

§ 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.”

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115-232, div. A, title X, §1081(c), Aug. 13, 2018, 132 Stat. 1985, provided that the amendment made by section 1081(c)(3) is effective as of Dec. 12, 2017, and as if included in Pub. L. 115-91 as enacted.

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).

(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.)

Editorial Notes**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."

Statutory Notes and Related Subsidiaries**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 7712(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 pro rata 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.