

Interior Finalizes Rule to Acquire Lands in Trust for Tribes



By [Michael G. Rossetti](#)

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After years of concerns raised by Indian law practitioners and tribal leaders alike, the rules under which the Secretary of the Department of the Interior accepts lands in trust for federally recognized Indian tribes have been finalized by assistant secretary Bryan Newland. Effective January 11, 2024, the new rules address some of the pitfalls of the prior 1980 rule.

Before finalizing the rule, assistant Secretary Newland held consultation sessions and sought public comment. The new rule attempts to address delays in the land to trust process. The rule establishes a finite period of 120 days for issuing a decision from the date that the Bureau of Indian Affairs receives a “complete application package.” The old rule had no such maximum time limit; however, it remains to be seen how the new 120-day provision will work in practice, especially insofar as the determination of what constitutes a complete package remains within the authority of the Bureau. Importantly, the 120-day rule does *not* mean that applications that are not made within 120 days automatically result in positive, or deemed approved, decisions.

Among other things, the new rule has also clarified the documents required for an application and has delineated criteria for secretarial determinations for applications that are on a reservation, contiguous to a reservation and

outside and not contiguous to a reservation.

Finally, it is important to note that applications pending on the effective date of the rule will not be adversely affected by the existence of the new rule. Applications submitted on January 11, 2024, must comply with the new rule.

[Here is a link](#) to the federal register notice containing the new rule.

If you have any questions regarding the new rule, contact [Michael G. Rosetti \(mrosetti@lippes.com\)](mailto:mrosetti@lippes.com) or any member of our [Indian Law Practice Team](#).

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