

U.S. Court of Federal Claims Denies Government’s Motion to Dismiss Congressional Reference Breach-of-Trust Case

The U.S. Court of Federal Claims recently denied the Government’s motion to dismiss *T.C. Bear v. United States*, a congressional reference case, involving breach-of –trust claims brought by the Quapaw Tribe of Oklahoma (O-Gah-Pah) and its Tribal Members. Under a procedure unique to the CFC in federal courts, the U.S. House of Representatives has referred a bill requesting findings of fact and conclusions of law as to whether the Quapaw Tribe and its members have suffered breaches of trust by the Government and should be awarded breach-of-trust damages. The Complaint in *T.C. Bear* was filed March 25, 2013.

The Government filed a motion to dismiss the entire lawsuit, arguing that all of the claims in the congressional reference case were identical to claims in two other pending breach-of-trust cases, one filed by the Quapaw Tribe, and the other by Quapaw Tribal members, *Goodeagle v. United States*, No. 12-431L. The congressional reference expressly did not include “legal claims that are pending in the Court of Federal Claims” on the date the reference was passed. Thus, the Government argued, because the claims in *T.C. Bear* were the same as the legal claims in the Quapaw Tribe’s case and *Goodeagle*, the CFC lacked jurisdiction over them and the case should be dismissed.

The trial court, however, denied the Government’s motion, holding that all the claims in the congressional reference were equitable claims—that is, claims that would otherwise be barred by legal defenses such as the statute of limitations. The trial court further noted that it would be “illogical” for the House to refer a set of claims to have those claims dismissed:

In this case, resolving the issue of jurisdiction in favor of the Government would have the illogical result of preventing the Court from performing its assigned task. When the House referred this matter to the Chief Judge of the U.S. Court of Federal Claims, its explicit instructions were to provide findings of fact and conclusions of law regarding claims for compensation “as legal or equitable claims.” H.R. Res. 668 § 2 (emphasis added). The language of this referral makes clear both that the Representatives were aware of the claims already pending before this Court and that they desired an investigation of those claims lacking a legal remedy.

Read decision [here](#).

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