

We discussed it with title companies, this particular language which is added here would have the effect of clearing the way so that actually the Secretary, as Mr. Patencio pointed out, would be able to do that which he has done before the Equalization Act. Before the Equalization Act, he granted rights-of-way, he granted easements, he did, in fact, approve leases and it was not until after we got the State-appointed guardian into the act that we found the duplicity which led, of course, to a cost to the Indian estate which was considered to be unreasonable and unnecessary.

Furthermore, I would point out in respect to this particular section that the Indians themselves, contrary to what many people believe, contribute approximately \$30,000 a year to the maintenance of the Indian office in this particular locale. They have personnel who are working, personnel who are there to perform the services which, under the guardianship and conservatorship program had also been performed by the guardians and conservators, so the Indians are not receiving a gratuity which is carried at the expense of the taxpayers, but have, in fact, paid for professional help to assist them in carrying on the management of their estates. Section (b) would, again I repeat, put the Secretary in the business of an active trustee, working with the Indians and receiving compensation to help carry it out without the barnacle or appendage being added of duplication or going to the superior court to get an order to do that which the Secretary is going to have to do anyway.

Section (c) of the bill deals with the right of an accounting. Now, this is something which the Secretary has not followed through with, and which, under existing Federal law, we will state, he had the right to, so you might say the language is really unnecessary, but by inserting such language we are actually putting the Secretary in the role where as trustee, he performs his fiduciary responsibility so that from time to time he will definitely be checking, if not all the time, which would be the hope respecting the management of these estates which come under his jurisdiction.

Section (d) is a different type of section, which is somewhat similar to section (c), but it goes further because we know as a matter of Federal law, that the jurisdiction of the Federal Government is over the property which is called trust property and which is held, the title thereto, by the United States. Section (d) is, in a sense, patterned after the Osage Act of 1925 when you had unauthorized use of moneys which had come from trust properties. The point of section (d) is to give the Secretary the power where you can trace assets which originated with trust property which have been utilized in an unauthorized manner, and to bring them back in as part of the corpus of the trust.

We believe, for this reason, that it would be beneficial to the tribe and it would certainly give some teeth to the Secretary in performing as an active trustee.

Section (e) is a definition of trust property and I therefore would like to read it and comment upon it.

Trust property as herein defined is any real or personal property or any interest therein which shall include but not be limited to water rights, leases, rights-of-way, and easements so long as such property remains subject to a restriction against alienation imposed by the United States and cannot be alienated, encumbered or taxed without the consent of the United States and is held for the sole use and benefit of the Agua Caliente Indians.