

Sec.	
	SUBPART IV—STATE LEGAL ASSISTANCE DEVELOPMENT PROGRAM
3058j.	State legal assistance development.
	SUBPART V—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM
3058k.	Repealed.
	PART B—NATIVE AMERICAN ORGANIZATION AND ELDER JUSTICE PROVISIONS
3058aa.	Native American program.
3058aa-1.	Grants to promote comprehensive State elder justice systems.
	PART C—GENERAL PROVISIONS
3058bb.	Definitions.
3058cc.	Administration.
3058dd.	Technical assistance.
3058ee.	Audits.
3058ff.	Rule of construction.

SUBCHAPTER I—DECLARATION OF OBJECTIVES AND DEFINITIONS

§ 3001. Congressional declaration of objectives

The Congress hereby finds and declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our Nation are entitled to, and it is the joint and several duty and responsibility of the governments of the United States, of the several States and their political subdivisions, and of Indian tribes to assist our older people to secure equal opportunity to the full and free enjoyment of the following objectives:

(1) An adequate income in retirement in accordance with the American standard of living.

(2) The best possible physical and mental health which science can make available and without regard to economic status.

(3) Obtaining and maintaining suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(4) Full restoration services for those who require institutional care, and a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes, including support to family members and other persons providing voluntary care to older individuals needing long-term care services.

(5) Opportunity for employment with no discriminatory personnel practices because of age.

(6) Retirement in health, honor, dignity—after years of contribution to the economy.

(7) Participating in and contributing to meaningful activity within the widest range of civic, cultural, education and training and recreational opportunities.

(8) Efficient community services, including access to low-cost transportation, which provide a choice in supported living arrangements and social assistance in a coordinated manner and which are readily available when needed, with emphasis on maintaining a continuum of care for vulnerable older individuals.

(9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives, full participation in the planning and operation of community-based services and programs provided for their benefit, and protection against abuse, neglect, and exploitation.

(Pub. L. 89-73, title I, §101, July 14, 1965, 79 Stat. 219; Pub. L. 93-29, title I, §102, May 3, 1973, 87 Stat. 30; Pub. L. 95-478, title I, §101, Oct. 18, 1978, 92 Stat. 1513; Pub. L. 97-115, §2(a)(1), Dec. 29, 1981, 95 Stat. 1595; Pub. L. 98-459, title I, §102, Oct. 9, 1984, 98 Stat. 1767; Pub. L. 100-175, title I, §101, Nov. 29, 1987, 101 Stat. 928; Pub. L. 102-375, title I, §101, title IX, §904(a)(1), Sept. 30, 1992, 106 Stat. 1197, 1305.)

AMENDMENTS

1992—Par. (4). Pub. L. 102-375, §101, inserted “, including support to family members and other persons providing voluntary care to older individuals needing long-term care services” after “homes”.

Par. (8). Pub. L. 102-375, §904(a)(1), substituted “vulnerable older individuals” for “the vulnerable elderly”.

1987—Pub. L. 100-175, §101(1), substituted “United States,” for “United States and” and inserted “, and of Indian tribes” after “subdivisions”.

Par. (3). Pub. L. 100-175, §101(2), substituted “Obtaining and maintaining suitable” for “Suitable”.

Par. (7). Pub. L. 100-175, §101(3), substituted “Participating in and contributing to” for “Pursuit of”.

Par. (10). Pub. L. 100-175, §101(4), substituted “lives,” for “lives and”, and inserted “, and protection against abuse, neglect, and exploitation” before period at end.

1984—Par. (4). Pub. L. 98-459, §102(a), inserted reference to a comprehensive array of community-based, long-term care services adequate to appropriately sustain older people in their communities and in their homes.

Par. (8). Pub. L. 98-459, §102(b), inserted reference to emphasis on maintaining a continuum of care for the vulnerable elderly.

Par. (10). Pub. L. 98-459, §102(c), inserted reference to full participation in the planning and operation of community-based services and programs provided for the benefit of older people.

1981—Par. (7). Pub. L. 97-115 included a reference to education and training.

1978—Par. (8). Pub. L. 95-478 included objective of community services which provide a choice in supported living arrangements.

1973—Par. (8). Pub. L. 93-29 inserted reference to access to low-cost transportation.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 103-171, §4(b), Dec. 2, 1993, 107 Stat. 1991, provided that: “The amendments made by—

“(1) sections 303(a)(2), 303(a)(3), 304 (excluding paragraphs (1) and (2) of subsection (a)), 305, 306, 307, and 317 [enacting sections 3030g-21 and 3030g-22 of this title and amending sections 3023 to 3027 of this title], and

“(2) title VII [enacting sections 3058 to 3058ee of this title and amending sections 1395i-3, 1396r, 3012, 3018, 3021, 3023, 3027, 3030d, and 3030f of this title],

of the Older Americans Act Amendments of 1992 (Public Law 102-375; 106 Stat. 1221 et seq.) shall not apply with respect to fiscal year 1993.”

