



United States Department of the Interior

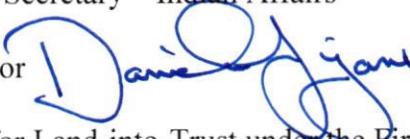
OFFICE OF THE SOLICITOR

Washington, D.C. 20240

MAR 10 2020

Memorandum

To: Tara Sweeney, Assistant Secretary – Indian Affairs

From: Daniel H. Jorjani, Solicitor 

Subject: Determining Eligibility for Land-into-Trust under the First Definition of “Indian” in Section 19 of the Indian Reorganization Act

On March 9, 2020, I withdrew Solicitor’s Opinion M-37029, *The Meaning of ‘Under Federal Jurisdiction’ for Purposes of the Indian Reorganization Act* (Mar. 12, 2014), after concluding that its interpretation of Category 1 of Section 19 of the Indian Reorganization Act of 1934 was not consistent with the ordinary meaning, statutory context, legislative history, or contemporary administrative understanding of the phrase “recognized Indian tribe now under federal jurisdiction.”

In order to provide clarity to federally recognized tribes seeking to place land into trust, I request that you make publicly available on the Bureau of Indian Affairs website the following documents:

- *Procedure for Determining Eligibility for Land-into-Trust under the First Definition of “Indian” in Section 19 of the Indian Reorganization Act*, Memorandum from the Solicitor to Regional Solicitors, Field Solicitors, and SOL-Division of Indian Affairs (Mar. 10, 2020).
- *Determining Eligibility under the First Definition of “Indian” in Section 19 of the Indian Reorganization Act of 1934*, Memorandum from the Deputy Solicitor for Indian Affairs to the Solicitor (Mar. 5, 2020).

Consistent with the guidance provided in *Acquisition of Title to Land Held in Fee or Restricted Fee Status*, Ver. IV (rev. 1) (Jun. 28, 2016), I further request that you make all land-into-trust decision documents that rely on this revised guidance publicly available in a centralized location on the Bureau of Indian Affairs website at an address linked to the above documents. Doing so will allow tribes to examine how the four-step procedure is applied and will provide transparency to the work of the Solicitor’s Office in the land into trust process.

Attachments