OKLAHOMA

Commercial Vehicle Safety Plan

Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program

Fiscal Years 2022 - 2024

Date of Approval: August 30, 2022

FINAL CVSP

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Part 1 - MCSAP Overview

Part 1 Section 1 - Introduction

The Motor Carrier Safety Assistance Program (MCSAP) is a Federal grant program that provides financial assistance to States to help reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

A State lead MCSAP agency, as designated by its Governor, is eligible to apply for grant funding by submitting a commercial vehicle safety plan (CVSP), in accordance with the provisions of 49 CFR 350.209, 350.211 and 350.213. The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before the due date each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. Currently, the State must submit a performance-based plan or annual update each year to receive MCSAP funds.

The online CVSP tool (eCVSP) outlines the State's CMV safety objectives, strategies, activities and performance measures and is organized into the following five parts:

- Part 1: MCSAP Overview (FY 2022 - 2024)
- Part 2: Crash Reduction and National Program Elements (FY 2022 - 2024)
- Part 3: National Emphasis Areas and State Specific Objectives (FY 2022 - 2024)
- Part 4: Financial Information (FY 2022)
- Part 5: Certifications and Documents (FY 2022)

You will find that each of the five eCVSP parts listed above contains different subsections. Each subsection category will provide you with detailed explanation and instruction on what to do for completing the necessary tables and narratives.

The MCSAP program includes the eCVSP tool to assist States in developing and monitoring their grant applications. The eCVSP provides ease of use and promotes a uniform, consistent process for all States to complete and submit their plans. States and territories will use the eCVSP to complete the CVSP and to submit a 3-year plan or an Annual Update to a 3-year plan. As used within the eCVSP, the term 'State' means all the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

REMINDERS FOR FY 2022:

Multi-Year plans–All States will be utilizing the multi-year CVSP format. This means that objectives, projected goals, and activities in the plan will cover a full three-year period. The financial information and certifications will be updated each fiscal year.

Annual Updates for Multi-Year plans–States in Year 2 or Year 3 of a multi-year plan will be providing an Annual Update only. States will review the project plan submitted the previous year and indicate any updates for the upcoming fiscal year by answering the "Yes/No" question provided in each Section of Parts 1-3.

- If Yes is indicated selected, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan. (Note: Trend Analysis information that supports your current activities is not editable.) Answer carefully as there is only one opportunity to select "Yes" before the question is locked.
- If "No" is selected, then no information in this section will be editable and the user should move forward to the next section.

All multi-year and annual update plans have been pre-populated with data and information from their FY 2021 plans. States must carefully review and update this information to reflect FY 2022 activities prior to submission to FMCSA. The financial information and certifications will be updated each fiscal year.

- Any information that is added should detail major programmatic changes. Do not include minor modifications that reflect normal business operations (e.g., personnel changes).
- Add any updates to the narrative areas and indicate changes by preceding it with a heading (e.g., FY 2022 update). Include descriptions of the changes to your program, including how data tables were modified.
- The Trend Analysis areas in each section are only open for editing in Year 1 of a three-year plan. This data is not editable in Years 2 and 3.

Personally Identifiable Information - **PII** is information which, on its own or matched with other data, would permit identification of an individual. Examples of PII include: name, home address, social security number, driver's license number or State-issued identification number, date and/or place of birth, mother's maiden name, financial, medical, or educational

records, non-work telephone numbers, criminal or employment history, etc. PII, if disclosed to or altered by unauthorized individuals, could adversely affect the Agency's mission, personnel, or assets or expose an individual whose information is released to harm, such as identity theft.

States are reminded **not** to include any PII in their CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

Part 1 Section 2 - Mission/Goal Statement

Instructions:

Briefly describe the mission or goal of the lead State commercial motor vehicle safety agency responsible for administering this Commercial Vehicle Safety Plan (CVSP) throughout the State.

***NOTE:** Please do not include information on any other FMCSA grant activities or expenses in the CVSP.*

The Oklahoma Department of Public Safety (DPS) is designated by the Secretary of Public Safety at the direction of Oklahoma's Governor as the lead Motor Carrier Safety Assistance Program (MCSAP) agency for the State. Oklahoma Highway Patrol (OHP) Troop S – Commercial Vehicle Enforcement (Troop S) is responsible for the regulation and enforcement of the Federal Motor Carrier Regulations (49 CFR Parts 40, 303, 325, 350-399), Hazardous Material Regulations (49 CFR Parts 100-185), and Oklahoma Statute Title 47. The State of Oklahoma adopted the FMCSRs and HMRs pertaining to motor carrier safety and hazardous materials transportation which can be found in Oklahoma Administrative Rules, Title 595 - Department of Public Safety. DPS provides Troop S financial and material support to execute this assigned task.

The OHP, a division of DPS, is dedicated to protecting the lives and property of all persons within the State of Oklahoma. This statement is affirmed in the Oklahoma Highway Patrol Operations Manual which proclaims “the primary function of the Oklahoma Highway Patrol is the protection of lives and property in the State of Oklahoma”. The OHP will actively pursue the reduction of collisions and fatalities involving large truck and passenger carriers through enforcing Oklahoma State Laws and the FMCSRs. In this pursuit, the OHP will work in partnership with the Federal Motor Carrier Safety Administration (FMCSA) in improving the safety of the Nation's transportation system, within Oklahoma. This partnership will work to establish and maintain programs that improve motor carrier, CMV, and driver safety by 1) making investments to promote safe CMV transportation, including the transportation of passengers and hazardous materials; 2) investing in activities likely to generate maximum reductions in the number and severity of large truck trucks and passenger carrier collisions; 3) adopting and enforcing effective motor carrier, CMV, and driver safety regulations and practices consistent with Federal requirements; and 4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

Troop S will focus on problem-specific areas and/or activities of motor carriers and their drivers through random and selective roadside & fixed-site inspections, CMV and non-CMV traffic enforcement, Compliance Investigations, New Entrant Safety Audits, public and motor carrier outreach/education, and data collection. These priorities will ultimately aid in the reduction of collisions & fatalities involving large trucks and passenger carriers as well as criminal activity. This goal will be accomplished through planning using all available data, executing innovative and effective enforcement strategies, reviewing our efforts every quarter, and making adjustments as needed to attain our goal.

All laws and/or regulations, either State or Federal, pertaining to size & weight, CMV driver and non-CMV driver safety, CMV safety, and hazardous materials (HM) transportation will be administered fairly and impartially, focusing upon the ultimate goal of saving lives through highway safety. This effort will be approached as a partnership between State and Federal enforcement, FMCSA-regulated industry, the motoring public, and other entities concerned with highway safety. All available resources, including education and enforcement activities, will be utilized.

Part 1 Section 3 - MCSAP Structure Explanation

Instructions:

Answer the questions about your grant activities and briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant. Please do not include activities or expenses associated with any other FMCSA grant program.

Complete the check boxes below if they affirmatively apply to this CVSP:

☑ **Initiatives involving "rural roads" are specifically included in this CVSP.**

☑ **The State has voluntarily submitted an annual Training Plan to the National Training Center (NTC).**

FY 2022 Updates per BIL Funding
Additional FTE positions created/added within Troop S to include a Major, Captain & Lieutenants, MCSAP Data Research Analyst, and various administrative personnel.
Part Time Inspection Personnel activities may be either direct billed or MOE.

Troop S - Commercial Motor Vehicle Enforcement Division is comprised of the following full-time positions unless otherwise indicated: a Major, Captains, Lieutenants, uniformed personnel (State Troopers and Port of Entry law enforcement officers), civilian personnel which includes - Safety Investigators, Port of Entry (POE) CMV civilian inspectors, Administrative Hearing Officers, civilian administrative staff members, civilian program consultant, MCSAP Data Research Analyst, and Data Analyst staff member. The full-time personnel conduct driver/vehicle inspections, Compliance Investigations, New Entrant Safety Audits, training, outreach programs, and data quality assurances. The number of personnel assigned/employed in Troop S fluctuates throughout the year based on changes which include but not limited to: permanent or temporary assignments, promotions, retirements, and State Law requirements. Any vacant positions within the Troop are attempted to be filled as soon as practical and possible. Troop S also has numerous State Troopers assigned to the division on a part-time basis to help Troop S fulfill its mission.

Troop S personnel are committed to reducing collisions and fatalities involving large trucks and passenger carriers by providing CMV education, training, and enforcement. This dedication takes place through many activities involving Troop S funded through the MCSAP grant. First, Troop S full-time and part-time personnel are certified through Commercial Vehicle Safety Alliance (CVSA) in the North American Standard (NAS) roadside inspection conduct inspections of CMVs and their drivers. OHP uniformed personnel who are certified as roadside inspectors concentrate on mobile enforcement, while Troop S civilian Safety Investigators and uniform Port of Entry Officers (POE), who are certified inspectors, concentrate on fixed-site enforcement. Inspections, whether occurring at the roadside or fixed locations, enforce State law, including size and weight activity, and the FMCSRs. Second, all OHP uniformed personnel conduct mobile traffic enforcement of State laws on CMVs and non-CMVs. Third, Troop S has certified investigators who, along with their FMCSA partners, conduct Compliance Reviews / Investigations and New Entrant Safety Audits. Fourth, Troop S provides the public, CMV industry, and enforcement officers and/or agencies with education and training through awareness & outreach programs. Fifth, Troop S is responsible for CMV data collection and the accuracy of that information. Supervisor and office personnel review data collection to ensure it is complete, accurate, and on time. Any discrepancies discovered by Troop S are either corrected or sent back to the originating source for correction. Some discrepancies are discovered by motor carriers or their drivers. These discrepancies are brought to the attention of Troop S through the Data Q process. Once a Data Q is received, depending on the issue, it is reviewed. A determination is made if corrective action should or should not be taken as a result of that review.

Troop S inspection personnel attend all required Troop meetings, training for CMV enforcement, and inspection training updates and changes. Training occurs through classroom instruction, field training, webinars, and conference calls. Troop S is anticipating conducting several FMCSA classes during this performance period using MCSAP grant funds, NAS Part A and Part B, General Hazardous Materials, Hazardous Materials Cargo Tank, Other HM Bulk Packaging, and Passenger Vehicle Inspection. Troop S has several FMCSA National Training Center (NTC) certified instructors who instruct these courses. These certified NTC instructors not only teach within Oklahoma but also travel throughout the country, as assigned, teaching FMCSA courses to other agencies.

Troop S is active in CVSA activities, conferences, and training. CVSA is a non-profit association comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility, and reciprocity of CMV inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Troop S has personnel who serve on various CVSA committees. This allows Troop S to ensure they are current with inspection procedures, CVSA policies, FMCSA rules and regulations, and industry concerns. Oklahoma will support and participate in CVSA inspection activities such as International Road Check, Operation Airbrake/Brake Safety Week, Operation Safe Driver, and all other pertinent CVSA inspection activities. Troop S will also participate in various traffic enforcement-related events sponsored by the National Highway Traffic Safety Administration (NHTSA) and/or the Oklahoma Highway Safety Office.
Troop S is currently assessing civil penalties on out-of-service violations discovered during driver/vehicle inspections according to CVSA out-of-service criteria. Troop S is continuing its attempt to implement an intrastate motor carrier Compliance Reviews / Investigations during this performance period and will use civil penalties as an enforcement tool.

Part-Time Inspection Personnel
Troopers from various field Troops throughout the State who are certified as CMV inspectors are assigned to Troop S on a part-time basis. To be accepted into this program Troopers are required to meet and maintain the NAS inspection certification requirements. These part-time positions allow Troop S to provide additional enforcement personnel throughout the State. Troopers conduct inspections through random inspection of commercial motor vehicles or based on observed traffic enforcement violations. Part-time inspectors provide additional enforcement of seat belts, cell phone & texting, inattentive driving, and collision causation violations. This program serves to fulfill the OHP career path for those members who desire to become full-time CMV enforcement Troopers. Part-time Troopers are allowed to become certified in Hazardous Material and Cargo Tank inspections as classes are offered. DPS may seek reimbursement from FMCSA for their activity or use their eligible hours to meet our maintenance of effort (MOE).

The part-time inspection personnel is broken down into three categories: Turnpike Commercial Vehicle Traffic Enforcement Program (TCVTEP), Commercial Vehicle Traffic Enforcement Program (CVTEP), and Traffic Trooper Enforcement Program (TTEP). TCVTEP is a new program that began July 2021, currently with 4 PTE positions. Theses PTEs are assigned to an Oklahoma Turnpike, reporting to the the Turnpike chain-of-command, focusing on CMV enforcement but still have non-CMV traffic enforcement/response duties. The Turnpike systems in Oklahoma have a high CMV crash occurence and Troop S created this program to help reduce crashes involving CMVs on the Turnpike system. If this program is succesful, the PTE poisitons will be increased using Troopers already assigned to the Turnpike system. CVTEP is a program designed to supplement our FTEs, providing additional training opportunities and a career path into Troop S as an FTE in the future. CVTEP PTEs are assigned to a local Troop chain-of-command with non-CMV & CMV traffic enforcement/response duties but allowed to work CMVs enforcement during the course of the shift and, when personnel available, allowed to focus solely CMV enforcement during the shift. TTEP PTEs are assigned to a local Troop chain-of-command with non-CMV & CMV traffic enforcement/response duties. TTEP PTEs focus primarily on CMV driver behavior enforcement.

Port of Entry (POE)
Port of Entry (POE) inspectors are employed as DPS civilians or law enforcement officers conducting CMV inspections. POE inspectors are assigned to Troop S, reporting to a fixed site location conducting driver/vehicle inspections. All DPS POE inspectors are initially CVSA NAS Level 1 certified with General HM and HM Cargo tank certifications added as classes are available. DPS does not seek reimbursement from FMCSA for POE activity but uses all eligible costs necessary to operate the POE program to help meet our MOE and/or State match.

Criminal Interdiction
There are currently several Troopers (TTEP PTEs) who are assigned full-time to Troop SO - Special Operations / Criminal Interdiction. This troop is primarily responsible for conducting criminal and drug interdiction activities on Oklahoma highways. These Troop SO members are CVSA certified to conduct driver/vehicle inspections and work CMV interdiction as well as non-CMV interdiction. Troop SO assists Troop S whenever requested with canine detection dogs, detection and arrest of CMV drivers transporting illegal substances or illegal currency, and with follow-up investigations as needed.

Special Emphasis
Throughout the performance period, Troop S will conduct various special emphases to facilitate our goal of reducing collisions and fatalities involving large trucks and passenger carriers. Some special emphases are in conjunction with CVSA, NHTSA, or FMCSA projects to include, but are not limited to, Road Check, Positive Driver investigations, and Passenger Carrier initiatives. Troop S further establishes additional special emphasis projects that include, but are not limited to, Hazardous Materials transportation, Passenger Carrier transportation, drug interdiction, traffic enforcement

on CMVs and non-CMVs (with violations around CMVs), work zones, and high collision corridors. Troop S uses available data on CMV activity, incidents, or collisions to determine when and where these need to be worked.

Premium Pay
Throughout the performance period, Troop S will conduct various premium pay shifts to facilitate our goal of reducing collisions and fatalities involving large trucks and passenger carriers. The premium pay shifts focus on unsafe driving to include non-CMV enforcement when necessary, Hazardous Material transportation, and Passenger Vehicle transportation. Troop S will also conduct premium pay activities in high crash corridors, work zones, areas with a high traffic number of CMVs travel, or in conjunction with special emphasis to help promote the reduction of crashes involving large trucks and passenger carriers. Premium pay shifts allow Troop S to help reduce CMV-related crashes by increasing our manpower since these shifts allow Troop S troopers to work non-scheduled shifts, increasing our presence, and focusing on areas that need to be targeted.

ADVISEMENT:

McGirt v. Oklahoma, 591 U.S. _____ (2020) – Muscogee (Creek) Nation

Bosse v. State, 2021 OK CR 3 – Chickasaw Nation; Hogner v. State, 2021 OK CR 4 – Cherokee Nation; Sizemore v. State, 2021 OK CR 6 – Choctaw Nation; Grayson v. State, 2021 OK CR 8 – Seminole Nation

The United States Supreme Court McGirt ruling focused solely on criminal jurisdiction over a Native American tribal member who committed a crime within the boundaries of the Creek Nation reservation. The Supreme Court ruled the State did not have jurisdiction if the suspect or victim is a Native American and the crime occurred within the boundaries of the Creek Nation. The Major Crimes Act of 1885 allows only the Federal government or Tribal governments have criminal jurisdiction within tribal boundaries. The McGirt ruling, through the Oklahoma Court of Criminal Appeals, extended to four other tribes within Eastern Oklahoma to include the Chickasaw, Cherokee, Choctaw, and Seminole Nations. The McGirt ruling and subsequent Oklahoma Court of Criminal Appeals decisions have created a unique situation in Oklahoma with many unsettled or unforeseen consequences. Although these rulings focus on criminal jurisdiction, they could impact civil issues as well. At least one Federal Agency is using the ruling to extend their authority, removing Oklahoma’s authority, over mines in Eastern Oklahoma. As a result of this ruling expansion, the State of Oklahoma is currently suing the Federal Government. If the McGirt ruling is allowed to extend beyond criminal jurisdiction issues, this could play a role in Oklahoma's Commercial Motor Vehicle Safety Plan and crash reduction efforts.

The McGirt ruling does not abolish or alter the boundaries of the State of Oklahoma. The ruling does not alter the ability of the State to regulate non-Native Americans within tribal boundaries. The Oklahoma Highway Patrol has addressed the criminal jurisdiction issue through a special law enforcement commission for Troopers with the Bureau of Indian Affairs. Oklahoma may have several issues to address in the future depending on how the McGirt ruling is applied outside of criminal jusidiction. Some of those affected could be:

1- Taxation – if the ruling extends to taxation, the State could potentially lose $72.7 million per year with an additional $218.1 million immediate loss through refunds to tribal members. The loss in tax revenue would result in a reduced budget for all State agencies including the Department of Public Safety.

2- Enforcement / crash reduction efforts within the five tribal boundaries

3- Data Exchange of crash reports initiated by Federal or tribal law enforcement officers

4- Commercial Driver License issues

5- Tribes may enter into agreements to conduct North American Standard roadside inspections

6- The possibility of foreign commerce due to transportation in or out of sovereign tribal boundaries

This list is only a few concerns. It is unknown fully what the McGirt ruling, or any consequences of the ruling, will have on Oklahoma’s Commercial Vehicle Safety Plan. Oklahoma will advise FMCSA with any changes or challenges we discover.

Part 1 Section 4 - MCSAP Structure

Instructions:

Complete the following tables for the MCSAP lead agency, each subrecipient and non-funded agency conducting eligible CMV safety activities.

The tables below show the total number of personnel participating in MCSAP activities, including full time and part time personnel. This is the total number of non-duplicated individuals involved in all MCSAP activities within the CVSP. (The agency and subrecipient names entered in these tables will be used in the National Program Elements—Roadside Inspections area.)

The national program elements sub-categories represent the number of personnel involved in that specific area of enforcement. FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	OKLAHOMA DEPARTMENT OF PUBLIC SAFETY
Enter total number of personnel participating in MCSAP activities	121
National Program Elements	**Enter # personnel below**
Driver and Vehicle Inspections	58
Traffic Enforcement Activities	37
Investigations*	8
Public Education and Awareness	7
Data Collection and Reporting	11
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	
Enter total number of personnel participating in MCSAP activities	0
National Program Elements	**Enter # personnel below**
Driver and Vehicle Inspections	0
Traffic Enforcement Activities	0
Investigations*	0
Public Education and Awareness	0
Data Collection and Reporting	0
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	
Total # of MCSAP Participating Personnel:	

Part 2 - Crash Reduction and National Program Elements

Part 2 Section 1 - Overview

Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2022 - 2024 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.

***Note**: For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures. Such measures include roadside inspections, traffic enforcement activity, investigation/review activity, and data quality by quarter for the most recent five fiscal years using the Activity Dashboard on the A&I Online website. The Activity Dashboard is also a resource designed to assist the State with preparing their MCSAP-related quarterly reports and is located at: https://ai.fmcsa.dot.gov. A user id and password are required to access this system.*

In addition, States can utilize other data sources available on the A&I Online website as well as internal State data sources. It is important to reference the data source used in developing problem statements, baselines and performance goals/ objectives.

Part 2 Section 2 - CMV Crash Reduction

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing commercial motor vehicle (CMV) related crashes.

Trend Analysis for 2016 - 2020

***Instructions for all tables in this section**:*

Complete the tables below to document the State's past performance trend analysis over the past five measurement periods. All columns in the table must be completed.

- *Insert the beginning and ending dates of the five most recent State measurement periods used in the Measurement Period column. The measurement period can be calendar year, Federal fiscal year, State fiscal year, or any consistent 12-month period for available data.*
- *In the Fatalities column, enter the total number of fatalities resulting from crashes involving CMVs in the State during each measurement period.*
- *The Goal and Outcome columns relate to each other and allow the State to show its CVSP goal and the actual outcome for each measurement period. The goal and outcome must be expressed in the same format and measurement type (e.g., number, percentage, etc.).*
    - *In the Goal column, enter the goal from the corresponding CVSP for the measurement period.*
    - *In the Outcome column, enter the actual outcome for the measurement period based upon the goal that was set.*
- *Include the data source and capture date in the narrative box provided below the tables.*
- *If challenges were experienced while working toward the goals, provide a brief narrative including details of how the State adjusted the program and if the modifications were successful.*
- *The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable in Years 2 and 3.*

ALL CMV CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, or other). Other can include injury only or property damage crashes.

Goal measurement as defined by your State: Actual # Fatal Crashes

If you select 'Other' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2020	12/31/2020	97	114	97
01/01/2019	12/31/2019	113	116	113
01/01/2018	12/31/2018	126	118	126
01/01/2017	12/31/2017	128	107	128
01/01/2016	12/31/2016	120	107	120

MOTORCOACH/PASSENGER CARRIER CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Actual # Fatal Crashes

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2020	12/31/2020	1	0	1
01/01/2019	12/31/2019	2	0	2
01/01/2018	12/31/2018	3	0	3
01/01/2017	12/31/2017	6	0	6
01/01/2016	12/31/2016	1	0	1

Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

Hazardous material is anything that is listed in the hazardous materials table or that meets the definition of any of the hazard classes as specified by Federal law. The Secretary of Transportation has determined that hazardous materials are those materials capable of posing an unreasonable risk to health, safety, and property when transported in commerce. The term hazardous material includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and all other materials listed in the hazardous materials table.

For the purposes of the table below, HM crashes involve a release/spill of HM that is part of the manifested load. (This does not include fuel spilled from ruptured CMV fuel tanks as a result of the crash).

