882.

Appointments from sources other than Navy.

Person holding doctorate degree in sciences.

Qualifications.

Appointments by President.
Post, p. 881.Revocation of commission.
Post, pp. 881, 882.

60 Stat. 1061.
34 U. S. C. § 405a.
Post, p. 880.
Reappointment.

pursuant to section 204 of this Act in accordance with the provisions of section 12 of the Act of August 13, 1946 (Public Law 729, Seventy-ninth Congress): *Provided*, That any officer whose commission is so revoked and who at the time of his appointment under section 204 of this Act held permanent status as a commissioned warrant or warrant officer may be reappointed by the President without examination to such permanent status with the same lineal position and other rights and benefits which he would have had or would have attained in due course had he not been appointed in the Medical Service Corps.

Command in the
line, etc.
Post, p. 881.

SEC. 207. No officer of the Medical Service Corps shall be entitled to command in the line or any other staff corps of the Navy, nor shall any such officer suffer reduction in the pay and allowances to which entitled by virtue of his permanent status by reason of appointment in the Medical Service Corps established by this title.

Post, p. 881.

SEC. 208. All laws now existing or hereafter enacted relating to the various staff corps of the Navy shall be construed to include the Medical Service Corps, unless otherwise provided in this Act.

Regulations.
Post, p. 881.

SEC. 209. The Secretary of the Navy is hereby authorized to prescribe the necessary regulations to carry out the provisions of this title.

TITLE III

THE HOSPITAL CORPS OF THE NAVY

SEC. 301 (a) The first paragraph under the heading "Hospital Corps," page 572, volume 39, of the Statutes at Large (Act of August 29, 1916), as amended by the Act of April 18, 1946 (Public Law 347, Seventy-ninth Congress, second session), is hereby further amended to read as follows:

60 Stat. 95.
34 U. S. C. § 34.

Authorized strength.

"Hereafter the authorized strength of the Hospital Corps of the Navy shall equal 3½ per centum of the authorized enlisted strength of the Navy and Marine Corps. The Secretary of the Navy is authorized, in his discretion, to establish such grades and ratings in the Hospital Corps as he may deem necessary in the proper administration of such corps: *Provided*, That enlisted men of other ratings in the Navy and in the Marine Corps shall be eligible for transfer to the Hospital Corps, and men of that corps to other ratings in the Navy and the Marine Corps."

Eligibility for transfer.

39 Stat. 572.
34 U. S. C. § 128.

(b) The second paragraph under such heading is hereby amended to read as follows:

Appointment of
warrant officers.

"The Secretary of the Navy may hereafter appoint as many warrant officers in the Hospital Corps, as may be deemed necessary, from the rating of chief petty officer or petty officer, first class, in the Hospital Corps: *Provided*, That no person shall be appointed pursuant hereto until he shall have established his mental, moral, physical, and professional qualifications to the satisfaction of the Secretary of the Navy: *Provided further*, That the warrant officers now in the Hospital Corps of the United States Navy or hereafter appointed therein in accordance with the provisions of this Act shall have the same rank, pay, and allowances as are now or may hereafter be allowed other warrant officers."

Qualifications.

Rank; pay and allowances.

Regulations.

SEC. 302. The Secretary of the Navy is hereby authorized to prescribe the regulations necessary to carry out the provisions of this title and no person shall suffer any reduction in grade or rate, or in pay or allowances, by reason of the requirements of this title or of the regulations provided pursuant thereto.

Approved August 4, 1947.