

**Testimony of the Honorable Wena Supernaw
Chair, Quapaw Nation**

House Committee on Natural Resources Hearing on H.R. 1451, Quapaw Tribal Settlement Act

April 30, 2025

Chairman Hurd, Ranking Member Leger Fernandez, Members of the Committee: Thank you for the opportunity to testify on H.R. 1451, the Quapaw Tribal Settlement Act of 2025. This bill will authorize the United States to make the payment recommended by the Court of Federal Claims pursuant to the settlement of the *Thomas Charles Bear, et al. v. United States* litigation.

I am Quapaw Tribal Chair Wena Supernaw, and I am here to humbly ask for your support of this legislation on behalf of the citizens of my Nation, the allottees and landowners within our reservation, and the many generations of Quapaw people who, like me, live, grew up, and raised a family in one of the most toxic areas of our great nation.

Before I begin to explain why this legislation is so critical, I want to first acknowledge a few people.

First, let me recognize the Members of my Business Committee who are with us today, and those who are back at home in Northeast Oklahoma. Your leadership, support, and patience has been a source of strength for our people, and I am deeply grateful for your service.

To my friends and colleagues who, like the tribe, are parties to the *Bear* case. Thank you for partnership, and your determination to reach an agreement on this bill. Your expertise has been invaluable, and your time, travel and personal sacrifice are an integral part of closing this dark chapter of our shared history.

And most importantly, to Congressman Brecheen, Senators Mullin and Lankford, and Congressman Cole: your support and trust means the world to us. We would not be here today without your willingness to fight for your constituents, and to ensure that our nation lives up to its responsibilities.

The creation story of the Quapaw people begins in Southeastern Arkansas. But like much of Indian Country, we were forced to leave our ancestral lands. After ceding our territory to the United States, the Quapaw Reservation was created in Northeast Oklahoma in 1834. We lived in relative peace until our lands were allotted in 1884. Shortly after that, lead and zinc were discovered and the Bureau of Indian Affairs—which was supposed to have a fiduciary responsibility to protect our people—began to permit the mines.

By the early 20th Century the demand for Quapaw lead and zinc was insatiable. We watched as they, quite literally, moved the earth beneath our feet.

Over time, at least \$20 Billion in lead and zinc was removed from our land. Some good came of it: American soldiers fought and triumphed in World War One using bullets made from the minerals under our land. But the price we paid as a community was steep.

It won't surprise you that value of the mined minerals did not go to the tribe. But that lost revenue pales in comparison to the damage done to our land and our people.

Over the objections of past Quapaw leaders and landowners, mining companies created piles of mining waste that included toxic lead and zinc—what we call “chat.” These chat piles are huge and were left on our farms and next to our homes. Many piles are longer than a football field and as tall as a 20 story building.

Even though the harmful effects of lead were well known, the BIA allowed the Quapaw people to be poisoned. The contaminants leached into our water, and fine particulate matter blew through the air. The BIA did nothing to stop this. Instead, they continued to allow others to take our resources and use unsafe mining practices that destabilized our land.

We fought for change.

Finally, new leadership at the BIA began to value our lives and our land. The mining stopped.

The EPA recognized the environmental catastrophe and declared much of our Reservation as a superfund site. Clean up began.

But we were still a long, long way from justice.

Around this time, the courts told us they wouldn't help. We felt the impact of the breach of trust every day, but the statute of limitations had passed. It seemed like the decades of exploitation and neglect would not result in fair compensation or formal acknowledgment of the harm caused. It was a tough pill to swallow.

Then a gentleman by the name of Tom Cole was elected to Congress. Congressman Cole understood our world in a way other Members of Congress did not. And he helped us find a path forward. In 2012, Congressman Cole introduced House Resolution 668 to allow the Court of Federal Claims to hear our case and make a recommendation on a settlement. It was a glimmer of hope when Congress enacted the Resolution passed overwhelmingly, 398-5, on December 19, 2012.

After our case was finally heard, the Quapaw Nation and the impacted landowners reached a settlement with the United States. The Court agreed, stating, “there has been sufficient factual and legal development of all claims,” and that “it would be fair, just, and equitable to pay Claimants a total sum of \$137,500,000 for the extinguishment of all claims.”

Because our case was referred to the Court by Congress, only Congress has the power to fund the settlement. So here we are today.

H.R. 1451, the Quapaw Tribal Settlement Act, fulfills the Court of Federal Claims' recommendations. It provides the funding needed to compensate the tribal members and landowners who had their land and lives poisoned. The bill also sets up a process for the tribe to

disburse the funds through self-governance, and a process by which the funds will be allocated among the impacted parties.

The bill is a just and necessary response to one of the most egregious violations of the federal trust responsibility. It addresses historical wrongs, supports tribal sovereignty, and ensures that both the Quapaw Nation and the individual landowners finally receive the justice they have long deserved.

I respectfully urge your support of the bill and look forward to working with you to report it out of Committee with any necessary changes, without delay.

Thank you for the opportunity to testify today. I am happy to answer any questions.