

1996—Subsec. (b)(1)(C). Pub. L. 104-316, §202(j)(1), substituted “Secretary of Defense” for “Comptroller General of the United States” and “Secretary” for “Comptroller General”.

Subsec. (d). Pub. L. 104-316, §202(j)(2), substituted “Secretary of Defense” for “Comptroller General of the United States” in par. (1), “Secretary” for “Comptroller General” in par. (2), and “allowed by the Secretary” for “allowed by the Comptroller General” in par. (3).

1993—Subsec. (a). Pub. L. 103-160, §366(d), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “The Directors of the establishments of the Retirement Home shall safeguard and dispose of the effects of a deceased person delivered to the Retirement Home under section 4712(f) or 9712(f) of title 10 and the estate and effects of a deceased resident of the Armed Forces Retirement Home as follows:

“(1) A will or other paper involving property rights shall be promptly delivered to the proper court of record.

“(2) If the heirs or legal representative of the deceased cannot sooner be ascertained, the Directors shall retain the remaining effects until three years after the death of the deceased, and then, if a right to the effects is established to the satisfaction of the Directors, shall deliver the effects to the living person highest on the following list who can be found:

“(A) The surviving spouse or legal representative.

“(B) A child of the deceased.

“(C) A parent of the deceased.

“(D) A brother or sister of the deceased.

“(E) The next-of-kin of the deceased.

“(F) A beneficiary named in the will of the deceased.”

Subsec. (b). Pub. L. 103-160, §366(e), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows:

“(1) After three years from the date of death of the deceased, the Directors may sell the effects to which a right has not been established under subsection (a) of this section (except decorations, medals, and citations) by public or private sale, as the Directors consider most advantageous.

“(2) After five years from the date of death of the deceased, the Directors shall dispose of effects that were not sold under paragraph (1) (including decorations, medals, and citations) and to which a right has not been established under subsection (a) of this section. The sale shall be made in the manner that the Directors consider most appropriate in the public interest. Disposal may include—

“(A) retaining the effects for the use of the Retirement Home;

“(B) delivering the effects to the Secretary of Veterans Affairs, to a State or other military home, to a museum, or to any other appropriate institution; or

“(C) destroying the effects if the Retirement Home Board determines that they are valueless.”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title X, §1062(f), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(f)(3) is effective as of Dec. 28, 2001, and as if included in Pub. L. 107-107 as enacted.

#### EFFECTIVE DATE

Section applicable to estate of each resident of Armed Forces Retirement Home, including United States Soldiers' and Airmen's Home and Naval Home, who dies after Nov. 29, 1989, see section 1541(d) of Pub. L. 101-510, formerly set out as a note under section 401 of this title.

### § 421. Payment of residents for services

#### (a) Authority

The Chief Operating Officer is authorized to accept for the Armed Forces Retirement Home the part-time or intermittent services of a resi-

dent of the Retirement Home, to pay the resident for such services, and to fix the rate of such pay.

#### (b) Employment status

A resident receiving pay for services authorized under subsection (a) of this section shall not, by reason of performing such services and receiving pay for such services, be considered as—

(1) receiving the pay of a position or being employed in a position for the purposes of section 5532<sup>1</sup> of title 5; or

(2) being an employee of the United States for any purpose other than—

(A) subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries); and

(B) chapter 171 of title 28 (relating to claims for damages or loss).

#### (c) “Position” defined

In subsection (b)(1) of this section, the term “position” has the meaning given that term in section 5531 of title 5.

(Pub. L. 101-510, div. A, title XV, §1521, as added Pub. L. 102-484, div. A, title III, §385(a), Oct. 23, 1992, 106 Stat. 2394; amended Pub. L. 104-201, div. A, title X, §1052(b), Sept. 23, 1996, 110 Stat. 2650; Pub. L. 107-107, div. A, title XIV, §1404(b)(3), Dec. 28, 2001, 115 Stat. 1260.)

#### REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (b)(1), was repealed by Pub. L. 106-65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 substituted “Chief Operating Officer” for “Chairman of the Armed Forces Retirement Board”.

1996—Subsec. (b)(2). Pub. L. 104-201 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “being an employee of the United States for any other purpose.”

#### FORGIVENESS OF INDEBTEDNESS

Pub. L. 102-484, div. A, title III, §385(b), Oct. 23, 1992, 106 Stat. 2394, provided that: “The Chairman of the Armed Forces Retirement Board is authorized to cancel the indebtedness of any resident of the Armed Forces Retirement Home for repayment to the United States of amounts paid the resident for services provided to the Retirement Home before the date of the enactment of this Act [Oct. 23, 1992] if the Chairman determines that it would be in the interest of the United States to do so and against equity and good conscience to require the repayment.”

### § 422. Authority to accept certain uncompensated services

#### (a) Authority to accept services

Subject to subsection (b) of this section and notwithstanding section 1342 of title 31, the Chief Operating Officer or the Administrator of a facility of the Retirement Home may accept from any person voluntary personal services or gratuitous services.

#### (b) Requirements and limitations

(1) The Chief Operating Officer or the Administrator of a facility accepting the services shall

<sup>1</sup> See References in Text note below.