

118TH CONGRESS
2D SESSION

S. 5619

To authorize the Secretary of the Treasury to make payments to the Quapaw Nation and certain members of the Quapaw Nation in accordance with the recommendation of the United States Court of Federal Claims, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 16), 2024

Mr. MULLIN (for himself and Mr. LANKFORD) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To authorize the Secretary of the Treasury to make payments to the Quapaw Nation and certain members of the Quapaw Nation in accordance with the recommendation of the United States Court of Federal Claims, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quapaw Tribal Settle-
5 ment Act of 2024”.

6 **SEC. 2. QUAPAW TRIBAL SETTLEMENT.**

7 (a) DEFINITIONS.—In this section:

1 (1) CLAIMANT.—The term “Claimant” means
2 each of—

3 (A) the Quapaw Nation and the parties
4 identified in paragraphs 1 through 10 of the
5 complaint in *Bear, et al. v. United States*, No.
6 13-51X (Fed. Cl. Mar. 25, 2013); and

7 (B) the individual members of the Quapaw
8 Nation identified in Exhibit A to the amended
9 complaint in *Bear, et al. v. United States*, No.
10 13-51X (Fed. Cl. Mar. 25, 2013) filed on Feb-
11 ruary 14, 2014.

12 (2) REPORT.—The term “Report” means the
13 report of the Review Panel of the United States
14 Court of Federal Claims in Congressional Reference
15 Case No. 13-51X, *Bear, et al. v. United States* (Jan.
16 9, 2020), submitted to the House of Representatives
17 on January 31, 2020.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior (or a designee).

20 (b) ESTABLISHMENT.—There is established a Special
21 Deposit Account in the Department of the Interior Bureau
22 of Trust Funds Administration, to be known as the
23 “Quapaw Bear Settlement Trust Account”.

24 (c) ADMINISTRATION.—The Secretary of Interior by
25 and through the Bureau of Trust Funds Administration

1 shall administer all funds appropriated to the Quapaw
2 Bear Settlement Trust Account.

3 (d) AUTHORIZATION OF PAYMENT.—In accordance
4 with the Report, the Secretary of the Interior is authorized
5 and directed to pay to the Claimants \$137,500,000 out
6 of any funds in the Treasury of the United States not
7 otherwise appropriated. The Secretary of the Treasury
8 shall transfer the single payment to the Quapaw Bear Set-
9 tlement Trust Account established in subsection (b).

10 (e) PAYMENT IN ACCORDANCE WITH REPORT.—The
11 payment under subsection (d) shall be made in accordance
12 with the Report.

13 (f) DISTRIBUTION.—After the settlement proceeds
14 are transferred to the Quapaw Bear Settlement Trust Ac-
15 count specified under subsection (b), the settlement pro-
16 ceeds shall be available for use, allocation, and distribution
17 in accordance with the Claimants' distribution plan. The
18 Claimants shall establish a distribution plan in accordance
19 with subsection (d) and the procedures set forth in sub-
20 section (g).

21 (g) DISTRIBUTION OF FUNDS IN THE QUAPAW BEAR
22 SETTLEMENT TRUST ACCOUNT.—

23 (1) MEDIATION.—

24 (A) No more than forty-five (45) days fol-
25 lowing enactment of the Act, the Claimants

1 shall submit the issues of the allocation and dis-
2 tribution of the settlement proceeds to a mutu-
3 ally agreed upon third-party mediator.

4 (B) In the event the Claimants do not sub-
5 mit to a mutually agreed upon third-party me-
6 diation within forty-five (45) days pursuant to
7 the preceding subparagraph, then any Claimant
8 may initiate Secretarial Allocation procedures
9 under paragraph (2) below.

10 (C) Any mediation shall be confidential
11 and non-binding on the Claimants without the
12 written consent of the Claimants, provided that
13 nothing in this paragraph shall be interpreted
14 to bar the Quapaw Nation Business Committee
15 from consulting with the Quapaw Nation Indian
16 Council during mediation.

17 (D) No statements made or information
18 exchanged during mediation shall be admissible
19 in any future legal or dispute resolution pro-
20 ceedings without the written consent of the
21 Claimants.

22 (E) The Claimants shall mutually agree to
23 conduct mediation at a specified location. Each
24 Claimant shall pay its own costs, plus an equal

1 share of the costs of the mediator and the medi-
2 ation facilities.