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g., large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Actual # Fatal Crashes

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2020	12/31/2020	2	3	2
01/01/2019	12/31/2019	1	3	1
01/01/2018	12/31/2018	1	3	1
01/01/2017	12/31/2017	2	8	2
01/01/2016	12/31/2016	4	8	4

Enter the data sources and capture dates of the data listed in each of the tables above.

Data Source: MCMIS data snapshot as of 05/28/2021 utilizing the eCVSP toolkit on 06/14/2021. HM crash data source obtained through A&I crash statistics, HM report, MCMIS data snapshot as of 06/25/2021 on 07/22/2021.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

Difficulties encountered regarding goals and outcomes:

1- Past CVSP goals were based on data from the Statewide Analysis for Engineering & Technology (SAFE-T) data collection program. SAFE-T is an Oklahoma Department of Transportation (ODOT) program specific to crashes investigated by all crash reporting agencies in Oklahoma to help ODOT determine highway engineering and/or design issues. One of the problems with using this program for the CVSP was the program was not created for this purpose. Another problem with this program was the timeliness of data entry. The crashes that were not created and submitted electronically were required be entered into the system by a data entry technician. Due to State budget cuts, data entry positions were eliminated causing delays and errors in reporting. These delays and errors required Oklahoma switched to the eCVSP toolbox that utilizes data from MCMIS as its data source to report outcomes. This switch has created an obstacle for Oklahoma. Oklahoma based previous CVSP goals on regulated CMV crashes. The MCMIS data is based on "large truck and bus" crashes that include all vehicles in excess of 10,000 lbs, regardless if it was a regulated CMV or not. This difference in data based reporting skews the goal / outcome results slightly. Oklahoma feels this is important to note to help explain why it appears at face value, previous goals were not met. This will be a continuous issue for the next 5 years in order for the mismatched goal/outcome data to fall off.

2- Past data used in CVSP goals and reporting showed discrepancies. An example of this is past data using SAFE-T information indicated 4,737 crashes and 92 fatal crashes in 2015. According to the data from the eCVSP toolbox, in CY 2015 there were 3,362 crashes and 99 fatal crashes involving "large truck and bus". Oklahoma is unable to determine why there is such a discrepancy in reporting numbers.

In order to overcome these two obstacles, Oklahoma will utilize the data and information contained in the eCVSP tool to set goals and report outcomes starting in FFY 2018 and beyond. This will help both Oklahoma and FMCSA since both entities have access to the same data collection information. It should be noted, the Oklahoma Highway Safety Office (OHSO), along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is antipcipated to be available to all Oklahoma law enforcement agencies. The new system will help with crash data descrepancies and provide better crash analysis for Oklahoma. The transition will occur during the FFY 2022 through FFY 2024 period.

Narrative Overview for FY 2022 - 2024

Instructions*:*

The State must include a reasonable crash reduction goal for their State that supports FMCSA's mission to reduce the national number of crashes, injuries and fatalities involving commercial motor vehicles. The State has flexibility in setting its goal and it can be based on raw numbers (e.g., total number of fatalities or CMV crashes), based on a rate (e.g., fatalities per 100 million VMT), etc.

Problem Statement Narrative: Describe the identified problem, include baseline data and identify the measurement method.

In FFY 2019, Oklahoma began a reduction goal of 2% per year. The goal for the FFY 2022-2024 eCVSP will continue with the 2% per year reduction in large truck and bus crashes. The baseline utilized will be CY 2019 collision data. CY 2020, while more current, will not be used due to COVID-19 anomalies that occurred during this period.

One of the major obstacles that we are facing, and will continue to face, throughout this multi-year period is the number of Oklahoma Highway Patrol Troopers. State budget cuts and the inability to replace Troopers lost to attrition have created a strain on the department's ability to devote the appropriate amount of Troopers to Troop S and field traffic Troops. While the overall number of Troopers is down, our mission to reduce all collisions will not change.

Except for Oklahoma and Tulsa Counties, Oklahoma is comprised of rural roads, by FMCSA definition. A strong emphasis will be placed on decreasing the number of CMV fatality and injury collisions through roadside enforcement targeting causation factors. The most recent collision data from MCMIS shows collisions and fatalities involving large trucks and buses increasing from CY 2016 to CY 2018, then decreasing in CY 2019 and CY 2020. A couple of the reasons for this increase is collisions occurring in and around work zones, which have increased, and the driving behavior of non-CMV drivers around CMVs. Oklahoma's data shows violations around CMVs by non-CMVs play a significant role in CMV-involved collisions.

The Oklahoma Highway Patrol is responsible for investigating collisions on all interstate and defense highways, turnpikes, and on all highways (roadways) outside of incorporated municipalities. The Oklahoma Highway Patrol uses PARIS, a computerized collision report form, to report collisions they investigate. Several other agencies within Oklahoma use PARIS. All OHP PARIS information is available to Troop S for analysis. The availability of this information allows Troop S to have a better picture of collisions within Oklahoma, identifying high collision corridors quicker. It should be noted OHSO, along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is antipcipated to be available to all Oklahoma law enforcement agencies. The system will be able to provide realtime, or near realtime access to crash data. This will allow Troop S to determine high crash corridors. The transition will occur during the FFY 2022 through FFY 2024 period.

PARIS data, or any other crash investigation program, will be monitored and analyzed by Troop S to develop strategic enforcement and education plans. Enforcement and education will focus on high collision corridors, work zones, and No Zones (the area around CMVs where violations by non-CMVs occur).

Enter the data source and capture date:
Data Source: MCMIS data snapshot as of 05/28/2021 utilizing the eCVSP toolkit on 06/14/2021.

Projected Goal for FY 2022 - 2024:

In the table below, state the crash reduction goal for each of the three fiscal years. The method of measurement should be consistent from year to year. For example, if the overall crash reduction goal for the three year period is 12 percent, then each annual goal could be shown as 4 percent.

Fiscal Year	Annual Crash Reduction Goals
2022	2
2023	2
2024	2

Troop S is setting a multi-year goal of reducing collisions involving large trucks and passenger carriers by 2% each calendar year with an overall reduction of 6% at the end of FFY 2024. Collision numbers from CY 2019 will be the baseline for this goal. During CY 2019 Oklahoma had 3,735 collisions and 113 fatal collisions involving large trucks and passenger carriers. Our goal is to reduce collisions involving large trucks and passenger carriers by 75 collisions each year with a total reduction of 224 collisions at the end of FFY 2024 and reduce fatal crashes by 2 each year with a total reduction of 6 fatal collisions at the end of FFY 2024. Oklahoma recognizes work zone collisions play a significant role in these collisions. Due to existing and future road construction projects throughout Oklahoma, Troop S will continue to strive towards our goal by addressing, unsafe CMVs and driver behaviors across the State with an emphasis on work zones.

Program Activities for FY 2022 - 2024: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.

FY 2022 Updates per BIL funding
on basic CMV traffic enforcement stops and carrier identification for crash reports.

Training Troopers
Hiring a MCSAP Data Research Analyst

Troop S has the majority of its uniformed personnel assigned to conduct roadside inspections (mobile enforcement). Troopers assigned to this function are evaluated annually and provided with a minimum number of inspections required throughout the calendar year. Roadside inspection Troopers are required to conduct mobile enforcement roadside inspections and may also work fixed-site facilities. Roadside inspection Trooper's performance criteria allow the inspection to focus on quality over quantity. Roadside inspection Troopers are encouraged to conduct Level 1 and Level 2 inspections to help in the reduction of collisions by finding unsafe CMVs, non-compliant drivers, and/or non-compliant motor carriers. With the collision reduction goal in mind, Troop S strives to obtain a 35% out-of-service inspection rate. Level 3 inspections are encouraged for driver behavior or traffic enforcement issues to be observed.

Part-time Troopers conduct mobile enforcement activities focusing on driver behavior and traffic enforcement issues. Troopers assigned to these programs conduct inspections of Levels 1, 2, and 3 based on their certification level obtained and maintained. Troop S has activity requirements for each of the respective programs. These programs help to ensure Troop S attains its collision reduction goals. Oklahoma recogized a high CMV crash occurance on our Turnpike systems, mainly consisting of Interstate Highways, due to a high level CMV traffic. In an attempt to help reduce CMV crashes, beginning in July 2021, the OHP created the TCVTEP, a part-time position within Troop S. TCVTEP currently has 4 PTEs assigned to the Turnpike system, in addition to the 3 Troop S FTEs assigned to the Turnpike system. TCVTEP PTEs are assigned to the Turnpike chain-of-command, focusing on CMV enforcement but still have non-CMV traffic enforcement/response duties. If this program is successful, additional PTEs will be added.

Troop S personnel also conduct driver/vehicle inspections at fixed locations throughout the State. Troopers, from time to time, may work the fixed sites throughout the State but primarily conduct mobile enforcement. Troop S civilian New Entrant Safety Investigators are required to maintain CVSA NAS Level 1 (32) and HM Cargo Tank (8) certifications. Certification inspections performed by civilian Safety Investigators unless in conjunction with a safety investigation, are performed at fixed site locations. Troop S POE inspectors are assigned to a fixed site and do not conduct mobile enforcement activities. They are also required to maintain any additional certifications they may have such as General HM or HM Cargo Tank.

Oklahoma will train all Troopers who are non-certified inspectors on CMV traffic enforcement stops and carrier identification for crash reports. The non-certified Troopers will be required, through their annual performance evaluations, to stop a certain number of CMVs per year based on observed CMV moving violations as part of Oklahoma's effort to prioritize CMV traffic enforcement activities thus reducing CMV related crashes.

Oklahoma will hire a MCSAP Data Research Analyst to aid Troop S with crash statistics, coming up with creative ways to measure human trafficking activities and creating useful tools for Troop S leadership to deploy resources in the most effective and efficient ways. This position will work closely with the staff writing the CVSP and quarterly reports when reporting on outcomes of enforcement activities.

In FFY 2021, Troop S developed the "Troop S Strategic Enforcement Plan" (TSSEP) due to Oklahoma being in the Top 10 States for CMV-involved work zone crashes. The goals of TSSEP are to reduce the number of CMV-involved crashes in or near work zones

through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. Troop S will continue to utilize the TSSEP from FFY 2022 through FFY 2024 to reduce crashes. The complete TSSEP is attached to this eCVSP for review.

Troop S will review the collision statistics and patterns using PARIS, or any other crash investigation program, and any other available data every quarter for potential deployment options. The other data sources include, but not limited to, monthly crash stat analysis reports from OHSO, current ODOT active work zone maps, and ODOT projected work zone maps. Troop S will offer premium pay shifts each month with a specific enforcement focus to target risk factors, crash corridors, non-CMV drivers, and more.

Performance Measurements and Monitoring: The State will monitor the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the performance measures and reporting results in the required Standard Form - Performance Progress Reports (SF-PPRs).

Describe how the State will conduct ongoing monitoring of progress in addition to quarterly reporting.
Performance Progress Reports (PPR) will be completed and submitted to FMCSA quarterly.
The PPR will contain:
Quarterly collision data found in the eCVSP toolbox to help monitor the collision reduction goal progression
Quarterly roadside inspection data found in the eCVSP toolbox to monitor inspection activities.
Quarterly PARIS data, or the appropriate data source, to track traffic enforcement activities to include both citations and/or warnings issued to either CMV or non-CMV drivers.
All other quarterly MCSAP activities helping Oklahoma to meet their goals for reducing crashes involving large tucks and passenger carriers.

Part 2 Section 3 - Roadside Inspections

In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2022 - 2024. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

***Note**: In completing this section, do NOT include border enforcement inspections. Border Enforcement activities will be captured in a separate section if applicable.*

Trend Analysis for 2016 - 2020

Inspection Types	2016	2017	2018	2019	2020
Level 1: Full	6467	6622	10390	10584	8732
Level 2: Walk-Around	14970	16312	18888	18967	13520
Level 3: Driver-Only	4043	4248	5466	5729	4990
Level 4: Special Inspections	55	119	172	181	154
Level 5: Vehicle-Only	116	90	83	102	68
Level 6: Radioactive Materials	0	1	0	0	0
Total	**25651**	**27392**	**34999**	**35563**	**27464**

Narrative Overview for FY 2022 - 2024

***Overview**:*

Describe components of the State's general Roadside and Fixed-Facility Inspection Program. Include the day-to-day routine for inspections and explain resource allocation decisions (i.e., number of FTE, where inspectors are working and why).

Enter a narrative of the State's overall inspection program, including a description of how the State will monitor its program to ensure effectiveness and consistency.

FY 2022 Updates per BIL funding

Troop S is adding additional FTE personnel in FFY 2022 including a Major devoted to the MCSAP Program, another Captain who will serve as Troop Executive Officer, and additional Lieutenants. Troop S will continue to request additional FTEs and PTEs inspectors (Troopers) to help fill vacancies and increase MCSAP program activities. Troop S is also going to hire additional FTE POE Officers to fill vacancies.

Troop S is purchasing a portable Performance-Based Brake Testing system. This system will be utilized during special emphasis, the Ports of Entry, and other various locations throughout Oklahoma.

Troop S maintains a strong statewide CMV driver/vehicle inspection program to keep unsafe CMVs and CMV drivers off of Oklahoma roadways. Oklahoma's traffic enforcement includes an aggressive inspection program incorporated into the main MCSAP effort, focusing on traffic enforcement and CMV driver behavior. This focus also extends to non-CMV driver behavior when around CMVs. Troop S utilizes Level 1 and Level 2 inspections as the top priority and Level 3 inspections utilized when appropriate. As of 06/14/2021, according to MCMIS year-to-date FFY 2021 data (last updated 05/28/2021), Troop S has conducted 19,713 roadside inspections with a goal of 27,967 inspections. This number is down from where we wanted to be due to the reduction in personnel and COVID-19 restrictions.

During FFY 2016, Troop S leadership changed the focus from conducting Level 3 inspections to conducting more Level 1 or Level 2 inspections. This has not changed our view of the importance of traffic enforcement but focusing on CMV violations and CMV driving behaviors. This decision was a result of auditing our inspections and finding that many Level 3 inspections had no violations discovered. This raised a concern that too much emphasis was placed on the number of inspections and not causation or equipment violations. Troop S altered our priority to focus on quality inspections instead of quantity.

Troop S's goal is to increase the total number of inspections initiated by a traffic enforcement stop, helping to change driver behavior and thereby reducing the number of large truck and passenger carrier involved collisions statewide. Troop S believes this approach is within the spirit of the Level 3 percentage requirement. In FFY 2019, Troop S conducted 35,563 driver / vehicle inspections with 8,866 inspections based on traffic enforcement. This equals 24.9% of all inspection levels. In FFY 2020, Troop S conducted 27,464 roadside inspections with 5,507 based on traffic enforcement. This equals 20% of all inspection levels being traffic enforcement inspections. Troop S believes the reduction in percentages from previous years is due to COVID-19 exemptions and safety precautions taken.

All inspection personnel work to ultimately satisfy the Oklahoma and national goal of reducing collisions and fatal collisions involving large truck and passenger carriers. Troop S roadside inspector FTEs typically select CMVs for roadside inspections based on observation and technology. Visual observations of traffic violations, equipment

violations, and the use of radar or lidar play a primary role in inspection selection. FTEs also utilize carrier safety data obtained through mobile computer systems for inspection selection when the opportunity allows. In some instance, although not preferred, roadside inspections may be conducted based on random selection. The level of inspection conducted is based on the primary reason for inspection selection, carrier/driver safety history, and the location.

Troop S personnel and/or assignments are located throughout Oklahoma to address large truck and passenger carrier collisions. Troop S divides Oklahoma into five geographical sectors to ensure proper coverage of the state which includes both full-time and part-time personnel. The sectors and number of personnel currently assigned are as follows:

ROADSIDE INSPECTION PROGRAM*

Northeast- 1 Lieutenant with 12 FTE inspectors (Troopers)

Northwest- 1 Lieutenant with 11 FTE inspectors (Troopers)

Southwest- 1 Lieutenant with 10 FTE inspectors (Troopers)

Southeast- 1 Lieutenant with 11 FTE inspectors (Troopers)

Port of Entry (POE) - 1 OHP Lieutenant with 2 FTE POE Superviors and 12 FTE inspectors (non-Trooper LEOs and civilians).

Turnpike Commercial Vehicle Traffic Enforcement Program (TCVTEP), Commercial Vehicle Traffic Enforcement Program (CVTEP), Traffic Trooper Enforcement Program (TTEP) - 37 FTE inspectors (Troopers) supervised by Training Lieutenant

*The FTE positions fluctuate throughout the grant period based on transfers in and out of Troop S, retirements, and promotions.

Full-time inspectors are assigned to a sector in which they reside but are allowed to travel to other areas that require attention. Part-time inspectors are limited to the county and/or Troop they are assigned unless on a special emphasis such as Road Check. All inspectors, except for those assigned to a fixed site, conduct mobile enforcement and perform both inspection and traffic enforcement activities.

New Entrant Safety Audit Program

1 New Entrant Program Manager, 4 civilian Safety Auditors, and 1 Trooper.

Compliance Review / Investigation Program

2 Troopers supervised by Troop S Captain

All personnel involved in the New Entrant Program and Compliance Investigation Program are FTEs and required to maintain driver/vehicle inspection certifications. The Troopers perform mobile enforcement inspections and traffic enforcement activities when not involved with their primary audit or investigation duties. The civilian auditors conduct their required certification inspections at fixed-site facilities since they do not have the authority to conduct law enforcement or mobile enforcement activities.

All other MCSAP Program activities

1 Captain serving as MCSAP Coordinator

1 Lieutenant serving as Training Officer

Troop S is working with OHP Command Staff and will add a FTE Major, an additional Captain, and additional Lieutenants. The Major will serve as the MCSAP Coordinator with the current Captain serving as the Troop Commander and the additional Captain serving as the Troop Executive Officer. The additional Lieutenant FTEs will help ease the current span and control of the FTE Troopers in the Troop.

All personnel certified in driver/vehicle inspections, including those in the New Entrant and Compliance Review / Investigation Programs, participate in conducting education and outreach when needed. The number of personnel assigned to the MCSAP Program, either full-time or part-time, will fluctuate based on inspection certification training classes, inspectors maintaining their certification credentials, and/or transfers.

Performance-Based Brake Test system

Troop S is considering purchasing a portable Performance-Based Brake Testing system using FY 2022 BIL funding. This system will be used during special emphasis, the Ports of Entry locations, and various locations throughout the performance period. The system will help reduce CMV crashes by identifying CMV braking systems that are not working correctly and remove the CMV from service.

KAPSCH Trailer

In partnership with the Oklahoma Department of Transportation (ODOT), ODOT has purchased 1 KAPSCH enforcement trailer with plans for additional trailers in the future. The KAPSCH enforcement trailer is a self-contained trailer equipped with a generator for power, data collection technology that includes a license plate reader & USDOT reader cameras and can connect to traffic counters

& weigh-in-motion sensors already installed on the highway system. The trailer can operate and collect data without a person physically present. The data gathered and analyzed helps determine when CMV traffic increases and the date, times, and frequency of motor carriers operating with high safety scores. This data will assist Troop S with the ability to deploy saturation enforcement to reduce crashes. The trailer can transmit data to Troopers using the trailer as an electronic screening inspection selection method. Troop S currently has several Troopers trained in deploying the trailer.

President Biden's Executive Order 13985 Advancing Racial Equility and Support for Underserved Communities.

Troop S has adopted and abides by CVSA Operational Policy 13 - Selecting Vehicles for Inspection. Troop S is currently working on a written Troop Policy to incorporate Ops Policy 13 and Title VI requirements in one point of reference for all inspectors when selecting vehicles for inspeciton to ensure equitable and unbiased inspections and enforcement. The Troop S written policy will be submitted with the Title VI assessment. It should be noted that during FFY 2021, all Troopers and POE inspectors were required to attend Racial Intelligence Training & Engagement (RITE) training. This course is a nationally recognized course on racial equility, bias free communities, and promoting zero-tolerance for unprofessional behavior.

Rural Opportunities to Use Transportation for Economic Success (ROUTES) inititive.

With the exception of Oklahoma and Tulsa Counties, the majority of Oklahoma is comprised of rual roads, by FMCSA definition. Troop S supports this initiative through partnerships with stakeholders including the Oklahoma Department of Transportation (ODOT), and County Commissioners. Troop S is in constant communication with ODOT officials to help identify, analyze data, and track transportation & infrastructure issues.

Enforcement of Out of Service Orders

Troop S utilizes the InSpect inspection reporting system (third party vendor) which has drastically improved our ability to catch and enforce motor carriers that are operating under a Federal Out of Service order. Prior to purchasing InSpect, our OOS catch rate was below 85% and since Troop S has moved to the InSpect our catch rate is 100%. The benefit of this system is it checks the carrier's profile in real time, giving the inspetor up to date information regarding the carriers status and provides pertinent safety data through CVIEW.

Enforcement of Drug and Alcohol Cleainghouse

Troop S requires all inspectors to check each driver through CDLIS during the inspection. Troop S utilizes the InSpect inspection reporting system (third party vendor) which allows the inspector to check CDLIS through the InSpect system and import CDLIS data into the inspection. The InSpect program saves the information imported from CDLIS allowing supervisors to verify, if needed, CDLIS is being checked during the inspection. Troop S discovered an issue with InSpect not importing CDLIS information regarding "prohibited" drivers. Iteris, vendor responsible for the InSpect program was conducted and made aware of the issue. Representatives from Iteris informed Troop S they have located the importing issue and plan on releasing an update to the InSpect program on August 30,2021. Until this issue is fixed, Troop S is requiring inspectors to use the CDLIS website fto determine prohbited driving status.

Human Trafficking

Troop S is partnered with Truckers Against Trafficking (TAT) to provide human trafficking detection, response, and enforcement training to all CMV inspectors. After initially training our inspectors, training was provided to OHP communications staff as well as OHP Troopers in the field. Training will continue throughout this performance period as needed. Troop S also provides inspectors with educational materials to distribute to CMV drivers and the general public to bring awareness to this issue. TAT also sends regular emails to each person who has attended TAT training, providing updates to trends and additional training opportunities they offer.

Electronic Logging Devices (ELD)

All inspectors are required to verify ELDs, when applicable, through the use of the eRODS program. All inspectors are provided with the eRODS program and have been properly trained in the use of eRODS and ELD requirements. The preferred telemetrics method is transfer utilizing webservices. The "local" tranfer method is utilized is Bluetooth.

Projected Goals for FY 2022 - 2024

***Instructions for Projected Goals**:*

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Years 2022 - 2024. For FY 2022, there are separate tabs for the Lead Agency, Subrecipient Agencies, and Non-Funded Agencies—enter inspection goals by agency type. Enter the requested information on the first three tabs (as applicable). The Summary table totals are calculated by the eCVSP system.

