

Hawe

Wiyi Xuthazhutse Ogahpah Nikashi

Udah Humpathe

Good afternoon

My name is Joseph Byrd, and I am Chairman of the Quapaw Nation.

I would like to extend my gratitude to the House Committee on Natural Resources' Subcommittee for Indigenous Peoples of the United States, Chairman Grijalva, Vice-chair Garcia, Ranking Member Westerman, and other members of the committee.

I am here today to talk about H.R. 4715, a bill authorizing appropriations to the Secretary of Interior to make payments to members of the Quapaw Nation in accordance with the recommendation of the United States Court of Federal Claims.

The impetus of H.R. 4715 is listed in the Congressional findings of the bill which I will reiterate for you:

1. On December 19, 2002, the House of Representatives passed H.R. 668, which referred HR 5862 to the Chief Judge of the United States Court of Federal Claims.
2. H.R. 668 instructed the chief judge of the US Court of Federal Claims to report back to the House of Representatives findings of facts and conclusions of law "sufficient to inform the Congress of the nature, extent, and character of the Indian trust-related claims of the Quapaw tribe and its tribal members for compensation as legal or equitable claims against the United States.
3. These trust related claims relate to the historical management by the federal government of the trust of the Tribe.
4. The hearing officer for the referral concluded in the report that "it would be fair, just, and equitable to pay the claimants a total sum of \$137,500,000" for all claims asserted or those that could have been asserted under the terms of HR 5862.
5. Following the issuance of the report, each of the parties in the referral filed a notice responsive to the Rules of the US Court of Federal Claims and accepted the findings and recommendations of the US Court of Federal Claims, without exceptions.
6. The Review Panel of the US Court of Federal Claims adopted the findings and conclusion of the hearing officer in the report, and on January 9, 2020, officially recommended to the House of Representatives that the claimants be awarded and paid a total sum of \$137,500,000 for the extinguishment of all claims actually or potentially included in H.R. 5862.

H.R. 4715 was introduced and referred to the Committee on Natural Resources on July 27, 2021.

H.R. 4715 was referred to the Subcommittee for Indigenous Peoples of the United States on August 9, 2021.

On January 12, 2022, the Quapaw Nation Business Committee unanimously passed a resolution authorizing recommended changes to H.R. 4715, on behalf of the Quapaw Nation.

The House Committee on Natural Resources accepted the language amendments to H.R. 4715, and I come before this body today to testify in favor of the bill on behalf of the Quapaw people.

So now that you have a summary of H.R. 4715, please allow me to explain why I am really here today and more importantly, why you should support this bill.

The Quapaw Reservation is located in the northeast corner of Oklahoma with a jurisdictional area encompassing 92 square miles of restricted, trust, and fee land. For those who might be unfamiliar with the location of the tri-state mining district, the Quapaw Reservation contains what was once listed as the most toxic superfund site in the country, Tar Creek.

Before the turn of the 20th century, before the inception of Oklahoma into the Union, when our land was Indian Territory, the Quapaw Reservation was established in 1833 through a treaty with the United States. The next several decades proved to be detrimental to the population of the Quapaw, with increased deaths attributable to starvation and exposure. The Civil War eventually found its way into our reservation, and as many Quapaw fled the area, their homes were overrun and occupied by troops for both the North and the South, causing much devastation to their property. The Quapaw signed a new treaty with the United States in 1867 which diminished our reservation size to make room for more tribal nations removed from their ancestral lands and relocated to the Indian Territory.

It wasn't long after the Civil War, when rich deposits of lead and zinc were discovered below the surface of the Quapaw Reservation. Overnight mining towns, popped up on the reservation. All the lead and zinc extracted from under the Quapaw Reservation accounted for roughly 50% of the munitions of the United States during World War I and World War II. The war efforts of the United States during that period were made possible from the extraction of natural resources beneath the Quapaw Reservation. Much of the mining practices observed, caused irreparable damage to the land, and eventually the water inside the reservation, as well as the water that flows out from our reservation. To offer context to this environmental contamination, the Boone Aquifer under Tar Creek originates in Kansas, flows through the Quapaw Reservation in Oklahoma, and empties into a tributary of Arkansas.

As a by-product of many years of lead and zinc mining, tiny granular tailings, what we call chat, accumulated into large substantial piles with lead and zinc contaminants. As an outgrowth of decades of mining, these contaminants continue to seep into the water table, effectively turning the water brown from high levels of lead, zinc, and cadmium. The air quality is not much better and is still a subject of much concern. This area of Ottawa county continues to report heightened levels of cancer, tumors, organ failure, and increased risk of complications of pregnancy and births with tribal and non-tribal people alike. When I walk through my family cemetery located on Devil's Promenade, and see most of the marked graves of my female relatives who barely reach the age of 50, I am reminded of this environmental issue, and I am reminded of the participation of the United States, or lack thereof.

With every treaty between the Quapaw and the United States, rations and annuities were always agreed upon, and with every treaty, the United States failed to completely honor its part of the agreement. The annuity payment owed to the Quapaw from the 1867 Treaty, was finally appropriated by Congress in 1872. A total of \$25,801.25 was paid to Quapaw in a lump sum and that year our people held a community feast to celebrate. Today we still conduct this celebration known as the Quapaw Powwow and it is the longest running powwow in the state of Oklahoma, second longest running in the country. This year will be the 150th commemoration of this important event in the history of our tribe, and all of you are personally invited to witness first-hand the resiliency and the hospitality of the Ogahpah.

As I drafted my statements for today, I sat beside my 92-year-old grandmother as she enters the last leg of her journey on this earth. Ardina Revard Moore, Mehshruhgita, or Eagle Feather Gets Up sends a message to Congress. She wants to know when she's going to receive her chat check. That's what she, along with other tribal elders, commonly refer to this appropriation as. They are the originators of this action, and we continue to lose them daily, as they hang on to the hope that the federal government will again honor our treaties and the federal-trust responsibility. Honoring treaties with tribal nations is a basic tenet of federal Indian law to which I will not belabor this committee, I will however impress upon the committee the environmental nature and basic human element to this issue.

When this committee reviews everything that has been presented, I respectfully urge you to consider our treaty, consider the environment and our natural resources, but most importantly consider basic human element of this appropriation request.

In closing, I would like to thank the Quapaw citizens who chose me as their leader to present this matter before the United States. It is an honor and I acknowledge this privilege. It has been an honor to testify before this Committee today, and I welcome any follow up questions that I many not have covered.

Ekohay and guhnegay.

Thank you.