

March 30, 2022

Quapaws for Bear Proceed Distribution Equity

P.O. Box 697

Skiatook, OK 74070

Natural Resources Committee

Subcommittee for Indigenous Peoples of the United States (SCIP)

1324 Longworth House Office Building

Washington DC 20515

Re: H.R. 4715 and Case of Thomas Charles Bear, Et. Al., Claimants v. United States, Defendant, Case No 13-51X, Filed in the United States Court of Claims

Dear nrdems@mail.house.gov,

Our understanding is tomorrow, March 31, 2022, a Remote SCIP Legislative Hearing is scheduled for 1:00PM. One of the agenda items is H.R. 4715 (Rep. Markwayne Mullin, R-OK), To authorize appropriations to the Secretary of the Interior to make payments to certain members of the Quapaw Tribe of Oklahoma in accordance with the recommendation of the United States Court of Federal Claims. *Quapaw Tribal Landowner Settlement Act of 2021*.

We are writing today as enrolled members of the Quapaw Nation of Oklahoma, a federally recognized tribe. Attached is a letter mailed to the Secretary of the Department of Interior on February 7, 2022.

We encourage you and your office to direct the settlement proceeds, once federally funded, based on the will of the Quapaw people, all of whom are claimants in the Case of Thomas Charles Bear, Et. Al., Claimants v. United States, Defendant, Case No 13-51X, Filed in the United States Court of Claims. Please see Exhibit A Case 1:13-cg-00051-TCW Document 22-1 Filed 02/14/14.

In addition, we were told by our elected tribal leaders on March 19, 2022, H.R. 4715 language had been updated two days earlier, to remove the word "Landowner" from the bill and to address settlement proceed tax treatment, per Quapaw Nation Business Committee resolution 011222-A passed and submitted to the H.R. 4715 bill sponsor. To date, it does not appear those changes have been made.

Our request today is for copies of this email, the letter to the Department of Interior, and Quapaw Nation Resolution 091821-A (in the attached .pdf) be forwarded to all members of the Subcommittee of Indigenous Peoples of the United States. In addition, we respectfully request the language changes to H.R. 4715 be reflected.

Sincerely,

Kathryn Wena Supernaw
klsupernaw@hotmail.com
678-521-8005

February 7, 2022

Quapaws for Bear Proceed Distribution Equity

P.O. Box 697

Skiatook, OK 74070

Department of the Interior

Office of the Secretary

1849 C Street, N.W.

Washington DC 20240

Re: Case of Thomas Charles Bear, Et. Al., Claimants v. United States, Defendant, Case No 13-51X, Filed in the United States Court of Claims

Dear Secretary Haaland,

We are writing today as enrolled members of the Quapaw Nation of Oklahoma, a federally recognized tribe. We encourage you and your office to administer the settlement proceeds, once federally funded, based on the will of the Quapaw people. Understandably, historical context would be helpful.

After almost two decades, the case of Thomas Charles Bear, Et. Al., Claimants v. United States, Defendant, Case No. 13-51X, filed in the United States Court of Claims, was settled for \$137,500,000 and filed December 3, 2019. The Claimants in the settled lawsuit include all enrolled Quapaw Nation members as of September 27, 2019. In August 2021, a grassroots and legal (per the 2004 Quapaw Nation Election Ordinance) petition effort was organized by the Quapaw people, signed by one third of Quapaw Nation registered voters, which compelled the Quapaw Nation elected leaders to pass a binding resolution on the settlement proceed distribution basis, once federally funded. A copy of that signed resolution is attached and represents the will of the Quapaw people. In summary, it calls for the full equal distribution to all enrolled members of the Quapaw Nation as of September 27, 2019, who are living at the time the settlement funds become available. According to our Quapaw Nation elected leaders, the Department of Interior may choose to administer the settlement proceed distribution.

In the event the Department of Interior administers the proceed distribution, we respectfully request the full amount of the proceeds be distributed equally to each enrolled member of the Quapaw Nation as of September 27, 2019, according to Quapaw Nation Resolution No. 091821-A attached.

