

2002—Subsec. (e). Pub. L. 107-314 made technical correction to directory language of Pub. L. 107-107, §1410(a)(3)(C). See 2001 Amendment note below.

2001—Subsec. (a). Pub. L. 107-107, §1410(a)(3)(A), substituted “a facility” for “each facility that is maintained as a separate establishment” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 107-107, §1408(b), inserted “Armed Forces” before “Retirement Home Trust Fund”.

Subsec. (b)(2)(A). Pub. L. 107-107, §§1408(a), 1410(a)(3)(B), struck out “maintained as a separate establishment” before “of the Retirement Home” and inserted “who is a full-time officer or employee of the United States or a member of the Armed Forces on active duty” after “may designate an attorney”.

Subsec. (e). Pub. L. 107-107, §1410(a)(3)(C), as amended by Pub. L. 107-314, substituted “Director of the facility” for “Directors” in two places.

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.”

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of Title 10, Armed Forces.

### 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 resident 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) 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), 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.)

## Editorial Notes

### 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:

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

“being an employee of the United States for any other purpose.”

#### Statutory Notes and Related Subsidiaries

##### 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) 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 notify the person offering the services of the scope of the services accepted.

(2) The Chief Operating Officer or Administrator shall—

(A) supervise the person providing the services to the same extent as that official would supervise a compensated employee providing similar services; and

(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

(3) A person providing services accepted under subsection (a) may not—

(A) serve in a policymaking position of the Retirement Home; or

(B) be compensated for the services by the Retirement Home.

##### (c) Authority to recruit and train persons providing services

The Chief Operating Officer or the Administrator of a facility of the Retirement Home may recruit and train persons to provide services authorized to be accepted under subsection (a).

##### (d) Status of persons providing services

(1) Subject to paragraph (3), while providing services accepted under subsection (a) or receiving training under subsection (c), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries).

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

(2) A person providing services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) only with respect to services that are within the scope of the services accepted.

(3) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5 (pursuant to this subsection) to a person providing services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

(A) the average monthly number of hours that the person provided the services, by

(B) the minimum wage determined in accordance with section 206(a)(1) of title 29.

##### (e) Reimbursement of incidental expenses

The Chief Operating Officer or the Administrator of a facility accepting services under subsection (a) may provide for reimbursement of a person for incidental expenses incurred by the person in providing the services accepted under subsection (a). The Chief Operating Officer or Administrator shall determine which expenses qualify for reimbursement under this subsection.

(Pub. L. 101-510, div. A, title XV, §1522, as added Pub. L. 104-201, div. A, title X, §1052(a), Sept. 23, 1996, 110 Stat. 2649; amended Pub. L. 107-107, div. A, title XIV, §1404(b)(4), Dec. 28, 2001, 115 Stat. 1260; Pub. L. 112-81, div. A, title V, §564(b)(1), Dec. 31, 2011, 125 Stat. 1424.)

#### Editorial Notes

##### AMENDMENTS

2011—Pub. L. 112-81 substituted “Administrator” for “Director” wherever appearing.

2001—Subsec. (a). Pub. L. 107-107, §1404(b)(4)(A), substituted “Chief Operating Officer or the Director of a facility” for “Chairman of the Retirement Home Board or the Director of each establishment” and struck out “unless the acceptance of the voluntary services is disapproved by the Retirement Home Board” before period at end.

Subsec. (b)(1). Pub. L. 107-107, §1404(b)(4)(B), substituted “Chief Operating Officer or the Director of a facility” for “Chairman of the Retirement Home Board or the Director of the establishment” and inserted “offering the services” after “notify the person”.

Subsec. (b)(2). Pub. L. 107-107, §1404(b)(4)(C), substituted “Chief Operating Officer” for “Chairman” in introductory provisions.

Subsec. (c). Pub. L. 107-107, §1404(b)(4)(D), substituted “Chief Operating Officer or the Director of a facility” for “Chairman of the Retirement Home Board or the Director of an establishment”.

Subsec. (e). Pub. L. 107-107, §1404(b)(4)(E), substituted “Chief Operating Officer or the Director of a facility” for “Chairman of the Retirement Board or the Director of the establishment” and “Chief Operating Officer or Director” for “Chairman or Director”.

#### § 423. Preservation of historic buildings and grounds at the Armed Forces Retirement Home—Washington

##### (a) Historic nature of facility

Congress finds the following:

(1) Four buildings located on six acres of the establishment of the Retirement Home known as the Armed Forces Retirement Home—Washington are included on the National Register of Historic Places maintained by the Secretary of the Interior.

(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members