

tirement Home and shall report to the Secretary on those matters.

(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

(3) The Chief Operating Officer shall perform the following duties:

(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(C) Periodically examine and audit the accounts of the Retirement Home.

(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

(d) Compensation

(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer, except that the annual rate of basic pay, including locality pay, of the Chief Operating Officer may not exceed the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5.

(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

(3) The total amount of the basic pay and bonus paid the Chief Operating Officer for a year under this section may not exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

(e) Administrative staff

(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the Chief Operating Officer's duties in the overall administration of the Retirement Home.

(2) The Chief Operating Officer shall prescribe the rates of pay applicable to the members of the staff appointed under paragraph (1), except that—

(A) a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States may not receive additional pay by reason of service on the administrative staff; and

(B) the limitations in section 5373 of title 5, relating to pay set by administrative action, shall apply to the rates of pay prescribed under this paragraph.

(f) Acceptance of gifts

(1) The Chief Operating Officer may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property, or any income therefrom or other interest therein, for the benefit of the Retirement Home.

(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Armed Forces Retirement Home Trust Fund.

(Pub. L. 101-510, div. A, title XV, § 1515, Nov. 5, 1990, 104 Stat. 1726; Pub. L. 102-190, div. A, title X, § 1062(a)(4), Dec. 5, 1991, 105 Stat. 1475; Pub. L. 103-160, div. A, title III, § 366(b), Nov. 30, 1993, 107 Stat. 1630; Pub. L. 104-201, div. A, title X, § 1051(a), (b)(1), Sept. 23, 1996, 110 Stat. 2648; Pub. L. 107-107, div. A, title XIV, § 1404(a), Dec. 28, 2001, 115 Stat. 1259; Pub. L. 112-81, div. A, title V, § 563(b)(2), Dec. 31, 2011, 125 Stat. 1423; Pub. L. 115-232, div. A, title XIV, § 1414, Aug. 13, 2018, 132 Stat. 2092.)

Editorial Notes

AMENDMENTS

2018—Subsec. (f)(1). Pub. L. 115-232 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Chief Operating Officer may accept gifts of money, property, and facilities on behalf of the Retirement Home.”

2011—Subsec. (c)(2). Pub. L. 112-81 struck out “, including the Local Boards of those facilities” before period at end.

2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to the Chief Operating Officer of the Retirement Home for provisions relating to the composition and operation of Retirement Home Board.

1996—Subsec. (e)(3). Pub. L. 104-201, § 1051(a), added par. (3).

Subsec. (f). Pub. L. 104-201, § 1051(b)(1), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “Not later than the effective date specified in section 1541(a), members of the Retirement Home Board and the members of each Local Board shall be first appointed to staggered terms.”

1993—Subsec. (d)(1). Pub. L. 103-160 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman of the Retirement Home Board shall be five years.”

1991—Subsecs. (a), (c). Pub. L. 102-190, § 1062(a)(4)(A), substituted “Local Boards” for “local boards”.

Subsec. (d)(2). Pub. L. 102-190, § 1062(a)(4)(B), substituted “that Board” for “that board”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective one year after Nov. 5, 1990, except that provisions of this section relating to appointment and designation of members of Retirement Home Board and Local Boards effective Oct. 1, 1991, see section 1541(a), (c) of Pub. L. 101-510, formerly set out as a note under section 401 of this title.

SAVINGS PROVISION

Pub. L. 104-201, div. A, title X, § 1051(b)(2), Sept. 23, 1996, 110 Stat. 2649, provided that: “The amendment made by this subsection [amending this section] shall not affect the staggered terms of members of the Armed Forces Retirement Home Board or a Local Board of the Retirement Home under section 1515(f) of such Act [subsec. (f) of this section], as such section is in effect before the date of the enactment of this Act [Sept. 23, 1996].”

§ 416. Advisory Council

(a) Establishment

The Retirement Home shall have an Advisory Council, to be known as the “Armed Forces Retirement Home Advisory Council”. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

(b) Duties

(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

(3) In carrying out its functions, the Advisory Council shall provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home.

(c) Composition

(1) The Advisory Council shall consist of at least 15 members.

(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

(3) The Advisory Council shall include the following members:

(A) One member who is an expert in nursing home or retirement home administration and financing.

(B) One member who is an expert in gerontology.

(C) One member who is an expert in financial management.

(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

(E) The Chairpersons of the Resident Advisory Committees.

(F) One enlisted representative of the Servicemen's Retiree Advisory Council.

(G) The senior noncommissioned officer of one of the Armed Forces.

(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

(I) One senior judge advocate from one of the Armed Forces.

(J) One senior representative of one of the chief personnel officers of the Armed Forces.

(K) Such other members as the Secretary of Defense may designate.

(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council.

(d) Term of service

(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

(e) Vacancies

A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

(f) Compensation

(1) Except as provided in paragraph (2), a member of the Advisory Council may—

(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5.

