

cluding any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with re-

1 spect to the Indian Health Service, \$2,633,072,000, to-
2 gether with payments received during the fiscal year pur-
3 suant to 42 U.S.C. 238(b) for services furnished by the
4 Indian Health Service: *Provided*, That funds made avail-
5 able to tribes and tribal organizations through contracts,
6 grant agreements, or any other agreements or compacts
7 authorized by the Indian Self-Determination and Edu-
8 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
9 deemed to be obligated at the time of the grant or contract
10 award and thereafter shall remain available to the tribe
11 or tribal organization without fiscal year limitation: *Pro-*
12 *vided further*, That up to \$18,000,000 shall remain avail-
13 able until expended, for the Indian Catastrophic Health
14 Emergency Fund: *Provided further*, That \$487,085,000
15 for contract medical care shall remain available for obliga-
16 tion until September 30, 2006: *Provided further*, That of
17 the funds provided, up to \$27,000,000 to remain available
18 until expended, shall be used to carry out the loan repay-
19 ment program under section 108 of the Indian Health
20 Care Improvement Act: *Provided further*, That funds pro-
21 vided in this Act may be used for one-year contracts and
22 grants which are to be performed in two fiscal years, so
23 long as the total obligation is recorded in the year for
24 which the funds are appropriated: *Provided further*, That
25 the amounts collected by the Secretary of Health and

1 Human Services under the authority of title IV of the In-
2 dian Health Care Improvement Act shall remain available
3 until expended for the purpose of achieving compliance
4 with the applicable conditions and requirements of titles
5 XVIII and XIX of the Social Security Act (exclusive of
6 planning, design, or construction of new facilities): *Pro-*
7 *vided further*, That funding contained herein, and in any
8 earlier appropriations Acts for scholarship programs
9 under the Indian Health Care Improvement Act (25
10 U.S.C. 1613) shall remain available until expended: *Pro-*
11 *vided further*, That amounts received by tribes and tribal
12 organizations under title IV of the Indian Health Care Im-
13 provement Act shall be reported and accounted for and
14 available to the receiving tribes and tribal organizations
15 until expended: *Provided further*, That, notwithstanding
16 any other provision of law, of the amounts provided herein,
17 not to exceed \$267,398,000 shall be for payments to tribes
18 and tribal organizations for contract or grant support
19 costs associated with contracts, grants, self-governance
20 compacts or annual funding agreements between the In-
21 dian Health Service and a tribe or tribal organization pur-
22 suant to the Indian Self-Determination Act of 1975, as
23 amended, prior to or during fiscal year 2005, of which
24 not to exceed \$2,500,000 may be used for contract sup-
25 port costs associated with new or expanded self-determina-

1 tion contracts, grants, self-governance compacts or annual
2 funding agreements: *Provided further*, That funds avail-
3 able for the Indian Health Care Improvement Fund may
4 be used, as needed, to carry out activities typically funded
5 under the Indian Health Facilities account: *Provided fur-*
6 *ther*, That of the amounts provided to the Indian Health
7 Service, \$15,000,000 is provided for alcohol control, en-
8 forcement, prevention, treatment, sobriety and wellness,
9 and education in Alaska: *Provided further*, That none of
10 the funds may be used for tribal courts or tribal ordinance
11 programs or any program that is not directly related to
12 alcohol control, enforcement, prevention, treatment, or so-
13 briety: *Provided further*, That no more than 15 percent
14 may be used by any entity receiving funding for adminis-
15 trative overhead including indirect costs.

16 INDIAN HEALTH FACILITIES

17 For construction, repair, maintenance, improvement,
18 and equipment of health and related auxiliary facilities,
19 including quarters for personnel; preparation of plans,
20 specifications, and drawings; acquisition of sites, purchase
21 and erection of modular buildings, and purchases of trail-
22 ers; and for provision of domestic and community sanita-
23 tion facilities for Indians, as authorized by section 7 of
24 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
25 Self-Determination Act, and the Indian Health Care Im-
26 provement Act, and for expenses necessary to carry out

