

# BIA Rule Would Ease Tribal Land-Into-Trust Bids

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Law360, New York (March 2, 2016, 7:00 PM ET) -- The [Bureau of Indian Affairs](#) announced an interim final rule on Tuesday that would cut red tape for tribes and individual Native Americans seeking to prove their title to lands in order to have them taken into trust by the federal government.

The proposed rule, which will be open to comments through the end of March, would delete the current requirement that fee-to-trust applicants meet [U.S. Department of Justice](#) standards for title evidence, replacing them with “a more targeted requirement,” according to a BIA notice in the Federal Register.

The new standards would require applicants to provide written evidence of current or future ownership of title to the lands being considered for trust acquisition by the federal government, as well as evidence of how the title was acquired.

Applicants will also have to show current title insurance or a title insurance policy issued when the land was acquired by the applicant or current owner, along with an abstract from the same time, the BIA said.

Elizabeth K. Appel, the director of the [Department of the Interior](#)'s Office of Regulatory Affairs and Collaborative Action, said in a statement Wednesday that the aim of the new rule is to “eliminate unnecessary paperwork burden.”

The secretary of the interior has the authority to take fee land into trust under Section 5 of the Indian Reorganization Act. If the secretary approves a request to take fee land into trust under the law, the DOI's current regulations require the applicant to meet the Justice Department's “Standards for the Preparation of Title Evidence in Land Acquisitions by the United States,” which were reissued in 2001.

But tribes and individual Indians wouldn't be required to meet that same standard under the new rule, the BIA said.

While that's a technical change, Acting Assistant Secretary of Indian Affairs Lawrence Roberts told a meeting of the [National Congress of American Indians](#)' executive council on Feb. 22 that it “should make a huge difference for your realty departments and your resources,” according to an Indianz.com report Tuesday.

The new rule will continue to require title evidence to be submitted and reviewed by the DOI before a transfer of title, and will still require getting rid of any legal claims on the lands at issue, such as liens or taxes, that the interior secretary finds would make the title unmarketable, the BIA said.

The rule, which will become effective without any further action on April 15, applies to all new trust applications, as well as pending applications where the DOI's Office of the Solicitor hasn't prepared an opinion on the title, the BIA said.

--Editing by Aaron Pelc.