To modify the names of the Lead or Subrecipient agencies, or the number of Subrecipient or Non-Funded Agencies, visit Part 1, MCSAP Structure.

***Note**:Per the MCSAP Comprehensive Policy, States are strongly encouraged to conduct at least 25 percent Level 1 inspections and 33 percent Level 3 inspections of the total inspections conducted. If the State opts to do less than these minimums, provide an explanation in space provided on the Summary tab.*

MCSAP Lead Agency

Lead Agency is: OKLAHOMA DEPARTMENT OF PUBLIC SAFETY

Enter the total number of certified personnel in the Lead agency: 110

Projected Goals for FY 2022 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	9000	400	0	9400	34.23%
Level 2: Walk-Around	12000	1000	0	13000	47.34%
Level 3: Driver-Only	5000	0	0	5000	18.21%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	60	60	0.22%
Level 6: Radioactive Materials	0	2	0	2	0.01%
Sub-Total Lead Agency	**26000**	**1402**	**60**	**27462**	

MCSAP subrecipient agency

Complete the following information for each MCSAP subrecipient agency. A separate table must be created for each subrecipient.

Subrecipient is:

Enter the total number of certified personnel in this funded agency: 0

Projected Goals for FY 2022 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full				0	%
Level 2: Walk-Around				0	%
Level 3: Driver-Only				0	%
Level 4: Special Inspections				0	%
Level 5: Vehicle-Only				0	%
Level 6: Radioactive Materials				0	%
Sub-Total Funded Agencies	**0**	**0**	**0**	**0**	

Non-Funded Agencies

Total number of agencies:	
Enter the total number of non-funded certified officers:	0
Enter the total number of inspections projected for FY 2022:	

Summary

Projected Goals for FY 2022 - Roadside Inspections Summary

Projected Goals for FY 2022 Summary for All Agencies					
MCSAP Lead Agency: OKLAHOMA DEPARTMENT OF PUBLIC SAFETY # certified personnel: 110					
Subrecipient Agencies: # certified personnel: 0					
Number of Non-Funded Agencies: # certified personnel: 0 # projected inspections:					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	9000	400	0	9400	34.23%
Level 2: Walk-Around	12000	1000	0	13000	47.34%
Level 3: Driver-Only	5000	0	0	5000	18.21%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	60	60	0.22%
Level 6: Radioactive Materials	0	2	0	2	0.01%
Total MCSAP Lead Agency & Subrecipients	**26000**	**1402**	**60**	**27462**	

Note:If the minimum numbers for Level 1 and Level 3 inspections are less than described in the MCSAP Comprehensive Policy, briefly explain why the minimum(s) will not be met.

Troop S's goal is to increase the total number of inspections initiated by traffic enforcement stops, helping to change driver behavior and reducing the number of large truck and passenger carrier-involved collisions statewide. Troop S allows all Levels of inspections but focus on Level 1 and Level 2 inspections. The focus is to ensure driver behavior & qualifications are consistent with State Law & FMCSRs, as well as verifying CMV equipment is safe to operate on public roadways. Troop S believes this approach is within the spirit of the MCSAP Comprehensive Policy Level 3 percentage encouragement. In FFY 2020, Troop S conducted 27,464 driver / vehicle inspections with 5,507 inspections based on traffic enforcement. This equals 20% of all inspection levels. In FFY 2021, as of 06/25/2021, Troop S has conducted 22,316 driver/vehicle inspections with 73,796 based on traffic enforcement. This equals 17% of all inspection levels. While Level 3 inspections, 20% for FFY 2020 and 17% for FFY 2021 so far, are below Policy encouragements, Troop S is still targeting driver behavior issues. Troop S encourages inspectors to perform Level 3 inspections when appropriate. There are other issues that play a role in the lower Level 3 percentage. Approximately one-third of our FTE roadside inspectors are assigned to a fixed site POE. The electronic screening technology at Oklahoma POEs assists in flagging CMVs for inspections, usually indicating some other issue besides driver behavior or qualification. A Level 3 inspection may not be appropriate based on the electronic screening flag. COVID-19 restrictions and health concerns did, and to some extent still do, play a role in roadside inspections. Level 3 inspections are utilized in everyday MCSAP activities, premium pay activities, and special emphasis.

Note: The table below is created in Year 1. It cannot be edited in Years 2 or 3 and should be used only as a reference when updating your plan in Years 2 and 3.

Projected Goals for FY 2023 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	27500	0	0	27500
Enter total number of certified personnel	110	0	0	110
Projected Goals for FY 2024 Roadside Inspections				
Enter total number of projected inspections	27500	0	0	27500
Enter total number of certified personnel	110	0	0	110

Part 2 Section 4 - Investigations

Describe the State's implementation of FMCSA's interventions model for interstate carriers. Also describe any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort. Data provided in this section should reflect interstate and intrastate investigation activities for each year. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

☐ **The State does not conduct investigations. If this box is checked, the tables and narrative are not required to be completed and won't be displayed.**

Trend Analysis for 2016 - 2020

Investigative Types - Interstate	2016	2017	2018	2019	2020
Compliance Investigations	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	2	0	0	0	0
CSA Off-Site	0	0	0	3	11
CSA On-Site Focused/Focused CR	29	38	25	9	18
CSA On-Site Comprehensive	19	28	41	16	12
Total Investigations	**50**	**66**	**66**	**28**	**41**
Total Security Contact Reviews	1	0	0	0	1
Total Terminal Investigations	1	2	3	3	7

Investigative Types - Intrastate	2016	2017	2018	2019	2020
Compliance Investigations					
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)	1				
CSA Off-Site					
CSA On-Site Focused/Focused CR	1	3	6	1	
CSA On-Site Comprehensive		1		6	5
Total Investigations	**2**	**4**	**6**	**7**	**5**
Total Security Contact Reviews					
Total Terminal Investigations		5		2	

Narrative Overview for FY 2022 - 2024

Instructions:

Describe the State's implementation of FMCSA's interventions model to the maximum extent possible for interstate carriers and any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort.

Projected Goals for FY 2022 - 2024

Complete the table below indicating the number of investigations that the State anticipates conducting during FY 2022 - 2024.

Projected Goals for FY 2022 - 2024 - Investigations						
	FY 2022		FY 2023		FY 2024	
Investigation Type	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
Compliance Investigations	0	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	0	0	0	0	0
CSA Off-Site	0	0	0	0	0	0
CSA On-Site Focused/Focused CR	24	0	24	0	24	0
CSA On-Site Comprehensive	16	2	16	2	16	2
Total Investigations	**40**	**2**	**40**	**2**	**40**	**2**
Total Security Contact Reviews	0	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0	0

Add additional information as necessary to describe the carrier investigation estimates.
Currently, Oklahoma has 2 Troopers, dedicated FTEs, conducting Compliance Investigations. 1 Trooper in this Program also serves as the Troop HM specialist. FTEs are also Activities may vary each FFY due to FTE numbers fluctuating within the Compliance Investigation Program.

Program Activities: Describe components of the State's carrier investigation activities. Include the number of personnel participating in this activity.

Troop S will conduct compliance investigations on interstate carriers assigned by FMCSA and intrastate carriers assigned by Troop S per FMCSA assignment policy and guidelines. Compliance Investigations will include non-HM carriers, HM carriers, and passenger carriers. The Compliance Investigation program currently has 2 Troopers conducting Compliance Investigations. One of the FTE Troopers assigned to conduct Compliance Investigations is also the Troop Hazardous Material Safety Specialist, in addition to being Level 1 and HM certified, is Level VI HM certified, and a Hazardous Material Instructor. All FTEs assigned to conduct carrier investigations are certified Troopers/law enforcement officers. This requires them to maintain law enforcement certification by attending required law enforcement training, any FMCSA required training, vacations, or any other unforeseen instances that occur throughout the year. The FTEs, being State Troopers, require they work law enforcement activities in addition to the conducting Compliance Investigations reducing the number of investigations they can do when compared to FMCSA's SIs. These activities included assigned to an on-call rotation and non-MCSAP related activities such as responding to criminal and civil emergencies.

When assigned by FMCSA or Troop S, Compliance Investigations will be conducted on carriers involved in fatality collisions in which the CMV driver/motor carrier is determined to be culpable or where any of the seven CSA Behavioral Analysis and Safety Improvement Categories (BASICs) were contributing factors: Unsafe Driving, Fatigued Driving (Hours-of-Service), Driver Fitness, Crash History, Vehicle Maintenance, Improper Loading/Cargo Securement, and Controlled Substances/Alcohol. Compliance Investigations will be conducted on carriers as a result of non-frivolous complaints made against them and per FMCSA or Troop S policy. Compliance Investigators are also cross-trained in New Entrant Safety Audits and, on occasion, conduct Safety Audits if needed, based on logistics or assistance with carrier's coming to there due date.

Troop S is still facing difficulty in fully implementing an intrastate Compliance Investigation program. Troop S is continuing to work on getting the program fully functional with the anticipation to conduct several intrastate Compliance Investigations in FFY 2022 through FFY 2024.

All Compliance Investigators attend quarterly meetings with our FMCSA partners at various locations throughout Oklahoma. These quarterly meetings are paramount to the success of our program. During the quarterly meetings, Compliance Investigators discuss any changes to the FMCSRs, new FMCSA memorandums or regulation guidance, ensure the most current versions of computer programs are being utilized, and any other issues related to the program that may arise throughout the quarter. These meetings help ensure the integrity of the Compliance Investigations conducted by Troop S is consistent with the expectations of the Oklahoma FMCSA Division office and FMCSAs Southern Service Center.

Performance Measurements and Monitoring: Describe all measures the State will use to monitor progress toward the annual goals. Further, describe how the State measures qualitative components of its carrier investigation program, as well as outputs.

Activities will be measured by the number of investigations conducted. The target goal is 40 Interstate and 2 Intrastate Compliance Investigations each year. This number is based on the extra time dedicated to properly conduct Compliance Investigations, Record Consolidation Orders, Voluntary Record Consolidations, and when necessary, Enforcement Cases. These activities are tracked through MCMIS and will be reported quarterly to FMCSA.

Part 2 Section 5 - Traffic Enforcement

Traffic enforcement means documented enforcement activities of State or local officials. This includes the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, and improper lane changes). The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

Trend Analysis for 2016 - 2020

***Instructions**:*

Please refer to the MCSAP Comprehensive Policy for an explanation of FMCSA's traffic enforcement guidance. Complete the tables below to document the State's safety performance goals and outcomes over the past five measurement periods.

1. *Insert the beginning and end dates of the measurement period being used, (e.g., calendar year, Federal fiscal year, State fiscal year or any consistent 12-month period for which data is available).*
2. *Insert the total number CMV traffic enforcement stops with an inspection, CMV traffic enforcement stops without an inspection, and non-CMV stops in the tables below.*
3. *Insert the total number of written warnings and citations issued during the measurement period. The number of warnings and citations are combined in the last column.*

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops with an Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
10/01/2019	09/30/2020	5507	6214
10/01/2018	09/30/2019	8866	10041
10/01/2017	09/30/2018	10083	11426
10/01/2016	09/30/2017	7393	8334
10/01/2015	09/30/2016	7161	7552

☐ ***The State does not conduct CMV traffic enforcement stops without an inspection. If this box is checked, the "CMV Traffic Enforcement Stops without an Inspection" table is not required to be completed and won't be displayed.***

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops without Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
10/01/2019	09/30/2020	9736	9736
10/01/2018	09/30/2019	12530	12530
10/01/2017	09/30/2018	12506	12506
10/01/2016	09/30/2017	11759	11759
10/01/2015	09/30/2016	12205	12205

☐ ***The State does not conduct documented non-CMV traffic enforcement stops and was not reimbursed by the MCSAP grant (or used for State Share or MOE). If this box is checked, the "Non-CMV Traffic Enforcement Stops" table is not required to be completed and won't be displayed.***

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented Non-CMV Traffic Enforcement Stops	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2019	12/31/2020	419908	419908
01/01/2018	12/31/2019	544253	544253
01/01/2017	12/31/2018	553034	553034
01/01/2016	12/31/2017	599270	599270
01/01/2015	12/31/2016	190206	190206

Enter the source and capture date of the data listed in the tables above.
The data provided is NOT complete and accurate data based on the systems used to capture all data. At the end of 2015 and beginning of 2016, OHP began a gradual implementation of PARIS, an electronic citation, warning, and crash reporting program. This information is able to provide all citations and warnings issued to both CMVs and non-CMVs. During the transition to this system and prior to full implementation, only citation data was able to be determined. Written warnings were not entered into any data collection system and cannot be provided without a lengthy process of hand searching and counting.

Narrative Overview for FY 2022 - 2024

Instructions:

Describe the State's proposed level of effort (number of personnel) to implement a statewide CMV (in conjunction with and without an inspection) and/or non-CMV traffic enforcement program. If the State conducts CMV and/or non-CMV traffic enforcement activities only in support of the overall crash reduction goal, describe how the State allocates traffic enforcement resources. Please include number of officers, times of day and days of the week, specific corridors or general activity zones, etc. Traffic enforcement activities should include officers who are not assigned to a dedicated commercial vehicle enforcement unit, but who conduct eligible commercial vehicle/driver enforcement activities. If the State conducts non-CMV traffic enforcement activities, the State must conduct these activities in accordance with the MCSAP Comprehensive Policy.

FY 2022 Updates per BIL funding include training Troopers who are non-certified CMV inspectors on basic CMV traffic enforcement stops and carrier identification for crash reports. Non-certified Troopers will be required through their annual performance evaluations to stop a certain number of CMVs per year based on observed CMV moving violations as part of Oklahoma's effort to prioritize CMV traffic activites thus reducing CMV related crashes.

Troop S focuses on CMV traffic enforcement and inspections in order to reduce collisions involving large trucks and passenger carriers. Our MCSAP activities include our FTE and PTE Troopers, focusing on enforcement of CMV driver behavior and non-CMV traffic violations. In order to maintain an aggressive traffic enforcement program, all Troopers are always on the lookout for CMV and non-CMV committing traffic violations and taking appropriate action. As of 06/08/2022, the number of FTEs involved in MCSAP eligible traffic enforcement activities include all 54 Troopers asigned to Troop S, and approximately 37 Troopers assigned to Troop S on a part time basis. There are approximately 730 Troopers within Oklahoma who enforce both CMV and non-CMV traffic violations. Oklahoma will seek reimbursement for eligible and verified MCSAP activites of both certified FTEs, PTEs and non-certified FTEs when allowed.

The McGirt ruling has created an issue with Oklahoma Highway Patrol citation reporting. Any tribal member issued a traffic citation within the tribal boundaries of the five civilized tribes, must be handwritten. The PARIS system cannot be used since the electronic citation system was designed to transmit the citation directly to the county court clerks and not tribal courts. The Oklahoma Highway Patrol does not have a tracking mechanism in place for handwritten citations. The tracking system for handwritten citations utilized prior to PARIS is obsolete. The reporting numbers will not be accurate until a solution is found. We are anticipating the new electronic citation system replacing PARIS will have this ability. Until then the citation numbers will not be completely accurate.

Projected Goals for FY 2022 - 2024

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2022 - 2024. The projected goals are based on the number of traffic stops, not tickets or warnings issued. These goals are NOT intended to set a quota.

Note: If you answer "No" to "Non-CMV" traffic enforcement activities, the State does not need to meet the average number of 2014/2015 safety activities because no reimbursement will be requested. If you answer "No" and then click the SAVE button, the Planned Safety Activities table will no longer be displayed.

			Enter Projected Goals (Number of Stops only)		
Yes	**No**	**Traffic Enforcement Activities**	**FY 2022**	**FY 2023**	**FY 2024**
◉	○	CMV with Inspection	6000	6000	6000
◉	○	CMV without Inspection	10000	10000	10000
◉	○	Non-CMV	200	200	200
◉	○	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	300	300	300

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, States must maintain an average number of safety activities which include the number of roadside inspections , carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2014 and 2015.

The table below displays the information you input into this plan from the roadside inspections , investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2014/2015 activities.

FY 2022 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2022 Activities	Average 2014/15 Activities
27462	42	500	28004	27974

Describe how the State will report on, measure and monitor its traffic enforcement efforts to ensure effectiveness, consistency, and correlation to FMCSA's national traffic enforcement priority.
Components of the traffic enforcement efforts are already explained in detail. Troop S will monitor traffic enforcement activity of special emphasis, premium pay projects, and everyday inspections through inSPECT (driver/vehicle inspection program) and PARIS (OHP enforcement and crash reporting program). CMV contacts without inspections are obtained through the PARIS contact system utilized by all OHP Troopers for reporting purposes. All OHP Troopers conduct both CMV and non-CMV traffic enforcement activities. This information will be monitored and tracked in the quarterly Performance Monitoring Reports. FTEs will account for 5000 of the 6000 inspections related to traffic enforcement inspections. During the FFY 2022 through FFY 2024 period, OHP is transitioning away from PARIS and will implement a new citation & warning system. Once the new system is in place, it will be monitored and tracked in the quarterly Performance Monitoring Reports.

Part 2 Section 6 - Safety Technology

Performance and Registration Information Systems Management (PRISM) is a condition for MCSAP eligibility in 49 CFR 350.207(27). States must maintain, at a minimum, full PRISM participation. FMCSA defines "fully participating" in PRISM for the purpose of determining eligibility for MCSAP funding, as when a State's or Territory's International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order and denies registration if the motor carrier possess an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a Gross Vehicle Weight (GVW) of 26,001 pounds or more. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.

PRISM, Operations and Maintenance (O&M) costs are eligible expenses subject to FMCSA approval. For Innovative Technology Deployment (ITD), if the State has an approved ITD Program Plan/Top-Level Design (PP/TLD) that includes a project that requires ongoing O&M, this is an eligible expense so long as other MCSAP requirements have been met. O&M expenses must be included and described both in this section and in the Financial Information Part per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).

Safety Technology Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, please indicate that in the table below. Additionally, details must be in this section and in your Spending Plan.

Technology Program	Current Compliance Level	Include O & M Costs?
ITD	Deploying Core ITD	No
PRISM	Exceeds Full Participation	No

Avaliable data sources:

- FMCSA ITD website
- PRISM Data and Activity Safety Hub (DASH) website

Enter the agency name responsible for ITD in the State: Oklahoma Department of Transportation

Enter the agency name responsible for PRISM in the State: Oklahoma Corporation Commission

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative and Projected Goal:
If the State's PRISM compliance is less than full participation, describe activities your State plans to implement to achieve full participation in PRISM.
N/A

Program Activities for FY 2022 - 2024: Describe any actions that will be taken to implement full participation in PRISM.
N/A

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

All PRISM reports will be submitted in timely manner as required.

Part 2 Section 7 - Public Education and Outreach

A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMVs that operate around large trucks and buses. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

Trend Analysis for 2016 - 2020

In the table below, provide the number of public education and outreach activities conducted in the past 5 years.

Public Education and Outreach Activities	2016	2017	2018	2019	2020
Carrier Safety Talks	111	101	122	131	50
CMV Safety Belt Education and Outreach	6	21	18	17	10
State Trucking Association Meetings	5	6	6	9	1
State-Sponsored Outreach Events	1	0	1	0	0
Local Educational Safety Events	10	3	10	4	6
Teen Safety Events	7	3	2	4	5

Narrative Overview for FY 2022 - 2024

Performance Objective: To increase the safety awareness of the motoring public, motor carriers and drivers through public education and outreach activities such as safety talks, safety demonstrations, etc.

Describe the type of activities the State plans to conduct, including but not limited to passenger transportation, hazardous materials transportation, and share the road safely initiatives. Include the number of personnel that will be participating in this effort.

FY 2022 Updates per BIL funding

Purchase of a truck-tractor and semitrailer for education & outreach and for trafffic enforcement activities.

Troop S will address civic groups, general public, and industry concerning traffic safety issues. In addition, Troop S manages their own website that is an Oklahoma CMV safety website to further the public education and outreach capabilities. Troop S will conduct at least 80 carrier safety talks with the intent of capturing larger audiences/multi-company talks, non-CMV driving schools, etc. Topics discussed at each safety talk will vary based on the audience. Troop S will seek out and provide outreach activities to include passenger carrier transportation, hazardous materials transportation, share the road & safe driving initiatives, and any other topics that will assist Oklahoma in reducing collisions involving large trucks and passenger carriers as well as improving safety throughout not only Oklahoma but the entire United States.

Troop S launched their website in FFY 2016, providing information to the CMV industry and the general public in regards to CMV requirements. This website provides assistance to users in order to help explain and understand the FMCSRs and Oklahoma laws pertaining to motor carriers and CMVs. The website also allows users to request a safety talk, report a CMV related complaint and provide links to CMV related websites such as FMCSA and the Oklahoma Corporation Commission.

Troop S, as part of it's education and outreach program, utilizes public service announcements and social media posts on the Oklahoma Highway Patrol social media accounts to promote CMV safety. Troop S is also considering creating a video, working with the Oklahoma Department of Transportation, emphasizing commercial motor vehicle and work zone safety. This consideration, and hopefully implementation, will help provide educatation to all drivers near work zones in an effort to reduces work zone related crashes.

Troop S, FMCSA, and Oklahoma Career Tech are partnering to develop a series of six 1-day commercial vehicle safety seminars promoting safety and compliance. The first seminar planned will focus on CMV maintenance and designed for mechanics. Based on the success of these seminars, we anticipate expanding to other specific areas of the FMCSRs to help provide education to the motor carrier industry. Thus creating a safer motor carrier industry and encouraging compliance through education.

Troop S works with various CMV organizations in Oklahoma which includes but not limited to: the Oklahoma Trucking Association, Oklahoma Safety Management Council, and the Oklahoma Transit Association, in order to build partnerships that play a role in reducing large truck and passenger carrier related collisions. These partnerships allow Troop S access to providing information and education to a wider range of motor carriers and drivers.

Troop S is considering the purchase of a truck-tractor and semitrailer to assist with outreach and education. The combination will be multiuse in that Troop S will use the combination to assist with traffic enforcement activities, educational activities assisting with NAS Part B training tool, and wrapped for various education programs regarding CMV related emphasis and safety programs.

All FTEs will participate in education and outreach activities throughout the performance period. These activities are assigned based on expertise and location of the outreach event.

Projected Goals for FY 2022 - 2024

In the table below, indicate if the State intends to conduct the listed program activities, and the estimated number, based on the descriptions in the narrative above.

			Performance Goals		
Yes	**No**	**Activity Type**	**FY 2022**	**FY 2023**	**FY 2024**
●	○	Carrier Safety Talks	80	80	80
●	○	CMV Safety Belt Education and Outreach	5	5	5
●	○	State Trucking Association Meetings	4	4	4
●	○	State-Sponsored Outreach Events	0	0	0
●	○	Local Educational Safety Events	2	2	2
●	○	Teen Safety Events	4	4	4

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct monitoring of progress. States must report the quantity, duration and number of attendees in their quarterly SF-PPR reports.