1 such Acts and titles II and III of the Public Health Serv-
2 ice Act with respect to environmental health and facilities
3 support activities of the Indian Health Service,
4 \$394,048,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 funds appropriated for the planning, design, construction
7 or renovation of health facilities for the benefit of an In-
8 dian tribe or tribes may be used to purchase land for sites
9 to construct, improve, or enlarge health or related facili-
10 ties: *Provided further*, That not to exceed \$500,000 shall
11 be used by the Indian Health Service to purchase
12 TRANSAM equipment from the Department of Defense
13 for distribution to the Indian Health Service and tribal
14 facilities: *Provided further*, That none of the funds appro-
15 priated to the Indian Health Service may be used for sani-
16 tation facilities construction for new homes funded with
17 grants by the housing programs of the United States De-
18 partment of Housing and Urban Development: *Provided*
19 *further*, That not to exceed \$1,000,000 from this account
20 and the "Indian Health Services" account shall be used
21 by the Indian Health Service to obtain ambulances for the
22 Indian Health Service and tribal facilities in conjunction
23 with an existing interagency agreement between the In-
24 dian Health Service and the General Services Administra-
25 tion: *Provided further*, That notwithstanding any other

1 provision of law, funds appropriated for the planning, de-
2 sign, and construction of the replacement health care facil-
3 ity in Barrow, Alaska, may be used to purchase land up
4 to approximately 8 hectares for a site upon which to con-
5 struct the new health care facility: *Provided further*, That
6 not to exceed \$500,000 shall be placed in a Demolition
7 Fund, available until expended, to be used by the Indian
8 Health Service for demolition of Federal buildings: *Pro-*
9 *vided further*, That up to \$2,700,000 from unobligated
10 balances may be used for the purchase of land at two sites
11 for the construction of the northern and southern Cali-
12 fornia Youth Regional Treatment Centers subject to ad-
13 vance approval from the House and Senate Committees
14 on Appropriations.

15 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

16 Appropriations in this Act to the Indian Health Serv-
17 ice shall be available for services as authorized by 5 U.S.C.
18 3109 but at rates not to exceed the per diem rate equiva-
19 lent to the maximum rate payable for senior-level positions
20 under 5 U.S.C. 5376; hire of passenger motor vehicles and
21 aircraft; purchase of medical equipment; purchase of re-
22 prints; purchase, renovation and erection of modular
23 buildings and renovation of existing facilities; payments
24 for telephone service in private residences in the field,
25 when authorized under regulations approved by the Sec-
26 retary; and for uniforms or allowances therefor as author-

1 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
2 ance at meetings which are concerned with the functions
3 or activities for which the appropriation is made or which
4 will contribute to improved conduct, supervision, or man-
5 agement of those functions or activities.

6 In accordance with the provisions of the Indian
7 Health Care Improvement Act, non-Indian patients may
8 be extended health care at all tribally administered or In-
9 dian Health Service facilities, subject to charges, and the
10 proceeds along with funds recovered under the Federal
11 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
12 be credited to the account of the facility providing the
13 service and shall be available without fiscal year limitation.
14 Notwithstanding any other law or regulation, funds trans-
15 ferred from the Department of Housing and Urban Devel-
16 opment to the Indian Health Service shall be administered
17 under Public Law 86–121 (the Indian Sanitation Facili-
18 ties Act) and Public Law 93–638, as amended.

19 Funds appropriated to the Indian Health Service in
20 this Act, except those used for administrative and program
21 direction purposes, shall not be subject to limitations di-
22 rected at curtailing Federal travel and transportation.

23 None of the funds made available to the Indian
24 Health Service in this Act shall be used for any assess-
25 ments or charges by the Department of Health and

1 Human Services unless identified in the budget justifica-
2 tion and provided in this Act, or approved by the House
3 and Senate Committees on Appropriations through the re-
4 programming process. Personnel ceilings may not be im-
5 posed on the Indian Health Service nor may any action
6 be taken to reduce the full time equivalent level of the
7 Indian Health Service below the level in fiscal year 2002
8 adjusted upward for the staffing of new and expanded fa-
9 cilities, funding provided for staffing at the Lawton, Okla-
10 homa hospital in fiscal years 2003 and 2004, critical posi-
11 tions not filled in fiscal year 2002, and staffing necessary
12 to carry out the intent of Congress with regard to program
13 increases.

14 Notwithstanding any other provision of law, funds
15 previously or herein made available to a tribe or tribal or-
16 ganization through a contract, grant, or agreement au-
17 thorized by title I or title V of the Indian Self-Determina-
18 tion and Education Assistance Act of 1975 (25 U.S.C.
19 450), may be deobligated and reobligated to a self-deter-
20 mination contract under title I, or a self-governance agree-
21 ment under title V of such Act and thereafter shall remain
22 available to the tribe or tribal organization without fiscal
23 year limitation.

24 None of the funds made available to the Indian
25 Health Service in this Act shall be used to implement the

1 final rule published in the Federal Register on September
2 16, 1987, by the Department of Health and Human Serv-
3 ices, relating to the eligibility for the health care services
4 of the Indian Health Service until the Indian Health Serv-
5 ice has submitted a budget request reflecting the increased
6 costs associated with the proposed final rule, and such re-
7 quest has been included in an appropriations Act and en-
8 acted into law.