Section 905 of Pub. L. 102-375 provided that:

“(a) IN GENERAL.—Except as provided in section 811(b) [42 U.S.C. 1766 note], any other provision of this Act [see Tables for classification] (other than this section), and in subsection (b) of this section, this Act and the

amendments made by this Act shall take effect on the date of the enactment of this Act [Sept. 30, 1992].

“(b) APPLICATION OF AMENDMENTS.—

“(1) FEDERAL COUNCIL ON AGING.—Incumbent members of the Federal Council on Aging may serve on the Council until their successors are appointed under section 204 of the Older Americans Act of 1965 (42 U.S.C. 3015) as amended by section 205 of this Act.

“(2) STATE AND COMMUNITY PROGRAMS ON AGING.—The amendments made by sections 303(a)(2), 303(a)(3), 303(f), 304, 305, 306, 307, 316, 317, and 320 [enacting sections 3030g–11 to 3030g–13, 3030g–21, 3030g–22, and 3030p to 3030r of this title and amending sections 3023 to 3027 of this title] shall not apply with respect to fiscal year 1992.

“(3) PROJECT REPORTS.—The amendments made by sections 410, 411, 413, 414, 415, 416, 418, and 419 [enacting sections 3035i, 3035j, 3035l to 3035o, 3035q, and 3035r of this title] shall not apply with respect to fiscal year 1992.

“(4) COMMUNITY SERVICE EMPLOYMENT.—The amendments made by sections 501, 504, and 506 [enacting section 3056h of this title and amending sections 3056, 3056d, and 3056e of this title] shall not apply with respect to fiscal year 1992.

“(5) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—The amendments made by sections 601 and 603 [amending sections 3057e and 3057j of this title] shall not apply with respect to fiscal year 1992.

“(6) VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.—The amendments made by title VII [enacting sections 3058 to 3058k and 3058aa to 3058ee of this title and amending sections 1395i–3, 1396r, 3012, 3018, 3021, 3023, 3027, 3030d, and 3030f of this title] shall not apply with respect to fiscal year 1992.”

EFFECTIVE DATE OF 1987 AMENDMENT

Section 701 of Pub. L. 100–175 provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act [see Short Title of 1987 Amendment note below] shall take effect on October 1, 1987.

“(b) APPLICATION OF AMENDMENTS.—The amendments made by title I of this Act [enacting sections 3030h to 3030p, 3035f, 3035g, 3056g, and 3057 to 3057n of this title, amending sections 3001, 3002, 3011 to 3013, 3015 to 3018, 3020c, 3021 to 3029, 3030a, 3030d, 3030g, 3030aa, 3030bb, 3030jj, 3031, 3032, 3035a, 3035b, 3035d, 3037, 3056, 3056a, 3056d, 3056e, and 3056f of this title, repealing sections 3058 to 3058d of this title, enacting provisions set out as notes under this section, sections 3026, 3027, and 3057b of this title, and section 2 of Title 29, and repealing provisions set out as a note under section 3058 of this title] shall not apply with respect to—

“(1) any area plan submitted under section 306(a) of the Older Americans Act of 1965 [section 3026(a) of this title], or

“(2) any State plan submitted under section 307(a) of such Act [section 3027(a) of this title], and approved for any fiscal year beginning before the date of the enactment of this Act [Nov. 29, 1987].

“(c) EFFECTIVE DATE OF SECTION 506.—The amendments made by section 506 of this Act [enacting section 2991b–1 of this title and amending sections 2991a, 2991b, and 2992d of this title] shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act [Nov. 29, 1987].”

EFFECTIVE DATE OF 1984 AMENDMENT

Section 803 of Pub. L. 98–459 provided that:

“(a) Except as provided in subsection (b), this Act and the amendments made by this Act [enacting sections 3030aa, 3030bb, 3030jj, 3034, and 3037b of this title, amending this section, sections 1762a, 3011 to 3013, 3015 to 3018, 3020b, 3021 to 3029, 3030a, 3030c, 3030d, 3031, 3032, 3035, 3035a to 3035e, 3037, 3037a, 3056, 3056a, 3056d to 3056f, 3057a, 3057c, and 3057g of this title and sections 623, 630, and 631 of Title 29, Labor, and enacting provisions set out as notes under this section, section 3056 of this

title, and section 631 of Title 29, and amending provisions set out as a note under former section 3045 of this title] shall take effect on the date of the enactment of this Act [Oct. 9, 1984].

“(b)(1) The amendment made by section 206(a) [amending section 3017 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 9, 1984].

