

(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.)

Editorial Notes

REFERENCES IN TEXT

Public Law 83-472, referred to in subsec. (d), is act July 2, 1954, ch. 457, 68 Stat. 434, 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 Certain provisions of this Act relating to Saint Elizabeths Hospital and appearing at 68 Stat. 443, were repealed by section 10(d)(2) of Pub.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 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 (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.

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

² See References in Text note below.

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

(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. 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.

CHAPTER 5—COLUMBIA INSTITUTION FOR THE DEAF

§§ 231 to 250. Omitted

Editorial Notes

CODIFICATION

Sections 231 to 250, relating to Columbia Institution for the Deaf, were transferred to sections 31-1001 to 31-1020 of the District of Columbia Code and subsequently repealed by acts Aug. 6, 1946, ch. 770, §1(61), 60 Stat. 871; June 18, 1954, ch. 324, §9, 68 Stat. 267; Dec. 24, 1970, Pub. L. 91-587, §5, 84 Stat. 1579. The Columbia Institution for the Deaf was redesignated Gallaudet College by act June 18, 1954, and thereafter redesignated Gallaudet University by Pub. L. 99-371, title I, §101(a), Aug. 4, 1986, 100 Stat. 781, which is classified to subchapter I (§4301 et seq.) of chapter 55 of Title 20, Education.

CHAPTER 6—FREEDMEN'S HOSPITAL

§§ 261 to 264. Omitted

Editorial Notes

CODIFICATION

Sections 261 to 264 related to Freedmen's Hospital in the District of Columbia, and were also set out as sections 32-317 to 32-320 of the District of Columbia Code. Freedmen's Hospital was transferred to Howard University by Pub. L. 87-262, Sept. 21, 1961, 75 Stat. 542 (20 U.S.C. 124-129), section 7 of which repealed all laws specifically applicable to Freedmen's Hospital effective with the transfer. Sections 32-317 to 32-320 were omitted from the 1981 edition of the District of Columbia Code.

Section 261, R.S. §2038; act June 23, 1874, ch. 455, 18 Stat. 223, related to direction of and expenditures for Freedmen's Hospital.

Section 262, acts June 26, 1912, ch. 182, §1, 37 Stat. 172; May 29, 1928, ch. 901, §1(78), 45 Stat. 992, related to admission of patients to Freedmen's Hospital, charges, and disposition of money collected.

Section 263, acts Mar. 3, 1905, ch. 1483, 33 Stat. 1190, Mar. 16, 1926, ch. 58, 44 Stat. 208, related to authority to contract for the care and treatment of persons from the District admitted to Freedmen's Hospital.

Section 264, act July 1, 1916, ch. 209, 39 Stat. 311, related to disposition of unclaimed money left at Freedmen's Hospital by deceased patients.

CHAPTER 7—NATIONAL CEMETERIES

Sec.

271 to 295. Repealed or Omitted.

295a. Arlington Memorial Amphitheater.

296. Repealed.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Director of National Parks, Buildings and Reservations renamed Director of National Park Service by act Mar. 2, 1934, ch. 38, 48 Stat. 362.

Executive Documents

TRANSFER OF FUNCTIONS

Section 2 of Ex. Ord. No. 6166, June 10, 1933, as amended by Ex. Ord. No. 6229, July 27, 1934; Ex. Ord. No. 6614, Feb. 26, 1934; Ex. Ord. No. 6690, Apr. 25, 1934, set out as a note to section 901 of Title 5, Government Organization and Employees, transferred all functions of administrator of certain historical national cemeteries located within the continental limits of the United States, including certain cemeteries administered by the War Department to the Director of National Parks, Buildings, and Reservations in the Department of the Interior.

By Ex. Ord. No. 6228, July 28, 1933, the operation of Executive Order No. 6166 as to the transfer of the specified national cemeteries was postponed until further order, except with regard to the following cemeteries located within the continental limits of the United States:

NATIONAL MILITARY PARKS

Chickamauga and Chattanooga National Military Park, Georgia and Tennessee.

Fort Donelson National Military Park, Tennessee. Fredericksburg and Spotsylvania County Battle Fields Memorial, Virginia.

Gettysburg National Military Park, Pennsylvania. Guilford Courthouse National Military Park, North Carolina.

Kings Mountain National Military Park, South Carolina.

Moore's Creek National Military Park, North Carolina. Petersburg National Military Park, Virginia.

Shiloh National Military Park, Tennessee.

Stones River National Military Park, Tennessee.

Vicksburg National Military Park, Mississippi.

NATIONAL PARKS

Abraham Lincoln National Park (now Abraham Lincoln Birthplace National Historical Park), Kentucky. Fort McHenry National Park, Maryland.

BATTLEFIELD SITES

Antietam Battlefield, Maryland.

Appomattox, Virginia.

Brices Cross Roads, Mississippi.

Chalmette Monument and Grounds, Louisiana.

Cowpens, South Carolina.

Fort Necessity, Wharton County, Pennsylvania.

Kenesaw Mountain, Georgia.

Monocacy, Maryland.

Tupelo, Mississippi.

White Plains, New York.

NATIONAL MONUMENTS

Big Hole Battlefield, Beaverhead County, Montana.