Sincerely,



Signed above by Kathryn Wena Supernaw individually and on behalf of all her fellow tribal members listed below:

Wes Anderson
Rick Atkinson
Anita Bandy
Everett Bandy
Pamela R. Bell
John L. Berrey
Grason Blair
Patricia Blue Spruce
Carol Boger
Michael Brashers
Lois Breedlove
Cheryl Garer Brill
Neil Brown
SueAnn Brown
Joe Burnett
Justin Burnett
EJ Burris
Penny Carlisle
Liana Carrisal
Amanda Chavez-Gonzales
Ernie Christian
George Cocks
Connie L. Collins
Kylie M. Collins
Nancy A. Collins
Tara M. Collins
Tracy R. Collins
Diana Cooley
Cleo Copher
Alexis Crane
Gabriel Crane
Robert Crane
Sophia Crane
Teresa Daylight
Misty Deaton
Jessica M. DeLoera
Claudia Denny
Curtis Deragowski
Courtney Dowell
JoKay Dowell
Mato Drapeau
Mollie Drapeau
Cindy Elston
Addilyn M. Elwin

Alyssa M. Elwin
Brooklyn M. Elwin
Ella Enlow
Madden Enlow
Charles Enlow Jr
Charles Enlow Sr
Maryann Esenwein
Brandon B. Fisher
Brandon N. Fisher
Jordan Fisher
Trey D. Fisher
Lois A. Franklin
Shalene A. Franklin
Shandrea S. Franklin
Shawn L. Franklin Jr
Russ Garber
April Garner
Dusty Gibbins
Vance Gilmore
Bonnie Gilmore Schalk
Ragena M. Greenback
Cory N. Gubser
Zachary N. Gubser
Amanda Hardy
Michelle Hardy
Samuel Hardy
Jason Harkins
Macs Harkins
Nathan Harkins
Warren W. Harkins
Shirley Hicks
Aaron Holmes
Bradley Holmes
Christopher Holmes
Jeri Holmes
Regina Holmes
Kade Hoppock
Lisa Hoppock
Jerre Gibbs Horsley
Gabrielle Hunter
Rebecca Hunter
Corey James
Katherine J. Johnston
Lora B. Keller

Julie Kelley
Terry Kensinger
Mikayla Kilgore
Patrick E. Kilgore
Patrick R. Kilgore
William Kilgore
Kimberly Jo Lane
Jordan Lane Egermeier
Ella Ledoux
Jana Leiphart
Fynn W. Lindberg
William Lindberg
Angel Line
Carol Jean Lloyd
Abigail Logan
Breanna Martin
Kaisen Martin
Lesta Martin
Lillian Martin
Susanne Massey
Destiny Meador
Sky Meador
Vaia Meador
Amanda Meneses
Kurtis Mishler
Sadie Mishler
Sydney Mishler
Allison Mize
Elizabeth Mize
Greg Mize
Melissa Mize
Michael Mize
Nicole Mize
Lynne Nelle Mizell
Brian Moore
Gabrielle Morgan
Hunter Morgan
Wyatt Morgan
Elizabeth Moutsiakis
Deanna Murrow
Jill I. Murrow
Timothy Kale Murrow
Aimee Myers
Glenn Myers

