

lease” for “the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer”.

Subsec. (i)(6)(A). Pub. L. 115–91, §2873(b)(3), substituted “Chief Operating Officer shall” for “Secretary of Defense shall” in introductory provisions.

2013—Subsec. (d)(3). Pub. L. 112–239 struck out first par. (3) which read as follows: “The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.”

2011—Subsec. (d)(2). Pub. L. 112–81, §564(b)(1), substituted “Administrator” for “Director” in two places.

Subsec. (d)(3). Pub. L. 112–81, §561, added second par. (3).

Subsec. (i)(2)(F). Pub. L. 111–383 added subpar. (F).

2009—Subsec. (e)(2). Pub. L. 111–84, §2823(a), inserted at end “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.”

Subsec. (e)(3). Pub. L. 111–84, §2823(b)(1), added par. (3) and struck out former par. (3) which read as follows: “The Secretary of Defense may dispose of any property of the Retirement Home, by sale, lease, or otherwise, that the Secretary determines is excess to the needs of the Retirement Home. The proceeds from such a disposal of property shall be deposited in the Armed Forces Retirement Home Trust Fund. No such disposal of real property shall be effective earlier than 120 days after the date on which the Secretary transmits a notification of the proposed disposal to the Committees on Armed Services of the Senate and the House of Representatives.”

Subsec. (i). Pub. L. 111–84, §2823(b)(2), added subsec. (i).

2008—Subsec. (d)(3). Pub. L. 110–181, §1422(a)(1), added par. (3).

Subsec. (g). Pub. L. 110–181, §1422(b), amended subsec. (g) generally. Prior to amendment, text read as follows: “The Chief Operating Officer shall endeavor to secure for each facility of the Retirement Home accreditation by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.”

Subsec. (h). Pub. L. 110–181, §1422(a)(2), inserted at end “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.”

2001—Pub. L. 107–107 reenacted section catchline without change and amended text generally, substituting present provisions for provisions relating to inclusion of existing homes in the Armed Forces Retirement Home in subsec. (a), the purpose of the Retirement Home in subsec. (b), its operation in subsec. (c), its property and facilities in subsec. (d), the requirement that the Secretary of Defense make available certain support services for the Home in subsec. (e), and its accreditation in subsec. (f).

1993—Subsecs. (e), (f). Pub. L. 103–160 added subsec. (e) and redesignated former subsec. (e) as (f).

Statutory Notes and Related Subsidiaries

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (h) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of Title 10, Armed Forces.

MODIFICATION OF LEASING AUTHORITY OF ARMED FORCES RETIREMENT HOME

Pub. L. 118–31, div. A, title XIV, §1421, Dec. 22, 2023, 137 Stat. 530, provided that:

“(a) AGREEMENTS.—Before entering a lease under section 1511(i) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(i)), the Chief Operating Officer of the Armed Forces Retirement Home may enter into an agreement with a potential lessee for such lease providing for a period of exclusivity, access, study, or for similar purposes. The agreement shall provide for the payment (in cash or in kind) by the potential lessee of consideration for the agreement unless the Chief Operating Officer determines that payment of consideration will not promote the purpose and financial stability of the Armed Forces Retirement Home or be in the public interest.

“(b) APPROVAL AND NOTIFICATION.—A sublease pursuant to section 1511(i) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(i)) shall not be subject to the approval of the Secretary of Defense or any requirement to notify or submit a report to Congress described in such section if the Chief Operating Officer of the Armed Forces Retirement Home determines that the terms of the sublease conform with the terms of such lease.

“(c) ADMINISTRATION OF FUNDS.—

“(1) AGREEMENT PROCEEDS.—The proceeds from an agreement entered into under subsection (a) shall be deposited in the Armed Forces Retirement Home Trust Fund.

“(2) FUND USES.—The proceeds from the lease of property under section 1511(i) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(i)) and the proceeds from agreements entered into under subsection (a) of this section that are deposited in the Armed Forces Retirement Home Trust Fund shall remain available for obligation and expenditure to finance expenses of the Retirement Home related to the formation and administration of agreements and leases entered into under the provisions of this section or such section 1511(i).

“(d) SUNSET.—This section shall terminate on September 30, 2026.”

§ 412. Residents of Retirement Home

(a) Persons eligible to be residents

Except as provided in subsection (b), the following persons who served as members of the Armed Forces, at least one-half of whose service was not commissioned service (other than as a warrant officer or limited-duty officer), are eligible to become residents of the Retirement Home:

(1) Persons who were discharged or released from service in the Armed Forces after 20 or more years of active service.

(2) Persons who are determined under rules prescribed by the Chief Operating Officer to be suffering from a service-connected disability incurred in the line of duty in the Armed Forces.

(3) Persons who served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 or 351 of title 37 and who are determined under rules prescribed by the Chief Operating Officer to be suffering from injuries, disease, or disability.

(4) Persons who served in a women’s component of the Armed Forces before June 12, 1948, and are determined under rules prescribed by the Chief Operating Officer to be eligible for admission because of compelling personal circumstances.

