Public Health Service, HHS

incurred after the effective date of re-

assumption.

§ 137.270 What is covered by this sub-

part?

This subpart covers IHS construction
projects carried out under section 509

§ 137.271 Why is there a separate sub-

part in these regulations for con-

struction project agreements?

Construction projects are separately
defined in Title V and are subject to a
separate proposal and review process.
Provisions of a construction project
agreement and this subpart shall be
liberally construed in favor of the Self-
Governance Tribe.

§ 137.272 What other alternatives are
available for Self-Governance
Tribes to perform construction
projects?

Self-Governance Tribes also have the
option of performing IHS construction
projects under a variety of other legal
authorities, including but not limited
to Title I of the Act, the Indian Health
Care Improvement Act, Public Law 94-
437, and Public Law 86-121. This sub-
part does not cover projects con-
structed pursuant to agreements en-
tered into under these authorities.

§ 137.273 What are IHS construction
PSFAs?

IHS construction PSFAs are a com-

bination of construction projects as de-

fined in §137.280 and construction pro-

grams.

§ 137.274 Does this subpart cover con-

struction programs?

No, except as provided in §137.275,
this subpart does not cover construc-
tion programs such as the:
(a) Maintenance and Improvement
Program;
(b) Construction program functions; and,
(c) Planning services and construc-
tion management services.

§ 137.275 May Self-Governance Tribes
include IHS construction programs
in a construction project agreement
or in a funding agreement?

Yes, Self-Governance Tribes may
choose to assume construction pro-
grams in a construction project agree-
ment, in a funding agreement, or in a
combination of the two. These pro-
grams may include the following:
(a) Maintenance and improvement
program;
(b) Construction program functions;
and
(c) Planning services and construc-
tion management services.

CONSTRUCTION DEFINITIONS

§ 137.280 Construction Definitions.

ALJ means administrative law judge.
APA means Administrative Proce-
Budget means a statement of the
funds required to complete the scope of
work in a construction project agree-
ment. For cost reimbursement agree-
ments, budgets may be stated using
broad categories such as planning, de-
sign, construction, project administra-
tion, and contingency. For fixed price
agreements, budgets may be stated as
lump sums, unit cost pricing, or a com-
bination thereof.

Categorical exclusion means a cat-

egory of actions that do not individ-
ually or cumulatively have a signifi-
cant effect on the human environment
and that have been found to have no
such effect in procedures adopted by a
Federal agency in implementation of
these regulations and for which, there-
fore, neither an environmental assess-
ment nor an environmental impact
statement is required. Any procedures
under this section shall provide for ex-
traordinary circumstances in which a
normally excluded action may have a
significant environmental effect.

CEQ means Council on Environ-
mental Quality in the Office of the
President.

Construction management services
(CMS) means activities limited to ad-
ministrative support services; coordi-
nation; and monitoring oversight of
the planning, design, and construction
process. CMS activities typically in-
clude: