

## **TRUST REFORM COMMITTEE**

### **Report on May 20, 2024, Trust Reform Committee meeting**

Jeannie Louie did the opening prayer we did introductions.

The agenda started off with an update from Janine Van Dusen, Bureau of Indian Affairs Superintendent for the Puget Sound Agency. Ms. Van Dusen mentioned the pending legislation in Congress that would amend the Long Term Leasing statute to authorize the Secretary of the Interior to approve surface leases entered into between Indian tribes and third parties with terms of up to 99 years. The legislation, H.R. 1246, passed the U.S. House in April and is pending in the U.S. Senates. One of the tribes in the Puget Sound Agency has a lease transaction that would benefit from the ability to have a term of 99 years.

Brian Gunn did a presentation on the issue of title insurance companies requiring waivers of tribal sovereign immunity as a condition of issuing policies. In 2022, the American Land Title Association issued Endorsement 48, a recommended addendum to title insurance policies. Endorsement 48 would require tribes and entities that are partially owned by tribes that are insured under title insurance policies to waive sovereign immunity and tribal court jurisdiction for all actions arising out of the policies.

The Committee took action on one resolution, titled, "Urging the Secretary of the Interior to Extend the Indian Trust Asset Reform Act Demonstration Project." Jeanie Louie, ATNI Secretary, sponsored the resolution. Brian Gunn explained that title II of the Indian Trust Asset Reform Act (ITARA) establishes a Trust Asset Demonstration Project. The demonstration project allows tribes to enter into agreements with the Secretary of the Interior that allow for different management of trust resources than the Secretary would otherwise undertake.

The Cow Creek Band of Umpqua Tribe of Indians and other tribes have entered into these demonstration project agreements with great success. Under the ITARA, the demonstration project authority lasts for 10 years (through June 2026) unless extended at the discretion of the Secretary of the Interior. The resolution urges the Secretary to extend the demonstration project authority indefinitely or, alternatively, for another 20 years. Jeanie Louie made the motion to approve, which was seconded by Julie Allaway, Director of Real Estate Services for the Cow Creek Tribe. The Committee approved the resolution unanimously.