

**Congress of the United States**  
**Washington, DC 20515**

January 19, 2022

The Honorable Chellie Pingree  
Chairwoman  
Subcommittee on Interior, Environment, and  
Related Agencies  
House Committee on Appropriations  
Washington, DC 20515

The Honorable David P. Joyce  
Ranking Member  
Subcommittee on Interior, Environment, and  
Related Agencies  
House Committee on Appropriations  
Washington, DC 20515

**RE: *McGirt v. Oklahoma Tribal Justice Funding***

Dear Chairwoman Pingree and Ranking Member Joyce,

As members of the Oklahoma delegation, we are requesting that the House Committee on Appropriations consider the inclusion of vital funding for tribal justice needs related to the *McGirt v. Oklahoma* decision in any upcoming funding agreement. Specifically, increased funding is needed for the Bureau of Indian Affairs (BIA) in order to smooth the transition for tribes resulting from the decision.

The result of the Supreme Court case has created a severe shortage of police and investigative personnel in tribal jurisdiction areas, which in turn has drastically increased federal and tribal law enforcement responsibilities. It has been over a year since the decision has passed, and it is effectively bankrupting the affected tribes in Oklahoma. The Choctaw Nation alone requires roughly \$30 million for tribal courts and has spent roughly \$19 million as a result. In addition, the Cherokee Nation has already spent \$8.7 million on their Attorney General and court system, \$2.5 million for law enforcement adjustments, and are expected to require an additional \$15 to \$20 million in judicial spending—these are only two of the involved tribes in Oklahoma. The case has also dramatically expanded the legal infrastructure of the tribes because of these increased judicial burdens. The U.S. Attorney's Office for the Northern District of Oklahoma has reviewed almost 3,000 cases since the decision and has increased their staff by about 55%, recently hiring 24 new federal prosecutors. The Chickasaw Nation has prosecuted 6,965 cases and approximately 1,900 cases have been referred to the Cherokee or Muscogee Nations from the U.S. Attorney's Office. Among the tribes involved, a combined total of almost 10,000 cases have been filed. Indeed, the impacts of this decision require a long-term solution; however, funding is necessary to meet the needs of the tribes in the near term.

On November 15, 2021, President Biden signed an Executive Order regarding Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People. Part of this Executive Order specifically calls for assisting tribal

governments within Oklahoma affected by the *McGirt v. Oklahoma* decision to build capacity to handle cases within their criminal jurisdiction. We ask that you fulfill President Biden's longstanding goal of honoring tribal sovereignty and appropriate additional funding of \$308,000,000 to the BIA for tribal justice needs in Oklahoma. The federal government must uphold its trust responsibility and allow tribes to implement the needed public safety measures. Thank you for considering this inclusion when drafting appropriations legislation.

Sincerely,



Tom Cole  
Member of Congress



Markwayne Mullin  
Member of Congress



Frank Lucas  
Member of Congress



Stephanie D. Bice  
Member of Congress