

The Honorable Raul Grijalva  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515  
[naomi.miguel@mail.house.gov](mailto:naomi.miguel@mail.house.gov)

The Honorable Bruce Westerman  
Ranking Member  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515  
[ken.degenfelder@mail.house.gov](mailto:ken.degenfelder@mail.house.gov)

RE: Support for H.R. 6707, Advancing Equality for Wabanaki Nations Act

Dear Chairman Grijalva and Ranking Member Westerman,

The Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation, and Mi'kmaq Nation are recognized under federal law. But unlike the 570 other federally recognized tribes, these four tribes in Maine are unfairly excluded from the very laws and programs expressly created by Congress to benefit Indigenous peoples. Contrary to the aims of these federal programs, the intentional exclusion of the tribes — collectively known as the Wabanaki nations — has resulted in increased injustice and economic harm to Indigenous people in Maine. HR 6707, the **Advancing Equality for Wabanaki Nations Act**, would ensure that tribes in Maine are intentionally included in future federal laws and programs intended to benefit all federally recognized tribes. The Maine Center for Economic Policy urges the committee to take action to restore fairness for Wabanaki people by passing this bill.

The exclusion of the Wabanaki tribes is a direct result of the restrictive language of the **Maine Indian Claims Settlement Act** (MICSA) and its corresponding federal legislation. Enacted in 1980, MICSA diminished the tribes' sovereign claims and reduced their standing to that akin to municipalities. Even more harmful, MICSA contains two unusual provisions that block most federal Indian law from applying to tribes in Maine if the federal law affects the application of state law. Section 6(h) of MICSA blocks almost all federal laws *previously enacted* for the benefit of Indian tribes from applying in Maine if the law affects state jurisdiction. Section 16(b) blocks *future* beneficial federal Indian laws in Maine, unless the law specifies that it applies in Maine. This exclusion is unique to the Wabanaki — they are the only federally recognized tribes prohibited from accessing the very programs Congress creates to address their needs.

Since 1980, Maine tribes as well as their surrounding rural communities have lost out on the benefits of more than 150 federal laws<sup>1</sup> meant to improve public health, recover from natural disasters, promote economic development, and more. These laws include the **Violence Against Women Act**, which allows tribes to prosecute non-Indian defendants for domestic violence crimes against tribal members; the **Indian Health Care Improvement Act**, which allows tribes to employ much-needed medical professionals who are licensed in another state; the **Stafford Act**, which allows tribes to directly seek disaster relief and emergency assistance, and the **Clean Air Act** and **Clean Water Act**, which authorize tribes to assume primary regulatory authority for administering federal environmental programs on

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<sup>1</sup> <https://legislature.maine.gov/doc/3815> Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

tribal lands. In each of these cases, Maine used MICSA's restrictive language to wage lengthy and expensive legal battles to deny the Wabanaki both the funds and authority granted to all other recognized tribes.

A preliminary analysis suggests that exclusion from federal grant programs cost Wabanaki tribes an average of at least \$1.69 million each year in lost funding. Those funds, targeted to support agriculture, infrastructure, education, transportation, justice systems, and food security can never be reclaimed. Similarly, the state used MICSA to repeatedly block tribal efforts to launch gaming enterprises while allowing non-tribal commercial operators to reap almost \$147 million in gross revenue in 2021<sup>2</sup>. Tribal gaming authorized through the **Indian Gaming Regulatory Act** is currently the largest generator of revenue in Indian Country. Nationwide in 2019, Indian gaming generated more than \$34 billion in gross revenue<sup>3</sup>.

In 2019 the Maine legislature authorized a task force to review MICSA and recommend consensus changes. The task force, which included among its members chiefs of each of the four Wabanaki tribes as well as legislators who voted to pass MICSA in 1980, submitted 22 consensus recommendations<sup>4</sup>. Addressing the inability of the Wabanaki to access the benefits of federal legislation is among them.

The **Advancing Equality for Wabanaki Nations Act** updates MICSA to allow the Wabanaki tribes to benefit from future laws enacted to benefit Indian tribes. The bill also allows the **Indian Child Welfare Act** (ICWA) to apply to the Houlton Band of Maliseet Indians and Mi'kmaq Nation in the same way that the law applies to the Penobscot Nation and Passamaquoddy Tribe. These changes would represent a significant step towards equalizing the federal treatment of Wabanaki tribes with that of tribes in the rest of the country. The legislation is supported by all Wabanaki tribes in Maine as well as a coalition of more than 90 Maine organizations representing tens of thousands of Mainers. Together we understand that improving tribal-state relations, reducing costly legal battles, and providing tools for prosperity benefit all who live in Maine.

Sincerely,

Garrett Martin  
President and CEO

cc: Representative Jared Golden, [aaron.sege@mail.house.gov](mailto:aaron.sege@mail.house.gov)  
Representative Chellie Pingree, [evan.johnston@mail.house.gov](mailto:evan.johnston@mail.house.gov)

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<sup>2</sup> <https://www.americangaming.org/state/maine-2/> American Gaming Association 2021 State of Play Report

<sup>3</sup> [2019 Indian Gross Gaming Revenues of \\$34.6B Set Industry Record and Show a 2.5% Increase | National Indian Gaming Commission \(nigc.gov\)](https://www.nigc.gov/2019-Indian-Gross-Gaming-Revenues-of-$34.6B-Set-Industry-Record-and-Show-a-2.5%-Increase)

<sup>4</sup> <https://legislature.maine.gov/doc/3815> Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

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