The performance will be measured by the number of outreach programs addressing traffic safety (CMV and non-CMV) issues conducted by Troop S Troopers. Activities will be measured by the number of talks conducted and the number of attendees. The number of talks will be provided quarterly in a report to FMCSA.

Part 2 Section 8 - State Safety Data Quality (SSDQ)

MCSAP lead agencies are allowed to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Safety Data Systems (SSDQ) if the State meets accuracy, completeness and timeliness measures regarding motor carrier safety data and participates in the national data correction system (DataQs).

SSDQ Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, select Yes. These expenses must be included in the Spending Plan section per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).

Data Quality Program	Current Compliance Level	Include O & M Costs?
SSDQ Performance	Good	No

Available data sources:

- FMCSA SSDQ website
- FMCSA DataQs website

Enter the agency name responsible for Data Quality:

In the table below, use the drop-down menus to indicate the State's current rating within each of the State Safety Data Quality categories, and the State's goal for FY 2022 - 2024.

SSDQ Measure	Current SSDQ Rating	Goal for FY 2022	Goal for FY 2023	Goal for FY 2024
Crash Record Completeness	Good	Good	Good	Good
Crash VIN Accuracy	Good	Good	Good	Good
Fatal Crash Completeness	Good	Good	Good	Good
Crash Timeliness	Fair	Good	Good	Good
Crash Accuracy	Good	Good	Good	Good
Crash Consistency	No Flag	No Flag	No Flag	No Flag
Inspection Record Completeness	Good	Good	Good	Good
Inspection VIN Accuracy	Good	Good	Good	Good
Inspection Timeliness	Good	Good	Good	Good
Inspection Accuracy	Good	Good	Good	Good

Enter the date of the A & I Online data snapshot used for the "Current SSDQ Rating" column.

Data current as of June 25, 2021, generated from A&I on July 23, 2021.

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative: Describe any issues encountered for any SSDQ category not rated as "Good" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.).

"Good" SSDQ current rating and history (past year) rating.

Oklahoma will continue to work towards maintaining the "good" SSDQ rating. DPS is responsible for CMV collision data collected and reported by all Oklahoma law enforcement agencies. Crash Timeliness is currently "fair". There are several reasons why this happens. The main reason is DPS is the crash repository for ALL crashes. All agencies are required to submit their crash investigation reports promptly but there is not an enforcement element or penalty for those agencies who are slow to submit. COVID-19 may also have played a role in the submission of crash reports due to agencies limiting non-essential personnel activites to include records divisions. The second reason this rating slipped was due to turnover within the DPS records management department. The reduced staff level created a backlog of crash reports not being entered on time. The Oklahoma Highway Safety Office (OHSO), along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is antipcipated to be available to all Oklahoma law enforcement agencies. The new system will improve the Crash Timeliness issues. The transition will occur during the FFY 2022 through FFY 2024 period.

Program Activities FY 2022 - 2024: Describe activities that will be taken to maintain a "Good" overall SSDQ rating. These activities should include all measures listed in the table above. Also, describe program activities to achieve

a "Good" rating for all SSDQ measures based upon the Problem Statement Narrative including measurable milestones.

Oklahoma has one dedicated administrative FTE (MCSAP data research analyst) whose primary role is to monitor the data quality measures which includes identifying issues when/if the measures show a downtrend, taking corrective action when necessary on inspection and crash data, and partnering with the Records Management division of the agency regarding timeliness issues. The MCSAP Data Research Analyst serves on the Information Systems Committee and Crash Data and Investigation Standards Committee at CVSA, attends the CVSA/FMCSA Data Quality Trainings, and maintains close working relationships with our State Data Quality Specialist with FMCSA. This FTE answers to the Administrative Program Officer IV and reports problems that may require a high degree of intervention. Whenever our ratings or leading indicator shows anything other than "good", Troop S will attempt to identify the reason and correct it.

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

Troop S will continue to monitor monthly SSDQ data to ensure continued "good" rating through A&I. If any category starts to decline or has a rating other than "good", Troop S will determine the cause and start corrective action. The SSDQ will be included in the quarterly Performance Progress Report.

Part 2 Section 9 - New Entrant Safety Audits

States must conduct interstate New Entrant safety audits in order to participate in the MCSAP (49 CFR 350.207.) A State may conduct intrastate New Entrant safety audits at the State's discretion if the intrastate safety audits do not negatively impact their interstate new entrant program. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

For the purpose of this section:

- ***Onsite safety audits** are conducted at the carrier's principal place of business.*
- ***Offsite safety audit** is a desktop review of a single New Entrant motor carrier's basic safety management controls and can be conducted from any location other than a motor carrier's place of business. Offsite audits are conducted by States that have completed the FMCSA New Entrant training for offsite audits.*
- ***Group audits** are neither an onsite nor offsite audit. Group audits are conducted on multiple carriers at an alternative location (i.e., hotel, border inspection station, State office, etc.).*

Note: A State or a third party may conduct New Entrant safety audits. If a State authorizes a third party to conduct safety audits on its behalf, the State must verify the quality of the work conducted and remains solely responsible for the management and oversight of the New Entrant activities.

Yes	No	Question
◉	○	Does your State conduct Offsite safety audits in the New Entrant Web System (NEWS)? NEWS is the online system that carriers selected for an Offsite Safety Audit use to submit requested documents to FMCSA. Safety Auditors use this same system to review documents and communicate with the carrier about the Offsite Safety Audit.
○	◉	Does your State conduct Group safety audits at non principal place of business locations?
○	◉	Does your State intend to conduct intrastate safety audits and claim the expenses for reimbursement, state match, and/or Maintenance of Effort on the MCSAP Grant?

Trend Analysis for 2016 - 2020

In the table below, provide the number of New Entrant safety audits conducted in the past 5 years.

New Entrant Safety Audits	2016	2017	2018	2019	2020
Interstate	558	339	442	448	452
Intrastate					
Total Audits	**558**	**339**	**442**	**448**	**452**

Note: Intrastate safety audits will not be reflected in any FMCSA data systems—totals must be derived from State data sources.

Narrative Overview for FY 2022 - 2024

Enter the agency name conducting New Entrant activities, if other than the Lead MCSAP Agency:

Please complete the information below by entering data from the NEWS Dashboard regarding Safety Audits in your State. Data Source: New Entrant website	
Date information retrieved from NEWS Dashboard to complete eCVSP	06/07/2022
Total Number of New Entrant Carriers in NEWS (Unassigned and Assigned)	770
Current Number of Past Dues	0

***Program Goal**: Reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing interstate new entrant carriers. At the State's discretion, intrastate motor carriers are reviewed to ensure they have effective safety management programs.*

***Program Objective**: Meet the statutory time limit for processing and completing interstate safety audits of 120 days for Motor Carriers of Passengers and 12 months for all other Motor Carriers.*

Projected Goals for FY 2022 - 2024

Summarize projected New Entrant safety audit activities in the table below.

Projected Goals for FY 2022 - 2024 - New Entrant Safety Audits						
	FY 2022		FY 2023		FY 2024	
Number of Safety Audits/Non-Audit Resolutions	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
# of Safety Audits (Onsite)	100	0	100	0	100	0
# of Safety Audits (Offsite)	400	0	400	0	400	0
# Group Audits	0	0	0	0	0	0
TOTAL Safety Audits	**500**	**0**	**500**	**0**	**500**	**0**
# of Non-Audit Resolutions	270	0	270	0	270	0

Strategies: Describe the strategies that will be utilized to meet the program objective above. Provide any challenges or impediments foreseen that may prevent successful completion of the objective.

Troop S will reduce the number and severity of collisions, injuries, and fatalities involving large trucks and passenger carriers by conducting New Entrant Safety Audits on all interstate motor carriers identified by FMCSA as a New Entrant motor carrier based within the State of Oklahoma. Troop S will continue to take a proactive approach to CMV safety and the safety of the general public by ensuring interstate motor carriers have correct and appropriate safety management programs in place.

Troop S will contact every New Entrant motor carrier within 12 months of their entry into the New Entrant Program or within 120 days if they are a motor carrier of passengers. This contact will determine if a Safety Audit or non-Safety Audit resolution is required. If the motor carrier qualifies for a Safety Audit it will be conducted within the above required time frame. If they do not qualify for a Safety Audit, Troop S will initiate a non-Safety Audit resolution and remove the motor carrier from the New Entrant Program. Non-Safety Audit resolutions will consist of: inactivating the USDOT if the motor carrier is out of business or mistakenly applied for a USDOT number, change their operating status to intrastate if the motor carrier does not perform interstate operations, remove the motor carrier if they have gone through a comprehensive Compliance Review before a Safety Audit, the motor carrier is exempt based on meeting Map-21 requirements, the motor carrier refuses to comply with the Safety Audit process, or Troop S is unable to contact the motor carrier after at least 3 attempts.

The motor carriers who qualify for a Safety Audit will undergo the Safety Audit within the property carrier's first 12 months of operation or 120 days if they are a motor carrier of passengers and may be conducted at the motor carrier's principal place of business (onsite) or offsite if the carrier qualifies. This provides Troop S the opportunity to review the motor carrier operations before they are involved in a serious or fatal collision. Troop S works with the Oklahoma Division of FMCSA in looking for possible reincarnated motor carriers trying to recreate a new motor carrier to avoid previous related adverse safety scores or safety ratings. The Safety Investigators have been trained by the Oklahoma Division of FMCSA in the discovery of a reincarnated motor carrier or a possible reincarnated motor carrier. The Safety Investigators look for problematic drivers who are employed with the new motor carriers and have a history of unsafe driving or non-compliance to the FMCSRs.

During the Safety Audit, if problems are found, the Safety Investigators will provide appropriate education and guidance to the motor carrier in regards to their problem areas. This education and guidance consist of the Federal Motor Carrier Safety Regulations (FMCSRs) requirements and recommendations on how to establish effective safety management practices and programs. Those carriers who fail the Safety Audits will be instructed on and provided the steps to submit their required corrective action plans to FMCSA within the allotted time.

Troop S is solely responsible for the New Entrant Program within the State of Oklahoma. Troop S currently utilizes DPS civilian Safety Investigators FTEs and a few State Troopers FTEs who are experienced and certified as New Entrant Safety Investigators. Oklahoma does not have an intrastate safety audit program with no foreseeable plans to create one during this performance period. Since Troop S is already responsible for the New Entrant Program and Oklahoma does not have an intrastate safety audit program, there are no challenges to the successful completion of this objective.

All New Entrant personnel attend quarterly meetings with our FMCSA partners at various locations throughout Oklahoma. During the quarterly meetings, Safety Auditors discuss any changes to the FMCSRs, new FMCSA memorandums or regulation guidance, ensure the most current versions of computer programs are being utilized, and any other issues related to the program that may arise throughout the

quarter. These meetings help ensure the integrity of the Program by allowing every Safety Investigator to be aware of any changes that may have occurred and ensure that all Safety Investigators are answering/interpreting the Safety Audit questions the same way.

Activity Plan for FY 2022 - 2024: Include a description of the activities proposed to help achieve the objectives. If group audits are planned, include an estimate of the number of group audits.

All New Entrant Safety Audits that are conducted by Troop S will be completed offsite via the NEWS web-based system unless the motor carrier does not qualify for an offsite Safety Audit. If the motor carrier does not qualify for an offsite or, based on a tangible reason with manager approval, the New Entrant Safety Audit will be conducted onsite at the motor carrier's principal place of business (PPOB). All onsite Safety Audits will be completed via the Sentri computer program. From time to time there may also be extenuating circumstances that exist requiring the Safety Audit to occur at another location. All onsite Safety Audits will be completed via the Sentri computer program.

Once a New Entrant motor carrier is assigned to the Safety Investigator, they will attempt to contact the motor carrier by email or phone. This contact is necessary to establish if the motor carrier is eligible for a Safety Audit, whether onsite or offsite, or the carrier needs to have a non-Safety Audit resolution completed. If the carrier is unable to be reached by email or phone, the attempts are made by any available means such as email, fax, US Mail, or in-person. If after three attempts are made and the carrier still cannot be reached, the Safety Investigator enters the 3 attempts into the MCMIS system and initiates the New Entrant revocation / out-of-service process. If the New Entrant motor carrier is contacted, the Safety Investigator sets the onsite Safety Audit appointment with the New Entrant motor carrier, if applicable. If the motor carrier is eligible for an offsite Safety Audit, the Safety Investigator contacts the carrier explaining the offsite process and as often as required to answer any questions and complete the Safety Audit process.

Troop S Safety Investigators are located throughout Oklahoma and assigned motor carriers requiring onsite Safety Audits by the geographical location of the motor carrier, if at all possible. Offsite Safety Audit eligible motor carriers are assigned to any of the FTEs and not based on geographical location. If the offsite eligible motor carrier is already assigned but, before the Safety Audit is completed, now requires an onsite Safety Audit the assignment may or may not be reassigned. Some onsite Safety Audits may require overnight travel.

All personnel assigned to the New Entrant Program will continue to meet as a group every quarter as discussed in the above strategy plan. During this performance period Troop S anticipates and requests the following opportunities: attending FMCSA Southern Service Center's Safety Audit update date and location to be determined, travel throughout Oklahoma with some instances requiring per diem and overnight accommodations to complete assigned Safety Audits, and FMCSA, from time to time, has requested or required participants in the Program attend meetings and/or training within and outside of Oklahoma.

In the past, personnel assigned to the New Entrant Program were 100% dedicated to conducting New Entrant activities. New Entrant FTE personnel will continue to devote their time and efforts to the success of the program but will also be used in other aspects when needed and not detrimental to the New Entrant Program. It is imperative to the success of the MCSAP Program and our collision reduction goals to utilize our personnel effectively and efficiently. Our personnel assigned to the New Entrant Program are highly trained and knowledgeable in Federal and State laws, regulations, and requirements regarding commercial motor carriers and vehicles. Troop S intends to use the New Entrant Safety Investigators to assist in training, education & outreach activities, Compliance Investigations, CMV inspections, and any other assignment(s) that will benefit the MCSAP Program.

Performance Measurement Plan: Describe how you will measure progress toward meeting the objective, such as quantifiable and measurable outputs (staffing, work hours, carrier contacts, inspections, etc.). The measure must include specific benchmarks to be reported on in the quarterly progress report, or as annual outputs.

FY 2022Updates per BIL funding

Increasing the number of civilian Safety Investigator FTEs to meet the growing New Entrant Inventory list.

Troop S will have 1 New Entrant Program Manager FTE who will supervise the New Entrant personnel and oversee the Programs efficiency and timeliness. The New Entrant Program utilizes 1 New Entrant Program Manager FTE, 2 State Trooper FTE, and 5 DPS civilian Safety Investigators FTEs to conduct Safety Audits. The program utilizes 1 of the DPS civilian Safety Investigators to serve as an assistant manager helping manage assignment lists and any issues that arise when the manager is not available. Troop S recognizes the time sensitive nature of Safety Audits and may need additional personnel to meet our removal goals. Several FTEs may retire during FFY 2022 through FFY 2024 requiring replacements. Troop S has requested an additional civilian FTE added to the program to help with the projected increase in New Entrant carriers. All personnel conducting Safety Audits are certified as per 49 CFR 385.201 or 385.203. New Entrant personnel is also required to maintain CVSA NAS driver/vehicle inspection Level 1 and HM cargo tank certifications. New Entrant personnel is primarily focused on conducting New Entrant Safety Audits or clearing the New Entrant inventory list based on non-Safety Audit resolutions.

According to the New Entrant Monthly trends report in GOTHAM ran on 10/11/2021, Oklahoma is trending up in new interstate motor carriers. The report indicates during October 2019 Oklahoma's New Entrant Inventory was at 755 and in September 2021 it was at 1,069. That number appears to contain carriers who are waiting for authority and/or waiting to complete the registration process, not yet on our assignment list inventory. Several reasons for the upward trend could be a result of businesses opening back up due to COVID restrictions being lifted. Another reason could be based on Oklahoma is an oil and gas producing state with this industry constantly

changing and adjusting based on supply, demand, and pricing. It should also be noted several carriers, beginning in 2015, registered as interstate motor carriers but were never placed into the New Entrant Program. This was due to the carrier not completing the registration process or operating authority vetting process. These carriers are slowly getting "pushed" into the New Entrant Program by the Southern Service Center. This increases the number of New Entrant carriers for Oklahoma. The majority of these carriers are difficult it contact since the main reason they never completed the process is the carrier never started operating and increasing the number of our non-Safety Audit resolutions.

As previously mentioned not all new interstate motor carriers will require a Safety Audit. There are many reasons why this happens which includes but not limited to: the carrier never starting operations, the carrier is no longer in business, Troop S is unable to contact the motor carrier, a carrier classifying themselves as an interstate carrier when they are intrastate, or the carrier is a farm operation exempt from the Safety Audit under MAP-21. If a Safety Investigator contacts a motor carrier that is still showing “active” but is claiming to be out of business or a MAP-21 exemption, the Safety Investigator checks the carrier’s profile for activity before allowing a non-Safety Audit resolution. If the carrier that is claiming to be out of business has recorded activity such as an interstate trip or interstate crash or a farmer has activity outside of 150 miles the Safety Investigator will attempt to schedule the Safety Audit appointment. Troop S initiated this policy due to motor carriers coming in and out of the Program in an attempt to avoid the Safety Audit. If the motor carrier refuses the Safety Audit, the Safety Investigator will submit that information to FMCSA and begin the revocation process. This policy has been successful in slowing down carriers who are avoiding the Safety Audit or claiming an exemption that does not apply to their operation.

Troop S can't determine how many Safety Audits they will conduct due to the above factors. It is also impossible, and beyond Troop S control, to determine the number of new interstate motor carriers entering the program in any given month or year. However, several tangible benchmarks can be determined by Troop S in regards to the New Entrant activities. All personnel assigned to the New Entrant Program will conduct at least 160 NAS Level 1 inspections (32 per person) and 40 NAS Level 1 or 2 HM Cargo Tank inspections (8 per person) to maintain their CVSA NAS certifications. The New Entrant personnel will conduct a minimum of 770 Safety Audits or non-Safety Audit resolutions during this performance period. This number is based on the average number of New Entrant interstate motor carriers entering the Program in Oklahoma during the past several years. It should be noted this number is the minimum level of anticipated activity based on a fluctuating number of carriers entering the New Entrant Program each month.

The New Entrant Program Manager will be responsible for supervision activities involving the New Entrant Program, ensuring the Program is running efficiently, and also conducts Safety Audits and non-Safety Audit resolutions. The Safety Investigator assigned as the assistant manager will be responsible for: assigning New Entrant interstate motor carriers to the appropriate Safety Investigator, monitoring the New Entrant inventory list, answering New Entrant related phone calls that come into Troop S, conducting Safety Audits, and perform non-Safety Audit resolutions. All Safety Investigators are required to complete Safety Audits and/or enter all non-Safety Audit resolutions they receive from motor carriers assigned to them into the appropriate system. It is the responsibility of all FTEs in the New Entrant Program to ensure motor carriers assigned to them are removed from the New Entrant inventory list promptly and before appearing on the overdue or “rotten” list. All Safety Audits will be completed using the SENTRI or NEWS system depending on the type of Safety Audit performed.

Part 3 - National Emphasis Areas and State Specific Objectives

FMCSA establishes annual national priorities (emphasis areas) based on emerging or continuing issues, and will evaluate CVSPs in consideration of these national priorities. Part 3 allows States to address the national emphasis areas/priorities outlined in the Notice of Funding Opportunity (NOFO) and any State-specific objectives as necessary. Specific goals and activities must be projected for the three fiscal year period (FYs 2022 - 2024).

Part 3 Section 1 - Enforcement of Federal OOS Orders during Roadside Activities

Instructions:

FMCSA has established an Out-of-Service (OOS) catch rate of 85 percent for carriers operating while under an OOS order. In this part, States will indicate their catch rate is at least 85 percent by using the check box or completing the problem statement portion below.

Check this box if:

☑ **As evidenced by the data provided by FMCSA, the State identifies at least 85 percent of carriers operating under a Federal IH or UNSAT/UNFIT OOS order during roadside enforcement activities and will not establish a specific reduction goal. However, the State will maintain effective enforcement of Federal OOS orders during roadside inspections and traffic enforcement activities.**

Part 3 Section 2 - Passenger Carrier Enforcement

Instructions:

FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high risk carriers. Additionally, States are asked to allocate resources to participate in the enhanced investigations training being offered by FMCSA. Finally, States are asked to continue partnering with FMCSA in conducting enhanced investigations and inspections at carrier locations.

Check this box if:

☑ **As evidenced by the trend analysis data, the State has not identified a significant passenger transportation safety problem. Therefore, the State will not establish a specific passenger transportation goal in the current fiscal year. However, the State will continue to enforce the Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to passenger transportation by CMVs in a manner consistent with the MCSAP Comprehensive Policy as described either below or in the roadside inspection section.**

Part 3 Section 3 - State Specific Objectives – Past

Instructions:

Describe any State-specific CMV problems that were addressed with FY 2021 MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc. Report below on year-to-date progress on each State-specific objective identified in the FY 2021 CVSP.

Progress Report on State Specific Objectives(s) from the FY 2021 CVSP

Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2021 CVSP. Click on "Add New Activity" to enter progress information on each State-specific objective.

Activity #1

Activity: Describe State-specific activity conducted from previous year's CVSP.
Traffic Enforcement: Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving large trucks and passenger carriers. Collisions involving large trucks and passenger carriers are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. The State intends to conduct traffic enforcement activities on CMVs and non-CMVs when violations occur around a large trucks and passenger carriers. These activities will help Oklahoma achieve the collision reduction goal and educate drivers on how their behavior affects everyone around them.

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).
Oklahoma intends on focusing on traffic enforcement activities by conducting public outreach and education, CMV driver and vehicle inspections based on traffic enforcement stops, non-CMV driver and vehicle contacts based on traffic enforcement violations, special emphasis efforts, and premium pay projects. The goal of traffic enforcement activities is to help meet and/or exceed our 2021 collision reduction goal of reducing large truck and passenger carrier collisions by 6%.

