

**§ 900.66**

which respond to the needs of the contracting parties and that are appropriate for the purposes of the contract. The extent of available resources will be a consideration in the negotiations.

**§ 900.66 What happens if the Indian tribe or tribal organization and the Secretary cannot come to an agreement concerning the type and/or frequency of program narrative and/or program data report(s)?**

Any disagreements over reporting requirements are subject to the declination criteria and procedures in section 102 of the Act and subpart E.

**§ 900.67 Will there be a uniform data set for all IHS programs?**

IHS will work with Indian tribe or tribal organization representatives to develop a mutually defined uniform subset of data that is consistent with Congressional intent, imposes a minimal reporting burden, and which responds to the needs of the contracting parties.

**§ 900.68 Will this uniform data set be required of all Indian tribe or tribal organizations contracting with the IHS under the Act?**

No. The uniform data set, applicable to the services to be performed, will serve as the target for the Secretary and the Indian tribes or tribal organizations during individual negotiations on program data reporting requirements.

**Subpart H—Lease of Tribally-Owned Buildings by the Secretary**

**§ 900.69 What is the purpose of this subpart?**

Section 105(1) of the Act requires the Secretary, at the request of an Indian tribe or tribal organization, to enter into a lease with the Indian tribe or tribal organization for a building owned or leased by the tribe or tribal organization that is used for administration or delivery of services under the Act. The lease is to include compensation as provided in the statute as well as “such other reasonable expenses that the Secretary determines, by regulation, to be allowable.” This subpart contains requirements for these leases.

**25 CFR Ch. V (4–1–06 Edition)**

**§ 900.70 What elements are included in the compensation for a lease entered into between the Secretary and an Indian tribe or tribal organization for a building owned or leased by the Indian tribe or tribal organization that is used for administration or delivery of services under the Act?**

To the extent that no element is duplicative, the following elements may be included in the lease compensation:

- (a) Rent (sublease);
- (b) Depreciation and use allowance based on 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, including, but not limited to, the following:
  - (1) Water, sewage;
  - (2) Utilities;
  - (3) Fuel;
  - (4) Insurance;
  - (5) Building management supervision and custodial services;
  - (6) Custodial and maintenance supplies;
  - (7) Pest control;
  - (8) Site maintenance (including snow and mud removal);
  - (9) Trash and waste removal and disposal;
  - (10) Fire protection/fire fighting services and equipment;
  - (11) Monitoring and preventive maintenance of building structures and systems, including but not limited to:
    - (i) Heating/ventilation/air conditioning;
    - (ii) Plumbing;
    - (iii) Electrical;
    - (iv) Elevators;
    - (v) Boilers;
    - (vi) Fire safety system;
    - (vii) Security system; and
    - (viii) Roof, foundation, walls, floors.
  - (12) Unscheduled maintenance;
  - (13) Scheduled maintenance (including replacement of floor coverings, lighting fixtures, repainting);
  - (14) Security services;
  - (15) Management fees; and