SEC. ___. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES.

The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401 et seq.) is amended—

(1) in section 1513A(c)(2) (24 U.S.C. 413a(c)(2)), by striking "(including requirements identified in applicable reports of the Inspector General of the Department of Defense)";

(2) in section 1516(b) (24 U.S.C. 416(b)), by striking paragraph (3);

(3) in section 1517(e) (24 U.S.C. 417(e)) by striking "the Inspector General of the Department of Defense," in paragraph (2); and

(4) in section 1518 (24 U.S.C. 418)—

(A) in the heading, by striking "**BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS**"; and

(B) by amending the text to read as follows:

"(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 1511(g) 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 subsection.

"(c) REPORTS—Not later than 60 days after receiving a report of an inspection from the civilian accrediting organization under this section, the Chief Operating Officer shall submit to

23 the Secretary of Defense, the Senior Medical Advisor, and the Advisory Council a report

24 containing—

25 "(1) the results of the inspection; and

26 "(2) a plan to address any recommendations and other matters set forth in the

27 report.".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would eliminate burdensome and duplicative requirements for the Department of Defense Inspector General (DoDIG) to triennially inspect and report on all aspects of the Armed Forces Retirement Home and its facilities.

Section 1051(d)(1) of the FY18 National Defense Authorization Act has already repealed the requirement for DoDIG inspection reports on AFRH to be transmitted to Congress.

AFRH is routinely inspected by and submits reports to eight different agencies to ensure compliance with government regulations and policies, and to maintain accreditation:

- The Joint Commission (TJC) and The Commission on Accreditation of Rehabilitation Facilities (CARF). Per 24 U.S.C. 411(g), the Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care. In order that each of these areas and all levels of senior living offered at AFRH can meet this requirement, AFRH has needed to select two different civilian accrediting organizations: The Joint Commission (TJC) and The Commission on Accreditation of Rehabilitation Facilities (CARF).

  TJC inspects AFRH every three years, and includes comprehensive examination of all levels of health care provided, facilities, fire and safety, security, and human resources. The levels of care accredited by TJC include ambulatory care and the wellness center, nursing care, and home health levels. TJC does not accredit independent living or assisted living.

  CARF inspects AFRH every five years and includes comprehensive examination of aging services programs that impact all residents, including those in independent living and assisted living, with emphasis on the broad and inclusive array of a full spectrum senior living community. AFRH submits annual financial reports to CARF.

- Office of Personnel Management (OPM). OPM evaluations of AFRH are conducted every three to five years to assess the effectiveness of human capital programs and human resources activities in the areas of strategic alignment, talent management, results-oriented performance culture and leadership/knowledge management. These evaluations to review HR program compliance with law, regulations and merit system principles including a thorough review of personnel transactions and associated records, published policies, and guidelines that influence the HR decisions made by managers and supervisors.

- Occupational Safety and Health Administration (OSHA). AFRH submits annual reports to OSHA and is subject to random inspections.

- Department of Interior (DOI). DOI provides AFRH support for network, data security and compliance, and web development reporting.

- National Archives and Records Administration (NARA). NARA requires an annual records management assessment detailing AFRH compliance, which includes an email records management report.

- Defense Health Agency (DHA). Per 24 U.S.C. 413a, the Deputy Director of DHA is dual-hatted as the AFRH Senior Medical Advisor (SMA), with responsibilities to:

    - Facilitate and monitor the timely availability to residents such medical, mental health, and dental care services as such residents may require at locations other than the Retirement Home
    - Monitor compliance by facilities of the Retirement Home with accreditation standards, applicable nationally recognized health care standards and requirements, or any other applicable health care standards and
    - Periodically visit each facility of the Retirement Home to review -
        - the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and
        - inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

- Office of Management and Budget (OMB). AFRH is required to undergo an annual financial statement audit and comply with the audit provisions of the Chief Financial Officers Act of 1990 (CFO Act) (Pub. L. No. 101-576), as amended, the Government Management Reform Act of 1994 (GMRA) (Pub. L. No. 103-356), and the Federal Financial Management Improvement Act of 1996 (Pub. L. No. 104-208, title VIII. The financial statement audit includes a review of budgetary and restricted resources, internal control over financial reporting and risk management using the GAO's Federal Standards for Internal Control (Green Book) (financially and programmatically), transactions using Government Accounting Standards (GAS), as well as validating compliance with laws, regulations, contracts, and agreements. During the course of each year, internal audits are also conducted and targeted audits of travel and credit cards are conducted by a third party.

OMB mandates AFRH compliance with the Federal Information Security Management Act of 2002 (FISMA) which requires agencies to report the status of their information security programs and for inspectors general to conduct annual independent assessments of those programs.

