

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

Inspector General shall solicit concerns, observations, and recommendations from the Advisory Council, the Resident Advisory Committee of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

(4) The Chief Operating Officer and the Administrator of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

(c) Reports on inspections by Inspector General

(1) The Inspector General shall prepare a report describing the results of each inspection conducted of a facility of the Retirement Home under subsection (b), and include in the report such recommendations as the Inspector General considers appropriate in light of the inspection. Not later than 90 days after completing the inspection of the facility, the Inspector General shall submit the report to Congress and the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Administrator of the facility, the Senior Medical Advisor, and the Advisory Council.

(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.

(d) Additional inspections

(1) The Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 411(g) of this title.

(2) The Chief Operating Officer and the Administrator of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

(e) Reports on additional inspections

(1) Not later than 60 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor, and the Advisory Council a report containing—

(A) the results of the inspection; and

(B) a plan to address any recommendations and other matters set forth in the report.

(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.

(Pub. L. 101-510, div. A, title XV, § 1518, Nov. 5, 1990, 104 Stat. 1730; Pub. L. 105-261, div. A, title X, § 1042(a), Oct. 17, 1998, 112 Stat. 2125; Pub. L. 107-107, div. A, title XIV, § 1404(b)(1)(C), Dec. 28, 2001, 115 Stat. 1260; Pub. L. 110-181, div. A, title XIV, § 1422(f), Jan. 28, 2008, 122 Stat. 422; Pub. L. 112-81, div. A, title V, §§ 563(b)(3), 564(b)(1), 566(c)(5), Dec. 31, 2011, 125 Stat. 1423-1426.)

AMENDMENTS

2011—Pub. L. 112-81, § 567(c)(5), substituted “Periodic inspection of retirement home facilities by Department of Defense Inspector General and outside inspectors” for “Inspection of Retirement Home” in section catchline.

Subsec. (b)(1). Pub. L. 112-81, § 566(1), substituted “Not less often than once every three years,” for “In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,” and “of each facility of the Retirement Home” for “of that facility” and inserted “long-term care,” after “assisted living.”

Pub. L. 112-81, § 563(b)(3)(A)(i), substituted “Advisory Council or the Resident Advisory Committee” for “Local Board for the facility or the resident advisory committee or council”.

Subsec. (b)(3). Pub. L. 112-81, § 563(b)(3)(A)(ii), substituted “Advisory Council, the Resident Advisory Committee” for “Local Board for the facility, the resident advisory committee or council”.

Subsec. (b)(4). Pub. L. 112-81, § 564(b)(1), substituted “Administrator” for “Director”.

Subsec. (c). Pub. L. 112-81, § 564(b)(1), substituted “Administrator” for “Director” in two places.

Subsec. (c)(1). Pub. L. 112-81, § 566(2)(A), substituted “90 days” for “45 days”.

Pub. L. 112-81, § 563(b)(3)(B), substituted “Advisory Council” for “Local Board for the facility”.

Subsec. (c)(2). Pub. L. 112-81, § 566(2)(B), added par. (2) and struck out former par. (2) which read as follows: “Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Administrator of the facility concerned shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.”

Subsec. (d)(2). Pub. L. 112-81, § 564(b)(1), substituted “Administrator” for “Director”.

Subsec. (e)(1). Pub. L. 112-81, § 566(3), substituted “60 days” for “45 days” and “Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor” for “Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer”.

Pub. L. 112-81, § 563(b)(3)(C), substituted “Advisory Council” for “Local Board for the facility”.

2008—Pub. L. 110-181 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to triennial inspections, alternating duties of Inspectors General, and inspection reports.

2001—Subsec. (c). Pub. L. 107-107 substituted “Chief Operating Officer” for “Retirement Home Board”.

1998—Pub. L. 105-261 amended section catchline and text generally. Prior to amendment, text read as follows: “The Inspector General of the Department of Defense shall—

“(1) conduct, not later than three years after the effective date specified in section 1541(a) (and at six-year intervals thereafter), an inspection of the Retirement Home and the records of the Retirement Home;

“(2) cause the Inspector Generals of the military departments to conduct an inspection of the Retirement Home and its records at six-year intervals alternating with the inspections by the Inspector General of the Department of Defense so that each home is inspected every three years; and

“(3) submit to the Retirement Home Board, the Secretary of Defense, and Congress a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.”

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.