3 (F) Following successful completion of any
4 mediation under this section, the Claimants
5 may submit a mutually agreed upon distribu-
6 tion plan to the Secretary.

7 (G) Upon submission of a mutually agreed
8 upon distribution plan to the Secretary, the
9 Secretary shall distribute the funds in the
10 Quapaw Bear Settlement Trust Account to the
11 Claimants in accordance with their mutually
12 agreed upon distribution plan.

13 (H) In the event the Claimants do not
14 reach a mutually agreed upon distribution plan
15 following mediation, then any Claimant,
16 through written notification, may submit the
17 matter to the Secretary who shall determine a
18 final distribution plan allocating the funds in
19 the Quapaw Bear Settlement Trust Account in
20 accordance with the Report based on the proce-
21 dures in paragraph (2).

22 (2) SECRETARIAL ALLOCATION.—

23 (A) Following an unsuccessful mediation
24 pursuant to the procedures in paragraph (1),
25 any Claimant may petition the Secretary to de-

1 termine final allocations of settlement proceeds
2 in accordance with subsection (d).

3 (B) The Secretary shall commence the Sec-
4 retarial Allocation process in accordance with
5 this paragraph (2) if the Claimants do not
6 reach a mutually agreed upon allocation plan
7 within 18 months following enactment of the
8 Act.

9 (C) Upon the receipt of such a petition by
10 a Claimant, the Secretary or the Secretary's
11 designee shall order an allocation of the settle-
12 ment proceeds pursuant to the following steps:

13 (i) Within thirty (30) days following
14 the Secretary's receipt of a petition to allo-
15 cation settlement proceeds after failed me-
16 diation, the Secretary or the Secretary's
17 designee shall issue a scheduling order to
18 establish a schedule for a hearing and the
19 issuance of a final decision by the Sec-
20 retary of a final distribution plan.

21 (ii) The Secretary's decision deter-
22 mining a final distribution plan in accord-
23 ance with subsection (d) shall be made fol-
24 lowing a hearing to be presided over by the
25 Secretary or the Secretary's designee. The

1 hearing shall occur no less than sixty (60)
2 days following the issuance of the sched-
3 uling order.

4 (iii) At least fifteen (15) days prior to
5 the hearing, each Claimant shall submit to
6 the other Claimants and to the Secretary
7 a copy of all exhibits on which such Claim-
8 ant intends to rely at the hearing, a pre-
9 hearing brief, and a proposed final decision
10 by the Secretary. The proposed final deci-
11 sion shall include a proposed distribution
12 plan to be submitted to the Secretary and
13 shall be limited to proposed rulings and
14 distributions for each Claimant.

15 (iv) Within fourteen (14) days after
16 the close of the hearing, each Claimant
17 may submit a post-hearing brief to the
18 Secretary.

19 (v) Following the hearing and post-
20 hearing brief, the Secretary shall issue a
21 final decision determining a final distribu-
22 tion plan in accordance with subsection (d)
23 within sixty (60) calendar days. The
24 Claimants may mutually agree upon a

1 binding distribution plan at any time be-
2 fore the Secretary's decision is issued.

3 (vi) Within twenty (20) calendar days
4 after transmittal of the Secretary's final
5 decision to the Claimants, the Claimants
6 may submit to the Secretary any informa-
7 tion necessary for the implementation of
8 the final distribution plan.

9 (vii) Within sixty (60) days of the
10 Secretary's final decision determining a
11 final distribution plan, the Secretary shall
12 distribute the funds in the Quapaw Bear
13 Settlement Trust Account to the Claimants
14 pursuant to the terms of the final distribu-
15 tion plan.

16 (viii) Any deadlines established in this
17 section may be extended by unanimous
18 mutual agreement of the Claimants.

19 (3) FEDERAL MEDIATION & CONCILIATION
20 SERVICE.—In discharging any duties under this Act,
21 the Secretary is authorized to utilize the Federal
22 Mediation Conciliation Service to provide technical
23 support and dispute resolution resources, provided,
24 however, that the Secretary or the Secretary's des-
25 ignee is responsible for approving and implementing

- 1 any mutually agreed-upon or binding distribution
- 2 plan reached pursuant to this Act.

