

(Pub. L. 98-621, §8, Nov. 8, 1984, 98 Stat. 3377; Pub. L. 102-150, §3(b), Oct. 31, 1991, 105 Stat. 980.)

Editorial Notes

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-150 substituted “October 1, 1992” for “October 1, 1991” and “2-year” for “twelve-month”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

ABOLITION OF HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 225g. Financing provisions

(a) Authorization of appropriations

There are authorized to be appropriated for grants by the Secretary of Health and Human Services to the District of Columbia comprehensive mental health system, \$30,000,000 for fiscal year 1988, \$24,000,000 for fiscal year 1989, \$18,000,000 for fiscal year 1990, and \$12,000,000 for fiscal year 1991.

(b) Federal agencies; payments to District of costs for treatment of certain patients; responsibility of U.S. for service costs

(1) Beginning on October 1, 1987, and in each subsequent fiscal year, the appropriate Federal agency is directed to pay the District of Columbia the full costs for the provision of mental health diagnostic and treatment services for the following types of patients:

(A) Any individual referred to the system pursuant to a Federal statute or by a responsible Federal agency.

(B) Any individual referred to the system for emergency detention or involuntary commitment after being taken into custody (i) as a direct result of the individual's action or threat of action against a Federal official, (ii) as a direct result of the individual's action or threat of action on the grounds of the White House or of the Capitol, or (iii) under chapter 9 of title 21 of the District of Columbia Code.

(C) Any individual referred to the system as a result of a criminal proceeding in a Federal court (including an individual admitted for treatment, observation, and diagnosis and an

individual found incompetent to stand trial or found not guilty by reason of insanity). The preceding provisions of this paragraph apply to any individual referred to the system (or to Saint Elizabeths Hospital) before or after November 8, 1984.

(2) The responsibility of the United States for the cost of services for individuals described in paragraph (1) shall not affect the treatment responsibilities to the District of Columbia under the Interstate Compact on Mental Health.

(c) Financial responsibility during coordination period

(1) During the service coordination and the financial transition periods, the District of Columbia shall gradually assume a greater share of the financial responsibility for the provision of mental health services provided by the system to individuals not described in subsection (b).

(2) Omitted

(d) Shared responsibility for capital improvements

Subject to section 225b(f)(2) of this title, capital improvements to facilities at Saint Elizabeths Hospital authorized during the service coordination period shall be the shared responsibility of the District and the Federal Government in accordance with Public Law 83-472.

(e) Unassigned liabilities; sole responsibility of Federal Government

Pursuant to the financial audit under section 225b(f) of this title, any unassigned liabilities of the Hospital shall be assumed by and shall be the sole responsibility of the Federal Government.

(f) Audit to determine liability of Federal Government for accrued annual leave balances; authorization of appropriations

(1) After the service coordination period, the Secretary shall conduct an audit, under generally accepted accounting procedures, to identify the liability of the Federal Government for accrued annual leave balances for those employees assumed by the District under the system implementation plan.

(2) There is authorized to be appropriated for payment by the Federal Government to the District an amount equal to the liability identified by such audit.

(g) Authority; District; collection of costs for mental health services

Nothing in this subchapter shall affect the authority of the District of Columbia under any other statute to collect costs billed by the District of Columbia for mental health services, except that payment for the same costs may not be collected from more than one party.

(h) Responsibility of United States for certain claims

The Government of the United States shall be solely responsible for—

(1) all claims and causes of action against Saint Elizabeths Hospital that accrue before October 1, 1987, regardless of the date on which legal proceedings asserting such claims were or may be filed, except that the United States shall, in the case of any tort claim, only be re-

responsible for any such claim against the United States that accrues before October 1, 1987, and the United States shall not compromise or settle any claim resulting in District liability without the consent of the District, which consent shall not be unreasonably withheld; and

(2) all claims that result in a judgment or award against Saint Elizabeths Hospital before October 1, 1987.

(Pub. L. 98-621, §9, Nov. 8, 1984, 98 Stat. 3377.)

Editorial Notes

REFERENCES IN TEXT

Public Law 83-472, referred to in subsec. (d), is act July 2, 1954, ch. 457, 68 Stat. 434, as amended, known as the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1955. Certain provisions of this Act relating to Saint Elizabeths Hospital and appearing at 68 Stat. 443, were repealed by section 10(d)(2) of Pub. L. 98-621 effective Oct. 1, 1987. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Subsec. (c)(2) of this section amended section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (Pub. L. 93-198, title V, Dec. 24, 1973, 87 Stat. 813), which is not classified to the Code.

§ 225h. Buy American provisions

(a) Applicability

The Mayor shall insure that the requirements of the Buy American Act of 1933, as amended, apply to all procurements made under this subchapter.

(b) Determination by Mayor

(1) If the Mayor, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the United States Trade Representative shall rescind the waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement,¹ between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of the Buy American Act with respect to certain products produced in the foreign country.

(c) Report to Congress

The Mayor shall submit to Congress a report on the amount of purchases from foreign entities under this subchapter from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(d) "Buy American Act" defined

For purposes of this section, the term "Buy American Act" means title III of the Act enti-

tled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.)².

(e) Restrictions on contract awards

No contract or subcontract made with funds authorized under this subchapter² may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to³ (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)). Any such determination shall be made in accordance with section 305.

(f) Prohibition against fraudulent use of "Made in America" labels

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract under this subchapter, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

(Pub. L. 98-621, §11, as added Pub. L. 102-150, §4(2), Oct. 31, 1991, 105 Stat. 981.)

Editorial Notes

REFERENCES IN TEXT

Title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933, referred to in subsec. (d), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, known as the Buy American Act, which was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§8301 et seq.) of Title 41, Public Contracts, by Pub. L. 111-350, §§3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of title III to the Code, see Short Title of 1933 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

The Trade Agreement Act of 1979, referred to in subsec. (c), probably means the Trade Agreements Act of 1979, Pub. L. 96-39, July 26, 1979, 93 Stat. 144, as amended. For complete classification of this Act to the Code, see References in Text note set out under section 2501 of Title 19, Customs Duties, and Tables.

This subchapter, referred to in subsec. (e), was in the original "this title" and was translated as reading "this Act", meaning Pub. L. 98-621, which is classified principally to this subchapter, to reflect the probable intent of Congress, because Pub. L. 98-621 does not contain titles.

² See References in Text note below.

³ So in original. Probably should be followed by "subsection".

¹ So in original. The comma probably should not appear.