Grace Ann Myers	Kimberlee Rubio	William Supernaw IV
Claudette Nolan	Gila June Sadeghi	James E. Talbot
Rick Nutting	Brenda Sandford	Ahnawake Tiger
Isaiah Olivo	Carl Schleining	Emersyn Tiger
Juan Olivo	Mia Schleining	Haiden Tiger
Leanna Olsen	Billy Shapp	Lincoln Tiger
Katheryn Painter	John Shipley	Roman Tiger
Mary Beth Panther	Sheri L. Smiley	Phyllis Tollett
Russell S. Panther	Joyce Sullivan	Jeremiah Tyner
Willie Panther	Brandy Supernaw	Jazmyn Vaughan
Amy Panther Kvistad	Charles Supernaw	Mynphis Vaughan
Ricky Parker	Christian Supernaw	Gabriella Vilarreal
Linda C. Parton	Christine Supernaw	Raquel Vilarreal
Michael Pellegrino	David Supernaw	Anna M. Walker
Rylan Podschwit	Dhipi Supernaw	James Webber
Sarah Podschwit	Jacee Supernaw	Larry Lee Webber
Toryn Podschwit	John B Supernaw	Eliza R. Wilbourn
Cole Popplewell	Kash Supernaw	Norman Willhite
Delilah Popplewell	Kugee Supernaw	Donna Williams
Rise' Proctor Supernaw	Lida Supernaw	Grace A. Williams
Eddie Ramirez	Mary Supernaw	Helawanotuk Williams
Jeannie Camp Ramirez	Nataska Supernaw	Lucas W. Williams
Cora Ray	Roley Supernaw	Marvin W. Williams
Janet Ray	Scottie Supernaw	Penny Williams
Mark Ray	Tah-Nahkeh Supernaw	Sebastian A. Williams
Nikki Rivas	Tahwahtonweh Supernaw	Kiera B. Wishon
Brandon J. Robinson	Thomas Lance Supernaw	Ronald Worley
Austin Roderique	Tommy Joe Supernaw	William V. Wyrick
Angela Rollins	Lawrence Supernaw III	Willa Mayns (Clark)
Billy Proctor		

Cc: Rachel Taylor, Chief of Staff Elizabeth Klein, Senior Counselor to the Secretary

Milli Gosar, Deputy Chief of Staff – Operations Maggie Thompson, White House Liaison

Kate Kelly – Deputy Chief of Staff

Melissa Schwartz, Director of Communications

Andrew Wallace, Director of Congressional Affairs

Shantha Ready Alonso, Director of Intergovernmental and External Affairs

Raina Thiele, Senior Advisor for Alaska Affairs and Strategic Priorities

Heidi Todacheene, Senior Advisor to the Secretary

QUAPAW NATION

P.O. Box 765
Quapaw, OK 74363-0765

(918) 542-1853
FAX (918) 542-4694

Resolution No. 091821-A

A RESOLUTION TO EQUALLY DISTRIBUTE TO EACH ENROLLED MEMBER OF THE QUAPAW NATION AS OF SEPTEMBER 27, 2019, THE ENTIRE SETTLEMENT PROCEEDINGS OF \$137,500,000.00 FROM THE CASE OF THOMAS CHARLES BEAR, ET. AL., CLAIMANTS V. UNITED STATES, DEFENDANT, CASE NO. 13-51X, FILED IN THE UNITED STATES COURT OF CLAIMS, AND TO ESTABLISH THE BEAR LITIGATION SETTLEMENT FUND TO ENSURE EQUAL DISTRIBUTIONS TO ALL ENROLLED MEMBERS OF THE QUAPAW NATION AS OF SEPTEMBER 27, 2019, WHO ARE LIVING AT THE TIME THE SETTLEMENT FUNDS ARE RECEIVED BY THE QUAPAW NATION

WHEREAS, the Quapaw Nation (hereinafter the “Nation” or the “Tribe” or “Tribal”) is a federally recognized Indian tribe and is governed by the Resolution Authorizing the Quapaw Tribal Business Committee to Speak and Act on Behalf of the Quapaw Tribe of Indians – known as the “Governing Resolution” – adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957;

WHEREAS, the Quapaw Nation asserts its jurisdiction to the fullest extent recognized by law over the lands within the original Quapaw Reservation, as established as a homeland for the Quapaw Nation by the Treaty of May 13, 1833;

WHEREAS, the Governing Resolution delegates authority to the Quapaw Nation Business Committee to speak and act on behalf of the Quapaw Nation;

WHEREAS, the Quapaw Nation Business Committee is thus empowered and obligated to transact Tribal Businesses and otherwise speak or act on behalf of the Nation in all matters;

