

(Added Pub. L. 108-496, § 3, Dec. 23, 2004, 118 Stat. 4010.)

EFFECTIVE DATE

Section effective Dec. 23, 2004, and applicable to contracts that take effect with respect to the calendar year 2006, see section 7 of Pub. L. 108-496, set out as a note under section 8951 of this title.

**§ 8990. Studies, reports, and audits**

(a) Each contract shall contain provisions requiring the qualified company to—

- (1) furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and
- (2) permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

(b) Each Federal agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

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**§ 8991. Jurisdiction of courts**

The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8983(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

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**§ 8992. Administrative functions**

(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information

under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.

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**CHAPTER 90—LONG-TERM CARE INSURANCE**

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**§ 9001. Definitions**

For purposes of this chapter:

(1) EMPLOYEE.—The term “employee” means—

- (A) an employee as defined by section 8901(1);
- (B) an individual described in section 2105(e);
- (C) an individual employed by the Tennessee Valley Authority;
- (D) an employee of a nonappropriated fund instrumentality of the Department of Defense described in section 2105(c); and
- (E) an employee of the District of Columbia courts.

(2) ANNUITANT.—The term “annuitant” means—

- (A) any individual who would satisfy the requirements of paragraph (3) of section 8901 if, for purposes of such paragraph, the term “employee” were considered to have the meaning given to it under paragraph (1);
- (B) any individual who—
  - (i) satisfies all requirements for title to an annuity under subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government (whether based on the service of such individual or otherwise), and files application therefor;
  - (ii) is at least 18 years of age; and
  - (iii) would not (but for this subparagraph) otherwise satisfy the requirements of this paragraph; and
- (C) any former employee who, on the basis of his or her service, would meet all requirements for being considered an “annuitant” within the meaning of subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government, but for the fact that such former employee has not attained the minimum age for title to annuity.

(3) MEMBER OF THE UNIFORMED SERVICES.—The term “member of the uniformed services”

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