

bers 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. (c)(1)(B). Pub. L. 109-364, § 591(a)(2)(B), 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. (c)(1)(A), (B), (4)(A), (B). Pub. L. 108-375 substituted "1413a" for "1413, 1413a,".

2003—Subsec. (b)(3). Pub. L. 108-136, § 641(c)(3), added par. (3).

Subsec. (c)(1). Pub. L. 108-136, § 641(c)(4)(A)(iii), substituted "subsection (b)(1)" for "subsection (b)" in concluding provisions.

Subsec. (c)(1)(A). Pub. L. 108-136, § 641(c)(4)(A)(i), inserted before semicolon ", to be determined without regard to section 1413, 1413a, or 1414 of this title".

Subsec. (c)(1)(B). Pub. L. 108-136, § 641(c)(4)(A)(ii), inserted before period at end ", to be determined without regard to section 1413, 1413a, or 1414 of this title".

Subsec. (c)(4), (5). Pub. L. 108-136, § 641(c)(4)(B), (C), added par. (4) and redesignated former par. (4) as (5).

1985—Subsec. (b)(1). Pub. L. 99-500 and Pub. L. 99-591, Pub. L. 99-661, § 661(a), amended par. (1) identically, inserting second sentence and striking out the existing second sentence which read as follows: "That amount shall be determined as the product of—

"(A) the current estimate of the value of the single level percentage of basic pay to be determined at the time of the next actuarial valuation under subsection (c); and

"(B) the total amount of basic pay expected to be paid during that fiscal year to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve."

Subsec. (c)(1). Pub. L. 99-500 and Pub. L. 99-591, Pub. L. 99-661, § 661(a)(2), amended par. (1) identically, inserting second and third sentences and striking out existing second sentence which read as follows: "Each actuarial valuation of such programs shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay to be used for the purposes of subsection (b) and section 1466(a) of this title."

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

Statutory Notes and Related Subsidiaries

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 and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard, shall pay into the Fund at the end of each month the respective pro rata share contribution of the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating 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 for service not otherwise described in paragraph (1)(B).

(b) Amounts paid into the Fund under this subsection shall be paid from funds available for as appropriate—

(1) the pay of members of the armed forces under the jurisdiction of the Secretary of a military department; or

(2) the Retired Pay appropriation for the Coast Guard.

(c)(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 liabilities of the Fund for the Department of Defense and the Coast Guard.

(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 and the Secretary of the Department in which the Coast Guard is operating shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

(d)(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; Pub. L. 116-283, div. G, title LVXXXII [LXXXII], §8225, Jan. 1, 2021, 134 Stat. 4659; Pub. L. 117-81, div. A, title X, §1081(a)(19), Dec. 27, 2021, 135 Stat. 1920.)

Editorial Notes

REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (d)(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

2021—Subsec. (a). Pub. L. 117-81, in introductory provisions, substituted “with respect to the Coast Guard” for “with respect to the Coast guard”.

Pub. L. 116-283, §8225(1)(A), (C), in introductory provisions, substituted “Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast guard, shall” for “Secretary of Defense shall” and “each month the respective pro rata share contribution of the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating” for “each month as the Department of Defense contribution” and struck out concluding provisions which read as follows: “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)(2)(B). Pub. L. 116-283, §8225(1)(B), struck out “(other than the Coast Guard)” after “armed forces”.

Subsec. (b). Pub. L. 116-283, §8225(1)(C), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 116-283, §8225(2), which directed redesignation of subsec. (b) as (c), was executed by redesignating the subsec. (b) relating to the prompt payment by the Secretary of the Treasury of certified amounts under the amortization schedule determined by the Board of Actuaries as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(2)(A). Pub. L. 116-283, §8225(3)(A), substituted “liabilities of the Fund for the Department of Defense and the Coast Guard.” for “liability of the Fund.”

Subsec. (c)(3). Pub. L. 116-283, §8225(3)(B), inserted “and the Secretary of the Department in which the Coast Guard is operating” before “shall promptly”.

Subsec. (d). Pub. L. 116-283, §8225(2), redesignated subsec. (c) as (d).

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.

Statutory Notes and Related Subsidiaries

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

Subchapter I. Death Investigations 1471
II. Death Benefits 1475

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

NOTIFICATION TO NEXT OF KIN UPON THE DEATH OF A MEMBER OF THE ARMED FORCES: STUDY; UPDATE; TRAINING; REPORT

Pub. L. 117-263, div. A, title V, §527, Dec. 23, 2022, 136 Stat. 2572, provided that:

"(a) STUDY.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall conduct a study on the notification processes of the next of kin upon the death of a member