

Testimony of The Confederated Salish and Kootenai Tribes of the Flathead Reservation

“Removing Barriers to Homeownership for Native Americans”

Hearing of the House Subcommittee on Housing and Community Opportunity

Cliff Castle Convention Center, Camp Verde, Arizona

July 31, 2006

Good morning, Chairman Ney and members of the Subcommittee. On behalf of The Confederated Salish and Kootenai Tribes and our Tribal Chairman, the Honorable James Steele, Jr., it is my pleasure to deliver testimony on the issue of removing barriers to homeownership for Native Americans. My name is George DuCharme, I am an enrolled member of The Confederated Salish and Kootenai Tribes, I am the Director of the Land and Title Records Office (LTRO) for the Tribal Lands Department, and I have served in that capacity since December of 1996 when the Tribes compacted the title plant from the Bureau of Indian Affairs.

The Flathead Reservation is located in the Great State of Montana; the reservation comprises 1.3 million acres and has a Tribal member population of just over 7,000. Due to the Homestead Act and the Allotment Act in the early 1900s, the Tribes' ownership of the Reservation is approximately 65% and individual Tribal members own another 3% of the original land base. Housing and land to put homes on is a very scarce commodity because homesteading took up most of the prime building lands. What is left is mountainous or wet lands. The Tribes have been actively purchasing our homelands back with funds from Tribal revenues, settlement funds from Atlantic Richfield Company, and Kerr Dam mitigation. We have also received funding for purchase of individually owned fractionated interests, which funding is provided by the Department of the Interior under the Indian Land Consolidation Act.

In 1990, the Tribes implemented Public Law 93-638 contracts with the Bureau of Indian Affairs (BIA) to operate land programs. The contracts were converted to self-governance agreements in 1993 when the Tribes consolidated all Bureau of Indian Affairs funding as one of the first ten tribes to be included in the Self-Governance demonstration project. In the Tribal Lands Department, our staff of approximately 30 employees administers agriculture, minerals, grazing, leasing, rights of ways, appraisals, probates, acquisition, billing and collection, and resource planning programs, all of which generate encumbrances or ownership transfers, and it is required that all of these transactions be sent to the local LTRO for recordation.

Originally, when the Tribes sought to include all land programs in the self-governance agreement, the BIA deemed LTRO as an inherent federal function that was not eligible for inclusion. The Tribes requested a Solicitor's opinion and it was determined that it could be assumed by the Tribes under self-governance. In 1996, the Tribes assumed management of the LTRO. I publicly acknowledge Mr. Stanley Speaks, Regional Director of the BIA Northwest Regional Office and his staff, for their commitment to insure the Tribes succeeds in our efforts. We believe it made sense

that the land titles and records belonged here on the Reservation where the land and the Tribal people were. It isn't because we, the Tribal LTRO, can do a better job than the BIA LTRO; it is because of our vested interest in the outcomes. First, we have a closer tie because this is our land, and second, these are our people we are serving—our relatives, our friends, and our neighbors and we are serving only our Reservation. The BIA Northwest Regional Office, on the other hand, must serve 44 reservations or Tribes in five states.

On the Flathead Indian Reservation, as it is in all of Indian country, in order to obtain a mortgage on Trust land, a certified Title Status Report (TSR) is required. This is true whether you are borrowing from a bank or the Tribal Credit program. Between January 2004 and January 2005, our office produced 275 certified TSR's. The office also produces a certified TSR for land acquisition or ownership changes due to a deed or probate. It can take anywhere from 3 to 10 days to produce a certified TSR. The short timeframe to produce a TSR is due to the fact that we in the LTRO are personally familiar with each allotment, who the owner is, and where the allotment is located on the Reservation; and additionally, the BIA Superintendent at the Flathead Agency has been delegated authority from the regional office to sign on behalf of the Secretary of Interior. Also, prior to the Tribes compacting the LTRO, the Northwest Regional Office LTRO certified all of our tracts and ownership, thus making it possible for us to recertify from that date forward and ensuring we did not reinvent the wheel each time by going back to the original Trust Patent.

Compacting or contracting the Title function from the BIA may not be the solution for all tribes. We were fortunate on the Flathead Reservation to have had a successful working knowledge of all realty functions performed by the BIA, and our present Tribal staff was the BIA staff prior to the compact. Additionally, the Tribes were aware that taking the title function from the BIA would result in receiving only the funding that BIA determined it cost to perform the function, and not necessarily what it actually took to meet the Trust standards and accountability required by the Trustee. As a result, the Tribes financially subsidize the LTRO to insure that the membership is served in a timely and professional manner.

In closing, I emphasize that the Tribes are proud of what we have been able to accomplish through direct local control and management of our resources for the benefit of our Tribal members. On behalf of the Tribes, I thank you for the opportunity to provide this testimony.