“(2) The amendment made by section 206(d) [amending section 3017 of this title] shall take effect on the first day of the first fiscal year beginning [sic] after the date of the enactment of this Act [Oct. 9, 1984].

“(3) The amendment made by section 411(b) [amending section 3037 of this title] shall not apply with respect to any grant or payment made before the date of the enactment of this Act [Oct. 9, 1984].

“(4) The amendment made by section 701 [enacting subchapter XI of this chapter] shall take effect on October 1, 1984.”

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504 of Pub. L. 95–478 provided that: “This Act [see Short Title of 1978 Amendment note below], and the amendments made by this Act, shall take effect at the close of September 30, 1978.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–19, §1, Apr. 23, 2007, 121 Stat. 84, provided that: “This Act [amending section 3030a of this title and enacting provisions set out as a note under section 3030a of this title] may be cited as the ‘Older Americans Reauthorization Technical Corrections Act.’”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–365, §1(a), Oct. 17, 2006, 120 Stat. 2522, provided that: “This Act [see Tables for classification] may be cited as the ‘Older Americans Act Amendments of 2006.’”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–501, §1, Nov. 13, 2000, 114 Stat. 2226, provided that: “This Act [see Tables for classification] may be cited as the ‘Older Americans Act Amendments of 2000.’”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–171, §1, Dec. 2, 1993, 107 Stat. 1988, provided that: “This Act [see Tables for classification] may be cited as the ‘Older Americans Act Technical Amendments of 1993.’”

SHORT TITLE OF 1992 AMENDMENT

Section 1(a) of Pub. L. 102–375 provided that: “This Act [see Tables for classification] may be cited as the ‘Older Americans Act Amendments of 1992.’”

SHORT TITLE OF 1987 AMENDMENT

Section 1 of Pub. L. 100–175 provided that: “This Act [enacting sections 280c to 280c–5, 2991b–1, 2991d–1, 2992b–1, 3030h to 3030p, 3035f, 3035g, 3056g, and 3057 to 3057n of this title, amending this section and sections 1766, 2991a, 2991b, 2991d–1, 2991f, 2992c, 2992d, 3002, 3011 to 3013, 3015 to 3018, 3020c, 3021 to 3029, 3030a, 3030d, 3030g, 3030aa, 3030bb, 3030jj, 3031, 3032, 3035a, 3035b, 3035d, 3037, 3056, 3056a, 3056d, 3056e, and 3056f of this title, repealing sections 3058 to 3058d, of this title, enacting provisions set out as notes under this section, sections 201, 285e–2, 2991, 3026, 3027, and 3057b of this title, and section 2 of Title 29, Labor, and repealing provisions set out as a note under section 3058 of this title] may be cited as the ‘Older Americans Act Amendments of 1987.’”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99–269, §1, Apr. 1, 1986, 100 Stat. 78, provided: “That this Act [amending section 3030a of this title and enacting provisions set out as notes under section 3030a of this title] may be cited as the ‘Older Americans Act Amendments of 1986.’”

SHORT TITLE OF 1984 AMENDMENT

Section 1 of Pub. L. 98-459 provided that: "This Act [enacting sections 3030aa, 3030bb, 3030jj, 3034, 3037b, and 3058 to 3058d of this title, amending this section, sections 1762a, 3011 to 3013, 3015 to 3018, 3020b, 3021 to 3029, 3030a, 3030c, 3030d, 3031, 3032, 3035, 3035a to 3035e, 3037, 3037a, 3056, 3056a, 3056d to 3056f, 3057a, 3057c, and 3057g of this title, and sections 623, 630, and 631 of Title 29, Labor, and enacting provisions set out as notes under this section, sections 3056 and 3058 of this title, and section 631 of Title 29, and amending provisions set out as a note under section 3045 of this title] may be cited as the 'Older Americans Act Amendments of 1984'."

SHORT TITLE OF 1981 AMENDMENT

Section 1(a) of Pub. L. 97-115 provided that: "This act [enacting sections 3031, 3032, 3035 to 3035e, 3037, and 3037a of this title, amending this section, sections 3002 to 3003, 3012, 3013, 3015 to 3020d, 3021 to 3028, 3030, 3030a, 3030d, 3030g, 3035b, 3035e, 3036, 3056, 3056a, 3056c, 3056d, 3056f, 3057 to 3057g, 8622, 9902 to 9904, and 9911 of this title, and section 1087-2 of Title 20, Education, repealing section 3014 of this title, and enacting a provision set out as a note under section 3045 of this title] may be cited as the 'Older Americans Act Amendments of 1981'."

