



Indian Affairs - Office of Public Affairs

Media Contact: Nedra Darling, OPA-IA Phone: 202-219-4152

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(WASHINGTON, D.C.) – Assistant Secretary – Indian Affairs Neal McCaleb today announced two separate actions concerning the final rule titled “Acquisition of Title to Land in Trust.” One action further extends the effective date of the Bureau of Indian Affairs (BIA) final rule on placing lands into trust that were published on January 16, 2001. The second action is to issue a Notice of Proposed Withdrawal of the final rule in order to seek comments on whether the rule should be withdrawn and a new proposed rule promulgated which better addresses the public’s continued concern with the trust land acquisition procedures set out in 25 CFR Part 151. The final rule revises and clarifies the procedures used by federally recognized Indian tribes and individuals to request the Secretary of the Interior to acquire title to land into trust on their behalf. The actions will be published in the Federal Register on August 13, 2001.

“Secretary Norton and I recognize that the land-into-trust process is critically important to helping tribes regain lost lands, but that it also has a major impact on state and local governments,” McCaleb said. “Through this action, all tribes, as well as state and local governments and communities and individuals affected by land-into-trust requests, will have an opportunity to improve the regulations in a way that makes the trust acquisition application process more efficient, open and fair for everyone.”

The two separate actions announced today delay by 90 days the final rule’s effective date to November 10, 2001, and give notice of the Department’s proposal to withdraw the final rule under a 30-day public comment period, during which time the rule in effect prior to January 16 will remain in effect.

The final rule was published in the Federal Register on January 16, 2001, and its effective date was delayed to August 13 by Notice published in the Federal Register on April 16, 2001. During the period from April 16 to June 15, 2001, the Department received 192 submissions from Indian tribes, state and local governments, and other interested groups and individuals articulating a variety of opposing views.

The Department is considering expediting and simplifying individual trust applications for housing purposes. These expedited applications will consist of five acres of land or less to meet individual housing needs. The Department is also considering requiring applications for off-reservation acquisitions and requests for approval of Tribal Land Acquisition Areas (TLAAs) to include land use plans to be approved by the Secretary as part of her review.

In response to several comments that focused on the lack of standards contained in the final rule, the Department is considering clarifying the standards that will be used by the Secretary to determine whether to approve an application and defining the burden of proof for the applicant and for those opposing a trust application.

In response to comments concerning the availability of applications for review, the Department is considering lengthening the time by 30 days that states and local communities have to review and comment on on-reservation and off-reservation applications maintained at local and regional BIA offices. The Department is also seeking comments on using computer technology to make applications easier to review.

The Department is not soliciting comments on the proposal to extend the effective date of the January 16 final rule due to the imminent August 13 date, and because seeking prior public comment on the temporary delay would be impractical and contrary to the public interest in the orderly promulgation and implementation of regulations.

The BIA provides services to and carries out the federal government's trust responsibility for the 558 federally recognized Tribal governments and approximately 1.4 million American Indians and Alaska Natives nationwide.

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