

Chairman Fernandez and Members of the Subcommittee,

Thank you for bringing H.R. 4715, the *Quapaw Tribal Settlement Act of 2021*, before the Subcommittee for Indigenous Peoples for this legislative hearing. On July 27, 2021, I introduced H.R. 4715 on behalf of the citizens of the Quapaw Nation. The passage of this legislation is critical to resolving the failure of the federal government to live up to its trust responsibilities to the Quapaw Nation.

The Quapaw were removed to Northeastern Oklahoma in 1834. In the late 1800's lead and zinc deposits were discovered on Quapaw lands. It is estimated that approximately \$1 billion worth of lead and zinc ore were removed from the region from the 1800's to 1950. This mining activity was incredibly damaging to the environment in the region. To this day, 34 percent of children in the surrounding area – including Quapaw tribal citizens – exhibit blood lead reference values at or higher than that which the Centers for Disease Control and Prevention deems unsafe. In 1983, the Environmental Protection Agency declared the area (i.e. Tar Creek, Oklahoma) a Superfund site.

In 2002, the Quapaw Nation sued the Department of the Interior for mismanagement of the Tribe's trust lands. This lawsuit was filed by individual Quapaw Tribal members, against the U.S. Government, for breach of the Government's statutory and fiduciary obligation to the Tribe (i.e. damage to land resulting from decades of mismanagement of mining interests in the area). After an 18-year legal battle, a report recommendation was issued by the United States Court of Federal Claims, to the House of Representatives, on January 9, 2020. The report contained a settlement sum of \$137,500,000 to be paid out equally to all Quapaw citizens.¹ The report recommendation was entered pursuant to the passage of H.Res. 668 in the 112th Congress.² H.R. 4715 is a straightforward bill that authorizes the Department of

¹ *Thomas Charles Bear v. United States*, Docket No. 13-51X (Fed. Ct. Cl., January 9, 2020).

² To refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members., H.Res. 668, 112th Cong. (2012); The Resolution instructed the Chief Judge of the Court of Federal Claims to report back to the House of Representatives “findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the Indian-trust related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation as legal or equitable claims against the United States...”

the Interior to pay members of the Quapaw Tribe of Oklahoma in accordance with the January 2020 report recommendation.

The Quapaw people have waited long enough for the federal government to keep its commitments. I hope that this legislative hearing before the Subcommittee is informative on this matter and that H.R. 4715 will ultimately be reported favorably by the House Committee on Natural Resources.

Sincerely,

A handwritten signature in blue ink that reads "Markwayne Mullin". The signature is written in a cursive style and is underlined.

Markwayne Mullin
Member of Congress