9 With respect to functions transferred by the Indian
10 Health Service to tribes or tribal organizations, the Indian
11 Health Service is authorized to provide goods and services
12 to those entities, on a reimbursable basis, including pay-
13 ment in advance with subsequent adjustment. The reim-
14 bursements received therefrom, along with the funds re-
15 ceived from those entities pursuant to the Indian Self-De-
16 termination Act, may be credited to the same or subse-
17 quent appropriation account which provided the funding.
18 Such amounts shall remain available until expended.

19 Reimbursements for training, technical assistance, or
20 services provided by the Indian Health Service will contain
21 total costs, including direct, administrative, and overhead
22 associated with the provision of goods, services, or tech-
23 nical assistance.

24 The Indian Health Service may purchase 8.5 acres
25 of land for expansion of parking facilities at the W.W.

1 Hastings hospital in Tahlequah, Oklahoma using third
2 party collections subject to advance approval from the
3 House and Senate Committees on Appropriations.

4 Notwithstanding any other provision of law, the
5 Tulsa and Oklahoma City Clinic demonstration projects
6 shall be permanent programs under the direct care pro-
7 gram of the Indian Health Service; shall be treated as
8 service units and operating units in the allocation of re-
9 sources and coordination of care; shall continue to meet
10 the requirements applicable to an Urban Indian organiza-
11 tion under this title; and shall not be subject to the Indian
12 Self-Determination and Education Assistance Act (25
13 U.S.C. 450 et seq.).

14 The appropriation structure for the Indian Health
15 Service may not be altered without advance approval of
16 the House and Senate Committees on Appropriations.

17 OTHER RELATED AGENCIES

18 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of Navajo and
21 Hopi Indian Relocation as authorized by Public Law 93-
22 531, \$5,000,000, to remain available until expended: *Pro-*
23 *vided*, That funds provided in this or any other appropria-
24 tions Act are to be used to relocate eligible individuals and
25 groups including evictees from District 6, Hopi-partitioned

1 lands residents, those in significantly substandard hous-
2 ing, and all others certified as eligible and not included
3 in the preceding categories: *Provided further*, That none
4 of the funds contained in this or any other Act may be
5 used by the Office of Navajo and Hopi Indian Relocation
6 to evict any single Navajo or Navajo family who, as of
7 November 30, 1985, was physically domiciled on the lands
8 partitioned to the Hopi Tribe unless a new or replacement
9 home is provided for such household: *Provided further*,
10 That no relocatee will be provided with more than one new
11 or replacement home: *Provided further*, That the Office
12 shall relocate any certified eligible relocatees who have se-
13 lected and received an approved homesite on the Navajo
14 reservation or selected a replacement residence off the
15 Navajo reservation or on the land acquired pursuant to
16 25 U.S.C. 640d-10.

17 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
18 CULTURE AND ARTS DEVELOPMENT

19 PAYMENT TO THE INSTITUTE

20 For payment to the Institute of American Indian and
21 Alaska Native Culture and Arts Development, as author-
22 ized by title XV of Public Law 99-498, as amended (20
23 U.S.C. 56 part A), \$6,000,000, of which up to \$1,000,000
24 may remain available until expended to assist with the In-

1 stitute's efforts to develop a Continuing Education Life-
2 long Learning Center.

3 SMITHSONIAN INSTITUTION

4 SALARIES AND EXPENSES

5 For necessary expenses of the Smithsonian Institu-
6 tion, as authorized by law, including research in the fields
7 of art, science, and history; development, preservation, and
8 documentation of the National Collections; presentation of
9 public exhibits and performances; collection, preparation,
10 dissemination, and exchange of information and publica-
11 tions; conduct of education, training, and museum assist-
12 ance programs; maintenance, alteration, operation, lease
13 (for terms not to exceed 30 years), and protection of build-
14 ings, facilities, and approaches; not to exceed \$100,000
15 for services as authorized by 5 U.S.C. 3109; up to five
16 replacement passenger vehicles; purchase, rental, repair,
17 and cleaning of uniforms for employees, \$495,925,000, of
18 which not to exceed \$10,108,000 for the instrumentation
19 program, collections acquisition, exhibition reinstallation,
20 the National Museum of African American History and
21 Culture, and the repatriation of skeletal remains program
22 shall remain available until expended; and of which
23 \$1,620,000 for fellowships and scholarly awards shall re-
24 main available until September 30, 2006; and including
25 such funds as may be necessary to support American over-