WHEREAS, the Quapaw Nation Business Committee is entrusted and obligated to transact Tribal business, including but not limited to adopting laws related to gaming, to Quapaw Nation economic development, to the establishment of Quapaw Nation enterprises, enacting resolutions, laws, and policies for the best interest of the Quapaw Nation; and

WHEREAS, the Quapaw Nation of Oklahoma has established through passage of Resolution, the Quapaw Election Ordinance of 2004 (the “Ordinance”); and

WHEREAS, pursuant to Section 16 of said Ordinance members of the Quapaw Nation have the power to independently propose ordinances, resolutions, or other enactments affecting the Quapaw Nation;

WHEREAS, pursuant to Section 16.1 of said Ordinance the Business Committee may either adopt the initiative measure by a majority vote without alteration or call an election for the purpose of allowing Registered Voters to vote on the initiative measure, and said election shall be held within 120 days from the date a valid petition is presented to the Business Committee under the requirements of said Ordinance, with the vote of a majority of the Registered Voters in response to such petitions being binding, final and non-appealable in any tribunal;

WHEREAS, there is much concern regarding how settlement funds in the amount of \$137,500,000.00 from the lawsuit Thomas Charles Bear, et. al, v. United States, Case No. 13-51x will be distributed when said money is received by the Quapaw Nation;

WHEREAS, there is much concern regarding who will distribute the settlement funds accurately and quickly in the amount of \$137,500,000.00 when said money is received by the Quapaw Nation;

NOW THEREFORE BE IT RESOLVED THAT when the settlement funds in the amount of \$137,500,000.00 are paid from the case of Thomas Charles Bear, et. al., v. United States, Case No. 13-51x filed in the United States Court of Claims, that the entire amount of \$137,500,000.00 shall be distributed equally to each enrolled member of the Quapaw Nation as of September 27, 2019, and who are living at the time the settlement funds are received by the Quapaw Nation.

BE IT FURTHER RESOLVED THAT immediately upon receipt by the Quapaw Nation of any settlement funds from the case of Thomas Charles Bear, et. al., v. United States, the Business Committee shall pass a Resolution establishing a Bear Litigation Settlement Account at the Bank of Oklahoma or a similar Bank for the purpose of establishing an account to distribute the \$137,500,000.00 in equal shares to all enrolled members of the Quapaw Nation as of September 27, 2019, who are living at the time the funds are received by the Quapaw Nation and shall, within 7 days of receipt of the settlement funds, pay the entire amount received by the Quapaw Nation to said Bank for said Bank to make immediate distribution under the terms of this resolution. Said Business Committee Resolution shall address how settlement payments to minors under the age of 18 will be addressed by the Bank of Oklahoma or a similar Bank.

BE IT FURTHER RESOLVED THAT if the settlement is not received in one lump sum, then any amount received in payments shall within 7 days be paid under the provisions of this Resolution as set out above and that if the settlement is received in payments, then the tribal member must be living at the time the payment is received by the Quapaw Nation to receive an equal distribution.

BE IT FURTHER RESOLVED THAT if the Business Committee does adopt this Resolution without alteration, they must have a vote of the General Council to amend this Resolution in the future.

BE IT FURTHER RESOLVED THAT if the Business Committee does not adopt this Resolution and an election is held the ballot question language shall be as follows:

Vote Yes or No: Pursuant to the Resolution presented under Section 16 of the Quapaw Nation Election Ordinance of 2004, the entire settlement funds of \$137,500,000.00 from the case of Thomas Charles Bear, et. al., v. United States, shall be paid in equal share distribution payments to each enrolled member of the Quapaw Nation as of September 27, 2019, who is

living on the date the settlement proceedings are received by the Quapaw Nation, and upon receipt of the funds, a Bear Litigation Settlement Account shall immediately be established by the Business Committee at the Bank of Oklahoma or a similar Bank for purposes of immediate equal distributions with the Business Committee addressing how and when settlement proceedings to minors under the age of 18 will be addressed.

