

AMENDMENTS

1991—Pub. L. 102-54 substituted "Secretary of Veterans Affairs" for "Board of Managers of the National Home for Disabled Volunteer Soldiers" and "as the Secretary may consider necessary" for "as they may deem necessary".

CHAPTER 4—SAINT ELIZABETHS HOSPITAL
SUBCHAPTER III—MENTAL HEALTH SERVICE
FOR DISTRICT OF COLUMBIA

Sec.

- 225h. Buy American provisions.
- (a) Applicability.
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 - (e) Restrictions on contract awards.
 - (f) Prohibition against fraudulent use of "Made in America" labels.

SUBCHAPTER III—MENTAL HEALTH
SERVICE FOR DISTRICT OF COLUMBIA

§ 225. Findings and purposes

[See main edition for text of (a)]

(b) It is the intent of Congress that—

(1) the District of Columbia have in operation no later than October 1, 1993, an integrated coordinated mental health system in the District which provides—

[See main edition for text of (A) to (C), (2) to (8)]

(As amended Pub. L. 102-150, § 3(a), Oct. 31, 1991, 105 Stat. 980.)

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102-150 substituted "October 1, 1993" for "October 1, 1991".

EFFECTIVE DATE

Section 12, formerly § 11, of Pub. L. 98-621, renumbered § 12, Pub. L. 102-150, § 4(1), Oct. 31, 1991, 105 Stat. 981, provided that:

[See main edition for text of (a) and (b)]

SHORT TITLE OF 1991 AMENDMENT

Section 1 of Pub. L. 102-150 provided that: "This Act [enacting section 225h of this title, amending this section and sections 225b and 225f of this title, and renumbering provisions set out as a note under this section] may be cited as the 'District of Columbia Mental Health Program Assistance Act of 1991'."

§ 225h. Development of plan for mental health system for the District

- (a) Responsibility for mental health services; effective date; final system implementation plan; comprehensive mental health program

[See main edition for text of (1)]

(2) Not later than October 1, 1993, the Mayor shall complete the implementation of the final system implementation plan reviewed by the Congress and the Council in accordance with the provisions of this subchapter for the establishment of a comprehensive District mental health system to provide mental health services and programs through community mental health facilities to individuals in the District of Columbia.

[See main edition for text of (b) to (e)]

- (f) Financial and physical audits; repairs and renovation; maintenance of facilities and infrastructure

[See main edition for text of (1)]

(2)(A) Pursuant to such physical plant audit, the Secretary shall initiate not later than October 1, 1987, and, except as provided under an agreement entered into pursuant to subparagraph (C), complete not later than October 1, 1993, such repairs and renovations to such physical plant and facility support systems of the Hospital as are to be utilized by the District under the system implementation plan as part of a comprehensive District mental health system, as are necessary to meet any applicable code requirements or standards.

[See main edition for text of (B)]

(C) The Secretary may enter into an agreement with the Mayor under which the Secretary shall provide funds to the Mayor to complete the repairs and renovations described in subparagraph (A) and to make other capital improvements that are necessary for the safe and cost effective delivery of mental health services in the District, except that \$7,500,000 of the funds provided to the Mayor under such an agreement shall be used to make capital improvements to facilities not located at Saint Elizabeths Hospital. Of the \$7,500,000 provided for improvements to facilities not located at the Hospital, not less than \$5,000,000 shall be used to make capital improvements to housing facilities for seriously and chronically mentally ill individuals.

[See main edition for text of (g)]

(As amended Pub. L. 102-150, §§ 2, 3(a), Oct. 31, 1991, 105 Stat. 980.)

AMENDMENTS

1991—Subsec. (a)(2). Pub. L. 102-150, § 3(a), substituted "October 1, 1993" for "October 1, 1991".

Subsec. (f)(2)(A). Pub. L. 102-150, §§ 2(1), 3(a), substituted "and, except as provided under an agreement entered into pursuant to subparagraph (C), complete" for "and complete" and "October 1, 1993" for "October 1, 1991".

Subsec. (f)(2)(C). Pub. L. 102-150, § 2(2), added subpar. (C).

§ 225e. Conditions of employment for former employees of Hospital

REFERENCES IN TEXT

Section 5948 of title 5, referred to in subsec. (a)(5), was repealed effective Sept. 30, 1989, by Pub. L. 95-603, § 3, Nov. 6, 1978, 92 Stat. 3020, as amended.

§ 225f. Property transfer

[See main edition for text of (a)]

- (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 Governmen-

tal 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.

[See main edition for text of (c)]

(As amended 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".

§ 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

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 [41 U.S.C. 10a et seq.] was waived pursuant to any agreement described in subsection (a)(2) of this section, 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.).

(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.)

REFERENCES IN TEXT

The Buy American Act of 1933, and the Buy American Act, referred to in subsecs. (a) to (d), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, as amended, popularly known as the Buy American Act, which enacted sections 10a, 10b, 10b-1, and 10c of Title 41, Public Contracts, and enacted provisions set out as

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".

notes under section 10c of Title 41. For complete classification of this Act to the Code, see Short Title note set out under section 10a of Title 41 and Tables.

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.

CHAPTER 10—ARMED FORCES RETIREMENT HOME

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§ 401. Definitions

For purposes of this chapter:

(1) The term "Retirement Home" means the Armed Forces Retirement Home established under section 411(a) of this title.

(2) The term "Retirement Home Board" means the Armed Forces Retirement Home Board.

(3) The term "Local Board" means a Board of Trustees established for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(4) The term "Director" means a Director of the Armed Forces Retirement Home appointed under section 417(a) of this title.

(5) The term "Fund" means the Armed Forces Retirement Home Trust Fund established under section 419(a) of this title.

(6) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

(7) The term "chief personnel officers" means—

(A) the Deputy Chief of Staff for Personnel of the Army;

(B) the Chief of Naval Personnel;

(C) the Deputy Chief of Staff, Manpower and Personnel of the Air Force; and

(D) the Deputy Chief of Staff for Manpower of the Marine Corps.

(8) The term "senior noncommissioned officers" means the following:

(A) The Sergeant Major of the Army.

(B) The Master Chief Petty Officer of the Navy.

(C) The Chief Master Sergeant of the Air Force.

(D) The Sergeant Major of the Marine Corps.

(Pub. L. 101-510, div. A, title XV, § 1502, Nov. 5, 1990, 104 Stat. 1722.)