FIRST INSPECTION

Pub. L. 105-261, div. A, title X, §1042(b), Oct. 17, 1998, 112 Stat. 2125, provided that: "The first inspection under section 1518 of the Armed Forces Retirement Home Act of 1991 [24 U.S.C. 418], as amended by subsection (a), shall be carried out during fiscal year 1999."

§ 419. Armed Forces Retirement Home Trust Fund

(a) Establishment

There is hereby established in the Treasury of the United States a trust fund to be known as the Armed Forces Retirement Home Trust Fund. The Fund shall consist of the following:

(1) Such amounts as may be transferred to the Fund.

(2) Moneys deposited in the Fund by the Chief Operating Officer realized from gifts or from the disposition of property and facilities.

(3) Amounts deposited in the Fund as monthly fees paid by residents of the Retirement Home under section 414 of this title.

(4) Amounts of fines and forfeitures deposited in the Fund under section 2772 of title 10.

(5) Amounts deposited in the Fund as deductions from the pay of enlisted members, warrant officers, and limited duty officers under section 1007(i) of title 37.

(6) Interest from investments made under subsection (c) of this section.

(b) Availability and use of Fund

Amounts in the Fund shall be available solely for the operation of the Retirement Home.

(c) Investments

The Secretary of the Treasury may invest in obligations issued or guaranteed by the United States any monies in the Fund that the Chief Operating Officer determines are not currently needed to pay for the operation of the Retirement Home.

(d) Reporting requirements

The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31.

(Pub. L. 101-510, div. A, title XV, §1519, Nov. 5, 1990, 104 Stat. 1730; Pub. L. 107-107, div. A, title XIV, §§1404(b)(2), 1410(a)(2), (b)(2), Dec. 28, 2001, 115 Stat. 1260, 1266; Pub. L. 110-181, div. A, title XIV, §1422(g), Jan. 28, 2008, 122 Stat. 423; Pub. L. 112-81, div. A, title V, §567(b)(1), Dec. 31, 2011, 125 Stat. 1425.)

AMENDMENTS

2011—Subsec. (a)(2). Pub. L. 112-81 substituted "Chief Operating Officer" for "Retirement Home Board".

2008—Subsec. (d). Pub. L. 110-181 added subsec. (d).

2001—Pub. L. 107-107, §1410(a)(2), inserted "Armed Forces" before "Retirement Home Trust Fund" in section catchline.

Subsec. (c). Pub. L. 107-107, §1404(b)(2), substituted "Chief Operating Officer" for "Director".

Subsec. (d). Pub. L. 107-107, §1410(b)(2), struck out heading and text of subsec. (d). Text read as follows:

"(1) During the period beginning on November 5, 1990, and ending on September 30, 1994, the Fund shall contain a separate account for each establishment of the Retirement Home. During that period, contributions shall be collected under subsection (a) of this section for the account of the Naval Home for the purpose of

achieving a trust fund five times the estimated annual operating budget of the Naval Home.

"(2) Beginning on November 5, 1990, funds required for the operation of the United States Soldiers' and Airmen's Home shall be drawn from the appropriate account. Beginning on October 1, 1991, funds required for the operation of the Naval Home shall be drawn from the account of the Naval Home.

"(3) During the period beginning on November 5, 1990, and ending on September 30, 1994—

"(A) amounts collected as monthly fees paid by residents of the Naval Home and amounts referred to in subsections (a)(4) and (a)(5) of this section derived from enlisted members, warrant officers, and limited duty officers of the Navy, Marine Corps, and Coast Guard shall be credited to the account relating to that establishment; and

"(B) amounts collected as monthly fees paid by residents of the United States Soldiers' and Airmen's Home and amounts referred to in subsections (a)(4) and (a)(5) of this section derived from members and warrant officers of the Army and Air Force shall be credited to the account relating to that establishment."

EFFECTIVE DATE

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

§ 420. Disposition of effects of deceased persons; unclaimed property

(a) Disposition of effects of deceased persons

The Administrator of a facility of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to such facility under sections 4712(f) and 9712(f) of title 10, and shall ensure the following:

(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record.

(2) If a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Administrator shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Administrator at any time during the three-year period, the Administrator shall distribute the decedent's property, in equal prorate shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

(A) The surviving spouse or legal representative.

(B) The children of the deceased.

(C) The parents of the deceased.

(D) The siblings of the deceased.

(E) The next-of-kin of the deceased.

(b) Sale of effects

(1)(A) If the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2) of this section or if a resident dies testate and the nominated fiduciary, legatees, or heirs of the resident cannot be immediately ascertained, the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that is un-