




105(I) Lease Program - 2026

Indian Self Determination and Education Assistance Act (ISDEAA)



The act is statutory and, upon request of a Tribe or Tribal organization (T/TO), requires the Secretaries of the Department of the Interior and the Department of Health and Human Services to enter into a facility lease agreement for certain facilities used for Programs, Functions, Services, or Activities (PFSA) assumed under ISDEAA.

Section 105(l) Leases are not traditional leases but are more like “*Facility Cost Agreements*” between the BIA, or IHS and T/TO for facility operational expenses.



Eligibility Requirements




Eligible facilities are those to which the T/TO has:

- Title
- Leasehold Interest
- Trust Interest

T/TO must prove interest in a facility by:

- Trust Title
- Quitclaim Deed or Warranty Deed
- Lease or Rental Agreement

The facility must be ***occupied***, and the PFSA must be in an approved ISDEAA Self-Determination contract, Self-Governance compact, or Public Law 100-297 grant.



Types of Compensation



- Fair Market Rental
- Cost Elements listed in 25 CFR Section 900.70 (a) – (h) only
 - (a) Rent (sublease)
 - (b) Depreciation of the useful life of the facility based on acquisition costs not financed with federal funds
 - (c) Contributions to a reserve for replacement of facilities
 - (d) Principal and interest paid or accrued
 - (e) Operation and maintenance expenses, to the extent not otherwise included in rent or use allowances
 - (f) Repairs to buildings and facility equipment (no furnishings or office equipment)
 - (g) Alterations that are needed to meet program requirements (Tenant improvements)
 - (h) Other reasonable expenses (Tribe must provide written justification)
- Combination of Fair Market Value and Cost Elements

** Compensation must be reasonable and not duplicative*




Application Process




On Tribal letterhead, submit a letter of intent to ISDEAA105L@BIA.GOV.

Letter of Intent should include:

- The name of each facility
 - The address of each facility.
 - Identify the approved ISDEAA PFSAs in each facility
 - The type of compensation the Tribe is seeking
 - A statement of ownership interest
 - Identify fiscal or calendar year accounting
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Required Documents



- Proof of ownership (Title, Deed, Trust Interest, Rental Agreement)
 - Certificate of occupancy
 - Recent photos of the facility's interior and exterior
 - Fair market rental appraisal/analysis (FMRA) and/or proof of actual cost
 - Floor plans that clearly identify all spaces and types of use
 - Financial certification
 - Tribal resolution
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EXAMPLE - Building with Multi-Use Spaces

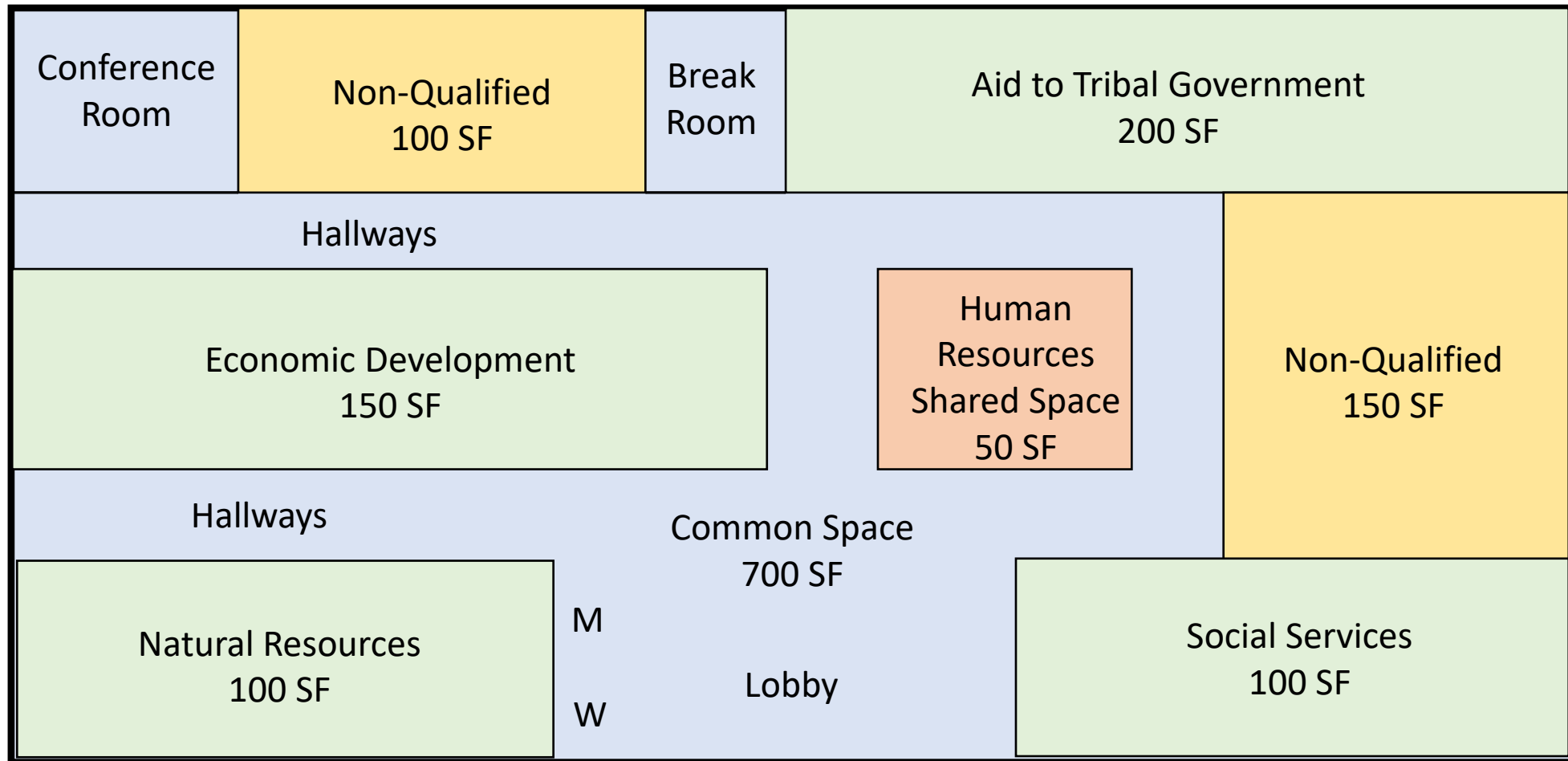
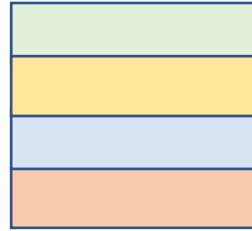
Total Space = 1,550 SF

