

any other applicable health care standards and requirements.

(3) Periodically visit each facility of the Retirement Home to review—

(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Secretary of Defense.

(d) Advisory bodies

In carrying out the responsibilities set forth in subsection (b) and the duties set forth in subsection (c), the Senior Medical Advisor may establish and seek the advice of such advisory bodies as the Senior Medical Advisor considers appropriate.

(Pub. L. 101-510, div. A, title XV, §1513A, as added Pub. L. 110-181, div. A, title XIV, §1422(d)(1), Jan. 28, 2008, 122 Stat. 420; amended Pub. L. 112-81, div. A, title V, §§562, 567(c)(3), Dec. 31, 2011, 125 Stat. 1420, 1426; Pub. L. 113-291, div. A, title VII, §721, Dec. 19, 2014, 128 Stat. 3417; Pub. L. 115-91, div. A, title XIV, §1413(a)(1), Dec. 12, 2017, 131 Stat. 1707; Pub. L. 115-232, div. A, title XIV, §1413, Aug. 13, 2018, 132 Stat. 2092; Pub. L. 116-283, div. A, title XIV, §1413(b)(1), Jan. 1, 2021, 134 Stat. 4032.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c)(2). Pub. L. 116-283 struck out “(including requirements identified in applicable reports of the Inspector General of the Department of Defense)” before period at end.

2018—Subsec. (c)(1). Pub. L. 115-232, §1413(1), added par. (1) and struck out former par. (1) which read as follows: “Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.”

Subsec. (c)(2). Pub. L. 115-232, §1413(2), substituted “Monitor” for “Ensure”.

2017—Subsec. (b). Pub. L. 115-91, §1413(a)(1)(A), struck out “the Under Secretary of Defense for Personnel and Readiness,” after “Secretary of Defense,” in introductory provisions.

Subsec. (c)(4). Pub. L. 115-91, §1413(a)(1)(B), substituted “the Secretary of Defense” for “the Under Secretary of Defense for Personnel and Readiness”.

2014—Subsec. (a). Pub. L. 113-291, §721(a), substituted “Deputy Director of the Defense Health Agency” for “Deputy Director of the TRICARE Management Activity” wherever appearing.

Subsec. (c)(2). Pub. L. 113-291, §721(b), substituted “nationally recognized health care standards and requirements” for “health care standards of the Department of Veterans Affairs”.

2011—Pub. L. 112-81, §567(c)(3), substituted “Oversight of health care provided to residents” for “Improved health care oversight of Retirement Home” in section catchline.

Subsec. (b). Pub. L. 112-81, §562(a), substituted “The” for “(1) The” and “the Chief Operating Officer, and the

Advisory Council regarding the direction and oversight of—” for “the Chief Operating Officer regarding the direction and oversight of the provision of medical, preventive mental health, and dental care services at each facility of the Retirement Home.”, added pars. (1) and (2), and struck out former par. (2) which read as follows: “The Senior Medical Advisor shall also provide advice to the Local Board for a facility of the Retirement Home regarding all medical and medical administrative matters of the facility.”

Subsec. (c)(3) to (5). Pub. L. 112-81, §562(b), added pars. (3) and (4) and struck out former pars. (3) to (5) which read as follows:

“(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

“(4) Periodically examine and audit the medical records and administration of the Retirement Home.

“(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.”

§ 414. Fees paid by residents

(a) Monthly fees

The Administrator of each facility of the Retirement Home shall collect a monthly fee from each resident of that facility.

(b) Deposit of fees

The Administrators shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

(c) Fixing fees

(1) The Chief Operating Officer, with the approval of the Secretary of Defense, shall from time to time prescribe the fees required by subsection (a). Changes to such fees shall be based on the financial needs of the Retirement Home and the ability of the residents to pay. A change of a fee may not take effect until 120 days after the Secretary of Defense transmits a notification of the change to the Committees on Armed Services of the Senate and the House of Representatives.

(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.

(B) The calculation of monthly income and monthly payments under subparagraph (A) for a resident eligible under section 412(a)(5) of this title shall not be less than the retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may provide because of the compelling personal circumstances of such resident.

(3) The fee shall be subject to a limitation on maximum monthly amount. The amount of the limitation shall be increased, effective on January 1 of each year, by the percentage of the increase in retired pay and retainer pay that takes effect on the preceding December 1 under subsection (b) of section 1401a of title 10 without regard to paragraph (3) of such subsection.

(4) The Administrator of each facility of the Retirement Home may collect a fee upon admission from a resident accepted under section

412(a)(5) of this title equal to the deductions then in effect under section 1007(i)(1) of title 37 for each year of service computed under chapter 1223 of title 10 and shall deposit such fee in the Armed Forces Retirement Home Trust Fund.

