

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 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 “provide”, substituted period at end for “; and”, and struck out subpar. (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.)

Editorial Notes

AMENDMENTS

2021—Subsec. (e)(2). Pub. L. 116-283 struck out “the Inspector General of the Department of Defense,” after “the Senior Medical Advisor.”

2017—Subsec. (b)(4). Pub. L. 115-91, § 1413(c), added par. (4).

Subsec. (e)(2). Pub. L. 115-91, § 1413(a)(2), substituted “the Secretary of Defense” for “the Under Secretary of Defense for Personnel and Readiness”.

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.

Statutory Notes and Related Subsidiaries

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

(a) Inspections

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 on a frequency consistent with the standards of such organization.

(b) Availability of staff and records

The Chief Operating Officer and the Administrator of a facility being inspected under this section 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 section.

(c) Reports

Not later than 60 days after receiving a report on an inspection from the civilian accrediting organization under this section, the Chief Operating Officer shall submit to the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report containing—

- (1) the results of the inspection; and
- (2) a plan to address any recommendations and other matters set forth in the report.

(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, 567(c)(5), Dec. 31, 2011, 125 Stat. 1423-1426; Pub. L. 115-91, div. A, title X, § 1051(d), title XIV, § 1413(a)(3), Dec. 12, 2017, 131 Stat. 1562, 1707; Pub. L. 115-232, div. A, title X, § 1081(c)(3), Aug. 13, 2018, 132 Stat. 1985; Pub. L. 116-283, div. A, title XIV, § 1413(a), Jan. 1, 2021, 134 Stat. 4031.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (e) relating to periodic inspection of retirement home facilities by Department of Defense Inspector General and outside inspectors.

2018—Subsecs. (c)(1), (e). Pub. L. 115-232, § 1081(c)(3), made technical amendment to directory language of Pub. L. 115-91, § 1051(d). See 2017 Amendment notes below.

2017—Subsec. (c)(1). Pub. L. 115-91, § 1413(a)(3)(A), struck out “the Under Secretary of Defense for Personnel and Readiness,” after “the Secretary of Defense,”.

Pub. L. 115-91, § 1051(d)(1), as amended by Pub. L. 115-232, § 1081(c)(3), struck out “Congress and” before “the Secretary of Defense,”.

Subsec. (e). Pub. L. 115-91, § 1413(a)(3)(B), which directed amendment of subsec. (e)(1) by substituting “the Secretary of Defense” for “the Under Secretary of Defense for Personnel and Readiness”, was executed by making the substitution in the introductory provisions of subsec. (e) to reflect the probable intent of Congress and the intervening amendment by Pub. L. 115-91, § 1051(d)(2). See below.

Pub. L. 115-91, § 1051(d)(2), as amended by Pub. L. 115-232, § 1081(c)(3), struck out “(1)” before “Not later”, redesignated subpars. (A) and (B) of par. (1) as pars. (1) and (2), respectively, and struck out par. (2) which read

as follows: “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.”

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.”