SHORT TITLE OF 1978 AMENDMENT

Section 1(a) of Pub. L. 95-478 provided that: "This Act [enacting sections 3020b to 3020d, 3030 to 3030g, 3035b to 3035h, 3057 to 3057g and 6106a of this title, amending this section, sections 3002, 3011 to 3017, 3020a, 3021 to 3029, 3031 to 3035, 3036 to 3037a, 3056 to 3056f, 5001, 5011, 5012, 5082, 6101, 6103 and 6104 of this title, repealing sections 3035a, 3041 to 3041f, 3042 and 3045 to 3045i of this title, enacting provisions set out as notes under this section and sections 1975c, 3021, and 3045 of this title, amending provisions set out as a note under this section, and repealing provision set out as a note under section 3056 of this title] may be cited as the 'Comprehensive Older Americans Act Amendments of 1978'."

SHORT TITLE OF 1975 AMENDMENT

Pub. L. 94-135, § 1, Nov. 28, 1975, 89 Stat. 713, provided: "That this Act [enacting chapter 76 and sections 3002, 3020a, 3024, 3028, 3034, 3045f, and 3056 of this title, amending sections 289k-5, 3002, 3012, 3014, 3015, 3022, 3023, 3024, 3025, 3026, 3028, 3033, 3034, 3037, 3037a, 3041d, 3041f, 3045b, 3045d, 3045e, 3045f, 3045g, 5011, 5012, and 5082 of this title and sections 1008a, 1208a, and 1341 of Title 20, Education, repealing sections 3061 to 3067 of this title, enacting provisions set out as notes under section 5001 of this title and section 871 of Title 29, Labor, and amending provisions set out as a note under section 2809 of this title] may be cited as the 'Older Americans Act Amendments of 1975'."

SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93-29 provided: "That this Act [enacting chapter 35A of this title, subchs. III to V of this chapter, sections 3003, 3012, 3013 to 3020, 3044, 3045 of this title, and sections 351, 351c, 361 to 364, 1008a, and 1208a of Title 20, Education, amending this section, sections 3011, 3012, 3044a, 3044b, 3044e, and 3045a to 3045f of this title, and sections 351c, 351d, 351e, 1211, 1504, and 1505 of Title 20, repealing former subchs. III (sections 3021 to 3024a, and 3025 of this title), IV (sections 3031 and 3032 of this title), V (sections 3041 to 3043 of this title), and VIII (sections 3051 to 3055 of this title) of this chapter, and enacting provisions set out as notes under sections 2809, 3044b, and 3061 of this title and section 361 of Title 20] may be cited as the 'Older Americans Comprehensive Services Amendments of 1973'."

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90-42, § 1, July 1, 1967, 81 Stat. 106, provided: "That this Act [enacting section 3043 of this title and amending sections 3002, 3021, 3022, 3024, 3031, and 3051 to

3053 of this title] may be cited as the 'Older Americans Act Amendments of 1967'."

SHORT TITLE

Section 1 of Pub. L. 89-73 provided: "That this Act [enacting this chapter] may be cited as the 'Older Americans Act of 1965'."

Pub. L. 89-73, title III, § 371, as added Pub. L. 106-501, title III, § 316(2), Nov. 13, 2000, 114 Stat. 2253, provided that: "This part [part E (§§ 371-376) of title III of Pub. L. 89-73, enacting part E of subchapter III of this chapter] may be cited as the 'National Family Caregiver Support Act'."

Pub. L. 89-73, title V, § 501, as added Pub. L. 109-365, title V, § 501, Oct. 17, 2006, 120 Stat. 2563, provided that: "This title [enacting subchapter IX of this chapter] may be cited as the 'Community Service Senior Opportunities Act'."

Pub. L. 89-73, title V, § 501, as added Pub. L. 106-501, title V, § 501, Nov. 13, 2000, 114 Stat. 2267, provided that title V of Pub. L. 89-73, enacting former subchapter IX of this chapter, could be cited as the "Older American Community Service Employment Act", prior to the general amendment of title V of Pub. L. 89-73 by Pub. L. 109-365, title V, § 501, Oct. 17, 2006, 120 Stat. 2563.

Pub. L. 89-73, title V, § 501, formerly title IX, § 901, as added by Pub. L. 94-135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 720, and renumbered by Pub. L. 95-478, title I, § 105(a), Oct. 18, 1978, 92 Stat. 1547, provided that title V of Pub. L. 89-73, enacting former subchapter IX of this chapter, could be cited as the "Older American Community Service Employment Act", prior to the general amendment of title V of Pub. L. 89-73 by Pub. L. 106-501, title V, § 501, Nov. 13, 2000, 114 Stat. 2267.

REGULATIONS

Section 902 of Pub. L. 102-375 provided that: "Except as otherwise specifically provided, the Secretary of Health and Human Services shall, not later than 120 days after the date of the enactment of this Act [Sept. 30, 1992], issue proposed regulations to carry out the amendments made by titles I through VII [see Tables for classification]."

STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS

Section 211 of Pub. L. 102-375, as amended by Pub. L. 103-171, § 4(a)(2), Dec. 2, 1993, 107 Stat. 1991, provided that not later than Jan. 1, 1995, the Assistant Secretary for Aging, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center, and professional ombudsmen associations, directly, or by grant or contract, was to conduct a study and submit a report to Congress analyzing separately with respect to each State effectiveness of State long-term care ombudsman programs.

STUDY ON BOARD AND CARE FACILITY QUALITY

Section 212 of Pub. L. 102-375 provided that:

"(a) ARRANGEMENT FOR STUDY COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of board and care facilities for older individuals (as defined in section 102 [42 U.S.C. 3002] of the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.]) and the disabled.

"(b) SCOPE OF STUDY.—The study shall include—

"(1) an examination of existing quality, health, and safety requirements for board and care facilities and the enforcement of such requirements for their adequacy and effectiveness, with special attention to their effectiveness in promoting good personal care;

"(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in assuring the health and safety of residents of board and care facilities; and

“(3) specific recommendations to the Congress and the Secretary, by not later than 20 months after the date of the enactment of this Act [Sept. 30, 1992], concerning the establishment of minimum national standards for the quality, health, and safety of residents of such facilities and the enforcement of such standards.

“(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members as appointed from among the following:

“(1) NATIONAL ACADEMY OF SCIENCES.—The members of the National Academy of Sciences with experience in long-term care. The members so appointed shall include—

“(A) physicians;

“(B) experts on the administration of drugs to older individuals, and disabled individuals receiving long-term care services; and

“(C) experts on the enforcement of life-safety codes in long-term care facilities.

“(2) RESIDENTS.—Residents of board and care facilities (including privately owned board and care facilities), and representatives of such residents or of organizations that advocate on behalf of such residents. Members so appointed shall include—

“(A) residents of a nonprofit board and care facility; or

“(B) individuals who represent—

“(i) residents of nonprofit board and care facilities; or

“(ii) organizations that advocate on behalf of residents of nonprofit board and care facilities.

“(3) OPERATORS.—Operators of board and care facilities (including privately owned board and care facilities), and individuals who represent such operators or organizations that represent the interests of such operators. Members so appointed shall include—

“(A) operators of a nonprofit board and care facility; or

“(B) individuals who represent—

“(i) operators of nonprofit board and care facilities; or

“(ii) organizations that represent the interests of operators of nonprofit board and care facilities.

“(4) OFFICERS.—

“(A) STATE OFFICERS.—Elected and appointed State officers who have responsibility relating to the health and safety of residents of board and care facilities.

“(B) REPRESENTATIVES.—Representatives of such officers or of organizations representing such officers.

“(C) OTHER INDIVIDUALS.—Other individuals with relevant expertise.

“(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the study committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

“(e) INVOLVEMENT OF OTHERS.—

“(1) GOVERNMENT OFFICIALS.—The study committee shall conduct its work in a manner that provides for the consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the study committee.

“(2) EXPERTS.—The study committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the study committee.

“(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the study committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the Presi-

dent pro tempore of the Senate, a report containing the results of the study referred to in subsection (a) and the recommendations made under subsection (b).

“(g) BOARD AND CARE FACILITY DEFINED.—In this section, the term ‘board and care facility’ means a facility described in section 1616(e) of the Social Security Act (42 U.S.C. 1372e(e) [42 U.S.C. 1382e(e)]).

“(h) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$1,500,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.”

STUDY ON HOME CARE QUALITY

Section 213 of Pub. L. 102-375 provided that:

“(a) ESTABLISHMENT STUDY OF COMMITTEE.—The Secretary of Health and Human Services shall enter into an arrangement, in accordance with subsection (d), to establish a study committee described in subsection (c) to conduct a study through the Institute of Medicine of the National Academy of Sciences on the quality of home care services for older individuals and disabled individuals.

“(b) SCOPE OF STUDY.—The study shall include—

“(1) an examination of existing quality, health and safety requirements for home care services and the enforcement of such requirements for their adequacy, effectiveness, and appropriateness;

“(2) an examination of, and recommendations with respect to, the appropriate role of Federal, State, and local governments in ensuring the health and safety of patients and clients of home care services; and

“(3) specific recommendations to the Congress and the Secretary, not later than 20 months after the date of the enactment of this Act [Sept. 30, 1992], concerning the establishment of minimum national standards for the quality, health, and safety of patients and clients of such services and the enforcement of such standards.