(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

(Pub. L. 101-510, div. A, title XV, §1516, as added Pub. L. 112-81, div. A, title V, §563(a), Dec. 31, 2011, 125 Stat. 1421; amended Pub. L. 115-91, div. A, title XIV, §1413(b), Dec. 12, 2017, 131 Stat. 1708; Pub. L. 116-283, div. A, title XIV, §1413(b)(2), Jan. 1, 2021, 134 Stat. 4032.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 416, Pub. L. 101-510, div. A, title XV, §1516, Nov. 5, 1990, 104 Stat. 1728; Pub. L. 107-107, div. A, title XIV, §1406, Dec. 28, 2001, 115 Stat. 1262; Pub. L. 110-181, div. A, title XIV, §1422(e), Jan. 28, 2008, 122 Stat. 421; Pub. L. 110-417, [div. A], title X, §1061(b)(12), Oct. 14, 2008, 122 Stat. 4613, related to local boards of trustees, prior to repeal by Pub. L. 112-81, div. A, title V, §563(a), Dec. 31, 2011, 125 Stat. 1421.

AMENDMENTS

2021—Subsec. (b)(3). Pub. L. 116-283 struck out dash after “shall” and subpar. (A) designation before “pro-

vide", substituted period at end for ";; and", and struck out subparagraph (B) which read as follows: "make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate."

2017—Subsec. (c)(1). Pub. L. 115-91, § 1413(b)(1), substituted "15 members." for "15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces."

Subsec. (f)(1). Pub. L. 115-91, § 1413(b)(2), substituted "may" for "shall" in introductory provisions.

§ 416a. Resident Advisory Committees

(a) Establishment and purpose

(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

(2) A Resident Advisory Committee—

(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

(B) provides a means to communicate policy and general information between residents and management.

(b) Election process

The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

(c) Chairperson

(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

(d) Meetings

At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly.

(Pub. L. 101-510, div. A, title XV, § 1516A, as added Pub. L. 112-81, div. A, title V, § 563(a), Dec. 31, 2011, 125 Stat. 1423.)

§ 417. Administrators, Ombudsmen, and staff of facilities

(a) Appointment

The Secretary of Defense shall appoint an Administrator and an Ombudsman for each facility of the Retirement Home.

(b) Administrator

The Administrator of a facility shall—

(1) be a civilian with experience as a continuing care retirement community professional or a member of the Armed Forces serving on active duty in a grade below brigadier general or, in the case of the Navy, rear admiral (lower half);

(2) have appropriate leadership and management skills;

(3) be required to pursue a course of study to receive certification as a retirement facilities

director by an appropriate civilian certifying organization, if the Administrator is not so certified at the time of appointment; and

(4) serve at the pleasure of the Secretary of Defense.

(c) Duties of Administrator

(1) The Administrator of a facility shall be responsible for the day-to-day operation of the facility, including the acceptance of applicants to be residents of that facility.

(2) The Administrator of a facility shall keep accurate and complete records of the facility.

(d) Ombudsman

(1) The Ombudsman of a facility shall—

(A) be a member of the Armed Forces serving on active duty in the grade of Sergeant Major, Master Chief Petty Officer, or Chief Master Sergeant or a member or former member retired in that grade; and

(B) have appropriate leadership and management skills.

(2) The Ombudsman of a facility shall serve at the pleasure of the Secretary of Defense.

(e) Duties of Ombudsman

(1) The Ombudsman of a facility shall, under the authority, direction, and control of the Administrator of the facility, serve as ombudsman for the residents and perform such other duties as the Administrator may assign.

(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, and the Secretary of Defense.

(f) Staff

(1) The Administrator of a facility may, subject to the approval of the Chief Operating Officer, appoint and prescribe the pay of such principal staff as the Administrator considers appropriate to assist the Administrator in operating the facility.

(2) The principal staff of a facility shall include persons with experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

(g) Annual evaluation of Administrators

(1) The Chief Operating Officer shall evaluate the performance of each of the Administrators of the facilities of the Retirement Home each year.

(2) The Chief Operating Officer shall submit to the Secretary of Defense any recommendations regarding an Administrator that the Chief Operating Officer determines appropriate taking into consideration the annual evaluation.

(Pub. L. 101-510, div. A, title XV, § 1517, Nov. 5, 1990, 104 Stat. 1729; Pub. L. 102-190, div. A, title X, § 1062(a)(5), Dec. 5, 1991, 105 Stat. 1475; Pub. L. 104-201, div. A, title X, § 1051(c), Sept. 23, 1996, 110 Stat. 2649; Pub. L. 105-261, div. A, title X, § 1041(a)-(c), Oct. 17, 1998, 112 Stat. 2124; Pub. L. 107-107, div. A, title XIV, § 1407, Dec. 28, 2001, 115 Stat. 1264; Pub. L. 112-81, div. A, title V, §§ 564(a), 567(c)(4), Dec. 31, 2011, 125 Stat. 1424, 1426; Pub. L. 115-91, div. A, title XIV, § 1413(a)(2), (c), Dec. 12, 2017, 131 Stat. 1707, 1708; Pub. L. 116-283, div. A, title XIV, § 1413(b)(3), Jan. 1, 2021, 134 Stat. 4032.)