AFRH is also required to comply with government performance standards for strategic planning, data-driven performance reviews, and reporting under the GPRA Modernization Act of 2010 (GPRAMA). AFRH's annual performance and accountability report is evaluated under both the annual financial statement audit and by OMB during its annual reviews.

Budget Implications: The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2021 President's Budget request. This proposal would repeal a 24 U.S.C. 418 requirement for the DoD Inspector General (IG) to conduct triennial inspections of all operations of the Armed Forces Retirement Home. Such a repeal would permit reallocation of resources, primarily personnel labor and travel, to other requirements. The last triennial inspection reports were issued by the IG in FY 2018 through its Special Plans and Operations (SPO) component; therefore the next triennial inspection reports are anticipated in FY 2021.

To estimate resource impact, FY 2020 budget materials for the IG operation and maintenance defense-wide account reported FY 2018 SPO actual funding allocation to be $7.8 million with 49 full-time equivalent (FTE) personnel and ten reports issued. Of the ten reports issued by SPO in FY 2018, three reports fulfilled the AFRH inspection requirement: DODIG-2018-034, DODIG-2018-077, and DODIG-2018-153. Assuming even distribution of resources among the reports issued, this equates to $780,000 and 5 FTE per report, or $2.3 million total for three reports. Since two reports were produced consecutively and AFRH's two facilities are domestic whereas other SPO work is conducted world-wide, potential resource savings is estimated at the midpoint, $1.5 million and 8 FTE.

RESOURCE IMPACT ($MILLIONS)									
Program	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**Appropriation**	**Budget Activity**	**BLI/SAG**	**Program Element (for all RDT&E programs)**
Special Plans and Operations	-1.5	0	0	-1.6	0	OMDW	01	4GTV	
Total	-1.5	0	0	-1.6	0				

PERSONNEL IMPACT (FTE)									
Program	**FY 2021**	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**	**Appropriation**	**Budget Activity**	**BLI/SAG**	**Program Element (for all RDT&E programs)**
Special Plans and Operations	-8	0	0	-8	0	OMDW	01	4GTV	
Total	-8	0	0	-8	0				

Changes to Existing Law: This proposal would make the following changes to the Armed Forces Retirement Home Act of 1991 (24 U.S.C. Chapter 10):

24 U.S.C. 413a. Oversight of health care provided to residents

…(c) Duties

In carrying out the responsibilities set forth in subsection (b), the Senior Medical Advisor shall perform the following duties:

(1) Facilitate and monitor the timely availability to residents of the Retirement Home such medical, mental health, and dental care services as such residents may require at locations other than the Retirement Home.

(2) Monitor compliance by the facilities of the Retirement Home with accreditation standards, applicable nationally recognized health care standards and requirements, or any other applicable health care standards and requirements ~~(including requirements identified in applicable reports of the Inspector General of the Department of Defense)~~.

(3) Periodically visit each facility of the Retirement Home to review—

(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

24 U.S.C. 416. Advisory Council

…(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—~~

~~(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and~~

~~(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.~~

24 U.S.C. 417. Administrators, Ombudsmen, and staff of facilities

…(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, ~~the Inspector General of the Department of Defense,~~ and the Secretary of Defense.

24 U.S.C. 418. Periodic inspection of retirement home facilities ~~by Department of Defense Inspector General and outside inspectors~~

~~(a) *Duty of Inspector General of the Department of Defense*~~

~~The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.~~

~~(b) *Inspections by Inspector General*~~

~~(1) Not less often than once every three years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, long-term care, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Advisory Council or the Resident Advisory Committee of the facility recommends inspection.~~

~~(2) The Inspector General shall be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.~~

~~(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Advisory Council, the Resident Advisory Committee of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.~~

~~(4) The Chief Operating Officer and the Administrator of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.~~

~~(c) Reports on inspections by Inspector General~~

~~(1) The Inspector General shall prepare a report describing the results of each inspection conducted of a facility of the Retirement Home under subsection (b), and include in the report such recommendations as the Inspector General considers appropriate in light of the inspection. Not later than 90 days after completing the inspection of the facility, the Inspector General shall submit the report to the Secretary of Defense, the Chief Operating Officer, the Administrator of the facility, the Senior Medical Advisor, and the Advisory Council.~~

~~(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.~~

~~(d) Additional inspections~~

(~~1~~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.

(~~2~~b) AVAILABILITY OF STAFF AND RECORDS.—The Chief Operating Officer and the Administrator of a facility being inspected under this ~~sub~~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 subsection.

(~~e~~c) REPORTS.—~~Reports on additional inspections~~

Not later than 60 days after receiving a report of an inspection from the civilian accrediting organization under this ~~sub~~section ~~(d)~~, 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.