“(c) COMPOSITION OF STUDY COMMITTEE.—The study committee shall be composed of members appointed from among—

“(1) individuals with experience in long-term care, including nonmedical home care services;

“(2) patients and clients of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.]) or individuals who represent such patients and clients or organizations that advocate on behalf of such patients and clients;

“(3) providers of home care services (including privately provided home care services and services funded under the Older Americans Act of 1965) or individuals who represent such providers or organizations that advocate on behalf of such providers;

“(4) elected and appointed State officers who have responsibility relating to the health and safety of patients and clients of home care services, or representatives of such officers or of organizations representing such officers; and

“(5) other individuals with relevant expertise.

“(d) USE OF INSTITUTE OF MEDICINE.—The Secretary shall request the National Academy of Sciences, through the Institute of Medicine, to establish, appoint, and provide administrative support for the committee under an arrangement under which the actual expenses incurred by the Academy in carrying out such functions will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such arrangement with the Academy.

“(e) INVOLVEMENT OF OTHERS.—

“(1) MEMBERS AND OFFICIALS.—The committee shall conduct its work in a manner that provides for consultation with Members of Congress or their representatives, officials of the Department of Health and Human Services, and officials of State and local governments who are not members of the committee.

“(2) INDIVIDUAL OR ORGANIZATION WITH EXPERTISE.—The committee may consult with any individual or organization with expertise relating to the issues involved in the activities of the committee.

“(f) REPORT.—Not later than 20 months after an arrangement is entered into under subsection (d), the committee shall submit, to the Secretary, the Speaker of the House of Representatives, and the President pro tempore of the Senate, a report containing the results of the study referred to in subsection (a).

“(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 1992 and such sums as may be necessary for subsequent fiscal years.”

LONG-TERM HEALTH CARE WORKERS

Subtitle A of title VIII of Pub. L. 102-375 provided that:

“SEC. 801. DEFINITIONS.

“As used in this subtitle:

“(1) NURSING HOME NURSE AIDE.—The term ‘nursing home nurse aide’ means an individual employed at a nursing or convalescent home who assists in the care of patients at such home under the direction of nursing and medical staff.

“(2) HOME HEALTH CARE AIDE.—The term ‘home health care aide’ means an individual who—

“(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

“(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or nurse.

“SEC. 802. INFORMATION REQUIREMENTS.

“(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control [now Centers for Disease Control and Prevention] shall collect, and prepare a report containing—

“(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

“(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

“(B) location of facilities at which the aides are employed in—

“(i) rural communities; or

“(ii) urban or suburban communities; and

“(2) information on the role of the aides in providing institution-based and home-based long-term care.

“(b) DEPARTMENT OF LABOR.—The Secretary of Labor shall—

“(1) collect, and prepare a report containing, information on home health care aides, including—

“(A) information on conditions of employment, including—

“(i) the length of employment of the aides with the current employer of the aides;

“(ii) the number of aides who are—

“(I) employed by a for-profit employer;

“(II) employed by a nonprofit private employer;

“(III) employed by a charitable employer;

“(IV) employed by a government employer; or

“(V) independent contractors;

“(iii) the number of full-time, part-time, and temporary positions for the aides;

“(iv) the ratio of the aides to professional staff;

“(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks, and whether the tasks are completed in a institution-based or home-based setting; and

“(vi) the average number and range of hours worked each week by the aides; and

“(B) information on availability of the employment benefits for home health care aides and a description of the benefits, including—

“(i) information on health insurance coverage;

“(ii) the type of pension plan coverage;

“(iii) the amount of vacation leave;

“(iv) wage rates; and

“(v) the extent of work-related training provided; and

“(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

“(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

“(B) information on—

“(i) the type of facility of the employer of the aides, such as a skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)), or an intermediate care facility within the meaning of section 1121(a) of the Social Security Act (42 U.S.C. 1320a(a));

“(ii) the number of beds at the facility; and

“(iii) the ratio of the aides to residents of the facility.

“SEC. 803. REPORTS.

“(a) REPORTS TO COMMISSIONER ON AGING [now ASSISTANT SECRETARY FOR AGING].—

“(1) TRANSMITTAL.—

“(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—Not later than March 1, 1994, the Director of the National Center for Health Statistics of the Centers for Disease Control [now Centers for Disease Control and Prevention] shall transmit to the Commissioner on Aging the report required by section 802(a).

“(B) DEPARTMENT OF LABOR REPORTS.—

“(i) HOME HEALTH CARE AIDES.—Not later than March 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than March 1, 1995, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

“(ii) NURSING HOME NURSE AIDES.—Not later than March 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

“(2) PREPARATION.—

“(A) NATIONAL CENTER FOR HEALTH STATISTICS REPORT.—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

“(B) DEPARTMENT OF LABOR REPORTS.—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

“(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

“(b) REPORT TO CONGRESS.—The Commissioner on Aging [now Assistant Secretary for Aging] shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

“(1) the reports required by section 802;

“(2) the comments of the Commissioner on the reports; and

“(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965 [now 42 U.S.C. 3027(a)(9), 3058g].