(Pub. L. 101–510, div. A, title XV, § 1514, Nov. 5, 1990, 104 Stat. 1725; Pub. L. 103–337, div. A, title III, § 371(b), Oct. 5, 1994, 108 Stat. 2735; Pub. L. 107–107, div. A, title XIV, § 1405(b), Dec. 28, 2001, 115 Stat. 1261; Pub. L. 112–81, div. A, title V, § 564(b), 565, Dec. 31, 2011, 125 Stat. 1424; Pub. L. 116–283, div. A, title XIV, § 1412(b), Jan. 1, 2021, 134 Stat. 4031.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c)(2). Pub. L. 116–283, § 1412(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in a percentage that the Secretary determines appropriate.”

Subsec. (c)(4). Pub. L. 116–283, § 1412(b)(2), added par. (4).

2011—Subsec. (a). Pub. L. 112–81, § 564(b)(1), substituted “Administrator” for “Director”.

Subsec. (b). Pub. L. 112–81, § 564(b)(2), substituted “Administrators” for “Directors”.

Subsec. (c)(3). Pub. L. 112–81, § 565(a), struck out at end “The first increase in a limitation on maximum monthly amount shall take effect on January 1, 2003.”

Subsec. (d). Pub. L. 112–81, § 565(b), struck out subsec. (d) which related to transitional fee structures.

2001—Pub. L. 107–107 reenacted section catchline without change and amended text generally, substituting present provisions for provisions relating to collection of monthly fees in subsec. (a), deposit of fees in subsec. (b), fixing fees in subsec. (c), and application of fees in subsec. (d).

1994—Subsec. (c)(2). Pub. L. 103–337, § 371(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The fee shall be fixed as a percentage of Federal payments made to a resident, including monthly retired or retainer pay, monthly civil service annuity, monthly compensation or pension paid to the resident by the Secretary of Veterans Affairs, and Social Security payments. Residents who do not receive such Federal payments shall be required to pay a monthly fee that is equivalent to the average monthly fee paid by residents who receive Federal payments, subject to such adjustments in the fee as the Retirement Home Board may make. The percentage shall be the same for each establishment of the Retirement Home.”

Subsec. (d). Pub. L. 103–337, § 371(b)(2), added subsec. (d) and struck out former subsec. (d) which specified fees to be paid by residents of the Naval Home and residents of the United States Soldiers’ and Airmen’s Home who became residents of the Retirement Home on the effective date specified in section 1541(a) of Pub. L. 101–510.

Subsec. (e). Pub. L. 103–337, § 371(b)(2)(A), struck out subsec. (e) which read as follows: “A person who becomes a resident of the Retirement Home after the effective date specified in section 1541(a) shall be required to pay a monthly fee that is equal to 25 percent of Federal payments made to the resident, subject to such adjustments in the fee as may be made under subsection (c) of this section.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–337, div. A, title III, § 371(d)(2), Oct. 5, 1994, 108 Stat. 2735, provided that: “The amendments made

by subsection (b) [amending this section] shall take effect on October 1, 1997.”

EFFECTIVE DATE

Section effective one year after Nov. 5, 1990, see section 1541(a) of Pub. L. 101–510, formerly set out as a note under section 401 of this title.

RELIEF FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME IMPACTED BY INCREASE IN FEES

Pub. L. 115–232, div. A, title XIV, § 1415, Aug. 13, 2018, 132 Stat. 2092, provided that:

“(a) PROHIBITION ON REMOVAL FOR INABILITY TO PAY FEE INCREASE.—A resident of the Armed Forces Retirement Home as of September 30, 2018, may not be removed or released from the Retirement Home after that date based solely upon the inability of the resident to pay the amount of any increase in fees applicable to residents of the Retirement Home that takes effect on October 1, 2018.

“(b) OTHER RELIEF.—The Chief Operating Officer of the Armed Forces Retirement Home shall take all actions practicable to accommodate residents of the Retirement Home who are impacted by the fee structure applicable to residents of the Retirement Home that takes effect on October 1, 2018, including through hardship relief, additional deductions from gross income, and other appropriate actions.”

LIMITATION ON APPLICABILITY OF FEE INCREASE FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME

Pub. L. 115–232, div. A, title XIV, § 1416, Aug. 13, 2018, 132 Stat. 2092, provided that:

“(a) IN GENERAL.—In the case of an individual who was a resident of the Armed Forces Retirement Home as of April 9, 2018, the increase in fees for residents of the Home scheduled to take effect on October 1, 2018, shall occur on an incremental basis over the three-year period beginning on October 1, 2018, such that the total fee for such individual as a resident of the Home as of the end of such period covers the cost of care of such individual as a resident of the Home.

“(b) NOTICE AND WAIT ON IMPLEMENTATION OF FUTURE INCREASES.—Any increase in the fees for residents of the Home that is scheduled to take effect after October 1, 2018, may not take effect until 90 days after the date on which a report on the increase is submitted to the Committees on Armed Services of the Senate and the House of Representatives.”

§ 415. Chief Operating Officer

(a) Appointment

(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home.

(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

(b) Qualifications

To qualify for appointment as the Chief Operating Officer, a person shall—

(1) be a continuing care retirement community professional;

(2) have appropriate leadership and management skills; and

(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

(c) Responsibilities

(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Re-