

**Committee on Natural Resources**  
**Subcommittee for Indigenous Peoples of the United States**

Remote Legislative Hearing - Cisco WebEx  
March 31, 2022 at 1:00 p.m.ET

**Legislative Hearing on H.R.4715, H.R.5715, and H.R.6707**

**Questions from Rep. Grijalva** for Mr. Charles P. Rose, Board of Trustees Chair, Morris K. Udall and Stewart L. Udall Foundation

1. The Udall Foundation has a statutory requirement to support environmental policy and Native Nations programs at the University of Arizona.
  - a. How will this legislation further support that requirement?
2. Your testimony highlights a few programs specific to supporting Indian Country.
  - a. Can you speak to the success of these programs in supporting tribal leaders and Indigenous scholars and students?
  - b. Are there any stories you'd like to highlight?

**Questions from Rep. Grijalva** for Hon. Kirk Francis, Chief, Penobscot Nation

1. Are any of you able to speak on your tribe's history with the Maine Indian Claims Settlement Act (MICSA)?
  - a. At the time, were negotiations carried out in good faith or did your tribe experience difficulties with State and federal lawmakers?
2. The restrictive provisions in MICSA have prevented beneficial federal Indian laws, such as the Indian Health Care Improvement Act and the Violence Against Women Act, from applying to each of your tribal jurisdictions.
  - a. Can you all share with us how the non-application of critical federal Indian laws has affected your communities and citizens?
3. What efforts has the Penobscot Nation taken in the past to work with the State to access federal Indian laws enacted by Congress?
4. During the hearing, one of the witnesses suggested that it would better for the Maine Tribal Nations to work with the State on a solution to accessing federal beneficial acts.
  - a. Why does the Penobscot Nation believe that Congress needs to address this issue rather than the State?
5. Is it correct that sections 6(h) and 16(b) of the Maine Indian Claims Settlement Act were part of detailed negotiations between the Maine Tribal Nations and the State in 1980?
6. During the hearing, it was suggested that if the Tribal Nations did not like inclusion of sections 6(h) and 16(b) in the Maine Indian Claims Settlement Act, they could have walked away from negotiations in 1980.
  - a. Can you describe the dynamics in Maine at the time when the Maine Indian Claims Settlement Act was being negotiated?
  - b. Was it realistic for the Tribal Nations to consider walking away from the negotiations in 1980?
7. In the hearing, one witness expressed concern about the impact of H.R. 6707 on forest management in Maine.

- a. Can you describe what role the State plays in land or forest management on Tribal lands?
8. How do Tribal forestry operations affect private entities or landowners located off of Tribal lands in Maine?
  - a. Would H.R. 6707 alter this framework in any way?
9. Would H.R. 6707 allow the Penobscot Nation to obtain Treatment as a State status or regulate private dischargers under the Clean Water Act or other federal environmental laws?
10. Would H.R. 6707 allow the Penobscot Nation to benefit from federal laws passed before H.R.6707's enactment date?
11. Would H.R. 6707 alter any aspect of how State and federal environmental agencies regulate Tribal lands in Maine?
12. Would H.R. 6707 extend the body of federal Indian common law to the Tribal Nations in Maine?
13. Under H.R. 6707, if Congress amends an existing law like the Clean Water Act in the future, would that mean that all provisions of the Clean Water Act, including Treatment As a State status, apply to the Tribal Nations in Maine?

**Questions from Rep. Grijalva for Hon. William J. Nicholas, Sr., Chief, Passamaquoddy Tribe**

1. Are any of you able to speak on your tribe's history with the Maine Indian Claims Settlement Act (MICSA)?
  - a. At the time, were negotiations carried out in good faith or did your tribe experience difficulties with State and federal lawmakers?
2. The restrictive provisions in MICSA have prevented beneficial federal Indian laws, such as the Indian Health Care Improvement Act and the Violence Against Women Act, from applying to each of your tribal jurisdictions.
  - a. Can you all share with us how the non-application of critical federal Indian laws has affected your communities and citizens?
3. What efforts has the Passamaquoddy Tribe taken in the past to work with the State to access federal Indian laws enacted by Congress?
4. During the hearing, one of the witnesses suggested that it would better for the Maine Tribal Nations to work with the State on a solution to accessing federal beneficial acts.
  - a. Why does the Passamaquoddy Tribe believe that Congress needs to address this issue rather than the State?
5. Is it correct that sections 6(h) and 16(b) of the Maine Indian Claims Settlement Act were part of detailed negotiations between the Maine Tribal Nations and the State in 1980?
6. During the hearing, it was suggested that if the Tribal Nations did not like inclusion of sections 6(h) and 16(b) in the Maine Indian Claims Settlement Act, they could have walked away from negotiations in 1980.
  - a. Can you describe the dynamics in Maine at the time when the Maine Indian Claims Settlement Act was being negotiated?
  - b. Was it realistic for the Tribal Nations to consider walking away from the negotiations in 1980?
7. In the hearing, one witness expressed concern about the impact of H.R. 6707 on forest management in Maine.

- a. Can you describe what role the State plays in land or forest management on Tribal lands?
8. How do Tribal forestry operations affect private entities or landowners located off of Tribal lands in Maine?
  - a. Would H.R. 6707 alter this framework in any way?
9. Would H.R. 6707 allow the Passamaquoddy Tribe to obtain Treatment as a State status or regulate private dischargers under the Clean Water Act or other federal environmental laws?
10. Would H.R. 6707 allow the Passamaquoddy Tribe to benefit from federal laws passed before H.R.6707's enactment date?
11. Would H.R. 6707 alter any aspect of how State and federal environmental agencies regulate Tribal lands in Maine?
12. Would H.R. 6707 extend the body of federal Indian common law to the Tribal Nations in Maine?
13. Under H.R. 6707, if Congress amends an existing law like the Clean Water Act in the future, would that mean that all provisions of the Clean Water Act, including Treatment As a State status, apply to the Tribal Nations in Maine?

