INTRODUCTORY COMMENTS

- I am Chairman of the Mashpee Wampanoag Tribe, a federally recognized Tribe that has existed in what is now southeastern Massachusetts since time immemorial. We are the Tribe that met and fed the Pilgrims at the first Thanksgiving.

- The United States failed to protect our land from encroachment in the nineteenth century despite federal laws which should have protected our land, and so we became a landless tribe.

- The Department finally took land in trust for Mashpee and proclaimed it our reservation in 2015. We had strong local support for the creation of our reservation. This ended decades of landlessness for my Tribe.

- Now the Administration has refused to defend the original decision to take our land in trust, and it has withdrawn from the appeal in that litigation.

- To us it appears that the Administration is poised to disestablish our reservation, take our land out of trust, and make us landless again. In its proposed regulations, the Department includes a provision that references taking land out of trust -- something that Interior has never tried to do before. We are concerned that our reservation is the Department's target.
• This would be the first time since the termination era that Interior has taken land out of trust and disestablished a reservation. I hope everyone in Indian Country sees what is happening to us.

• Bipartisan legislation, the Mashpee Wampanoag Tribe Reservation Reaffirmation Act, has been introduced in the House and Senate to reaffirm the status of our reservation.

• The House bill has strong support from both Republicans and Democrats, including Rep. Tom Cole, Rep. Doug LaMalfa (Chairman of the House Indian Affairs Subcommittee), and Rep. Raul Grijalva.

• The bill also has significant support throughout Indian country. We currently have ten letters of support from individual tribes and tribal organizations, including USET and NIGA.

• We humbly request that tribal leaders present here consider supporting the legislation. If our reservation is taken out of trust it will set a bad precedent for all of Indian country. The legislation simply protects our existing reservation so that we can continue to exercise our sovereignty and provide for our members.
I WANT TO MAKE THREE POINTS TODAY REGARDING THE PROPOSED CHANGES TO THE FEE-TO-TRUST REGULATIONS

- Indian Country has not asked for these changes to the fee-to-trust regulations that you have suggested.

- What we have asked for is your help to relieve some of the serious damage that the Carcieri decision has wreaked on many of the most needy and economically disadvantaged tribes in America. It is incredible to us that the Department's ten questions do not even acknowledge the Carcieri problem.

- The current proposals appear to perpetuate the creation of "second class tribes" which has worsened since the Carcieri decision was rendered.

We are deeply concerned that this consultation was scheduled while we still have no Assistant Secretary for Indian Affairs and no Deputy Solicitor for Indian Affairs.

The onerous burdens the Department wishes to place on Carcieri tribes are inconsistent with case law, with the spirit of the Indian Reorganization Act, with your trust responsibility, and with
common moral decency -- and, of course, they are inconsistent with the President's pledge to reduce regulatory burdens.

CONCLUSION:

The Mashpee Tribe urges the Department to cease this assault on fee-to-trust, to have more compassion for landless and land-poor tribes who have no access to your "on-reservation" rules, and to do everything you can to avoid being the first Administration since the termination era to take a reservation away from a federally recognized tribe.