under which action would have been conducted had the assumption of function by the District not occurred.

(e) Commissioned public health service officers

Commissioned public health service officers detailed to the District of Columbia mental health system shall not be considered employees for purposes of any full-time employee equivalency total of the Department of Health and Human Services.

(f) Former patient employees

For purposes of this section, Hospital employees shall include former patient employees occupying career positions at the Hospital.

(Pub. L. 98–621, § 7, Nov. 8, 1984, 98 Stat. 3375.)

REFERENCES IN TEXT

The District of Columbia Government Comprehensive Merit Personnel Act of 1978, referred to in subsecs. (a)(1), (3), (4), (8), (b), and (c)(2), is D.C. Law 2–139, Mar. 3, 1979, as amended, which is not classified to the Code.

§ 225f. Property transfer

(a) Authority of Secretary; exclusion of certain real property

(1) Except as provided in paragraph (2), on October 1, 1987, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States in all real property at Saint Elizabeths Hospital in the District of Columbia together with any buildings, improvements, and personal property used in connection with such property needed to provide mental health and other services provided by the Department of Human Services indentified[1] pursuant to section 225b(c)(7) of this title.

(2) Such real property as is identified by the Secretary by September 30, 1987, as necessary to Federal mental health programs at Saint Elizabeths Hospital under section 225(b)(5) of this title shall not be transferred under this subsection.

(b) Preparation of master plan; consultation; approval; property transfer; exclusion of Oxon Cove Park

On or before October 1, 1992, the Mayor shall prepare, and submit to the Committee on the District of Columbia of the House of Representatives and the Committees on Governmental Affairs and Labor and Human Resources of the Senate, a master plan, not inconsistent with the comprehensive plan for the National Capital, for the use of all real property, buildings, improvements, and personal property comprising Saint Elizabeths Hospital in the District of Columbia not transferred or excluded pursuant to subsection (a) of this section. In developing such plan, the Mayor shall consult with, and provide an opportunity for review by, appropriate Federal, regional, and local agencies. Such master plan submitted by the Mayor shall be approved by a law enacted by the Congress within the 2-year period following the date such plan is submitted to the Committee on the District of Columbia of the House of Representatives and the Committees on Governmental Affairs and Labor and Human Resources of the Senate. Immediately upon the approval of any such law, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States in and to such property in accordance with such approved plan. The real property, together with the buildings and other improvements thereon, including personal property used in connection therewith, known as the Oxon Cove Park and operated by the National Park Service, Department of the Interior, shall not be transferred under this subchapter.

(c) Transfer of J.B. Johnson Building and grounds

On October 1, 1985, the Secretary shall transfer to the District, without compensation, all right, title, and interest of the United States to lot 87, square 622, in the subdivision made by the District of Columbia Redevelopment Land Agency, as per plat recorded in the Office of the Surveyor for the District of Columbia, in liber 154 at folio 149 (901 First Street N.W., the J.B. Johnson Building and grounds).

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

AMENDMENTS

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

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

[1] So in original. Probably should be ''identified''.

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) of this section.

(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 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.)

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 [41 U.S.C. 10a et seq.], 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 [41 U.S.C. 10a et seq.] 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

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