Actual: Insert year to date progress (#, %, etc., as appropriate).
In FFY 2019, Troop S conducted 8,866 traffic enforcement inspections. In FFY 2020, Troop S conducted 5,507 traffic enforcement inspections. If FFY 2021, so far, Troop S has conducted 3,284 traffic enforcement inspection. This data was obtained through A&I Traffic Enforcement data snapshot from MCMIS as of 05/28/2021, on 06/28/2021.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.
Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving CMVs. Collisions involving CMVs are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. Several difficulties occurred throughout this performance period. The first obstacle that Troop S had no control over was COVID-19 pandemic. COVID-19 led to reduced level of activities due to limiting contact with drivers, both CMV and non-CMV, along with Federal & State restrictions and exemptions. The second obstacle that Troop S had no control over was State budget issues. Every State agency in Oklahoma suffered from budget cuts due to a decrease in State revenue. The Oklahoma Highway Patrol is losing more Troopers to attrition than it is able to replace through hiring. This hurts, not only the number of inspections conducted, but also all traffic enforcement efforts. A third obstacle was the ability to track non-CMV enforcement efforts when unsafe operation / violations occur around a CMV. The OHP is moving towards a different citation and warning program and Troop S is attempting to have a feature added to our documentation system in order to collect this data. It should be noted, Troop S can only suggest this feature be added with no final say in what features will be included.

Activity #2

Activity: Describe State-specific activity conducted from previous year's CVSP.
MSCAP Program enhancements, education, training: Oklahoma's MCSAP program requires all stakeholders to be informed, trained and forward thinking. Federal and State laws, regulations, policies and requirements are constantly changing and evolving. It is imperative that Oklahoma have the opportunity to stay up to date with any current or future changes as well as educating our own personnel, other agencies and other personnel as needed, requested or required.

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).
Troop S has assigned one Lieutenant to oversee Troop S training on a full-time basis. This position was created to ensure everyone within Troop S is properly trained, up-to-date on all laws, rules, regulations and policies, and receives all the information to properly perform their duties within Troop S. Troop S is requesting the ability to continue to be able to provide and receive training, attend meetings and conferences that will help enhance our MCSAP program. These activities help enhance our program by several means. First, Troop S provides CMV related training to our own personnel, other agencies, organizations and enforcement personnel, not only in Oklahoma but across the US. Second, attending training and conferences help to educate our personnel and allows us the opportunity to share ideas and network with other agencies and individuals in order to help promote CMV safety, thereby reduce large truck and passenger carrier collisions. Third, training, meetings and conferences can help to ensure that Oklahoma is doing what is necessary to comply with the grant requirements and prepare for future requirements.

Actual: Insert year to date progress (#, %, etc., as appropriate).
In FFY 2019, Troop S personnel instructed 17 courses for FMCSA NTC. In FFY 2020, Troop S personnel instructed 12 courses for FMCSA NTC. In the first two quarters of FFY 2021, Troop S personnel instructed 12 courses for FMCSA NTC. The FMCSA NTC courses included training in-state and out-of-state training locations. Troop S personnel received in-state training related to CMV and MCSAP related activities to include but not limited to: Out-of-Service update, Inspection Data Quality, Lifecycle of Roadside Inspections, Truckers Against Trafficking, Size and Weight Enforcement update, ELD Roadside and Enforcement, Title VI, RITE (civil rights training) and various CVSA & FMCSA webinars. Troop S personnel received out-of-state training related to CMV and MCSAP related activities to include but not limited to: FMCSA SSC New Entrant training, COHMED, FMCSA grant training, FMCSA grant planning meeting, and NTC instructor development. Troop S personnel also received numerous required CLEET and OHP training courses.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.
State budget issues continue to hurt our training efforts during FFY 2019 through FFY 2020. Due to State budget issues and limitations placed on Troop S, several training courses were canceled, the number of personnel sent to out of state conferences were reduced and quarterly meetings were also canceled in order to comply with the Departments budget cuts. COVID-19 also reduced our ability to travel out-of-state and in person training. During FFY 2020 and FFY 2021, most of our training was conducted through virtual training platforms such as Zoom, TEAMS, and PoliceOne.

Activity #3

Activity: Describe State-specific activity conducted from previous year's CVSP.
Special Emphasis Area - Work Zone Safety According to the Federal Motor Carrier Safety Administration memorandum dated May 22, 2020, subject: Development of Fiscal Year 2021 Commercial Vehicle Safety Plan, Oklahoma was identified by the Federal Highway Administration as one of the top 10 states with the highest number of CMV involved work zone crashes.

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).
Troop S has developed the "Troop S Strategic Enforcement Plan" (TSSEP). The goals of TSSEP are to reduce the number of CMV involved crashes in or near work zones through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. The complete TSSEP is provided as an attachment to the eCVSP for review. A synopsis of that plan is as follows. Mobile Enforcement - Troop S roadside inspectors will be encouraged to work CMV enforcement activities in or near work zones whenever possible as part of their daily activities. Special Emphasis - each detachment (currently four detachments) will have a minimum of 1 special emphasis per quarter. The special emphasis as part of TSSEP will be in or near work zones, or in an identified CMV high crash corridor based on crash data, or an Oklahoma turnpike system*. Premium Pay Projects - each quarter Troop S FTEs will have the voluntary opportunity to work extra hours/shifts throughout the quarter to address work zone and CMV crash reduction. Premium Pay Projects will be in or near work zones, or in an identified CMV high crash corridor based on

crash data, or an Oklahoma turnpike system*. Both special emphasis and premium pay projects will also include enforcement of non-CMV violations around CMVs. *Oklahoma turnpikes have a high number of CMV traffic and a higher number of CMV crashes. Education & Outreach - all Troop S related educational and outreach opportunities (safety talks) will be encouraged to include information on driving safely in or around CMVs.

Actual: Insert year to date progress (#, %, etc., as appropriate).
The TSSEP was initiated during the FFY 2021 eCVSP update. Troop S believes this program is helping direct our activities towards reducing crashes and focusing on work zones and high crash corridors. Since this is a new implementation it is hard to quantify the results.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.
COVID-19 restrictions and exemptions provided some difficulties in achieving our goals. Another obstacle Troop S encountered during FFY 2021 was the assignments to other non-CMV related duties such as riots, protests, and public safety issues that occurred.

Part 3 Section 4 - State Specific Objectives – Future

Instructions:

The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc.

Describe any State-specific objective(s) identified for FY 2022 - 2024. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.

State Objective #1

Enter the title of your State-Identified Objective.
Traffic Enforcement

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative: Describe problem identified by performance data including baseline data.
Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving large trucks and passenger carriers. Collisions involving large trucks and passenger carriers are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. The State intends to conduct traffic enforcement activities on CMVs and non-CMVs when violations occur around large trucks and passenger carriers. These activities will help Oklahoma achieve the collision-reduction goal and educate drivers on how their behavior affects everyone around them.

Projected Goals for FY 2022 - 2024:
Enter performance goal.
FY 2022 Updates per BIL funding Added CMV traffic enforcement stops without an inspection by non-certified personnel. Oklahoma intends on focusing on traffic enforcement activities by conducting public outreach and education, CMV driver and vehicle inspections based on traffic enforcement stops, CMV traffic enforcement stops without driver and vehicle inspections based on observed crash causation violations by non-certified OHP uniformed personnel, non-CMV driver and vehicle contacts based on traffic enforcement violations, special emphasis efforts, and premium pay projects. The goal of traffic enforcement activities is to help meet and/or exceed our 2024 collision reduction goal of reducing large truck and passenger carrier collisions by 6%.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.
FY 2022 Updates per BIL funding Training all OHP uniformed personnel on CMV traffic enforcement and properly identification of motor carriers. Requiring all OHP uniform personnel to conduct CMV traffic enforcement activities based on observed moving violations contributing to crash causation factors. Purchasing a truck-tractor and semitrailer used to assist in traffic enforcement as well as education & outreach activities. Uniformed personnel patrolling the highway are continuously observing driver behavior and taking enforcement action when violations of the law or regulations occur. This activity will include both certified and non-certified OHP uniformed personnel when observing moving violations that could contribute to crash causation. Troop S has created a training program and will train all OHP personnel on CMV traffic enforcement activities. This training program will educate Troopers who are non-certified CMV inspectors on what documents are allowed to be reviewed during a CMV traffic stop without becoming a Level 3 inspection, what vehicles are considered a CMV, how to properly identify the motor

carrier, and how to properly document any enforcement action or information needed to complete a CMV crash report. Troop S will raise public awareness through motor carrier safety programs/safety talks. Troop S will purchase a truck-tractor and semitrailer used for traffic enforcement by allowing Troopers to operate the combination and calling out observed traffic violations around the CMV. The combination will also be wrapped from time to time with education & outreach materials promote CMV crash reduction programs and awareness. Troop S will utilize special emphasis and premium pay projects to enhance traffic enforcement activities and reduce collisions. In FFY 2021, Troop S developed the "Troop S Strategic Enforcement Plan" (TSSEP) due to Oklahoma being in the Top 10 States for CMV-involved work zone crashes. The goals of TSSEP are to reduce the number of CMV-involved crashes in or near work zones through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. Troop S will continue to utilize the TSSEP from FFY 2022 through FFY 2024 to reduce crashes. The complete TSSEP is attached to this eCVSP for review.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.
FY 2022 Updates per BIL funding Added monitoring CMV traffic enforcement activities by non-certified personnel Troop S will monitor the data from inSPECT to track to the number of inspections which resulted from traffic enforcement. Supervisors will track the data on each inspection marked as "traffic enforcement" inspections include valid traffic enforcement violations. All CMV traffic enforcement activities will be documented when requesting reimbursement for those activities. Non-certified OHP personnel will be required for their annual performance evaluations to conduct CMV traffic enforcement activities that result in either a citation or warning for a moving violation. All documented CMV traffic enforcement activities by non-certified personnel will be vetted by Troop S admin personnel to ensure the activity is eligible prior to seeking reimbursement for those activities under the MCSAP grant. Traffic enforcement activities of non-CMV s will be documented when requesting reimbursement and focus on driver behavior. Public education and awareness activities with CMV and non-CMV drivers about driver behavior issues will help bring awareness to all drivers and help reduce collisions.

State Objective #2

Enter the title of your State-Identified Objective.
MCSAP Program enhancements, education, training

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative: Describe problem identified by performance data including baseline data.
Oklahoma's MCSAP program requires all stakeholders to be informed, trained and forward thinking. Federal and State laws, regulations, policies and requirements are constantly changing and evolving. It is imperative that Oklahoma have the opportunity to stay up to date with any current or future changes as well as educating our own personnel, other agencies and other personnel as needed, requested or required.

Projected Goals for FY 2022 - 2024:
Enter performance goal.
Troop S has assigned one Lieutenant to oversee Troop S training on a full-time basis. This position was created to ensure everyone within Troop S is properly trained, up-to-date on all laws, rules, regulations & policies, and receives all the information to properly perform their duties within Troop S. Troop S is requesting the ability to continue to be able to provide and receive training, attend meetings and conferences that will help enhance our MCSAP program. These activities help enhance our program by several means. First, Troop S provides CMV related training to our own personnel, other agencies, organizations, and enforcement personnel, not only in Oklahoma but across the US. Second, attending training and conferences helps to educate our personnel and allows us the opportunity to share ideas and network with other agencies and individuals in order to help promote CMV safety, thereby reduce large truck and passenger carrier collisions.

Third, training, meetings, and conferences can help to ensure that Oklahoma is doing what is necessary to comply with the grant requirements and prepare for future requirements.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.
Troop S intends on providing classroom, field training, and remote/virtual training. Troop S intends to use TEAMS, when appropriate, to provide information, training, and updates remote/virtually on an as needed bases. This system will help keep inspectors up to date when changes occur without having the expense of travel or time removed from their assigned areas. Remote training will be utilized when it is necessary and feasible. Onsite training will continue to occur and is necessary for NTC courses and some MCSAP, Troop S, or OHP training. Troop S requests consideration to send personnel to any training, meeting, or conference that is or may not be listed below but would help enhance our MCSAP program during FFY 2022 through FFY 2024. Troop S has several Troopers and civilian personnel certified as adjunct instructors through FMCSA's National Training Center (NTC). During the performance period, Troop S would like to send additional personnel NTC's instructor development course to continue enhancing our program. The listed events include both in-state and out-of-state travel that may also require hotel and per diem. Troop S is anticipating conducting several training courses during FFY 2022 through FFY 2024 which include, but not limited to the following: - North American Standard Part A and Part B inspection school - General Hazardous Material and/or Hazardous Material Cargo Tank (as needed)* - CMV related courses to refresh and update Troop S personnel as well as providing LEO CEUs* - Intro to CMV and identifying the correct Motor Carrier course delivered to law enforcement personnel assist with data collection* - Drug Interdiction Assistance Program (DIAP). Troop S is anticipating sending personnel to the following FMCSA training: Any FMCSA training that is requested and/or required that may come up in FFY 2022 through FFY 2024, FMCSA Southern Service Center New Entrant update training, FMCSA Compliance Investigation update training*, and FMCSA NTC Instructor Development*. Troop S is anticipating sending personnel to the following meetings/conferences: - FMCSA Grant Planning Meeting* - CVSA conferences and the North American Inspector Championship* - COHMED Hazardous Material conference* - Safe Drive campaign meetings – NHTSA speed enforcement campaign. The above-listed events would help enhance our MCSAP program by providing training and information needed to comply with Federal regulations, policies, and grant requirements. The meetings and conferences allow personnel to be active in MCSAP related activities and processes, provide input, and network with other stakeholders. This further ensures that Oklahoma is at the forefront of any current or future changes and plays an active part in CMV safety and reducing large truck and passenger carrier collisions. * indicated location and date(s) are "to be determined". Troop S is anticipating providing our Administrative Staff with computer program training as well. This training would help our administrative personnel to use programs such as Excel, Microsoft Word, Outlook, and other programs to there full advantage. Troop S is anticipating sending our grant personnel to additional grant training to improve our grant quality, recordkeeping, reporting, and overall grant program. This is not a comprehensive list of Troop S activities since some training, meetings, and conferences are not yet announced or even planned. Troop S is also considering conducting an Oklahoma Inspection Championship during FFY 2022 through FFY 2024. This is being considered to help enhancing our MCSAP program by reinforcing the step by step NAS Level 1, HM Cargo Tank, HM Non-Bulk, and PVI inspection procedures. This will also help promote the importance of conducting a thorough inspection and also provide an opportunity for Oklahoma inspectors to learn from each other.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.
This State-Identified Objective will be monitored as personnel attend the training, events, and meetings throughout the performance period. These activities will be monitored and reported on the quarterly Performance Monitoring Report to FMCSA. This particular objective may not produce tangible results that can be measured, however, over time it will help to reduce large truck and passenger carrier collisions through enhancing different aspects of the MCSAP program.

State Objective #3

Enter the title of your State-Identified Objective.
Replenish and Increase Troop S FTEs

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative: Describe problem identified by performance data including baseline data.
Oklahoma, like most states, is suffering from a decline in staff issues. In FFY 2018, OHP employed approximately 780 Troopers, with 45 of those Troopers assigned as FTEs roadside inspectors in Troop S. FFY 2018 was the highest number of roadside inspectors assigned to Troop S in recent years. As of July 1, 2021, OHP employed approximately 730 Troopers, Troop S FTEs include 44 Troopers with 35 Trooper FTEs assigned as roadside inspectors. During FFY 2022 through FFY 2024, OHP is anticipating an increased number of Troopers retiring due to mandatory retirement along with resignations and terminations. State Troopers are eligible for retirement after 20 years of service. Troop S currently has 29 Troopers with over 20 years of service and is eligible to retire. At the end of CY 2022, 140 Troopers will retire due to mandatory retirement with an additional 282 Troopers eligible to retire. At the end of CY 2024, OHP will have 321 Troopers eligible for retirement. The OHP Academy is funded through legislative appropriations and is not on a recurring schedule. Currently, OHP is unable to replenish the number of Troopers lost through attrition. New Troopers, who complete the Academy and Field Training, are assigned to Field Troops. Troopers seeking assignment to a Special Service, such as Troop S, must serve in a Field Troop for at least five (5) years. Assignments to a Special Service Troop are based on the need of the Troop and without diminishing the Field Troop's modified table of organization and equipment (MTOE), specifically the number of assigned Field Troopers. It is essential to Troop S to replenish and increase the FTEs to reduce CMV crashes and enhance our CMV enforcement activities. The Troop S career path to becoming an FTE roadside inspector is through our PTE programs. While PTEs play an important role in Oklahoma’s MCSAP program, FTEs are the greatest asset in our MCSAP program. PTEs, as explained in Part 1 Section 3 of the CVSP, are assigned to Troop S on a part-time basis. PTEs report directly to a non-MCSAP Field Troop commander in their day-to-day activities, patrolling a geographical location, usually a specific county. The assigned county may or may not have a high number of CMV traffic and/or a CMV high crash corridor. The Troop S commander cannot direct the PTE's day-to-day activities. FTEs report directly to the Troop S commander, assigned to 1 of 4 detachments in Oklahoma. The detachments divide Oklahoma into quarters. FTEs are authorized to work anywhere within their detachment and, with supervisor approval, work outside of their detachment. The ability to move around allows FTEs to focus on areas with high CMV traffic and CMV high crash corridors. The Troop S commander can direct the day-to-day activities of FTEs ensuring efforts focus on CMV enforcement activities and crash reduction strategies.

Projected Goals for FY 2022 - 2024:
Enter performance goal.
Troop S will replenish and increase FTEs through funding 15 cadets/training slots for new Troopers during an Academy in FFY 2022. The goal is to increase Troop S FTEs, PTEs, and allow OHP Field Troops to sustain MTOEs personnel levels. The goal enhances Oklahoma’s CMV crash reduction and enforcement activities through increasing the number of personnel trained in the North American Standard (NAS) inspections.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.
Troop S must replenish and increase FTEs through funding 15 cadets/training slots for new Troopers during an Academy in FFY 2022. These 15 cadets/training slots will be above the legislative appropriations funded cadets/training slots, not used to supplant cadets/training slots. This objective is imperative to replenish and increase our diminishing FTEs in Troop S, keeping the MCSAP program successful. Once the 15 cadets/training slots have completed the Academy and Field Training, the 15 cadets/training slots will replace 15 PTEs in their current Field Troop. The 15 PTEs will be reassigned as FTEs within Troop S. This will increase the number of roadside inspector FTEs in Troop S. Troop

S will conduct at least one (1) NAS inspection course during FFY 2022. This course will replenish and increase PTE positions within Troop S. There are several benefits to this specific objective goal and process. The greatest benefit is providing Oklahoma the ability to continue an effective and successful MCSAP program. It helps OHP sustain Field Troops MTOE personnel levels while replenishing Troop S FTE positions that would otherwise remain unfilled due to Field Troop MTOE levels. Replenishing and increasing Troop S FTEs provides Oklahoma the ability to spend all MCSAP allocated funds. The PTEs transferred to Troop S as FTEs reduce delays in training that a brand-new roadside inspector would need. It allows Troop S to offer a NAS inspection school for OHP Field Troopers, increasing PTEs, and enhancing our CMV crash reduction and enforcement activities. Based on the success of this objective in FFY 2022, Oklahoma will continue this objective in FFY 2023 and FFY 2024.

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

PTE transfers into Troop S as FTEs will occur immediately after the 15 cadets/training slots have completed the academy and field training. Troop S will delay requesting reimbursement of the 15 cadets/training slots until their initial training is completed and the transfers into Troop S have occurred to protect against supplanting. Troop S will provide quarterly updates on this specific objective through the performance monitoring report. FMCSA will also be notified immediately if any problems arise during the academy and/or field training.

Part 4 - Financial Information

Part 4 Section 1 - Overview

The Spending Plan is an explanation of each budget component, and should support the cost estimates for the proposed work. The Spending Plan should focus on how each item will achieve the proposed project goals and objectives, and explain how costs are calculated. The Spending Plan must be clear, specific, detailed, and mathematically correct. Sources for assistance in developing the Spending Plan include 2 CFR part 200, 2 CFR part 1201, 49 CFR part 350 and the MCSAP Comprehensive Policy.

Before any cost is billed to or recovered from a Federal award, it must be allowable (2 CFR §200.403, 2 CFR §200 Subpart E – Cost Principles), reasonable and necessary (2 CFR §200.403 and 2 CFR §200.404), and allocable (2 CFR §200.405).

- ***Allowable** costs are permissible under the OMB Uniform Guidance, DOT and FMCSA regulations and directives, MCSAP policy, and all other relevant legal and regulatory authority.*
- ***Reasonable and Necessary** costs are those which a prudent person would deem to be judicious under the circumstances.*
- ***Allocable** costs are those that are charged to a funding source (e.g., a Federal award) based upon the benefit received by the funding source. Benefit received must be tangible and measurable.*
    - *For example, a Federal project that uses 5,000 square feet of a rented 20,000 square foot facility may charge 25 percent of the total rental cost.*

Instructions

The Spending Plan should include costs for FY 2022 only. This applies to States completing a multi-year CVSP or an Annual Update to their multi-year CVSP.

The Spending Plan data tables are displayed by budget category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual and Subaward, and Other Costs). You may add additional lines to each table, as necessary. Please include clear, concise explanations in the narrative boxes regarding the reason for each cost, how costs are calculated, why they are necessary, and specific information on how prorated costs were determined.

The following definitions describe Spending Plan terminology.

- ***Federal Share** means the portion of the total project costs paid by Federal funds. The budget category tables use 85.01percent in the federal share calculation.*
- ***State Share** means the portion of the total project costs paid by State funds. The budget category tables use 14.99 percent in the state share calculation. A State is only required to contribute 14.99 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 14.99 percent State share for each line item in a budget category. The State has the flexibility to select the budget categories and line items where State match will be shown.*
- ***Total Project Costs** means total allowable costs incurred under a Federal award and all required cost sharing (sum of the Federal share plus State share), including third party contributions.*
- ***Maintenance of Effort (MOE)** means the level of effort Lead State Agencies are required to maintain each fiscal year in accordance with 49 CFR § 350.301. The State has the flexibility to select the budget categories and line items where MOE will be shown. Additional information regarding MOE can be found in the MCSAP Comprehensive Policy (MCP) in section 3.6.*

On Screen Messages

The system performs a number of edit checks on Spending Plan data inputs to ensure calculations are correct, and values are as expected. When anomalies are detected, alerts will be displayed on screen.

- *Calculation of Federal and State Shares*

  Total Project Costs are determined for each line based upon user-entered data and a specific budget category formula. Federal and State shares are then calculated by the system based upon the Total Project Costs and are added to each line item.

  The system calculates an 85.01 percent Federal share and 14.99 percent State share automatically and populates

these values in each line. Federal share is the product of Total Project Costs x 85.01 percent. State share equals Total Project Costs minus Federal share. It is important to note, if Total Project Costs are updated based upon user edits to the input values, the share values will not be recalculated by the system and should be reviewed and updated by users as necessary.

States may edit the system-calculated Federal and State share values at any time to reflect actual allocation for any line item. For example, States may allocate a different percentage to Federal and State shares. States must ensure that the sum of the Federal and State shares equals the Total Project Costs for each line before proceeding to the next budget category.