“SEC. 804. OCCUPATIONAL CODE.

“The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act [Sept. 30, 1992].”

LIMITATION ON AUTHORITY TO ENTER INTO CONTRACTS

Section 901 of Pub. L. 102-375 provided that: "Any authority to enter into contracts under this Act [see Tables for classification] or an amendment made by this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts."

WHITE HOUSE CONFERENCE ON AGING

Title II of Pub. L. 100-175, as amended by Pub. L. 102-375, title VIII, §§ 831-836, 839(a), Sept. 30, 1992, 106 Stat. 1300-1305; Pub. L. 103-171, § 6, Dec. 2, 1993, 107 Stat. 1992; Pub. L. 106-501, § 211, Nov. 13, 2000, 114 Stat. 2235; Pub. L. 109-365, title IX, § 901(a), Oct. 17, 2006, 120 Stat. 2598, provided that:

"SEC. 201. AUTHORIZATION OF THE CONFERENCE.

"(a) AUTHORITY TO CALL CONFERENCE.—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

"(b) PLANNING AND DIRECTION.—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

"(c) PURPOSE.—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

"(1) evaluate the manner in which the objectives of this Act [probably means the Older Americans Act of 1965, Pub. L. 89-73, which enacted this chapter] can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

"(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, Medicare, and Medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

"(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals.

"(d) CONFERENCE PARTICIPANTS AND DELEGATES.—

"(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

"(A) representatives of Federal, State, and local governments,

"(B) professional and lay people who are working in the field of aging, and

"(C) representatives of the general public, particularly older individuals.

"(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging. Delegates shall include individuals who are professionals, individuals who are nonprofessionals, minority individuals, individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.

"SEC. 202. CONFERENCE ADMINISTRATION.

"(a) ADMINISTRATION.—In administering this section, the Secretary shall—

"(1) provide written notice to all members of the Policy Committee of each meeting, hearing, or working session of the Policy Committee not later than 48 hours before the occurrence of such meeting, hearing, or working session,

"(2) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section,

"(3) make available for public comment a proposed agenda, prepared by the Policy Committee, for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),

"(4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and

"(5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, and as part of the White House Conference on Aging, ensure that—

"(1) the agenda prepared under subsection (a)(3) for the Conference is published in the Federal Register not later than 30 days after such agenda is approved by the Policy Committee, and the Secretary may republish such agenda together with the recommendations of the Secretary regarding such agenda, and

"(2) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities, [and]

"(3) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and

"(4) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

"(c) GIFTS.—The Secretary may accept, on behalf of the United States, gifts (in cash or in kind, including voluntary and uncompensated services), which shall be available to carry out this title. Gifts of cash shall be available in addition to amounts appropriated to carry out this title. Gifts may be earmarked by the donor or the executive committee for a specific purpose.

"(d) RECORDS.—The Secretary shall maintain records regarding—

"(1) the sources, amounts, and uses of gifts accepted under subsection (c); and

"(2) the identity of each person receiving assistance to carry out this title, and the amount of such assistance received by each such person.

"SEC. 203. POLICY COMMITTEE; RELATED COMMITTEES.

"(a) POLICY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:

“(A) PRESIDENTIAL APPOINTEES.—Nine members shall be selected by the President and shall include—

“(i) three members who are officers or employees of the United States; and

“(ii) six members with experience in the field of aging, including providers and consumers of aging services.

“(B) HOUSE APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and two members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

“(C) SENATE APPOINTEES.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and two members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.

“(2) DUTIES OF THE POLICY COMMITTEE.—The Policy Committee shall initially meet at the call of the Secretary, but not later than 30 days after the last member is selected under subsection (a). Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee. Through meetings, hearings, and working sessions, the Policy Committee shall—

“(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

“(B) formulate and approve a proposed agenda for the Conference not later than 90 days after the first meeting of the Policy Committee for the Secretary;

“(C) make recommendations for participants and delegates of the Conference;

“(D) establish the number of delegates to be selected under section 201(d)(2);

“(E) establish an executive committee consisting of three to five members, with a majority of such members being age 55 or older, to work with Conference staff; and

“(F) establish other committees as needed that have a majority of members who are age 55 or older.

“(3) VOTING; CHAIRPERSON.—

“(A) VOTING.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

“(B) CHAIRPERSON.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

“(b) ADVISORY AND OTHER COMMITTEES.—

“(1) IN GENERAL.—The President shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate. The President shall consider for appointment to the advisory committee individuals recommended by the Policy Committee.