BE IT FURTHER RESOLVED THAT if said question is presented for vote to the members of the Quapaw Nation and said question does not pass by a majority vote of the Quapaw Nation this Resolution in no way restricts the Business Committee or the Courts from making an equal distribution to all tribal members of the proceeds from Thomas Charles Bear, et a., v. United States, nor shall a vote against this Resolution be used by the Business Committee as direction or proof that the payments are not to be made in equal payments to all tribal members. The Business Committee shall continue to use all avenues possible to secure the settlement from the U.S. Government to be distributed in accordance with this Resolution.

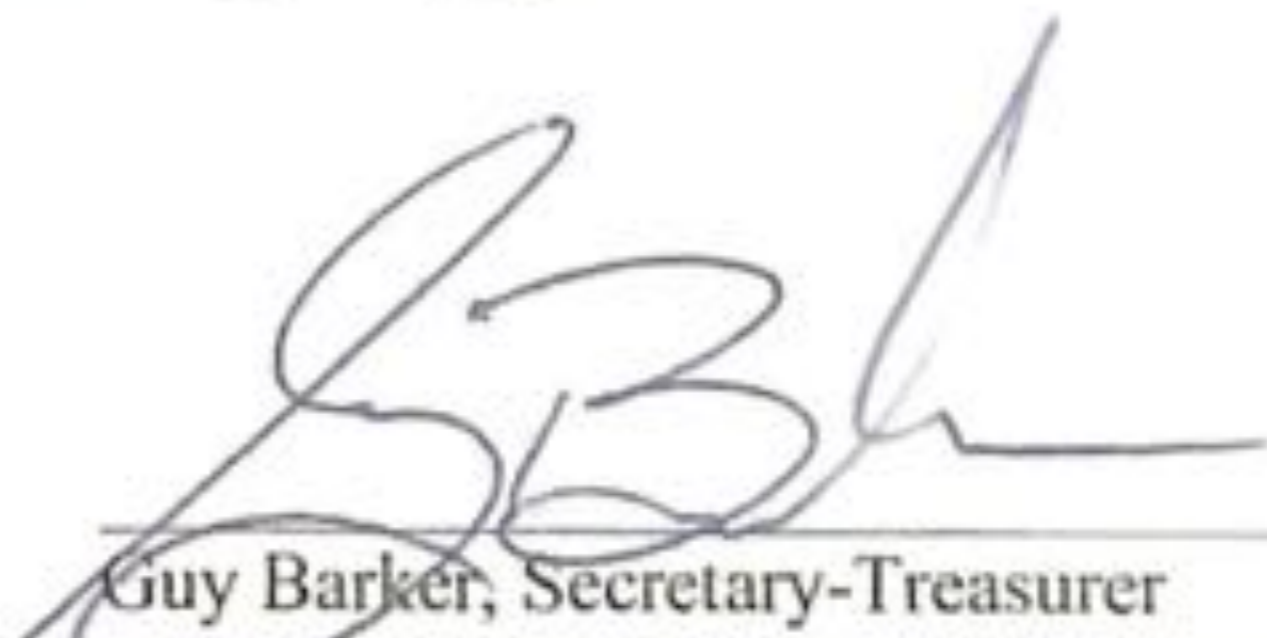
BE IT FURTHER RESOLVED THAT if any provision of this Resolution is finally held to be invalid, illegal or unenforceable by a Court of law (whether in whole or in part), such provision will be deemed modified to the extent, but only to the extent, of such invalidity, illegality or unenforceability, and the remaining provisions will not be affected thereby provided that if any of such provision is finally held to be invalid, illegal, or unenforceable by a Court of law because it exceeds the maximum scope determined to be acceptable to permit such provision to be enforceable, such provision will be deemed to be modified to the minimum extent necessary to modify such scope in order to make such provision enforceable hereunder.

CERTIFICATION

The foregoing Resolution of the Quapaw Nation was presented and duly adopted through a regular meeting of the Quapaw Nation Business Committee on September 18, 2021, with a vote reflecting 6 yes, no, abstaining, and absent.



Joseph Byrd, Chairman
Quapaw Nation Business Committee



Guy Barker, Secretary-Treasurer
Quapaw Nation Business Committee