An error is shown on line items where Total Project Costs does not equal the sum of the Federal and State shares. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

Territories must insure that Total Project Costs equal Federal share for each line in order to proceed.

- *MOE Expenditures*

States may enter MOE on individual line items in the Spending Plan tables. The Personnel, Fringe Benefits, Equipment, Supplies, and Other Costs budget activity areas include edit checks on each line item preventing MOE costs from exceeding allowable amounts.

  - *If "Percentage of Time on MCSAP grant" equals 100%, then MOE must equal $0.00.*
  - *If "Percentage of Time on MCSAP grant" equals 0%, then MOE may equal up to Total Project Costs as expected at 100%.*
  - *If "Percentage of Time on MCSAP grant" > 0% AND < 100%, then the MOE maximum value cannot exceed "100% Total Project Costs" minus "system-calculated Total Project Costs".*

An error is shown on line items where MOE expenditures are too high. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

The Travel and Contractual budget activity areas do not include edit checks for MOE costs on each line item. States should review all entries to ensure costs reflect estimated expenditures.

- *Financial Summary*

The Financial Summary is a summary of all budget categories. The system provides warnings to the States on this page if the projected State Spending Plan totals are outside FMCSA's estimated funding amounts. States should review any warning messages that appear on this page and address them prior to submitting the eCVSP for FMCSA review.

The system will confirm that:

  - *Overtime value does not exceed the FMCSA limit.*
  - *Planned MOE Costs equal or exceed FMCSA limit.*
  - *States' proposed Federal and State share totals are each within $5 of FMCSA's Federal and State share estimated amounts.*
  - *Territories' proposed Total Project Costs are within $5 of $350,000.*

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	$8,656,389.00	$455,599.00	$9,111,988.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	$1,366,798.00
MOE Baseline:	$1,077,371.67

Part 4 Section 2 - Personnel

Personnel costs are salaries for employees working directly on a project.

***Note: Do not include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website**.*

Salary and Overtime project costs must be separated when reporting to FMCSA, regardless of the Lead MCSAP Agency or Subrecipient pay structure.

List grant-funded staff who will complete the tasks discussed in the narrative descriptive sections of the CVSP. Positions may be listed by title or function. It is not necessary to list all individual personnel separately by line. The State may use average or actual salary and wages by personnel category (e.g., Trooper, Civilian Inspector, Admin Support, etc.). Additional lines may be added as necessary to capture all your personnel costs.

The percent of each person's time must be allocated to this project based on the amount of time/effort applied to the project. For budgeting purposes, historical data is an acceptable basis.

***Note**: Reimbursement requests must be based upon documented time and effort reports. Those same time and effort reports may be used to estimate salary expenses for a future period. For example, a MCSAP officer's time and effort reports for the previous year show that he/she spent 35 percent of his/her time on approved grant activities. Consequently, it is reasonable to budget 35 percent of the officer's salary to this project. For more information on this item see 2 CFR §200.430.*

In the salary column, enter the salary for each position.

Total Project Costs equal the Number of Staff x Percentage of Time on MCSAP grant x Salary for both Personnel and Overtime (OT).

If OT will be charged to the grant, only OT amounts for the Lead MCSAP Agency should be included in the table below. If the OT amount requested is greater than the 14.99 percent limitation in the MCSAP Comprehensive Policy (MCP), then justification must be provided in the CVSP for review and approval by FMCSA headquarters.

Activities conducted on OT by subrecipients under subawards from the Lead MCSAP Agency must comply with the 14.99 percent limitation as provided in the MCP. Any deviation from the 14.99 percent limitation must be approved by the Lead MCSAP Agency for the subrecipients.

Summary of MCSAP Funding Limitations	
Allowable amount for Lead MCSAP Agency Overtime without written justification (14.99% of MCSAP Award Amount):	$1,366,798.00

Personnel: Salary and Overtime Project Costs							
Salary Project Costs							
Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
MCSAP Data Analyst	1	100.0000	$65,000.00	$65,000.00	$65,000.00	$0.00	$0.00
New Entrant Program Manager & Grant Writer	1	100.0000	$73,875.00	$73,875.00	$73,875.00	$0.00	$0.00
MAJOR	1	80.0000	$122,912.00	$98,329.60	$98,329.60	$0.00	$0.00
LIEUTENANT	6	90.0000	$123,000.00	$664,200.00	$664,200.00	$0.00	$0.00
TROOPER	45	70.0000	$95,914.00	$3,021,291.00	$3,021,291.00	$0.00	$0.00
CIVILIAN AUDITORS	4	100.0000	$68,310.00	$273,240.00	$273,240.00	$0.00	$0.00
Administrative Program Officer IV	1	100.0000	$75,000.00	$75,000.00	$75,000.00	$0.00	$0.00
Administrative Program Officer II	2	100.0000	$51,000.00	$102,000.00	$102,000.00	$0.00	$0.00
Administrative Assistant II	1	100.0000	$42,000.00	$42,000.00	$42,000.00	$0.00	$0.00
Administrative Assistant I	2	100.0000	$37,000.00	$74,000.00	$74,000.00	$0.00	$0.00
Administrative Hearing Officer	1	100.0000	$55,000.00	$55,000.00	$55,000.00	$0.00	$0.00
Port of Entry CMV Officers	16	100.0000	$28,474.95	$455,599.20	$0.00	$455,599.20	$0.00
Turnpike	3	100.0000	$49,000.00	$147,000.00	$147,000.00	$0.00	$0.00
CVTEP/TTEP	37	100.0000	$3,972.97	$146,999.89	$146,999.89	$0.00	$0.00
CAPTAIN	2	95.0000	$123,000.00	$233,700.00	$233,700.00	$0.00	$0.00
Sr. Admin Hearing Officer III	1	100.0000	$60,000.00	$60,000.00	$60,000.00	$0.00	$0.00
Non-MCSAP Trooper Traffic Enforcement	500	100.0000	$400.62	$200,310.00	$200,310.00	$0.00	$0.00
Subtotal: Salary				**$5,787,544.69**	**$5,331,945.49**	**$455,599.20**	**$0.00**
Overtime Project Costs							
All MCSAP Staff	1	100.0000	$429,851.08	$429,851.08	$429,851.08	$0.00	$0.00
Subtotal: Overtime				**$429,851.08**	**$429,851.08**	**$0.00**	**$0.00**
TOTAL: Personnel				**$6,217,395.77**	**$5,761,796.57**	**$455,599.20**	**$0.00**
Accounting Method:	**Accrual**						

Enter a detailed explanation of how the personnel costs were derived and allocated to the MCSAP project.

The State will budget for 55 MCSAP Troopers that conduct MCSAP eligible activities. The 55 Troopers will consist of 1 Major, 2 Captains, 7 Lieutenants and 45 roadside Troopers. For budget purposes the personnel costs were figured using actual salary costs for the percentage of expected MCSAP eligible time. (ie. Major dedicates approximately 80% of his time, Captain dedicates approximately 95% of his time, Lieutenants 90% and Troopers 70%) For billing purposes, their actual MCSAP dedication will be calculated.

There are 4 civilian auditors that conduct Safety Audits and 100% of their personnel costs was planned based on actual salary costs.

Troop S added a new position which was filled with one person to manage the new entrant program and write the eCVSP and performance monitoring reports for the MCSAP grant with a title of New Entrant Program Manager.

The administrative staff are all 100% dedicated to supporting the MCSAP program. Administrative Program Officer IV provides full financial oversight of the grant and is also the Supervisor of the administrative staff. Administrative Program Officer II is responsible for managing the financial tracking of the grant day-to-day and preparing documents for voucher reimbursement and manages all travel needs with regard to hotel and airfare purchases. Another Administrative Program Officer II is our SafetyNet, Data Quality and DataQ admin. Administrative Assistant II serves as the Time and Accountability Manager and Troop Secretary. The Administrative Assistant I's serves as the Troop receptionist and administrative hearing clerk.

The MCSAP Data Research Analyst will be added to aid Troop S with crash statistics, coming up with creative ways to measure human trafficking activities and creating useful tools for Troop S leadership to deploy resources in the most effective and efficient ways. This position will work closely with the staff writing the CVSP and quarterly reports when reporting on outcomes of enforcement activities.

The (2) Administrative Hearing Officers is dedicated 100% to the MCSAP program conducting administrative hearings for civil penalties, partners with the States's legal division and legislative liason to introduce/support/oppose new legislation with respect to commerical vehicle laws and more as assigned by the Captain.

The Port of Entry (POE) CMV Officers are 100% dedicated to the MCSAP program and conduct NAS inspections at the ports throughout the State. The POE program consists of 16 employees with an average salary of $75,059.68 each annually. That allows us up to $900,716.16 in eligible match. With our current budget we will use their salary costs to meet our State's matching obligation of $455,599.00.

Non-MCSAP Troopers across the state will increase our resources exponentially in order to reach a higher number of CMVs and improve our high visibility in areas with the greatest need to reduce CMV crashes. Each Trooper across the state will be required to complete 16 CMV traffic warnings or citations per month as state in their performance evaluation. The current budget is a cautious estimate as we know there will be a learning curve for Troopers to be able to identify CMVs properly. There is also the expectation that some will not meet the required number of contacts. As the year goes on the success of the program, or lack thereof, will be documented in the quarterly performance reports.

The MCSAP overtime projects will consist of 1 quarterly project each quarter with a budget of about $62,500 per quarter for a total of $250,000. Each quarter the 55 Troop S Troopers will be assigned a project that will require emphasis on areas in and around work zones, turnpikes, hazardous materials or high crash corridors. The remaining $179,851.08 will be used for the following: human trafficking assignments in at-risk areas around the state, non-CMV traffic enforcement, CMV traffic enforcement with no inspection and SafeDrive partnerships. Lieutenants may also conduct special emphasis with their sector to address similar issues in their respective areas. While overtime is voluntary, it will be highly encouraged amongst our 55 Troop S Troopers. Availability of other Troopers will depend on manpower needs of each Troop. We have set a benchmark of 50-60 hours of overtime per Trooper each quarter with around 20-30 hours of overtime for civilian staff to address administrative processing.

Part 4 Section 3 - Fringe Benefits

*Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, worker's compensation, and paid leave. Only non-Federal grantees that use the **accrual basis** of accounting may have a separate line item for leave, and is entered as the projected leave expected to be accrued by the personnel listed within Part 4.2 – Personnel. Reference 2 CFR §200.431(b).*

Show the fringe benefit costs associated with the staff listed in the Personnel section. Fringe costs may be estimates, or based on a fringe benefit rate. If using an approved rate by the applicant's Federal cognizant agency for indirect costs, a copy of the indirect cost rate agreement must be provided in the "My Documents" section in eCVSP and through grants.gov. For more information on this item see 2 CFR §200.431.

Show how the fringe benefit amount is calculated (i.e., actual fringe rate, rate approved by HHS Statewide Cost Allocation or cognizant agency, or an aggregated rate). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.

***Actual Fringe Rate**: a fringe rate approved by your cognizant agency or a fixed rate applied uniformly to each position.*

***Aggregated Rate**: a fringe rate based on actual costs and not a fixed rate (e.g. fringe costs may vary by employee position/classification).*

Depending on the State, there are fixed employer taxes that are paid as a percentage of the salary, such as Social Security, Medicare, State Unemployment Tax, etc. For more information on this item see the Fringe Benefits Job Aid below.

Fringe costs method: Aggregated Rate - documentation added to 'My Documents' to describe rate calculation

Total Project Costs equal the Fringe Benefit Rate x Percentage of Time on MCSAP grant x Base Amount divided by 100.

***Fringe Benefit Rate**: The rate that has been approved by the State's cognizant agency for indirect costs; or a rate that has been calculated based on the aggregate rates and/or costs of the individual items that your agency classifies as fringe benefits.*

***Base Amount**: The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.*

Fringe Benefits Project Costs							
Position(s)	Fringe Benefit Rate	% of Time on MCSAP Grant	Base Amount	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
MCSAP Data Research Analyst	46.1600	100.0000	$65,000.00	$30,004.00	$30,004.00	$0.00	$0.00
New Entrant Program Manager & Grant Writer	41.7300	100.0000	$64,250.00	$26,811.52	$26,811.52	$0.00	$0.00
CAPTAIN	25.2000	95.0000	$116,850.00	$27,973.89	$27,973.89	$0.00	$0.00
LIEUTENANT	39.0000	90.0000	$664,200.00	$233,134.20	$233,134.20	$0.00	$0.00
TROOPER	54.6500	70.0000	$2,047,500.00	$783,271.12	$783,271.12	$0.00	$0.00
CIVILIAN AUDITOR	56.0000	100.0000	$237,600.00	$133,056.00	$133,056.00	$0.00	$0.00
Administrative Program Officer IV	46.1600	100.0000	$65,000.00	$30,004.00	$30,004.00	$0.00	$0.00
Administrative Program Officer I	55.8000	100.0000	$43,000.00	$23,994.00	$23,994.00	$0.00	$0.00
Administrative Assistant I	45.9500	100.0000	$37,000.00	$17,001.50	$17,001.50	$0.00	$0.00
Administrative Assistant I	45.9500	100.0000	$37,000.00	$17,001.50	$17,001.50	$0.00	$0.00
Administrative Hearing Officer	44.7300	100.0000	$55,000.00	$24,601.50	$24,601.50	$0.00	$0.00
POE CMV Officers	0.0000	100.0000	$0.00	$0.00	$0.00	$0.00	$0.00
CVTEP/TTEP	29.3900	100.0000	$146,999.89	$43,203.26	$43,203.26	$0.00	$0.00
Turnpike	29.3900	100.0000	$147,000.00	$43,203.30	$43,203.30	$0.00	$0.00
Administrative Assistant II	49.8300	100.0000	$42,140.00	$20,998.36	$20,998.36	$0.00	$0.00
CAPTAIN	25.2000	95.0000	$116,850.00	$27,973.89	$27,973.89	$0.00	$0.00
Administrative Hearing Officer III	41.0000	100.0000	$60,000.00	$24,600.00	$24,600.00	$0.00	$0.00
Administrative Program Officer II	35.3000	100.0000	$51,000.00	$18,003.00	$18,003.00	$0.00	$0.00
MAJOR	44.7700	80.0000	$98,329.60	$35,217.72	$35,217.72	$0.00	$0.00
TOTAL: Fringe Benefits				**$1,560,052.76**	**$1,560,052.76**	**$0.00**	**$0.00**

Enter a detailed explanation of how the fringe benefit costs were derived and allocated to the MCSAP project.

The State provides fringe benefits for all employees. The benefits above are figured on actual costs and the dollar amounts listed in the table are only the amounts we want to bill to MCSAP or MOE. Fringe consists of Excess Benefit Allowance, State FICA/MQFE, State Insurance, Retirement, State Share Annuities and Worker's Compensation. The following provides detail on how these benefits are figured:

Excess Benefit Allowance - The State provides employees with an allowance for insurance premiums for themselves and their family. If the employee selects medical, dental and vision options that do not require the entire allowance the remaining funds are added to regular paycheck.

State FICA/MQFE - FICA is a combination of Social Security (SS) and Medicare. The SS portion is 6.2% of only the civilian employee's Salary, Longevity, Uniform and Differential (if they receive those last 2). The Medicare portion is 1.45% of the civilian and trooper's Salary, Longevity, Uniform and Differential. So essentially, Troopers are exempt from the SS portion.

State Insurance - Insurance benefit allowance is a set amount allowed for employees. It increases based on family structure so the the lowest would be employee only and the highest would be employee, spouse and children. These figures differ widely amond Troop S employees and is dependent on what type of coverage is chosen.

Retirement - Civilian (OPERS) – Salary, Longevity, Differential (if received) * 16.5%; Troopers (OLERS) – Salary, Longevity, Differential * 11%

State Share Annuities (SoonerSave) - This is a voluntary retirement add-on to the State's retirement system and offers an employer match contribution up to $25. An employee has to contribute at least $25 and can contribute more but the employer contribution is always $25.

Worker's Compensation - Worker's Comp is calculated using a formula against employee's base pay. (ie. 0.051*0.98*0.67*0.99 for Uniformed Personnel and 0.0081*0.98*0.67*0.99 for Civilian Personnel) The first number is a high risk rate and a low risk rate.The second

number is the experience modifier.The 3rd number calculates a 33% discount that was extended to the State, and the last number was a 1% prompt pay discount.

Part 4 Section 4 - Travel

Itemize the positions/functions of the people who will travel. Show the estimated cost of items including but not limited to, airfare, lodging, meals, transportation, etc. Explain in detail how the MCSAP program will directly benefit from the travel.

Travel costs are funds for field work or for travel to professional meetings.

List the purpose, number of persons traveling, number of days, percentage of time on MCSAP Grant, and total project costs for each trip. If details of each trip are not known at the time of application submission, provide the basis for estimating the amount requested. For more information on this item see 2 CFR §200.474.

Total Project Costs should be determined by State users, and manually input in the table below. There is no system calculation for this budget category.

Travel Project Costs							
Purpose	# of Staff	# of Days	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
COHMED	4	12	100.0000	$9,000.00	$9,000.00	$0.00	$0.00
CVSA Spring Workshop	8	32	100.0000	$18,000.00	$18,000.00	$0.00	$0.00
CVSA Fall Leadership Conference	8	32	100.0000	$18,000.00	$18,000.00	$0.00	$0.00
NAIC	2	14	100.0000	$7,500.00	$7,500.00	$0.00	$0.00
FMCSA Grant Planning Meeting	4	12	100.0000	$7,500.00	$7,500.00	$0.00	$0.00
National Road Check Week	92	276	100.0000	$10,000.00	$10,000.00	$0.00	$0.00
Travel Training	12	100	100.0000	$30,000.00	$30,000.00	$0.00	$0.00
SA/CR Quarterly Meetings	8	160	100.0000	$12,000.00	$12,000.00	$0.00	$0.00
SA/CR Program Travel	8	100	100.0000	$8,000.00	$8,000.00	$0.00	$0.00
CVSA Data Quality Workshop	5	15	100.0000	$12,000.00	$12,000.00	$0.00	$0.00
TOTAL: Travel				**$132,000.00**	**$132,000.00**	**$0.00**	**$0.00**

Enter a detailed explanation of how the travel costs were derived and allocated to the MCSAP project.

Troop S conducts Safety Audits (SAs) and Compliance Investigations (CIs) on motor carriers that include property, passenger and hazardous material carriers. Currently Troop S has 2 Troopers that are certified to conduct CIs and several addtional Troopers that just completed the course with the hopes we can add 2 more Troopers to the program (if manpower allows). 5 civilians who are certified to conduct SAs. These activities will require travel across the state, some of which will require overnight travel resulting in lodging and per diem expenses. The cost will be approximately $8,000.

Troop S is dedicated to ensuring that all MCSAP personnel are knowlegeable on regulation changes, staying in contact and communicating with other MCSAP state agencies and apply changes as they occur. Troop S attends various conference through the Commercial Vehicle Safety Alliance (CVSA). CVSA promotes commerical motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. The cost budgeted in FFY22 for CVSA conferences is $64,500. (COHMED, CVSA Spring Workshop, CVSA Fall Conference, NAIC and CVSA Data Quality Workshop)

The structure of the grant program within Troop S consists of a Major, Captain who serves as the MCSAP Coordinator, a MCSAP Grant and quarterly report writer and an Administrative Program Officer who serves as the Budget Analyst/Financial Manager. These 4 personnel will attend the annual FMCSA Grant Planning Meeting. This is estimated to cost $7,500.

National Road Check week is a big special project the State participates in annually. This project requires some of our FTEs as well as some part-time inspection personnel to travel to designated Road Check checkpoints throughout the state. Troop S currently has 55 FTE and 37 part-time certfied inspectors that can participate. Each year participation from our part-time inspectors depends on their local Troop Commander and coverage for their area. Historically we have around 75-100 inspectors working for a span of 3 days. For the sake of budgeting we plan for 92 inspectors at 3

days each for a total of "276 days". This results in lodging and per diem expenses for which we have budgeted $10,000 based on previous years expenditures.

Training is an important part of keeping the MCSAP personnel educated in regulatory changes, best practices and updates. This may include local trianing for State personnel but also required training for our certified trainers to maintain certification. This line item is based on past travel needs and some examples of that is the CVSA/FMCSA unannounced training, General HM and North American classes instructed by our Trainers for inspectors needing certification, training for new civilian employees to visit port of entry stations and special interest training such as Truckers Against Trafficking. Calculation of days and number of people is difficult depending on the demand of a training and type but generally speaking, an average 12 people with 5-10 days each is a safe budget. The approximate cost for these training travel needs is $30,000.

CI and SA personnel are required to attend quarterly meetings. This provides and opportunity for training, updates, best practice methods and address any issues. These meetings require per diem and lodging which is estimated to be $12,000.

Part 4 Section 5 - Equipment

Equipment is tangible or intangible personal property. It includes information technology systems having a useful life of more than one year, and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity (i.e., the State) for financial statement purposes, or $5,000.

- *If your State's equipment capitalization threshold is below $5,000, check the box below and provide the threshold amount. See §200.12 Capital assets, §200.20 Computing devices, §200.48 General purpose equipment, §200.58 Information technology systems, §200.89 Special purpose equipment, and §200.94 Supplies.*

Show the total cost of equipment and the percentage of time dedicated for MCSAP related activities that the equipment will be billed to MCSAP. For example, you intend to purchase a server for $5,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is $1,000. If the equipment you are purchasing will be capitalized (depreciated), you may only show the depreciable amount, and not the total cost (2 CFR §200.436 and 2 CFR §200.439). If vehicles or large IT purchases are listed here, the applicant must disclose their agency's capitalization policy.

Provide a description of the equipment requested. Include the quantity, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP grant.

Total Project Costs equal the Number of Items x Full Cost per Item x Percentage of Time on MCSAP grant.

Equipment Project Costs

Item Name	# of Items	Full Cost per Item	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Vehicle for Civilian Safety Auditor	2	$30,000.00	100	$60,000.00	$60,000.00	$0.00	$0.00
Vehicles	15	$41,666.66	0	$0.00	$0.00	$0.00	$624,999.90
1-ton Pickup Truck	1	$70,000.00	100	$70,000.00	$70,000.00	$0.00	$0.00
PBBT	1	$166,250.00	100	$166,250.00	$166,250.00	$0.00	$0.00
TOTAL: Equipment				**$296,250.00**	**$296,250.00**	**$0.00**	**$624,999.90**
Equipment threshold is greater than $5,000.							

Enter a detailed explanation of how the equipment costs were derived and allocated to the MCSAP project.

We are budgeting $60,000 to purchase 2 new units for civilian New Entrant Safety Auditors. Audits are conducted all over the state and an issued vehicle is more cost effective than paying mileage expenses over time.