“(2) OTHER COMMITTEES.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

“(c) COMPOSITION OF COMMITTEES.—Each committee established under subsection (b) shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older, and individuals who are Native Americans.

“(d) COMPENSATION.—Appointed members of any such committee (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the

request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily equivalent of the maximum rate of pay payable under section 5376 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

“SEC. 204. REPORT OF THE CONFERENCE.

“(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

“(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.

“SEC. 205. DEFINITIONS.

“For the purposes of this title—

“(1) the term ‘area agency on aging’ has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002),

“(2) the term ‘State agency on aging’ means the State agency designated under section 305(a)(1) of the Act,

“(3) the term ‘Secretary’ means the Secretary of Health and Human Services,

“(4) the term ‘Conference’ means the White House Conference on Aging, and

“(5) the term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

“SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section [title]—

“(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

“(B) such sums as may be necessary for the fiscal year in which the Conference is held.

“(2) CONTRACTS.—Authority to enter into contracts under this title shall be effective only to the extent, or in such amounts as are, provided in advance in appropriations Acts.

“(b) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this title and funds received as gifts under section 202(c) shall remain available for obligation or expenditure until the expiration of the one-year period beginning on the date the Conference adjourns.

“(2) UNOBLIGATED FUNDS.—Except as provided in paragraph (3), any such funds neither expended nor obligated before the expiration of the one-year period beginning on the date the Conference adjourns shall be available to carry out the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

“(3) CONFERENCE NOT CONVENED.—If the Conference is not convened before December 31, 2005, such funds neither expended nor obligated before such date shall be available to carry out the Older Americans Act of 1965.”

[For reference to maximum rate under section 5376 of Title 5, Government Organization and Employees, see section 2(d)(3) of Pub. L. 110-372, set out as an Effective

Date of 2008 Amendment note under section 5376 of Title 5.]

[For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.]

[Section 837 of Pub. L. 102-375 provided that: "All personnel assigned or engaged under [former] section 202(b) or section 203(a)(5) [now section 202(a)(5)] of the Older Americans Act Amendments of 1987 [Pub. L. 100-175, set out above] (42 U.S.C. 3001 note) as in effect immediately before the date of the enactment of this Act [Sept. 30, 1992] shall continue to be assigned or engaged under such section after such date notwithstanding the amendments made by this subtitle [amending title II of Pub. L. 100-175, set out above]."]

Pub. L. 95-478, title II, §§201-207, Oct. 18, 1978, 92 Stat. 1551-1554, as amended by Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695, authorized the President to call a White House Conference on Aging in 1981 to develop recommendations relating to economic well-being, health care, housing, social services, and employment of the aging.

EXECUTIVE ORDER NO. 11022

Ex. Ord. No. 11022, May 14, 1962, 27 F.R. 4659, as amended by Ex. Ord. No. 11376, Oct. 17, 1967, 32 F.R. 14545; Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053, which established the President's Council on Aging and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, §12, Aug. 17, 1982, 47 F.R. 36099, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 3002. Definitions

For the purposes of this chapter—

(1) The term "abuse" means the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(2) The term "Administration" means the Administration on Aging.

(3) The term "adult child with a disability" means a child who—

(A) is 18 years of age or older;

(B) is financially dependent on an older individual who is a parent of the child; and

(C) has a disability.

(4) The term "Aging and Disability Resource Center" means an entity established by a State as part of the State system of long-term care, to provide a coordinated system for providing—

(A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care;

(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

(C) consumers access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving

as a convenient point of entry for such programs.

(5) The term "aging network" means the network of—

(A) State agencies, area agencies on aging, title VI [subchapter X of this chapter] grantees, and the Administration; and

(B) organizations that—

(i)(I) are providers of direct services to older individuals; or

(II) are institutions of higher education; and

(ii) receive funding under this chapter.

(6) The term "area agency on aging" means an area agency on aging designated under section 3025(a)(2)(A) of this title or a State agency performing the functions of an area agency on aging under section 3025(b)(5) of this title.

(7) The term "Assistant Secretary" means the Assistant Secretary for Aging.

(8)(A) The term "assistive device" includes an assistive technology device.

(B) The terms "assistive technology", "assistive technology device", and "assistive technology service" have the meanings given such terms in section 3002 of title 29.

(9) The term "at risk for institutional placement" means, with respect to an older individual, that such individual is unable to perform at least 2 activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision) and is determined by the State involved to be in need of placement in a long-term care facility.

(10) The term "board and care facility" means an institution regulated by a State pursuant to section 1382e(e) of this title.

(11) The term "case management service"—

(A) means a service provided to an older individual, at the direction of the older individual or a family member of the individual—

(i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

(B) includes services and coordination such as—

(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

(I) with any other plans that exist for various formal services, such as hospital discharge plans; and

(II) with the information and assistance services provided under this chapter;