



August 21, 2020

The Honorable Jim Inhofe  
205 Russell Senate Office Building  
Washington, DC 20510

The Honorable Tom Cole  
2207 Rayburn House Office Building  
Washington, DC 20515

The Honorable James Lankford  
316 Hart Senate Office Building  
Washington, DC 20510

The Honorable Kevin Hern  
1019 Longworth House Office Building  
Washington, DC 20515

The Honorable Frank Lucas  
2405 Rayburn House Office Building  
Washington, DC 20515

The Honorable Kendra Horn  
415 Cannon House Office Building  
Washington, DC 20515

The Honorable Markwayne Mullin  
2421 Rayburn House Office Building  
Washington, D.C. 20515

Re: McGirt v. Oklahoma

Members of the Oklahoma Congressional Delegation:

On behalf of the State Chamber of Oklahoma, the state's leading advocate for business, I respectfully submit the subsequent comments and concerns of the business community after the U.S. Supreme Court's ruling in McGirt v. Oklahoma.

Oklahoma's business community has enjoyed a positive relationship with Oklahoma's tribes, one it would like to see continue. However, the McGirt ruling replaced certainty with unpredictability in civil matters; the likes of which can only be sorted out with an act of Congress or several rounds of lengthy and expensive litigation involving fact-specific instances.

When and under what circumstances a tribe can assert jurisdiction over a non-member is of primary concern to the business community in Oklahoma. There are many questions, but the answers are not a one-size-fits-all.

Simply having a relationship with a tribe or one of its members might be enough to result in tribal jurisdiction. A non-member's activities perceived as threatening to the tribe – politically, economically, or otherwise – could allow the tribe to assert jurisdiction over the non-member. A tribe may be able to tax a non-member or regulate a non-members' activities. All fact-specific inquiries, which translated means dollars and time.

Federal statutes could also divest Oklahoma of its regulatory authority and transfer it to a federal agency and then to a tribe. The ramifications of this on environmental regulations alone could severely hamper two of Oklahoma's most prominent industries, agriculture and oil and gas.

Businesses like certainty, but what that looks like in Indian country post McGirt is unknown. Businesses located within Indian country may have to invest in experts and attorneys to assist in negotiations, attempt to structure agreements with tribes and navigate the laws and regulations of at least five different nations – all located within the geographical boundaries of the state of Oklahoma. Some will decide whether to stay or go, expand or not. This long pause will likely have economic implications on the state, especially in a time when it is trying to recover from a pandemic.

We appreciate your consideration of the business community's perspective on these issues and respectfully urge Congress to provide clarification of civil jurisdiction matters in Indian country post McGirt. In order to mutually benefit the state and tribal nations, we stand ready to assist you in the development of a framework to resolve these difficult questions. If I can answer any questions or provide you with any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Chad Warmington". The signature is written in a cursive, flowing style.

Chad Warmington  
President and CEO