

- Sec.  
413. Services provided to residents.  
413a. Oversight of health care provided to residents.  
414. Fees paid by residents.  
415. Chief Operating Officer.  
416. Advisory Council.  
416a. Resident Advisory Committees.  
417. Administrators, Ombudsmen, and staff of facilities.  
418. Periodic inspection of retirement home facilities by Department of Defense Inspector General and outside inspectors.  
419. Armed Forces Retirement Home Trust Fund.  
420. Disposition of effects of deceased persons; unclaimed property.  
421. Payment of residents for services.  
422. Authority to accept certain uncompensated services.  
423. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington.  
424. Repealed.

#### SUBCHAPTER II—TRANSITIONAL PROVISIONS

431 to 433. Repealed.

#### SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

441. Repealed.

### § 401. Definitions

For purposes of this chapter:

(1) The term “Retirement Home” includes the institutions established under section 411 of this title, as follows:

(A) The Armed Forces Retirement Home—Washington.

(B) The Armed Forces Retirement Home—Gulftport.

(2) The terms “Armed Forces Retirement Home Trust Fund” and “Fund” mean the Armed Forces Retirement Home Trust Fund established under section 419(a) of this title.

(3) The term “Advisory Council” means the Armed Forces Retirement Home Advisory Council established under section 416 of this title.

(4) The term “Resident Advisory Committee” means an elected body of residents at a facility of the Retirement Home established under section 416a of this title.

(5) The term “chief personnel officers” means—

(A) the Deputy Chief of Staff for Personnel of the Army;

(B) the Chief of Naval Personnel;

(C) the Deputy Chief of Staff for Personnel of the Air Force;

(D) the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs; and

(E) the Assistant Commandant of the Coast Guard for Human Resources.

(6) The term “senior noncommissioned officers” means the following:

(A) The Sergeant Major of the Army.

(B) The Master Chief Petty Officer of the Navy.

(C) The Chief Master Sergeant of the Air Force.

(D) The Sergeant Major of the Marine Corps.

(E) The Master Chief Petty Officer of the Coast Guard.

(Pub. L. 101-510, div. A, title XV, §1502, Nov. 5, 1990, 104 Stat. 1722; Pub. L. 106-398, §1 [[div. A], title IX, §902(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-224; Pub. L. 107-107, div. A, title XIV, §1402, Dec. 28, 2001, 115 Stat. 1257; Pub. L. 111-281, title II, §205(a), Oct. 15, 2010, 124 Stat. 2911; Pub. L. 112-81, div. A, title V, §563(b)(1), Dec. 31, 2011, 125 Stat. 1423.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XV of Pub. L. 101-510, div. A, Nov. 5, 1990, 104 Stat. 1722, as amended, which is classified principally to this chapter. For complete classification of title XV to the Code, see Short Title note below and Tables.

#### AMENDMENTS

2011—Pars. (2) to (4). Pub. L. 112-81 added pars. (3) and (4), redesignated former par. (3) as (2), and struck out former par. (2) which read as follows: “The term ‘Local Board’ means a Local Board of Trustees established under section 416 of this title.”

2010—Par. (4). Pub. L. 111-281, §205(a)(1), struck out par. (4) which read as follows: “The term ‘Armed Forces’ does not include the Coast Guard when it is not operating as a service in the Navy.”

Par. (5)(E). Pub. L. 111-281, §205(a)(2), added subpar. (E).

Par. (6)(E). Pub. L. 111-281, §205(a)(3), added subpar. (E).

2001—Pars. (1) to (3). Pub. L. 107-107, §1402(1), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) The term ‘Retirement Home’ means the Armed Forces Retirement Home established under section 411(a) of this title.

“(2) The term ‘Retirement Home Board’ means the Armed Forces Retirement Home Board.

“(3) The term ‘Local Board’ means a Board of Trustees established for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.”

Par. (4). Pub. L. 107-107, §1402(1), (2), redesignated par. (6) as (4) and struck out former par. (4) which read as follows: “The term ‘Director’ means a Director of the Armed Forces Retirement Home appointed under section 417(a) of this title.”

Par. (5). Pub. L. 107-107, §1402(1), (2), redesignated par. (7) as (5) and struck out former par. (5) which read as follows: “The term ‘Fund’ means the Armed Forces Retirement Home Trust Fund established under section 419(a) of this title.”

Par. (5)(C). Pub. L. 107-107, §1402(3)(A), substituted “for Personnel” for “, Manpower and Personnel”.

Par. (5)(D). Pub. L. 107-107, §1402(3)(B), substituted “for Manpower and Reserve Affairs” for “with responsibility for personnel matters”.

Pars. (6) to (8). Pub. L. 107-107, §1402(2), redesignated pars. (6) to (8) as (4) to (6), respectively.

