



United States Department of the Interior
OFFICE OF THE SOLICITOR
Washington, D.C. 20240

M-37087

February 24, 2026

Memorandum

To: Assistant Secretaries
Bureau and Office Heads

From: Solicitor

Subject: Permanent Withdrawal of Solicitor Opinion M-37076, *The Secretary's Land into Trust Authority for Alaska Natives and Alaska Tribes Under the Indian Reorganization Act and the Alaska Indian Reorganization Act* (Nov. 16, 2022), and Reinstatement of Solicitor Opinion M-37064, *Permanent Withdrawal of Solicitor Opinion M-37043, "Authority to Acquire Land into Trust in Alaska"* (Jan. 19, 2021).

On November 16, 2022, former Solicitor Robert T. Anderson issued Solicitor Opinion M-37076 ("M-37076"),¹ which analyzed whether the Secretary of the Interior ("Secretary") possesses statutory authority to accept land in trust in Alaska under Section 5 of the Indian Reorganization Act ("IRA").² Solicitor Anderson concluded that the Secretary maintains legal authority to accept land in Alaska into trust, notwithstanding the enactment of the Alaska Native Claims Settlement Act of 1971 ("ANCSA").³ Former Solicitor Hilary C. Tompkins reached the same conclusions in Solicitor Opinion M-37043 ("M-37043"), which was issued seven days before the start of the first Trump Administration.⁴

M-37076 and M-37043 conflict with over five decades of consistent policy and legal determinations regarding the Secretary's land-into-trust authority in Alaska. Solicitor Opinion M-37064 ("M-37064"),⁵ issued by former Solicitor Daniel H. Jorjani, correctly asserted that "the legal analysis contained in Sol. Op. M-37043 [was] insufficient to support [the] determination that the [Secretary] has authority to accept land in trust in Alaska"⁶ Based on a thorough examination of the issue, I conclude the same about Solicitor Anderson's M-37076. Accordingly, I hereby withdraw M-37076 and its related Solicitor Opinion, M-37069,⁷ in their entirety. I hereby reinstate M-37064 in its entirety. All relevant Department bureaus and offices are instructed to treat M-37064 as binding and authoritative.


William L. Doffermyre

¹ Robert T. Anderson, Sol. Op. No. M-37076, *The Secretary's Land into Trust Authority for Alaska Natives and Alaska Tribes Under the Indian Reorganization Act and the Alaska Indian Reorganization Act* (Nov. 16, 2022).

² Act of June 18, 1934, § 5, 48 Stat. 985 (codified as amended at 25 U.S.C. § 5108).

³ Pub. L. No. 92-203, 85 Stat. 688 (1971).

⁴ Hilary C. Tompkins, Sol. Op. No. M-37043, *Authority to Acquire Land into Trust in Alaska* (Jan. 13, 2017).

⁵ Daniel H. Jorjani, Sol. Op. No. M-37064, *Permanent Withdrawal of Solicitor Opinion M-37043, "Authority to Acquire Land into Trust in Alaska"* (Jan. 19, 2021).

⁶ *Id.* at 2.

⁷ Robert T. Anderson, Sol. Op. No. M-37069, *Withdrawal of M-37064 and Announcement of Consultation on the Department's Interpretation of the Indian Reorganization Act and the Alaska Native Claims Settlement Act in Connection with the Secretary's Land into Trust Authority* (Apr. 4, 2021).