

1984—Subsec. (c)(1). Pub. L. 98-525 struck out “(A)” after “(c)(1)”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, §591(c), Oct. 17, 2006, 120 Stat. 2233, provided that: “The amendments made by this section [amending this section and section 1466 of this title] shall take effect on October 1, 2007.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 effective Oct. 1, 2003, with Secretary of Defense to provide for certain administrative adjustments, see section 641(c)(6) of Pub. L. 108-136, set out as a note under section 1413a of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 642(c) of S. 2638, as passed by the Senate on Aug. 9, 1986, and as enacted into law by section 101(c) [title IX, §9131] of Pub. L. 99-500 and Pub. L. 99-591, and section 661(d) of Pub. L. 99-661, provided respectively that: “The amendments made by this section [amending this section and section 1466 of this title] shall take effect on October 1, 1986, or the date of the enactment of this Act [Oct. 18, 1986], whichever is later, and shall apply to payments required to be made under section 1466(a) of title 10, United States Code, as amended by this section, for months beginning on or after that effective date.” and “The amendments made by subsections (a) and (b) [amending this section and section 1466 of this title] shall apply to payments required to be made under section 1466(a) of title 10, United States Code, as amended by subsection (b), for months beginning on or after the date of the enactment of this Act [Nov. 14, 1986].”

**§ 1466. Payments into the Fund**

(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the sum of the following:

(1) The product of—

(A) the level percentage of basic pay determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c)(1)(A) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay accrued for that month for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title.

(2) The product of—

(A) the level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c)(1)(B) of this title (except that any statutory change in the military retirement and survivor benefit systems that is effective

after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

(B) the total amount of basic pay and of compensation (paid pursuant to section 206 of title 37) accrued for that month by members of the Selected Reserve of the armed forces (other than the Coast Guard) for service not otherwise described in paragraph (1)(B).

Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3) of this title.

(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1465(a) of this title for the amortization of the original unfunded liability of the Fund.

(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund.

(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section 1413a or 1414 of this title.

(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

(c)(1) The Secretary of Defense shall pay into the Fund at the beginning of each fiscal year such amount as may be necessary to pay the cost to the Fund for that fiscal year resulting from the repeal, as of October 1, 1999, of section 5532 of title 5, including any actuarial loss to the Fund resulting from increased benefits paid from the Fund that are not fully covered by the payments made to the Fund for that fiscal year under subsections (a) and (b).

(2) Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

(3) The Department of Defense Board of Actuaries shall determine, for each armed force, the amount required under paragraph (1) to be deposited in the Fund each fiscal year.

(Added Pub. L. 98-94, title IX, §925(a)(1), Sept. 24, 1983, 97 Stat. 647; amended Pub. L. 99-500, §101(c) [title IX, §§9103(3), 9131], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, 1783-128, and Pub. L. 99-591, §101(c) [title IX, §§9103(3), 9131], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, 3341-128; Pub. L. 99-661, div. A, title VI, §661(b), Nov. 14, 1986, 100 Stat. 3892; Pub. L. 100-26, §§4(a)(1), 7(a)(3), Apr. 21, 1987, 101 Stat. 274, 275; Pub. L. 106-65, div. A, title VI, §651(b), Oct. 5, 1999, 113 Stat. 664; Pub. L. 108-136, div. A, title VI, §641(c)(5), Nov. 24, 2003, 117 Stat. 1516; Pub. L. 108-375, div. A, title X, §1084(d)(11), Oct. 28, 2004, 118 Stat. 2062; Pub. L. 109-364, div. A, title V, §591(b), Oct. 17, 2006, 120 Stat. 2233; Pub. L. 110-181, div. A, title IX, §906(c)(3), title X, §1063(c)(4), Jan. 28, 2008, 122 Stat. 277, 322.)

#### REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (c)(1), was repealed by Pub. L. 106-65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Amendment of section by section 9131 of Pub. L. 99-500 and Pub. L. 99-591 is based on section 642 of S. 2638, Ninety-ninth Congress, as passed by the Senate on Aug. 9, 1986, which was enacted into permanent law by section 9131 of Pub. L. 99-500 and Pub. L. 99-591. S. 2638 was subsequently enacted as Pub. L. 99-661.

#### AMENDMENTS

2008—Subsec. (a)(1)(B). Pub. L. 110-181, §1063(c)(4), amended Pub. L. 109-364, §591(b)(1). See 2006 Amendment note below.

Subsec. (c)(3). Pub. L. 110-181, §906(c)(3), struck out “Retirement” before “Board of Actuaries”.

2006—Subsec. (a)(1)(B). Pub. L. 109-364, §591(b)(1), as amended by Pub. L. 110-181, §1063(c)(4), substituted “for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title.” for “by members of the armed forces (other than the Coast Guard) on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only).”

Subsec. (a)(2)(B). Pub. L. 109-364, §591(b)(2), substituted “Selected Reserve” for “Ready Reserve” and “Coast Guard) for service” for “Coast Guard and other than members on full-time National Guard duty other than for training) who are”.

2004—Subsec. (b)(2)(D). Pub. L. 108-375 substituted “1413a” for “1413, 1413a.”

2003—Subsec. (b)(1). Pub. L. 108-136, §641(c)(5)(A), substituted “sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3)” for “sections 1465(a) and 1465(c)”.

Subsec. (b)(2)(D). Pub. L. 108-136, §641(c)(5)(B), added subpar. (D).