The 1-ton pickup truck will be assigned to one of our Lieutenants and is necessary for various purposes.Troop S currently has a tandem axle enclosed trailer that is used to store and hold the Passenger Carrier ramps that are used to do inspection on these types of vehicles. There are 14 pieces to the ramps that lift the entire passenger vehicle at one time. They are made of aluminum but are due to the number of pieces they are a substantial amount of weight inside this trailer. ODOT has bought 2 Kapsch Trailers, that will be deployed at different location throughout the State. These trailers are used to gather CMV traffic data for ODOT but can also be used by a MCSAP Trooper to screen motor carriers and vehicles for inspection purposes. We are requesting this vehicle to pull the trailers that Troop S and Oklahoma Department of Transportation (ODOT) have purchased.

After meeting with the Region II Safe Drive States and sharing different ways to help reduce crashes during the waves, we have talked about purchasing an electronic speed limit sign. This can also record data that we could use to help reduce fatalities crashes.

Troop S plans to purchase a PBBT to assess braking performance on vehicles and prevent unsafe trucks from continuing on the roadways.

MOE Expenditures

Troop S is budgeting for 15 new vehicles at $41,666.66 each. These vehicles will replace high mileage vehicles in the fleet and fall within the planned vehicle replacement cycle while also outfitting newly assigned Troopers with a new unit.

Part 4 Section 6 - Supplies

Supplies means all tangible property other than that described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000, regardless of the length of its useful life. See also §200.20 Computing devices and §200.33 Equipment.

Estimates for supply costs may be based on the same allocation as personnel. For example, if 35 percent of officers' salaries are allocated to this project, you may allocate 35 percent of your total supply costs to this project. A different allocation basis is acceptable, so long as it is reasonable, repeatable and logical, and a description is provided in the narrative.

Provide a description of each unit/item requested, including the quantity of each unit/item, the unit of measurement for the unit/item, the cost of each unit/item, and the percentage of time on MCSAP grant.

Total Project Costs equal the Number of Units x Cost per Unit x Percentage of Time on MCSAP grant.

Supplies Project Costs

Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Inspection Supplies	87 ea	$1,781.61	100.0000	$155,000.07	$155,000.07	$0.00	$0.00
New Vehicle Police Package	15 ea	$40,000.00	0.0000	$0.00	$0.00	$0.00	$600,000.00
Office Supplies	1 ea	$65,000.00	100.0000	$65,000.00	$65,000.00	$0.00	$0.00
Law Enforcement Supplies	1 ea	$15,000.00	100.0000	$15,000.00	$15,000.00	$0.00	$0.00
1-ton Pick Up Truck Outfitting	1 ea	$70,000.00	100.0000	$70,000.00	$70,000.00	$0.00	$0.00
Office Furniture	10 ea	$3,000.00	100.0000	$30,000.00	$30,000.00	$0.00	$0.00
Audio Visual System & Install	1 ea	$44,690.00	100.0000	$44,690.00	$44,690.00	$0.00	$0.00
TOTAL: Supplies				**$379,690.07**	**$379,690.07**	**$0.00**	**$600,000.00**

Enter a detailed explanation of how the supply costs were derived and allocated to the MCSAP project.

Supplies costs are figured through researching costs each year. Troop S uses a budget vs. actuals expenditure spreadsheet to track real-time spending and monitor the budget. The true expenses incurred each year are used to build the new year's budget. There can be some anomalies from year to year which are taken into account if known ahead of time. Using an average of all purchases made in a year we can budget within a reasonable amount of each line item.

Office Supplies - $65,500 This will cover the required day-to-day supplies needed such as paper, pens, staples, postage, etc. in addition to larger items such as office furniture, replacement computers, printers and more.

1-ton Pick up Truck Outfitting - $70,000 This is to outfit this unit with the standard police package equipment and supplies in addtion to specialized towing equipment for hauling specialized inspection equipment.

Inspection Supplies - $155,000 There are approximately 87 certified inspectors within the MCSAP program and expenses were calculated at about $1781.61 per inspector. These funds will go towards FMCSR and Hazmat regulation manuals, out-of-service criteria, uniforms, paper, creepers, chocks, gloves, and CVSA decals. Supply chain issues and inflation has had a huge impact on price increases and finding alternative equipment.

Law Enforcement Supplies - $15,000 Used to purchase ammunition, range targets, handcuffs, etc. and other required supplies for Troopers.

Office Furniture - $30,000 Troop S has moved into a new headquarters with addtional storage and training/meeting spaces. This will require purchasing table and seating for 1 training room, 1 conference room and a breakroom area.

Audio Visual Supplies & Install - $44,690 The new Troop S headquarters will need to be outfitted with equipment in a training and conference space to provide the necessary training and meeting technology. The conference room will have an existing smart TV installed. The training room will be outfitted with 4 display screens, ceiling mounted sound system, tracking camera w/recording capabilities, and recording/streaming equipment. Troop S consists of 10 civilian administrative staff, Safety Auditors, Compliance Investigators, Port of Entry Inspectors and Troopers so the training room provides adequate space for various training or meeting activities.Troop S annually holds a North American Part A & B, General Hazardous Materials, Bulk and/or Cargo Tank classes.

MOE Expenditures

New Vehicle Police Package - $600,000 Covers the cost of supplies to outfit a new unit which may include lights, sirens, radios, cameras, etc. These are the standard rotational replacement for high mileage vehicles.

Part 4 Section 7 - Contractual and Subaward

This section includes contractual costs and subawards to subrecipients. Use the table below to capture the information needed for both contractual agreements and subawards. The definitions of these terms are provided so the instrument type can be entered into the table below.

***Contractual** – A contract is a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award (2 CFR §200.22). All contracts issued under a Federal award must comply with the standards described in 2 CFR §200 Procurement Standards.*

***Note**: Contracts are separate and distinct from subawards; see 2 CFR §200.330 for details.*

***Subaward** – A subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract (2 CFR §200.92 and 2 CFR §200.330).*

***Subrecipient** - Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual who is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency (2 CFR §200.93).*

Enter the legal name of the vendor or subrecipient if known. If unknown at this time, please indicate 'unknown' in the legal name field. Include a description of services for each contract or subaward listed in the table. Entering a statement such as "contractual services" with no description will not be considered meeting the requirement for completing this section.

Enter the DUNS or EIN number of each entity. There is a drop-down option to choose either DUNS or EIN, and then the State must enter the corresponding identification number.

Select the Instrument Type by choosing either Contract or Subaward for each entity.

Total Project Costs should be determined by State users and input in the table below. The tool does not automatically calculate the total project costs for this budget category.

***Operations and Maintenance**-If the State plans to include O&M costs that meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below.*

Please describe the activities these costs will be using to support (i.e., ITD, PRISM, SSDQ or other services.)

Contractual and Subaward Project Costs							
Legal Name	DUNS/EIN Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
ODOT Office Lease	DUNS 0	Contract	100.0000	$98,500.00	$98,500.00	$0.00	$0.00
Description of Services: Office lease							
AT&T, Pine Cellular & Verizon	DUNS 0	Contract	100.0000	$105,600.00	$105,600.00	$0.00	$0.00
Description of Services: Cell phone& hotspot service							
Standley Savin Copier	DUNS 0	Contract	100.0000	$10,000.00	$10,000.00	$0.00	$0.00
Description of Services: Contractual Services							
RegScan	DUNS 0	Contract	100.0000	$35,000.00	$35,000.00	$0.00	$0.00
Description of Services: Hazmat Enforcer software application							
Iteris	DUNS 0	Contract	100.0000	$30,000.00	$30,000.00	$0.00	$0.00
Description of Services: Maintenance and service for iNSPECT and Civil Assessment Program							
OMES	DUNS 0	Contract	100.0000	$20,000.00	$20,000.00	$0.00	$0.00
Description of Services: Laptop Lease - Troopers							
TOTAL: Contractual and Subaward				**$299,100.00**	**$299,100.00**	**$0.00**	**$0.00**

Enter a detailed explanation of how the contractual and subaward costs were derived and allocated to the MCSAP project.

Standley Savin Copier - $10,000 Contract with Standley Services to provide 2 machines with the ability to copy, fax and scan.

ODOT Office Lease - $98,500 The office lease is a fixed cost that includes office space, janitorial service and all utilities.

Communication Costs - $105,600 These funds will cover expenses related to MCSAP personnel cell phone and hotspot usage. We also added a sierra wireless device that adds an additional hot spot service to each laptop so the cell phone is not required to maintain wireless access.

Regscan - $35,000 This company provides us with the Hazmat Enforcer software our Troopers use in the field when conduction an inspection with hazardous materials. This expense provides us with enough licenses for every certified inspector to have the software.

Laptop Lease - $20,000 During FFY21 the Chief of the OHP made the decision to take the agency to a computer lease option. The average lease cost per laptop monthly is $82.02. Troop S will gradually move all Troopers to this contract as a vehicle is replaced.

Iteris - $30,000 operating and maintenance costs of the iNSPECT & Civil Assessment software programs used for roadside inspections and civil penalty assessments.

Part 4 Section 8 - Other Costs

Other Costs are those not classified elsewhere and are allocable to the Federal award. These costs must be specifically itemized and described. The total costs and allocation bases must be explained in the narrative. Examples of Other Costs (typically non-tangible) may include utilities, leased property or equipment, fuel for vehicles, employee training tuition, meeting registration costs, etc. The quantity, unit of measurement (e.g., monthly, annually, each, etc.), unit cost, and percentage of time on MCSAP grant must be included.

***Operations and Maintenance**-If the State plans to include O&M costs that do not meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below. Please identify these costs as ITD O&M, PRISM O&M, or SSDQ O&M. Sufficient detail must be provided in the narrative that explains what components of the specific program are being addressed by the O&M costs.*

Enter a description of each requested Other Cost.

Enter the number of items/units, the unit of measurement, the cost per unit/item, and the percentage of time dedicated to the MCSAP grant for each Other Cost listed. Show the cost of the Other Costs and the portion of the total cost that will be billed to MCSAP. For example, you intend to purchase air cards for $2,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is $400.

Total Project Costs equal the Number of Units x Cost per Item x Percentage of Time on MCSAP grant.

Indirect Costs

Information on Indirect Costs (2 CFR §200.56) is captured in this section. This cost is allowable only when an approved indirect cost rate agreement has been provided in the "My Documents" area in the eCVSP tool and through Grants.gov. Applicants may charge up to the total amount of the approved indirect cost rate multiplied by the eligible cost base. Applicants with a cost basis of salaries/wages and fringe benefits may only apply the indirect rate to those expenses. Applicants with an expense base of modified total direct costs (MTDC) may only apply the rate to those costs that are included in the MTDC base (2 CFR §200.68).

- ***Cost Basis** — is the accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute indirect costs to individual Federal awards. The direct cost base selected should result in each Federal award bearing a fair share of the indirect costs in reasonable relation to the benefits received from the costs.*
- ***Approved Rate** — is the rate in the approved Indirect Cost Rate Agreement.*
- ***Eligible Indirect Expenses** — means after direct costs have been determined and assigned directly to Federal awards and other activities as appropriate. Indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.*
- ***Total Indirect Costs** equal Approved Rate x Eligible Indirect Expenses divided by 100.*

Your State will not claim reimbursement for Indirect Costs.

Other Costs Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
CVSA Data Quality Workshop	5 ea	$700.00	100.0000	$3,500.00	$3,500.00	$0.00	$0.00
Miscellaneous	1 ea	$10,000.00	100.0000	$10,000.00	$10,000.00	$0.00	$0.00
CVSA Membership Dues	1 yr	$14,800.00	100.0000	$14,800.00	$14,800.00	$0.00	$0.00
COHMED Conference Registration Fees	4 ea	$750.00	100.0000	$3,000.00	$3,000.00	$0.00	$0.00
CVSA Spring Workshop Registration	8 ea	$700.00	100.0000	$5,600.00	$5,600.00	$0.00	$0.00
CVSA Fall Leadership Conference	8 ea	$700.00	100.0000	$5,600.00	$5,600.00	$0.00	$0.00
Fuel & Maintenance Costs	55 ea	$3,272.72	100.0000	$179,999.60	$179,999.60	$0.00	$0.00
Administrative Training	10 ea	$500.00	100.0000	$5,000.00	$5,000.00	$0.00	$0.00
TOTAL: Other Costs				**$227,499.60**	**$227,499.60**	**$0.00**	**$0.00**

Enter a detailed explanation of how the 'other' costs were derived and allocated to the MCSAP project.

MCSAP Fuel & Maintenance Costs - Fuel and maintenance costs are necessary for the operation of the Troopers and civilian auditors on a daily basis. The State uses Comdata for fuel and general vehicle maintenance such as oil changes, windshield wiper replacement, car wash, new tires and various other minimal maintenance issues and will be billed with the respective level of effort to the MCSAP program.

Miscellaneous - $10,000 This line item could include things like translator services for administrative hearings, Title VI publications, HM chemical testing, educational/outreach materials, etc.

CVSA Membership Fee - $14,800 Troop S pays an annual membership fee to be a member of the CVSA.

CVSA Conference Registration Fees - $17,700 The State encourages participation in the CVSA conferences as it has proven very beneficial over the years in increasing our knowledge of safety practices across the U.S. It also encourages uniformity in our state and allows the State to create partnershsips with other states. Personnel are budgeted to attend COHMED, CVSA Data Quality Workshop and CVSA Spring/Fall Conferences to ensure a valuable presences in the committees.

Administrative Training - $5,000 Troop S is looking to add training for administrative staff to improve efficiencies and skills of current staff. The budget will be $500 for each employee with a goal of 2 trainings per person per month throughout the year. These may include in-person seminars or online webinars.

Part 4 Section 9 - Comprehensive Spending Plan

The Comprehensive Spending Plan is auto-populated from all line items in the tables and is in read-only format. Changes to the Comprehensive Spending Plan will only be reflected by updating the individual budget category table(s).

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	$8,656,389.00	$455,599.00	$9,111,988.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	$1,366,798.00
MOE Baseline:	$1,077,371.67

Estimated Expenditures				
Personnel				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
MCSAP Data Analyst	$65,000.00	$0.00	$65,000.00	$0.00
New Entrant Program Manager & Grant Writer	$73,875.00	$0.00	$73,875.00	$0.00
MAJOR	$98,329.60	$0.00	$98,329.60	$0.00
LIEUTENANT	$664,200.00	$0.00	$664,200.00	$0.00
TROOPER	$3,021,291.00	$0.00	$3,021,291.00	$0.00
CIVILIAN AUDITORS	$273,240.00	$0.00	$273,240.00	$0.00
Administrative Program Officer IV	$75,000.00	$0.00	$75,000.00	$0.00
Administrative Program Officer II	$102,000.00	$0.00	$102,000.00	$0.00
Administrative Assistant II	$42,000.00	$0.00	$42,000.00	$0.00
Administrative Assistant I	$74,000.00	$0.00	$74,000.00	$0.00
Administrative Hearing Officer	$55,000.00	$0.00	$55,000.00	$0.00
Port of Entry CMV Officers	$0.00	$455,599.20	$455,599.20	$0.00
Turnpike	$147,000.00	$0.00	$147,000.00	$0.00
CVTEP/TTEP	$146,999.89	$0.00	$146,999.89	$0.00
CAPTAIN	$233,700.00	$0.00	$233,700.00	$0.00
Sr. Admin Hearing Officer III	$60,000.00	$0.00	$60,000.00	$0.00
Non-MCSAP Trooper Traffic Enforcement	$200,310.00	$0.00	$200,310.00	$0.00
Salary Subtotal	**$5,331,945.49**	**$455,599.20**	**$5,787,544.69**	**$0.00**
All MCSAP Staff	$429,851.08	$0.00	$429,851.08	$0.00
Overtime subtotal	**$429,851.08**	**$0.00**	**$429,851.08**	**$0.00**
Personnel total	**$5,761,796.57**	**$455,599.20**	**$6,217,395.77**	**$0.00**

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
MCSAP Data Research Analyst	$30,004.00	$0.00	$30,004.00	$0.00
New Entrant Program Manager & Grant Writer	$26,811.52	$0.00	$26,811.52	$0.00
CAPTAIN	$27,973.89	$0.00	$27,973.89	$0.00
LIEUTENANT	$233,134.20	$0.00	$233,134.20	$0.00
TROOPER	$783,271.12	$0.00	$783,271.12	$0.00
CIVILIAN AUDITOR	$133,056.00	$0.00	$133,056.00	$0.00
Administrative Program Officer IV	$30,004.00	$0.00	$30,004.00	$0.00
Administrative Program Officer I	$23,994.00	$0.00	$23,994.00	$0.00
Administrative Assistant I	$17,001.50	$0.00	$17,001.50	$0.00
Administrative Assistant I	$17,001.50	$0.00	$17,001.50	$0.00
Administrative Hearing Officer	$24,601.50	$0.00	$24,601.50	$0.00
POE CMV Officers	$0.00	$0.00	$0.00	$0.00
CVTEP/TTEP	$43,203.26	$0.00	$43,203.26	$0.00
Turnpike	$43,203.30	$0.00	$43,203.30	$0.00
Administrative Assistant II	$20,998.36	$0.00	$20,998.36	$0.00
CAPTAIN	$27,973.89	$0.00	$27,973.89	$0.00
Administrative Hearing Officer III	$24,600.00	$0.00	$24,600.00	$0.00
Administrative Program Officer II	$18,003.00	$0.00	$18,003.00	$0.00
MAJOR	$35,217.72	$0.00	$35,217.72	$0.00
Fringe Benefits total	**$1,560,052.76**	**$0.00**	**$1,560,052.76**	**$0.00**

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
COHMED	$9,000.00	$0.00	$9,000.00	$0.00
CVSA Spring Workshop	$18,000.00	$0.00	$18,000.00	$0.00
CVSA Fall Leadership Conference	$18,000.00	$0.00	$18,000.00	$0.00
NAIC	$7,500.00	$0.00	$7,500.00	$0.00
FMCSA Grant Planning Meeting	$7,500.00	$0.00	$7,500.00	$0.00
National Road Check Week	$10,000.00	$0.00	$10,000.00	$0.00
Travel Training	$30,000.00	$0.00	$30,000.00	$0.00
SA/CR Quarterly Meetings	$12,000.00	$0.00	$12,000.00	$0.00
SA/CR Program Travel	$8,000.00	$0.00	$8,000.00	$0.00
CVSA Data Quality Workshop	$12,000.00	$0.00	$12,000.00	$0.00
Travel total	**$132,000.00**	**$0.00**	**$132,000.00**	**$0.00**

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Vehicle for Civilian Safety Auditor	$60,000.00	$0.00	$60,000.00	$0.00
Vehicles	$0.00	$0.00	$0.00	$624,999.90
1-ton Pickup Truck	$70,000.00	$0.00	$70,000.00	$0.00
PBBT	$166,250.00	$0.00	$166,250.00	$0.00
Equipment total	**$296,250.00**	**$0.00**	**$296,250.00**	**$624,999.90**

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Inspection Supplies	$155,000.07	$0.00	$155,000.07	$0.00
New Vehicle Police Package	$0.00	$0.00	$0.00	$600,000.00
Office Supplies	$65,000.00	$0.00	$65,000.00	$0.00
Law Enforcement Supplies	$15,000.00	$0.00	$15,000.00	$0.00
1-ton Pick Up Truck Outfitting	$70,000.00	$0.00	$70,000.00	$0.00
Office Furniture	$30,000.00	$0.00	$30,000.00	$0.00
Audio Visual System & Install	$44,690.00	$0.00	$44,690.00	$0.00
Supplies total	**$379,690.07**	**$0.00**	**$379,690.07**	**$600,000.00**

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
ODOT Office Lease	$98,500.00	$0.00	$98,500.00	$0.00
AT&T, Pine Cellular & Verizon	$105,600.00	$0.00	$105,600.00	$0.00
Standley Savin Copier	$10,000.00	$0.00	$10,000.00	$0.00
RegScan	$35,000.00	$0.00	$35,000.00	$0.00
Iteris	$30,000.00	$0.00	$30,000.00	$0.00
OMES	$20,000.00	$0.00	$20,000.00	$0.00
Contractual and Subaward total	**$299,100.00**	**$0.00**	**$299,100.00**	**$0.00**

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
CVSA Data Quality Workshop	$3,500.00	$0.00	$3,500.00	$0.00
Miscellaneous	$10,000.00	$0.00	$10,000.00	$0.00
CVSA Membership Dues	$14,800.00	$0.00	$14,800.00	$0.00
COHMED Conference Registration Fees	$3,000.00	$0.00	$3,000.00	$0.00
CVSA Spring Workshop Registration	$5,600.00	$0.00	$5,600.00	$0.00
CVSA Fall Leadership Conference	$5,600.00	$0.00	$5,600.00	$0.00
Fuel & Maintenance Costs	$179,999.60	$0.00	$179,999.60	$0.00
Administrative Training	$5,000.00	$0.00	$5,000.00	$0.00
Other Costs total	**$227,499.60**	**$0.00**	**$227,499.60**	**$0.00**

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Subtotal for Direct Costs	**$8,656,389.00**	**$455,599.20**	**$9,111,988.20**	**$1,224,999.90**
Total Costs Budgeted	**$8,656,389.00**	**$455,599.20**	**$9,111,988.20**	**$1,224,999.90**

Part 4 Section 10 - Financial Summary

The Financial Summary is auto-populated by the system by budget category. It is a read-only document and can be used to complete the SF-424A in Grants.gov. Changes to the Financial Summary will only be reflected by updating the individual budget category table(s).

- *The system will confirm that percentages for Federal and State shares are correct for Total Project Costs. The edit check is performed on the "**Total Costs Budgeted**" line only.*
- *The system will confirm that Planned MOE Costs equal or exceed FMCSA funding limitation. The edit check is performed on the "**Total Costs Budgeted**" line only.*
- *The system will confirm that the Overtime value does not exceed the FMCSA funding limitation. The edit check is performed on the "**Overtime subtotal**" line.*

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	$8,656,389.00	$455,599.00	$9,111,988.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount):	$1,366,798.00
MOE Baseline:	$1,077,371.67

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	$5,331,945.49	$455,599.20	$5,787,544.69	$0.00
Overtime Subtotal	$429,851.08	$0.00	$429,851.08	$0.00
Personnel Total	$5,761,796.57	$455,599.20	$6,217,395.77	$0.00
Fringe Benefits Total	$1,560,052.76	$0.00	$1,560,052.76	$0.00
Travel Total	$132,000.00	$0.00	$132,000.00	$0.00
Equipment Total	$296,250.00	$0.00	$296,250.00	$624,999.90
Supplies Total	$379,690.07	$0.00	$379,690.07	$600,000.00
Contractual and Subaward Total	$299,100.00	$0.00	$299,100.00	$0.00
Other Costs Total	$227,499.60	$0.00	$227,499.60	$0.00
	85.01% Federal Share	14.99% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	$8,656,389.00	$455,599.20	$9,111,988.20	$1,224,999.90
Indirect Costs	$0.00	$0.00	$0.00	NA
Total Costs Budgeted	**$8,656,389.00**	**$455,599.20**	**$9,111,988.20**	**$1,224,999.90**

Part 5 - Certifications and Documents

Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP. The submission of the CVSP serves as official notice and certification of compliance with these requirements. State or States means all of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

If the person submitting the CVSP does not have authority to certify these documents electronically, then the State must continue to upload the signed/certified form(s) through the "My Documents" area on the State's Dashboard page.

