

The words “basic pay \* \* \* as the case may be” are inserted to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “at the rate prescribed by law for his length of service”, in 10:1004, are omitted as covered by the words “base and longevity pay”. The words “base and longevity pay” are retained to cover the cases of members retired before the enactment of the Career Compensation Act of 1949, and advanced on the retired list after the enactment of that act. The words “and disregard a part of a year that is less than six months” are inserted to conform to footnote 4 of section 3991 of this title.

#### 1982 ACT

This amends 10:3992 to correct an inadvertent error in the codification of title 10 in 1956 relating to retirement pay of warrant officers advanced on the retired list. For further details, see the explanation for amendment of 10:1405 made by section 1(17).

#### AMENDMENTS

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section contained table with two formulas for recomputing retired pay of enlisted members and warrant officers of Army to reflect advancement on retired list.

1986—Pub. L. 99-348 revised table generally by striking out provision in column 1 that for a person who first became a member of a uniformed service, as defined in section 1407(a)(2), after Sept. 7, 1980, one multiplier is the monthly retired pay base as computed under section 1407(c), substituting in formulas A and B provision that the retired pay base as computed under section 1406(c) or 1407 of this title be multiplied by the retired pay multiplier prescribed in section 1409 of this title for the number of years credited for provisions that the monthly basic pay or base and longevity pay, as the case may be, subject to footnote 1, of the grade to which the member is advanced on the retired list be multiplied by 2½% of years of service credited, subject to footnote 2, and have subtracted from it the excess over 75% of pay upon which the computation is based, struck out footnote 1, which provided that the computation be at the rate applicable on the date of retirement, and redesignated footnote 2 as 1 and substituted “In determining retired pay multiplier” for “Before applying percentage factor” and “1/12” for “one-twelfth”.

1983—Pub. L. 98-94, §922(a)(8), inserted “The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

Pub. L. 98-94, §923(a)(1), (2)(G), in footnote 2 of table, substituted “Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

1982—Pub. L. 97-295 added formula B, applicable to warrant officers.

1980—Pub. L. 96-513 in heading for column 1 of table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of table inserted provisions respecting applicability to persons becoming members after the date of the enactment of the Department of Defense Authorization Act, 1981.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or

after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, and (2) the recomputation of retired pay under this section, of any individual who after Sept. 30, 1983, becomes entitled to recompute retired pay under this section, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### CHAPTER 373—CIVILIAN EMPLOYEES

- Sec.  
4021. Army War College and United States Army Command and General Staff College: civilian faculty members.  
[4022, 4023. Repealed.]  
4024. Expert accountant for Inspector General.  
4025. Production of supplies and munitions: hours and pay of laborers and mechanics.  
4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.

#### AMENDMENTS

2000—Pub. L. 106-398, §1 [[div. A], title V, §554(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-126, added item 4027.

1989—Pub. L. 101-189, div. A, title XI, §1124(b)(2), Nov. 29, 1989, 103 Stat. 1559, added item 4021.

1983—Pub. L. 98-94, title IX, §932(b)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 4022 “Contract surgeons”.

1962—Pub. L. 87-651, title I, §116(2), Sept. 7, 1962, 76 Stat. 513, struck out item 4023 “Service club and library services”.

1958—Pub. L. 85-861, §1(102), Sept. 2, 1958, 72 Stat. 1489, struck out item 4021 “Appointment: professional and scientific services”.

#### § 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) **APPLICATION TO CERTAIN FACULTY MEMBERS.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on November 29, 1989.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction

offered at the college involved is less than 10 months.

(Added Pub. L. 101-189, div. A, title XI, §1124(b)(1), Nov. 29, 1989, 103 Stat. 1558; amended Pub. L. 107-107, div. A, title X, §1048(c)(12), Dec. 28, 2001, 115 Stat. 1226.)

PRIOR PROVISIONS

A prior section 4021, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to appointments in professional and scientific service, prior to repeal by Pub. L. 85-861, §36B(11), Sept. 2, 1958, 72 Stat. 1570.

AMENDMENTS

2001—Subsec. (c)(1). Pub. L. 107-107 substituted “November 29, 1989” for “the date of the enactment of this section”.

**[§ 4022. Repealed. Pub. L. 98-94, title IX, § 932(b)(1), Sept. 24, 1983, 97 Stat. 650]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to employment of contract surgeons in an emergency. See section 1091 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1983, but with contracts entered into under the authority of this section before Oct. 1, 1983, which are in effect on Oct. 1, 1983, to remain in effect in accordance with the terms of such contracts, see section 932(f) of Pub. L. 98-94, set out as an Effective Date note under section 1091 of this title.

**[§ 4023. Repealed. Pub. L. 87-651, title I, § 116(1), Sept. 7, 1962, 76 Stat. 513]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 233, related to employment of civilians in service club and library services.

**§ 4024. Expert accountant for Inspector General**

The Secretary of the Army shall appoint an expert accountant to perform duties under the Inspector General.

(Aug. 10, 1956, ch. 1041, 70A Stat. 234.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4024 .....	10:52.	Feb. 24, 1891, ch. 284 (7th clause under “Miscellaneous”), 26 Stat. 773.

The words “in case of vacancy” are omitted as surplusage.

**§ 4025. Production of supplies and munitions: hours and pay of laborers and mechanics**

During a national emergency declared by the President, the regular working hours of laborers and mechanics of the Department of the Army producing military supplies or munitions are 8 hours a day or 40 hours a week. However, under regulations prescribed by the Secretary of the Army these hours may be exceeded. Each laborer or mechanic who works more than 40 hours in a workweek shall be paid at a rate not less than one and one-half times the regular hourly rate for each hour in excess of 40.

(Aug. 10, 1956, ch. 1041, 70A Stat. 234.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4025 .....	5:189a.	July 2, 1940, ch. 508, § 4(b), 54 Stat. 714.

The words “Notwithstanding the provisions of any other law” are omitted as surplusage. The word “producing” is substituted for the words “who are engaged in the manufacture or production”. The last sentence is substituted for 5:189a (last 34 words).

**§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests**

(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.

(Added Pub. L. 106-398, §1 [[div. A], title V, §554(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-126.)

**CHAPTER 375—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES**

Sec. 4061. Fatality reviews.

**§ 4061. Fatality reviews**

(a) REVIEW OF FATALITIES.—The Secretary of the Army shall conduct a multidisciplinary, impartial review (referred to as a “fatality review”) in the case of each fatality known or suspected to have resulted from domestic violence or child abuse against any of the following:

- (1) A member of the Army on active duty.
- (2) A current or former dependent of a member of the Army on active duty.

(3) A current or former intimate partner who has a child in common or has shared a common domicile with a member of the Army on active duty.

(b) MATTERS TO BE INCLUDED.—The report of a fatality review under subsection (a) shall, at a minimum, include the following:

- (1) An executive summary.
- (2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide