

It might be stated that in this section, the definition of trust property is unnecessary because the courts have addressed themselves to and defined it, and the Congress has, on numerous occasions, done likewise. It is suggested that section (d) does have merit and should be retained principally because it is the twilight as far as jurisdiction. The superior court has been in the somewhat confusing position of recognizing that if there is a lease and there is a guardian, and the title companies have wanted to have the signature of the guardian on there, the guardian came under the jurisdiction of the court that appointed him, that of necessity, they would have to act upon a lease upon a grant of right-of-way. The right-of-way might not bring any money to the Indian, it might be an enhancement of the property, or an easement for a utility company or some such thing. Under this particular section, we endeavor to make it clear that when we speak of trust property which even the superior court has consistently said should not be included in the inventory and appraisal for purposes of appraisal but only for purposes of information.

It would make it clear that it is unnecessary to run this route of the superior court with respect to trust property and interest in trust property, such as those that I have mentioned. In this way, we may eliminate the twilight zone. We make it clear, and the task force report makes it clear the high administrative cost of handling this program constitutes one of the major attacks upon it, therefore, we would suggest that if you make this definition clear thereby eliminating the twilight zone of jurisdiction so that the trustee knows what he has and the superior court knows what they have to deal with, then you would save the Indians thousands of dollars every year.

The last section, section (f), of course, speaks for itself, stating that:

Nothing in this section shall preclude the Secretary from exercising any other authority he may have to protect the interests of the Indian allottees, Indian devisees, or Indian heirs.

We want this to be a step forward, a constructive step, and we definitely express our appreciation to Congressman John Tunney and his office for the excellent cooperation they have given to formulating corrective legislation which should prove to be of immeasurable benefit to the tribe.

Mr. EDMONDSON. Do you have anything further on behalf of the tribe, Mr. Chairman?

Mr. PATENCIO. I just want to say the rest of the council is open for any questions if you have anything further on it.

Mr. EDMONDSON. May I ask individually at this time, Mr. Pierce, do you endorse and agree with the statement that has been made by the chairman with regard to H.R. 17273?

Mr. PIERCE. I do.

Mr. EDMONDSON. May I ask, Mr. Segundo, if you do?

Mr. SEGUNDO. Yes.

Mr. EDMONDSON. Mr. Patencio, Mr. Raymond Patencio?

Mr. PATENCIO. I'm in complete record.

Mr. EDMONDSON. Mr. Siva?

Mr. SIVA. I'm in complete accord, also.

Mr. EDMONDSON. So, the tribal council is unanimous in its endorsement of the text of H.R. 17273?