

**TESTIMONY OF  
GEORGE SKIBINE,  
ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY  
FOR INDIAN AFFIARS  
IN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES  
ON H.R. 4445**

**April 21, 2010**

Good morning, Mr. Chairman and Members of the Committee. My name is George Skibine. I am the Acting Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to provide testimony on behalf of the Department on H.R. 4445, a bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian Pueblos in New Mexico.

H.R. 4445 involves the definition of certain lands already held in trust by the federal government for the benefit of 19 Indian pueblos in New Mexico. The Department acknowledges that Congress is the federal entity that has the authority to repeal the restriction on the trust lands referred to in H.R. 4445. President Obama committed to work with federally recognized Indian tribes on a government-to-government basis on matters that affect such federally recognized Indian tribes. It is in the spirit of this commitment that the Department looks forward to the opportunity to work with members of Congress, the 19 Indian Pueblos in New Mexico, the state of New Mexico and the City of Albuquerque on H.R. 4445.

H.R. 4445 would amend Public Law 95-232 by striking certain language that currently precludes the subject land from being defined as “Indian country” under section 1151 of title 18, United States Code. The Department supports H.R. 4445, provided that the state of New Mexico and the City of Albuquerque concur with the purposes of H.R. 4445, and the with the addition of language clearly stating that the subject lands are “Indian country” for the purposes of section 1151 of title 18 of the United States Code.

Public Law 95-232 was signed into law by former President Jimmy Carter on February 17, 1978, and provided for the conveyance of land to the United States and to be held in trust for the Indian pueblos in New Mexico. The language in Public Law 95-232 states that “such land shall be held in trust jointly for such Indian pueblos and shall enjoy the tax-exempt status of other trust lands, including exemption from State taxation and regulation. However, such property shall not be “Indian country” as defined in section 1151 of title 18, United States Code.” If enacted, H.R. 4445 would strike the “However,” language in Public Law 95-232, and the Department believes that removing this language would result in the subject property currently held in trust for the Indian pueblos to be defined as “Indian country” under section 1151 of title 18 of the U.S. Code. If the intent of the bill is for the subject property to

be considered “Indian country” under section 1151 of title 18 of the U.S. Code, the Department recommends that the bill include such language to ensure that there is no ambiguity as to Congress's intent.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.