1999—Subsec. (c). Pub. L. 106-65 added subsec. (c).

1987—Subsec. (a). Pub. L. 100-26, §7(a)(3), inserted at end “Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.”

Subsec. (a)(1)(B), (2)(B). Pub. L. 100-26, §4(a)(1), amended Pub. L. 99-500 and 99-591, title I, §101(c) [title IX, §9103(3)]. See 1986 Amendment note below.

1986—Subsec. (a). Pub. L. 99-661 amended first sentence of subsec. (a), which after amendment by Pub. L.

99-500 and Pub. L. 99-591 was the only sentence of subsec. (a), by substituting language which was substantially identical to that substituted by Pub. L. 99-500 and Pub. L. 99-591.

Pub. L. 99-500 and Pub. L. 99-591, title I, §101(c) [§9131], amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the product of—

“(1) the level percentage of basic pay determined under the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c) of this title; and

“(2) the total amount of basic pay paid that month to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.”

Subsec. (a)(1)(B), (2)(B). Pub. L. 99-500 and Pub. L. 99-591, title I, §101(c) [title IX, §9103(3)], as amended by Pub. L. 100-26, §4(a)(1), substituted “accrued for that month by” for “paid that month to” in pars. (1)(B) and (2)(B) as amended by section 661(b) of Pub. L. 99-661, see above.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-181, div. A, title X, §1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(4) is effective as of Oct. 17, 2006, and as if included in the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109-364, as enacted.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Oct. 1, 2007, see section 591(c) of Pub. L. 109-364, set out as a note under section 1465 of this title.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 effective Oct. 1, 2003, with Secretary of Defense to provide for certain administrative adjustments, see section 641(c)(6) of Pub. L. 108-136, set out as a note under section 1413a of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, §651(c), Oct. 5, 1999, 113 Stat. 664, provided that: “The amendments made by this section [amending this section and repealing section 5532 of Title 5, Government Organization and Employees] shall take effect on October 1, 1999.”

#### EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-26, §12(b), Apr. 21, 1987, 101 Stat. 289, provided that: “The amendments made by section 4 [amending this section and provisions set out as a note under section 1014 of Title 37, Pay and Allowances of the Uniformed Services] shall apply as if included in Public Laws 99-500 and 99-591 when enacted on October 18, 1986, and October 30, 1986, respectively.”

#### EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-661 applicable to payments required to be made under subsec. (a) of this section for months beginning on or after Nov. 14, 1986, see section 661(d) of Pub. L. 99-661, set out as a note under section 1465 of this title.

Amendment by section 101(c) [title IX, §9131] of Pub. L. 99-500 and Pub. L. 99-591 effective Oct. 18, 1986, and applicable to payments required to be made under subsec. (a) of this section for months beginning on or after that date, see section 642(c) of S. 2638, as enacted into law, set out as a note under section 1465 of this title.

Amendment by section 101(c) [title IX, §9103(3)] of Pub. L. 99-500 and Pub. L. 99-591 effective Sept. 1, 1987,

see section 101(c) [title IX, §9103(4)] of Pub. L. 99-500 and Pub. L. 99-591, as amended, set out as an Effective Date note under section 1014 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE

Section effective Oct. 1, 1984, see section 925(b)(2) of Pub. L. 98-94, set out as a note under section 1463 of this title.

§ 1467. Investment of assets of Fund

The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

(Added Pub. L. 98-94, title IX, §925(a)(1), Sept. 24, 1983, 97 Stat. 648.)

CHAPTER 75—DECEASED PERSONNEL

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AMENDMENTS

1999—Pub. L. 106-65, div. A, title VII, §721(a), Oct. 5, 1999, 113 Stat. 692, substituted “DECEASED PERSONNEL” for “DEATH BENEFITS” as chapter heading and added subchapter analysis.

SUBCHAPTER I—DEATH INVESTIGATIONS

Sec.	
1471.	Forensic pathology investigations.

AMENDMENTS

1999—Pub. L. 106-65, div. A, title VII, §721(a), Oct. 5, 1999, 113 Stat. 692, added subchapter I heading and item 1471.

§ 1471. Forensic pathology investigations

(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person if such an investigation is determined to be justified under circumstances described in subsection (b). The investigation may include an autopsy of the decedent’s remains.

(b) BASIS FOR INVESTIGATION.—(1) A forensic pathology investigation of a death under this section is justified if at least one of the circumstances in paragraph (2) and one of the circumstances in paragraph (3) exist.

(2) A circumstance under this paragraph is a circumstance under which—

- (A) it appears that the decedent was killed or that, whatever the cause of the decedent’s death, the cause was unnatural;
- (B) the cause or manner of death is unknown;
- (C) there is reasonable suspicion that the death was by unlawful means;

(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

(E) the identity of the decedent is unknown.

(3) A circumstance under this paragraph is a circumstance under which—

- (A) the decedent—
  - (i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;
  - (ii) was a member of the armed forces on active duty or inactive duty for training;
  - (iii) was recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or
  - (iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination that a circumstance exists under paragraph (2) of subsection (b) shall be made by the Armed Forces Medical Examiner.

(2) A commander may make the determination that a circumstance exists under paragraph (2) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

- (A) in a case involving circumstances described in paragraph (3)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or
- (B) in a case involving circumstances described in paragraph (3)(A)(ii) of that subsection, the commander is the commander of the decedent’s unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

- (A) in the case of a death in a State, by the State or a local government of the State; or
- (B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.