2000—Par. (7)(D). Pub. L. 106-398 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “the Deputy Chief of Staff for Manpower of the Marine Corps.”

#### EFFECTIVE DATE

Pub. L. 101-510, div. A, title XV, §1541, Nov. 5, 1990, 104 Stat. 1736, as amended by Pub. L. 103-160, div. A, title III, §366(f), Nov. 30, 1993, 107 Stat. 1632, which provided that title XV of Pub. L. 101-510 (see Short Title note below) and the amendments made by such title were effective one year after Nov. 5, 1990, except that sections 1519, 1531, and 1533(c)(1) of the Act (enacting sections 419 and 431 of this title and amending section 1321 of Title 31, Money and Finance) were effective Nov. 5, 1990, provisions of section 1515 of the Act (enacting section 415 of this title) relating to the appointment and designation of members of the Retirement Home Board

and Local Boards were effective Oct. 1, 1991, and section 1520 of the Act (enacting section 420 of this title) was applicable to the estate of each resident of the Armed Forces Retirement Home who dies after Nov. 29, 1989, was repealed by Pub. L. 107-107, div. A, title XIV, § 1410(b)(3), Dec. 28, 2001, 115 Stat. 1266.

#### SHORT TITLE

Pub. L. 101-510, div. A, title XV, § 1501(a), formerly § 1501, Nov. 5, 1990, 104 Stat. 1722, as renumbered by Pub. L. 107-107, div. A, title XIV, § 1410(c)(1), Dec. 28, 2001, 115 Stat. 1266, provided that: "This title [enacting this chapter, amending section 6a of this title, sections 1089, 2575, 2772, 4624, 4712, 9624, and 9712 of Title 10, Armed Forces, section 1321 of Title 31, Money and Finance, section 1007 of Title 37, Pay and Allowances of the Uniformed Services, and section 906 of Title 44, Public Printing and Documents, repealing sections 21a to 25, 41 to 43, 44b, 45 to 46b, 48 to 50, 54, and 59 of this title and sections 4713 and 9713 of Title 10, and enacting provisions set out as notes above and under section 2772 of Title 10] may be cited as the 'Armed Forces Retirement Home Act of 1991'."

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### SUBCHAPTER I—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

### § 411. Establishment of the Armed Forces Retirement Home

#### (a) Independent establishment

The Armed Forces Retirement Home is an independent establishment in the executive branch.

#### (b) Purpose

The purpose of the Retirement Home is to provide, through the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, residences and related services for certain retired and former members of the Armed Forces.

#### (c) Facilities

(1) Each facility of the Retirement Home referred to in paragraph (2) is a separate establishment of the Retirement Home.

(2) The United States Soldiers' and Airmen's Home is hereby redesignated as the Armed Forces Retirement Home—Washington. The Naval Home is hereby redesignated as the Armed Forces Retirement Home—Gulfport.

#### (d) Operation

(1) The Chief Operating Officer of the Armed Forces Retirement Home is the head of the Retirement Home. The Chief Operating Officer is subject to the authority, direction, and control of the Secretary of Defense.

(2) Each facility of the Retirement Home shall be maintained as a separate establishment of the Retirement Home for administrative purposes and shall be under the authority, direction, and control of the Administrator of that facility. The Administrator of each facility of

the Retirement Home is subject to the authority, direction, and control of the Chief Operating Officer.

(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.

#### (e) Property and facilities

(1) The Retirement Home shall include such property and facilities as may be acquired under paragraph (2) or accepted under section 415(f) of this title for inclusion in the Retirement Home.

(2) The Secretary of Defense may acquire, for the benefit of the Retirement Home, property and facilities for inclusion in the Retirement Home. If the purchase price to acquire fee title to real property for inclusion in the Retirement Home is more than \$750,000, the Secretary may acquire the real property only if the acquisition is specifically authorized by law.

(3) If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40 (40 U.S.C. 541 et seq.). The proceeds from the disposal of property under this paragraph shall be deposited in the Armed Forces Retirement Home Trust Fund.

#### (f) Department of Defense support

The Secretary of Defense may make available from the Department of Defense to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this chapter.

#### (g) Accreditation

The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.

#### (h) Annual report

The Secretary of Defense shall transmit to Congress an annual report on the financial and other affairs of the Retirement Home for each fiscal year. The annual report shall include an assessment of all aspects of each facility of the Retirement Home, including the quality of care at the facility.

#### (i) Authority to lease non-excess property

(1) Whenever the Chief Operating Officer of the Armed Forces Retirement Home considers it advantageous to the Retirement Home, the Secretary of Defense (acting on behalf of the Chief Operating Officer) may lease to such lessee and upon such terms as the Secretary considers will promote the purpose and financial stability of the Retirement Home or be in the public interest, real or personal property that is—

(A) under the control of the Retirement Home; and