(5) Persons who are eligible for retired pay under chapter 1223 of title 10 and are—

(A) eligible for care under section 1710 of title 38;

(B) enrolled in coverage under chapter 55 of title 10; or

(C) enrolled in a qualified health plan (as defined in section 18021(a) of title 42) that is acceptable to the Chief Operating Officer.

(b) Persons ineligible to be residents

The following persons are ineligible to become a resident of the Retirement Home:

(1) A person who—

(A) has been convicted of a felony; or

(B) was discharged or released from service in the Armed Forces under other than honorable conditions.

(2) A person with substance abuse or mental health problems, except upon a judgment and satisfactory determination by the Chief Operating Officer that—

(A) the person has been evaluated by a qualified health professional selected by the Retirement Home;

(B) the Retirement Home can accommodate the person's condition; and

(C) the person agrees to such conditions of residency as the Retirement Home may require.

(c) Acceptance

To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Administrator of that facility an application in such form and containing such information as the Chief Operating Officer may require.

(d) Priorities for acceptance

The Chief Operating Officer shall establish a system of priorities for the acceptance of residents so that the most deserving applicants will be accepted whenever the number of eligible applicants is greater than the Retirement Home can accommodate.

(e) Spouses of residents

(1) Authority to admit

Except as otherwise established pursuant to subsection (d), the spouse of a person accepted as a resident of a facility of the Retirement Home may be admitted to that facility if the spouse—

(A) is a covered beneficiary within the meaning of section 1072(5) of title 10;

(B) is not ineligible to become a resident as provided in subsection (b); and

(C) submits an application for admittance in accordance with subsection (c).

(2) Treatment as resident

A spouse admitted in accordance with paragraph (1) shall be a resident of the Retirement Home consistent with this chapter, except as the Chief Operating Officer may otherwise provide.

(Pub. L. 101-510, div. A, title XV, § 1512, Nov. 5, 1990, 104 Stat. 1724; Pub. L. 107-107, div. A, title XIV, §§ 1404(b)(1)(A), 1405(a), 1410(b)(1), Dec. 28, 2001, 115 Stat. 1260, 1261, 1266; Pub. L. 112-81, div. A, title V, §§ 564(b)(1), 567(c)(6), Dec. 31, 2011, 125 Stat. 1424, 1426; Pub. L. 114-328, div. A, title VI, § 618(f), Dec. 23, 2016, 130 Stat. 2160; Pub. L. 115-232, div. A, title XIV, § 1412, Aug. 13, 2018, 132

Stat. 2090; Pub. L. 116-283, div. A, title XIV, § 1412(a), Jan. 1, 2021, 134 Stat. 4030.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(2), was in the original “this Act”, and was translated as meaning title XV of Pub. L. 101-510, div. A, Nov. 5, 1990, 104 Stat. 1722, known as the Armed Forces Retirement Home Act of 1991, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title XV to the Code, see Short Title note set out under section 401 of this title and Tables.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, § 1412(a)(1), struck out “active” before “commissioned service” in introductory provisions.

Subsec. (a)(1). Pub. L. 116-283, § 1412(a)(2), struck out “are 60 years of age or over and” before “were discharged”.

Subsec. (a)(5). Pub. L. 116-283, § 1412(a)(3), added par. (5).

2018—Pub. L. 115-232 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to persons eligible to be residents, persons ineligible to be residents, acceptance, and priorities for acceptance, respectively.

2016—Subsec. (a)(3)(A). Pub. L. 114-328 inserted “or 351” after “section 310”.

2011—Pub. L. 112-81, § 567(c)(6), made technical amendment to section catchline.

Subsec. (c). Pub. L. 112-81, § 564(b)(1), substituted “Administrator” for “Director”.

2001—Subsecs. (a), (c), (d). Pub. L. 107-107, § 1404(b)(1)(A), substituted “Chief Operating Officer” for “Retirement Home Board” wherever appearing.

Subsec. (e). Pub. L. 107-107, § 1405(a), struck out heading and text of subsec. (e). Text read as follows: “A resident of the Retirement Home who leaves the Retirement Home for more than 45 consecutive days (other than for inpatient medical care) shall be required to reapply for acceptance as a resident.”

Subsec. (f). Pub. L. 107-107, § 1410(b)(1), struck out heading and text of subsec. (f). Text read as follows: “Residents of the Naval Home and the United States Soldiers’ and Airmen’s Home as of the effective date specified in section 1541(a)—

“(1) shall not be required to apply for acceptance as residents of the Retirement Home; and

“(2) shall become residents of the Retirement Home on that date.”

Statutory Notes and Related Subsidiaries

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.

§ 413. Services provided to residents

(a) Services provided

Except as provided in subsections (b), (c), and (d), a resident of the Retirement Home shall receive the services authorized by the Chief Operating Officer.

(b) Medical and dental care

The Retirement Home shall provide for the overall health care needs of residents in a high quality and cost-effective manner, including on site primary care, medical care, and a continuum of long-term care services. The services provided residents of the Retirement Home shall include appropriate nonacute medical and den-