

ignation 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 shall—

(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.)

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.

§ 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; and

(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.

(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, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.

(f) Staff

(1) The Administrator of a facility may, subject to the approval of the Chief Operating Offi-

cer, 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.)

AMENDMENTS

2011—Pub. L. 112-81, § 567(c)(4), substituted “Administrators, Ombudsmen, and staff of facilities” for “Directors, deputy directors, associate directors, and staff of facilities” in section catchline.

Subsec. (a). Pub. L. 112-81, § 564(a)(1), substituted “an Administrator and an Ombudsman” for “a Director, a Deputy Director, and an Associate Director”.

Subsecs. (b), (c). Pub. L. 112-81, § 564(a)(2), substituted “Administrator” for “Director” wherever appearing in heading and text.

Subsec. (d). Pub. L. 112-81, § 564(a)(4), substituted “Ombudsman” for “Associate Director” wherever appearing in heading and text.

Pub. L. 112-81, § 564(a)(3), redesignated subsec. (f) as (d) and struck out former subsec. (d) which related to Deputy Director.

Subsec. (e). Pub. L. 112-81, § 564(a)(5), designated existing provisions as par. (1), substituted “Ombudsman” for “Associate Director” in heading and text, substituted “Administrator of” for “Director and Deputy Director of” and “Administrator may” for “Director may”, and added par. (2).

Pub. L. 112-81, § 564(a)(3), redesignated subsec. (g) as (e) and struck out former subsec. (e) which related to duties of Deputy Director.

Subsec. (f). Pub. L. 112-81, § 564(a)(3), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (d).

Subsec. (f)(1). Pub. L. 112-81, § 564(a)(6), substituted “Administrator” for “Director” wherever appearing.

Subsec. (g). Pub. L. 112-81, § 564(a)(7), substituted “Administrators” for “Directors” in heading and par. (1) and “an Administrator” for “a Director” in par. (2).

Pub. L. 112-81, § 564(a)(3), redesignated subsec. (i) as (g). Former subsec. (g) redesignated (e).

Subsecs. (h), (i). Pub. L. 112-81, § 564(a)(3), redesignated subsecs. (h) and (i) as (f) and (g), respectively.

2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to directors, deputy directors, associate directors, and staff of facilities for provisions relating to directors and staff.

1998—Subsec. (a)(2). Pub. L. 105-261, § 1041(a)(1)(A), substituted “The Director of the United States Soldiers’ and Airmen’s Home” for “Each Director” in introductory provisions.

Subsec. (a)(2)(B). Pub. L. 105-261, § 1041(a)(1)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and a significant military background.”

Subsec. (a)(3) to (5). Pub. L. 105-261, § 1041(a)(2), (3), added pars. (3) and (4) and redesignated former par. (3) as (5).

Subsec. (c). Pub. L. 105-261, § 1041(b), substituted “Terms of Directors” for “Term of Director” in heading, designated existing provisions as par. (1), substituted “The term of office of the Director of the United States Soldiers’ and Airmen’s Home shall be five years. The Director” for “The term of office of a Director shall be five years. A Director”, and added par. (2).

Subsec. (g). Pub. L. 105-261, § 1041(c), added subsec. (g). 1996—Subsec. (f). Pub. L. 104-201 added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows:

“(1) Until the date on which the Secretary of Defense first appoints the Director for the establishment of the Retirement Home known as the Naval Home, the Governor of the Naval Home shall operate that facility consistent with this chapter and other laws applicable to the Retirement Home.

“(2) Until the date on which the Secretary of Defense first appoints the Director for the facility of the Retirement Home known as the United States Soldiers’ and Airmen’s Home, the Governor of the United States Soldiers’ and Airmen’s Home shall operate that establishment consistent with this chapter and other laws applicable to the Retirement Home.”

1991—Subsec. (f). Pub. L. 102-190 made technical amendment to references to this chapter to correct reference to corresponding provision of original act.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title X, § 1041(d), Oct. 17, 1998, 112 Stat. 2124, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 1998.”

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.

§ 418. Periodic inspection of retirement home facilities by Department of Defense Inspector General and outside inspectors

(a) Duty of Inspector General of the Department of Defense

The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

(b) Inspections by Inspector General

(1) Not less often than once every three years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, long-term care, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Advisory Council or the Resident Advisory Committee of the facility recommends inspection.

(2) The Inspector General shall be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the