



Implementation of 105(l) Leases

August 2021 Consultation



Agenda

Introductions

Review FY 2021 Appropriations language

Review of Framing Questions

Open Floor for Comments and Questions

105(l) Congressional Direction

Section 431, Title IV General Provisions

*FY2021 Omnibus and COVID
Relief and Response Act,
PL 116-260*

(b) The Secretaries of the Interior and Health and Human Services shall, jointly or separately, during fiscal year 2021 consult with tribes and tribal organizations through public solicitation and other means regarding the requirements for leases under section 105(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324(l)) on how to implement a consistent and transparent process for the payment of such leases.

Framing Questions - Process

1. How could IA improve Part 80, Chapter 7 of the Indian Affairs Manual (80 IAM 7), which addresses the processing of 105(I) leases?
2. What suggestions could be made for the form of any IHS guidelines?
3. What constitutes a “lease proposal” as stated in the FY 2021 Omnibus appropriations General Provisions language for DOI and HHS in Section 431 “...the initial lease term shall commence no earlier than the date of receipt of lease proposal.”



Framing Questions – Facility Size

1. If IA and the IHS were to establish facility-size guidelines for 105(I) leases, how could those guidelines consistently account for a wide variety of programs, services, functions, and activities (PSFAs), for example, health care, law enforcement, schools, and administrative functions?
2. What criteria should IA and the IHS use in determining square footage (SF) guidelines for each type of facility participating in the 105(I) lease program?
3. What criteria should IA and the IHS use in determining reasonable lease compensation appropriate for IA and IHS programs?
4. What, if any, considerations beyond facility-type and capacity should IA and the IHS include in guidelines?
5. How can IA and the IHS best support Tribal sovereignty through the use of consistent guidelines?



Written Comments

Please submit comments or
questions by September 13, 2021
to: consultation@bia.gov and
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THANK YOU!

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