**Questions from Rep. Grijalva for Hon. Edward Peter-Paul, Chief, Mi'kmaq Nation**

1. Are any of you able to speak on your tribe's history with the Maine Indian Claims Settlement Act (MICSA)?
  - a. At the time, were negotiations carried out in good faith or did your tribe experience difficulties with State and federal lawmakers?
2. The restrictive provisions in MICSA have prevented beneficial federal Indian laws, such as the Indian Health Care Improvement Act and the Violence Against Women Act, from applying to each of your tribal jurisdictions.
  - a. Can you all share with us how the non-application of critical federal Indian laws has affected your communities and citizens?
3. What efforts has the Mi'kmaq Nation taken in the past to work with the State to access federal Indian laws enacted by Congress?
4. During the hearing, one of the witnesses suggested that it would better for the Maine Tribal Nations to work with the State on a solution to accessing federal beneficial acts.
  - a. Why does the Mi'kmaq Nation believe that Congress needs to address this issue rather than the State?
5. Is it correct that sections 6(h) and 16(b) of the Maine Indian Claims Settlement Act were part of detailed negotiations between the Maine Tribal Nations and the State in 1980?
6. During the hearing, it was suggested that if the Tribal Nations did not like inclusion of sections 6(h) and 16(b) in the Maine Indian Claims Settlement Act, they could have walked away from negotiations in 1980.
  - a. Can you describe the dynamics in Maine at the time when the Maine Indian Claims Settlement Act was being negotiated?
  - b. Was it realistic for the Tribal Nations to consider walking away from the negotiations in 1980?
7. In the hearing, one witness expressed concern about the impact of H.R. 6707 on forest management in Maine.

- a. Can you describe what role the State plays in land or forest management on Tribal lands?
8. How do Tribal forestry operations affect private entities or landowners located off of Tribal lands in Maine?
  - a. Would H.R. 6707 alter this framework in any way?
9. Would H.R. 6707 allow the Mi'kmaq Nation to obtain Treatment as a State status or regulate private dischargers under the Clean Water Act or other federal environmental laws?
10. Would H.R. 6707 allow the Mi'kmaq Nation to benefit from federal laws passed before H.R.6707's enactment date?
11. Would H.R. 6707 alter any aspect of how State and federal environmental agencies regulate Tribal lands in Maine?
12. Would H.R. 6707 extend the body of federal Indian common law to the Tribal Nations in Maine?
13. Under H.R. 6707, if Congress amends an existing law like the Clean Water Act in the future, would that mean that all provisions of the Clean Water Act, including Treatment As a State status, apply to the Tribal Nations in Maine?

**Questions from Rep. Grijalva** for Hon. Clarissa Sabattis, Chief, Houlton Band of Maliseet Indians

1. Are any of you able to speak on your tribe's history with the Maine Indian Claims Settlement Act (MICSA)?
  - a. At the time, were negotiations carried out in good faith or did your tribe experience difficulties with State and federal lawmakers?
2. The restrictive provisions in MICSA have prevented beneficial federal Indian laws, such as the Indian Health Care Improvement Act and the Violence Against Women Act, from applying to each of your tribal jurisdictions.
  - a. Can you all share with us how the non-application of critical federal Indian laws has affected your communities and citizens?
3. What efforts has the Houlton Band of Maliseet Indians taken in the past to work with the State to access federal Indian laws enacted by Congress?
4. During the hearing, one of the witnesses suggested that it would better for the Maine Tribal Nations to work with the State on a solution to accessing federal beneficial acts.
  - a. Why does the Houlton Band of Maliseet Indians believe that Congress needs to address this issue rather than the State?
5. Is it correct that sections 6(h) and 16(b) of the Maine Indian Claims Settlement Act were part of detailed negotiations between the Maine Tribal Nations and the State in 1980?
6. During the hearing, it was suggested that if the Tribal Nations did not like inclusion of sections 6(h) and 16(b) in the Maine Indian Claims Settlement Act, they could have walked away from negotiations in 1980.
  - a. Can you describe the dynamics in Maine at the time when the Maine Indian Claims Settlement Act was being negotiated?
  - b. Was it realistic for the Tribal Nations to consider walking away from the negotiations in 1980?

7. In the hearing, one witness expressed concern about the impact of H.R. 6707 on forest management in Maine.
  - a. Can you describe what role the State plays in land or forest management on Tribal lands?
8. How do Tribal forestry operations affect private entities or landowners located off of Tribal lands in Maine?
  - a. Would H.R. 6707 alter this framework in any way?
9. Would H.R. 6707 allow the Houlton Band of Maliseet Indians to obtain Treatment as a State status or regulate private dischargers under the Clean Water Act or other federal environmental laws?
10. Would H.R. 6707 allow the Houlton Band of Maliseet Indians to benefit from federal laws passed before H.R.6707's enactment date?
11. Would H.R. 6707 alter any aspect of how State and federal environmental agencies regulate Tribal lands in Maine?
12. Would H.R. 6707 extend the body of federal Indian common law to the Tribal Nations in Maine?
13. Under H.R. 6707, if Congress amends an existing law like the Clean Water Act in the future, would that mean that all provisions of the Clean Water Act, including Treatment As a State status, apply to the Tribal Nations in Maine?