BIA PFSA Space = 550 SF

Non-Qualified Space = 250 SF


Common Space = 700 SF

Shared Space = 50 SF



Lease Execution Process



- Tribe submits letter of intent to ISDEAA105L@BIA.GOV
 - A Realty Specialist is assigned once all required documents are received
 - Once the Realty Specialist and the Tribe agree to the terms of the draft lease
 - The lease will be submitted for surnaming/legal sufficiency review
 - Once surnaming is finalized, all parties sign the lease
 - The Realty Specialist will send an executed copy to the Tribe and requests the delivery of funds
 - The funds will be distributed to the Tribe/Tibal Organization in one lump sum annually through the 638 contract/compact or 297 grant awarding official
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Lease Terms and Renewals



Initial Lease

- Lease is incorporated into the ISDEAA 638 contract, compact, or 297 grant.
- Initial leases are prorated for year one and year two is for a full calendar or fiscal year.

Lease Renewals

- Renewal requests must be received 90 days before lease expiration.
 - Lease terms may be renegotiated at renewal.
 - Renewals are for two calendar or fiscal years.
 - Payments are always made annually in one lump sum.
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New Construction

105(l) Guidelines for New Construction Pre-Approval

Tribe will need to submit:

Letter of Intent for the new facility to be in the 105(l) program.

Total square footage.

Floor plans that specify the PFSA's.

Estimated total cost.

Estimated completion date.

Written justification for the new facility.

Design Review

Floor plans for new construction facilities will be reviewed for reasonableness and approved by the following:

- **New Schools** – Reasonableness Opinion from the Division of Facilities Management and Construction (DFMC) and Bureau of Indian Education (BIE).

- **New Correctional Facilities** - Reasonableness Opinion from the Office of Justice Services (OJS) and the Division of Facilities Management and Construction (DFMC).


- **All Other New Construction Facilities** – Reasonableness Opinion from the Office of Tribal Leases (OTL).

New construction pre-approvals will be surnamed by, the Director of the Office of Facilities Property Safety and Management (OFPSM), the Director of the Bureau of Indian Affairs (BIA), the Director of the Bureau of Indian Education (BIE) *where applicable*, the Deputy Assistant Secretary of Management (DASM) and other subject matter experts as needed.

The Chief of OTL will send a send approval to the Tribe/Tribal Organization. Please allow at least (4-6 weeks) once all documents have been submitted.

The Path Forward



- All correspondence needs to go through ISDEAA105L@BIA.GOV
 - The 105(I) guidebook, presentation slides, and sample templates are posted on the Office of Tribal Leases website: <https://www.bia.gov/as-ia/ofpsm/otl>
 - The 105(I) team will ensure there are no duplicative payments
 - Technical assistance is available upon request.
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Office of Tribal Leases website:

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