

tions practicable to accommodate residents of the Retirement Home who are impacted by the fee structure applicable to residents of the Retirement Home that takes effect on October 1, 2018, including through hardship relief, additional deductions from gross income, and other appropriate actions.”

LIMITATION ON APPLICABILITY OF FEE INCREASE FOR RESIDENTS OF THE ARMED FORCES RETIREMENT HOME

Pub. L. 115-232, div. A, title XIV, §1416, Aug. 13, 2018, 132 Stat. 2092, provided that:

“(a) **IN GENERAL.**—In the case of an individual who was a resident of the Armed Forces Retirement Home as of April 9, 2018, the increase in fees for residents of the Home scheduled to take effect on October 1, 2018, shall occur on an incremental basis over the three-year period beginning on October 1, 2018, such that the total fee for such individual as a resident of the Home as of the end of such period covers the cost of care of such individual as a resident of the Home.

“(b) **NOTICE AND WAIT ON IMPLEMENTATION OF FUTURE INCREASES.**—Any increase in the fees for residents of the Home that is scheduled to take effect after October 1, 2018, may not take effect until 90 days after the date on which a report on the increase is submitted to the Committees on Armed Services of the Senate and the House of Representatives.”

§ 415. Chief Operating Officer

(a) Appointment

(1) The Secretary of Defense shall appoint the Chief Operating Officer of the Retirement Home.

(2) The Chief Operating Officer shall serve at the pleasure of the Secretary of Defense.

(3) The Secretary of Defense shall evaluate the performance of the Chief Operating Officer at least once each year.

(b) Qualifications

To qualify for appointment as the Chief Operating Officer, a person shall—

(1) be a continuing care retirement community professional;

(2) have appropriate leadership and management skills; and

(3) have experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

(c) Responsibilities

(1) The Chief Operating Officer shall be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home and shall report to the Secretary on those matters.

(2) The Chief Operating Officer shall supervise the operation and administration of the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

(3) The Chief Operating Officer shall perform the following duties:

(A) Issue, and ensure compliance with, appropriate rules for the operation of the Retirement Home.

(B) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(C) Periodically examine and audit the accounts of the Retirement Home.

(D) Establish any advisory body or bodies that the Chief Operating Officer considers to be necessary.

(d) Compensation

(1) The Secretary of Defense may prescribe the pay of the Chief Operating Officer, except that

the annual rate of basic pay, including locality pay, of the Chief Operating Officer may not exceed the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5.

(2) In addition to basic pay and any locality pay prescribed for the Chief Operating Officer, the Secretary may award the Chief Operating Officer, not more than once each year, a bonus based on the performance of the Chief Operating Officer for the year. The Secretary shall prescribe the amount of any such bonus.

(3) The total amount of the basic pay and bonus paid the Chief Operating Officer for a year under this section may not exceed the annual rate of basic pay payable for level I of the Executive Schedule under section 5312 of title 5.

(e) Administrative staff

(1) The Chief Operating Officer may, subject to the approval of the Secretary of Defense, appoint a staff to assist in the performance of the Chief Operating Officer’s duties in the overall administration of the Retirement Home.

(2) The Chief Operating Officer shall prescribe the rates of pay applicable to the members of the staff appointed under paragraph (1), except that—

(A) a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States may not receive additional pay by reason of service on the administrative staff; and

(B) the limitations in section 5373 of title 5, relating to pay set by administrative action, shall apply to the rates of pay prescribed under this paragraph.

(f) Acceptance of gifts

(1) The Chief Operating Officer may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property, or any income therefrom or other interest therein, for the benefit of the Retirement Home.

(2) Monies received as gifts, or realized from the disposition of property and facilities received as gifts, shall be deposited in the Armed Forces Retirement Home Trust Fund.

(Pub. L. 101-510, div. A, title XV, §1515, Nov. 5, 1990, 104 Stat. 1726; Pub. L. 102-190, div. A, title X, §1062(a)(4), Dec. 5, 1991, 105 Stat. 1475; Pub. L. 103-160, div. A, title III, §366(b), Nov. 30, 1993, 107 Stat. 1630; Pub. L. 104-201, div. A, title X, §1051(a), (b)(1), Sept. 23, 1996, 110 Stat. 2648; Pub. L. 107-107, div. A, title XIV, §1404(a), Dec. 28, 2001, 115 Stat. 1259; Pub. L. 112-81, div. A, title V, §563(b)(2), Dec. 31, 2011, 125 Stat. 1423; Pub. L. 115-232, div. A, title XIV, §1414, Aug. 13, 2018, 132 Stat. 2092.)

Editorial Notes

AMENDMENTS

2018—Subsec. (f)(1). Pub. L. 115-232 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Chief Operating Officer may accept gifts of money, property, and facilities on behalf of the Retirement Home.”

2011—Subsec. (c)(2). Pub. L. 112-81 struck out “, including the Local Boards of those facilities” before period at end.

2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to the Chief Operating Officer of the Retirement Home for provisions relating to the composition and operation of Retirement Home Board.

1996—Subsec. (e)(3). Pub. L. 104-201, §1051(a), added par. (3).

Subsec. (f). Pub. L. 104-201, §1051(b)(1), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: "Not later than the effective date specified in section 1541(a), members of the Retirement Home Board and the members of each Local Board shall be first appointed to staggered terms."

1993—Subsec. (d)(1). Pub. L. 103-160 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman of the Retirement Home Board shall be five years."

1991—Subsecs. (a), (c). Pub. L. 102-190, §1062(a)(4)(A), substituted "Local Boards" for "local boards".

Subsec. (d)(2). Pub. L. 102-190, §1062(a)(4)(B), substituted "that Board" for "that board".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective one year after Nov. 5, 1990, except that provisions of this section relating to appointment and designation of members of Retirement Home Board and Local Boards effective Oct. 1, 1991, see section 1541(a), (c) of Pub. L. 101-510, formerly set out as a note under section 401 of this title.

SAVINGS PROVISION

Pub. L. 104-201, div. A, title X, §1051(b)(2), Sept. 23, 1996, 110 Stat. 2649, provided that: "The amendment made by this subsection [amending this section] shall not affect the staggered terms of members of the Armed Forces Retirement Home Board or a Local Board of the Retirement Home under section 1515(f) of such Act [subsec. (f) of this section], as such section is in effect before the date of the enactment of this Act [Sept. 23, 1996]."

§ 416. Advisory Council

(a) Establishment

The Retirement Home shall have an Advisory Council, to be known as the "Armed Forces Retirement Home Advisory Council". The Advisory Council shall serve the interests of both facilities of the Retirement Home.

(b) Duties

(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

(3) In carrying out its functions, the Advisory Council shall provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home.

(c) Composition

(1) The Advisory Council shall consist of at least 15 members.

(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

(3) The Advisory Council shall include the following members:

(A) One member who is an expert in nursing home or retirement home administration and financing.

(B) One member who is an expert in gerontology.

(C) One member who is an expert in financial management.

(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

(E) The Chairpersons of the Resident Advisory Committees.

(F) One enlisted representative of the Services' Retiree Advisory Council.

(G) The senior noncommissioned officer of one of the Armed Forces.

(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

(I) One senior judge advocate from one of the Armed Forces.

(J) One senior representative of one of the chief personnel officers of the Armed Forces.

(K) Such other members as the Secretary of Defense may designate.

(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council.

(d) Term of service

(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

(e) Vacancies

A vacancy in the Advisory Council shall be filled in the manner in which the original des-