Part 5 Section 1 - State Certification

The State Certification will not be considered complete until the four questions and certification declaration are answered. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of the person certifying the declaration for your State? John Scully
2. What is this person's title? Department of Public Safety Commissioner
3. Who is your Governor's highway safety representative? John Scully
4. What is this person's title? Department of Public Safety Commissioner

The State affirmatively accepts the State certification declaration written below by selecting 'yes'.

- (●) Yes
- ( ) Yes, uploaded certification document
- ( ) No

State Certification declaration:

I, John Scully, Department of Public Safety Commissioner, on behalf of the State of OKLAHOMA, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, certify that the State satisfies all the conditions required for MCSAP funding, as specifically detailed in 49 C.F.R. § 350.211.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

Part 5 Section 2 - Annual Review of Laws, Regulations, Policies and Compatibility Certification

You must answer all three questions and indicate your acceptance of the certification declaration. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of your certifying State official? John Scully
2. What is the title of your certifying State official? Department of Public Safety Commissioner
3. What are the phone # and email address of your State official? 405-425-2001 John.Scully@dps.ok.gov

The State affirmatively accepts the compatibility certification declaration written below by selecting 'yes'.

- (●) Yes
- ( ) Yes, uploaded certification document
- ( ) No

I, John Scully, certify that the State has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the State's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program. For the purpose of this certification, Compatible means State laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below. The Department of Public Safety has requested a change to Oklahoma State Statute Title 47 os. 230.15. Within section D regarding intrastate driving times it states "....Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer." We are attempting to change the wording "eight (8) consecutive hours" to "ten (10) consecutive hours" to obtain compatibility with the FMCSRs. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=438772

Part 5 Section 3 - New Laws/Legislation/Policy Impacting CMV Safety

Has the State adopted/enacted any new or updated laws (i.e., statutes) impacting CMV safety since the last CVSP or annual update was submitted?

(●) Yes ( ) No

In the table below, please provide the bill number and effective date of any new legislation. Include the code section which was changed because of the bill and provide a brief description of the legislation. Please include a statute number, hyperlink or URL, in the summary. Do NOT include the actual text of the Bill as that can be very lengthy.

Legislative Adoption			
Bill Number	Effective Date	Code Section Changed	Summary of Changes
HB 2183	11/01/2021	Title 47 os 6-110	Allows public transit agencies to hire third-party CDL examiners. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=439994
HB 2321	11/01/2021	Title 47 os 11-1110	Requires truck-tractors carrying cargo to maintain insurance to cover clean up cost for any substance spilled on the road or right-of-way. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=82358
HB 2325	05/03/2021	Title 47 os 14-120	Removes requirement of escort vehicles for retail implement of husbandry dealers. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=103936
HB 2465	05/24/2021	Title 47 os 6-105	Allows Oklahoma Career Techs to proctor DL & CDL written exams. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=439994
HB 1674	11/01/2021	Title 21 os 1312	Creates a crime for any person to willfully block or obstruct the normal use of a public roadway. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69817
HB 1236	05/24/2021	Title 74 os 18b	Allows the Attorney General to review any POTUS or Federal Agency rule prior to implementation to determine if constitutional. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=101059
HB 2053	11/01/2021	Title 47 os 12-405	When a citation is issued for tire tread depth, the depth measured must be entered on the citation. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=82431
HB 1795	11/01/2021	Title 47 os 6-206	Modifies when DPS can suspend a driver license. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=437319

Has the State adopted/enacted any new administrative actions or policies impacting CMV safety since the last CVSP?

( ) Yes (●) No

TROOP S STRATEGIC ENFORCEMENT PLAN

TSSEP

Troop S Strategic Enforcement Plan

Troop S developed the Troop S Strategic Enforcement Plan (TSSEP) in an effort to provide specific guidance and focus on reducing CMV crashes in and near work zones. The TSSEP is based on Oklahoma being identified by the Federal Highway Administration (FHWA) Top 10 States for commercial motor vehicles (CMVs) involved work zone crashes. The TSSEP will utilize routine mobile enforcement, special emphasis, premium pay projects, and outreach & education (safety talks) to achieve reduction in CMV work zone crashes. These activities will also assist Troop S reaching their commercial vehicle safety plan (CVSP) crash reduction goals.

Routine Mobile Enforcement:

Troop S roadside enforcement personnel, including part-time inspectors, will be encouraged to work CMV enforcement activities in or near work zones when possible. The Troop S Captain and Lieutenants will communicate to all mobile inspectors the need to increase crash reduction efforts through roadside enforcement activities based on observed CMV traffic violations and observed CMV equipment violations. Routine inspection activities will also be conducted to gather important safety data and ensure regulation and law compliance.

Special Emphasis:

Troop S Captain will require each Lieutenant to conduct, at a minimum, 1 special emphasis in their assigned detachment every quarter. The TSSEP special emphasis will be a minimum of 1 day but encouraged for multi-day emphasis.

Emphasis eligible locations:

1- In or near a work zone
    a. Near work zone means 10 miles prior to or after work zone, on the same highway
2- CMV high crash corridor
    a. Corridor locations will be provided by Troop S Captain each quarter
3- Turnpike*

Lieutenant responsibilities:

1- Establish detachment special emphasis date(s), location -meeting TSSEP criteria, and assign personnel
2- Arrange for overnight accommodations (if needed)
3- Provide special emphasis activity report to the Troop S Captain and MCSAP grant personnel

Captain responsibilities:

1- Ensure TSSEP special emphasis meeting criteria are being conducted each quarter
2- Review TSSEP special emphasis activity report

*Turnpikes are included in all activities due to the high CMV traffic and CMV crash occurrences

Troop S Strategic Enforcement Plan

Premium Pay Projects:

Troop S premium pay projects will focus on CMV crash reduction in or near work zones. Premium Pay projects allow Troop S to provide half shift or full shift concentration on crash reduction by setting criteria and an area of focus. Premium Pay projects will focus on both CMV and non-CMV traffic enforcement & diver behavior activities, and high visibility enforcement including roadside inspections without traffic enforcement. Premium Pay projects are allowed: before or after regular shift; day off; annual leave; or holiday leave. This provides enforcement in the eligible locations when the inspector would not normally be working. Available Premium Pay Project quarterly hours are established by the Troop S Captain. Lieutenant Premium Pay Project hours can include, or provide additional hours, for administrative duties.

Premium Pay eligible locations:

1- In or near a work zone
    a. Near work zone means 10 miles prior to or after work zone, on the same highway
2- CMV high crash corridor
    a. Corridor locations will be provided by Troop S Captain each quarter
3- Turnpike*

Premium Pay Criteria

1- Must be in one of the three above locations
2- Half (4/5hrs) shifts or Full (8/10hrs) shifts authorized
    a. Half shift with 1 hour travel time, full shift with 2 hours travel time
3- 1 CMV inspection *or* 2 non-CMV traffic enforcement contacts per hour worked minus allowed travel time in 2a.
    a. Level 1 and 2 inspections – traffic enforcement encouraged but not required
    b. Level 3 inspection – traffic enforcement required
    c. Non-CMV traffic enforcement / behavior documented with warning or citation issued
    d. Consideration will be given if extenuating circumstances exist this may include an inspection lasting over 1 hour or another justifiable situation occurs. Consideration based on the Captain or Lieutenant discretion.
4- Must submit CMV & non-CMV contact summary report, CMV inspections, and MCSAP PP timesheet

Lieutenant responsibilities:

1- Review all CMV & non-CMV contact summary to ensure criteria met
2- Review CMV inspection reports for quality and completeness
3- Approve timesheet and documents any discrepancies found

Captain responsibilities:

1- Establish available quarterly Premium Pay Project hours
2- Identify CMV high crash corridors for each quarter
3- Ensure Lieutenants are adhering to their Premium Pay Project responsibilities

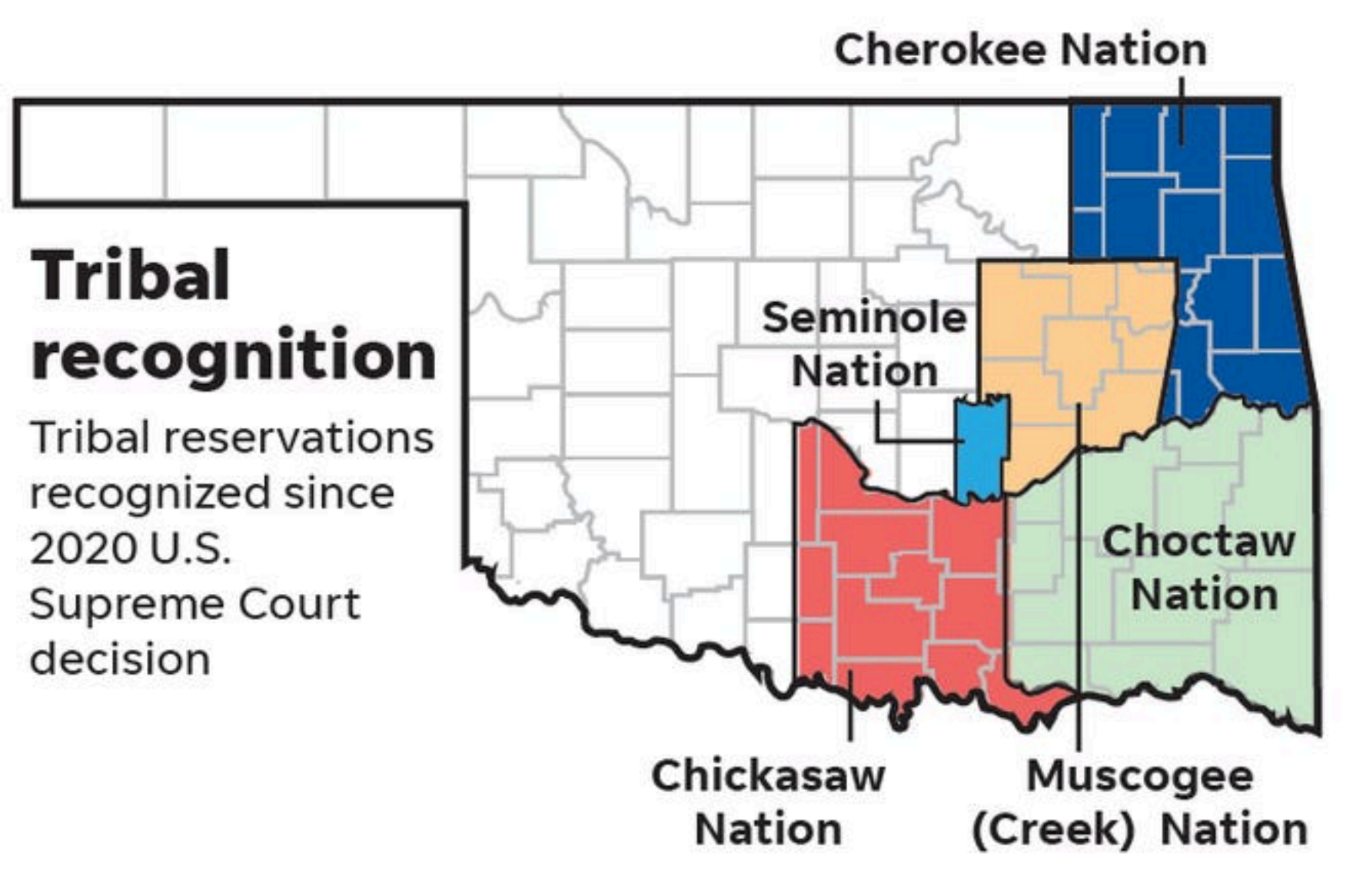
*Turnpikes are included in all activities due to the high CMV traffic and CMV crash occurrences

Troop S Strategic Enforcement Plan

Outreach & Education (Safety Talks):

All Troop S personnel conducting Safety Talks are required to devote a portion of their outreach session to CMV driving behaviors, safe driving in or around CMVs, and defensive driving behavior. Troop S encourages their personnel to conduct Safety Talks with non-CMV drivers and groups such as high school driver's education classes and civic organizations. These talks are important to reducing CMV related crashes through improving all driving behavior and recognizing the "no zone" around CMVs.

Troop S is currently working to update their website. This update will include providing information regarding CMV crash reduction strategies, no zone, and other material to help educate all drivers. Troop S will also provide links to other safe driving websites.


Tribal recognition
Tribal reservations recognized since 2020 U.S. Supreme Court decision
Cherokee Nation
Seminole Nation
Choctaw Nation
Chickasaw Nation
Muscogee (Creek) Nation

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

McGIRT *v.* OKLAHOMA

CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF OKLAHOMA

No. 18–9526. Argued May 11, 2020—Decided July 9, 2020

The Major Crimes Act (MCA) provides that, within "the Indian country," "[a]ny Indian who commits" certain enumerated offenses "shall be subject to the same law and penalties as all other persons committing any of [those] offenses, within the exclusive jurisdiction of the United States." 18 U. S. C. §1153(a). "Indian country" includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government." §1151. Petitioner Jimcy McGirt was convicted by an Oklahoma state court of three serious sexual offenses. He unsuccessfully argued in state postconviction proceedings that the State lacked jurisdiction to prosecute him because he is an enrolled member of the Seminole Nation and his crimes took place on the Creek Reservation. He seeks a new trial, which, he contends, must take place in federal court.

Held: For MCA purposes, land reserved for the Creek Nation since the 19th century remains "Indian country." Pp. 3–42.

(a) Congress established a reservation for the Creek Nation. An 1833 Treaty fixed borders for a "permanent home to the whole Creek Nation of Indians," 7 Stat. 418, and promised that the United States would "grant a patent, in fee simple, to the Creek nation of Indians for the [assigned] land" to continue "so long as they shall exist as a nation, and continue to occupy the country hereby assigned to them," *id.*, at 419. The patent formally issued in 1852.

Though the early treaties did not refer to the Creek lands as a "reservation," similar language in treaties from the same era has been held sufficient to create a reservation, see, *e.g.*, *Menominee Tribe* v. *United States,* 391 U. S. 404, 405, and later Acts of Congress—referring to the "Creek reservation"—leave no room for doubt, see, *e.g.*, 17 Stat. 626. In addition, an 1856 Treaty promised that "no portion" of Creek lands

Syllabus

"would ever be embraced or included within, or annexed to, any Territory or State," 11 Stat. 700, and that the Creeks would have the "unrestricted right of self-government," with "full jurisdiction" over enrolled Tribe members and their property, *id.*, at 704. Pp. 3–6.

(b) Congress has since broken more than a few promises to the Tribe. Nevertheless, the Creek Reservation persists today. Pp. 6–28.

(1) Once a federal reservation is established, only Congress can diminish or disestablish it. Doing so requires a clear expression of congressional intent. Pp. 6–8.

(2) Oklahoma claims that Congress ended the Creek Reservation during the so-called "allotment era"—a period when Congress sought to pressure many tribes to abandon their communal lifestyles and parcel their lands into smaller lots owned by individual tribal members. Missing from the allotment-era agreement with the Creek, see 31 Stat. 862–864, however, is any statute evincing anything like the "present and total surrender of all tribal interests" in the affected lands. And this Court has already rejected the argument that allotments automatically ended reservations. Pp. 8–13.

(3) Oklahoma points to other ways Congress intruded on the Creeks' promised right to self-governance during the allotment era, including abolishing the Creeks' tribal courts, 30 Stat. 504–505, and requiring Presidential approval for certain tribal ordinances, 31 Stat. 872. But these laws fall short of eliminating all tribal interest in the contested lands. Pp. 13–17.

(4) Oklahoma ultimately claims that historical practice and demographics are enough by themselves to prove disestablishment. This Court has consulted contemporaneous usages, customs, and practices to the extent they shed light on the meaning of ambiguous statutory terms, but Oklahoma points to no ambiguous language in any of the relevant statutes that could plausibly be read as an act of cession. Such extratextual considerations are of "'limited interpretive value,'" *Nebraska* v. *Parker*, 577 U. S. 481, ___, and the "least compelling" form of evidence, *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 356. In the end, Oklahoma resorts to the State's long historical practice of prosecuting Indians in state court for serious crimes on the contested lands, various statements made during the allotment era, and the speedy and persistent movement of white settlers into the area. But these supply little help with the law's meaning and much potential for mischief. Pp. 17–28.

(c) In the alternative, Oklahoma contends that Congress never established a reservation but instead created a "dependent Indian community." To hold that the Creek never had a reservation would require willful blindness to the statutory language and a belief that the land

patent the Creek received somehow made their tribal sovereignty easier to divest. Congress established a reservation, not a dependent Indian community, for the Creek Nation. Pp. 28–31.

(d) Even assuming that the Creek land is a reservation, Oklahoma argues that the MCA has never applied in eastern Oklahoma. It claims that the Oklahoma Enabling Act, which transferred all nonfederal cases pending in the territorial courts to Oklahoma's state courts, made the State's courts the successors to the federal territorial courts' sweeping authority to try Indians for crimes committed on reservations. That argument, however, rests on state prosecutorial practices that defy the MCA, rather than on the law's plain terms. Pp. 32–36.

(e) Finally, Oklahoma warns of the potential consequences that will follow a ruling against it, such as unsettling an untold number of convictions and frustrating the State's ability to prosecute crimes in the future. This Court is aware of the potential for cost and conflict around jurisdictional boundaries. But Oklahoma and its tribes have proven time and again that they can work successfully together as partners, and Congress remains free to supplement its statutory directions about the lands in question at any time. Pp. 36–42.

Reversed.

GORSUCH, J., delivered the opinion of the Court, in which GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. ROBERTS, C. J., filed a dissenting opinion, in which ALITO and KAVANAUGH, JJ., joined, and in which THOMAS, J., joined, except as to footnote 9. THOMAS, J., filed a dissenting opinion.

SUPREME COURT OF THE UNITED STATES

No. 18–9526

JIMCY MCGIRT, PETITIONER *v.* OKLAHOMA

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF OKLAHOMA

[July 9, 2020]

JUSTICE GORSUCH delivered the opinion of the Court.

On the far end of the Trail of Tears was a promise. Forced to leave their ancestral lands in Georgia and Alabama, the Creek Nation received assurances that their new lands in the West would be secure forever. In exchange for ceding "all their land, East of the Mississippi river," the U. S. government agreed by treaty that "[t]he Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians." Treaty With the Creeks, Arts. I, XIV, Mar. 24, 1832, 7 Stat. 366, 368 (1832 Treaty). Both parties settled on boundary lines for a new and "permanent home to the whole Creek nation," located in what is now Oklahoma. Treaty With the Creeks, preamble, Feb. 14, 1833, 7 Stat. 418 (1833 Treaty). The government further promised that "[no] State or Territory [shall] ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves." 1832 Treaty, Art. XIV, 7 Stat. 368.

Today we are asked whether the land these treaties promised remains an Indian reservation for purposes of federal criminal law. Because Congress has not said otherwise, we hold the government to its word.

I

At one level, the question before us concerns Jimcy McGirt. Years ago, an Oklahoma state court convicted him of three serious sexual offenses. Since then, he has argued in postconviction proceedings that the State lacked jurisdiction to prosecute him because he is an enrolled member of the Seminole Nation of Oklahoma and his crimes took place on the Creek Reservation. A new trial for his conduct, he has contended, must take place in federal court. The Oklahoma state courts hearing Mr. McGirt's arguments rejected them, so he now brings them here.

Mr. McGirt's appeal rests on the federal Major Crimes Act (MCA). The statute provides that, within "the Indian country," "[a]ny Indian who commits" certain enumerated offenses "against the person or property of another Indian or any other person" "shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States." 18 U. S. C. §1153(a). By subjecting Indians to federal trials for crimes committed on tribal lands, Congress may have breached its promises to tribes like the Creek that they would be free to govern themselves. But this particular incursion has its limits—applying only to certain enumerated crimes and allowing only the federal government to try Indians. State courts generally have no jurisdiction to try Indians for conduct committed in "Indian country." *Negonsott* v. *Samuels*, 507 U. S. 99, 102–103 (1993).

The key question Mr. McGirt faces concerns that last qualification: Did he commit his crimes in Indian country? A neighboring provision of the MCA defines the term to include, among other things, "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation." §1151(a). Mr. McGirt submits he can satisfy

this condition because he committed his crimes on land reserved for the Creek since the 19th century.

The Creek Nation has joined Mr. McGirt as *amicus curiae*. Not because the Tribe is interested in shielding Mr. McGirt from responsibility for his crimes. Instead, the Creek Nation participates because Mr. McGirt's personal interests wind up implicating the Tribe's. No one disputes that Mr. McGirt's crimes were committed on lands described as the Creek Reservation in an 1866 treaty and federal statute. But, in seeking to defend the state-court judgment below, Oklahoma has put aside whatever procedural defenses it might have and asked us to confirm that the land once given to the Creeks is no longer a reservation today.

At another level, then, Mr. McGirt's case winds up as a contest between State and Tribe. The scope of their dispute is limited; nothing we might say today could unsettle Oklahoma's authority to try non-Indians for crimes against non-Indians on the lands in question. See *United States* v. *McBratney*, 104 U. S. 621, 624 (1882). Still, the stakes are not insignificant. If Mr. McGirt and the Tribe are right, the State has no right to prosecute Indians for crimes committed in a portion of Northeastern Oklahoma that includes most of the city of Tulsa. Responsibility to try these matters would fall instead to the federal government and Tribe. Recently, the question has taken on more salience too. While Oklahoma state courts have rejected any suggestion that the lands in question remain a reservation, the Tenth Circuit has reached the opposite conclusion. *Murphy* v. *Royal*, 875 F. 3d 896, 907–909, 966 (2017). We granted certiorari to settle the question. 589 U. S. ___ (2019).

II

Start with what should be obvious: Congress established a reservation for the Creeks. In a series of treaties, Con-

gress not only "solemnly guarantied" the land but also "establish[ed] boundary lines which will secure a country and permanent home to the whole Creek Nation of Indians." 1832 Treaty, Art. XIV, 7 Stat. 368; 1833 Treaty, preamble, 7 Stat. 418. The government's promises weren't made gratuitously. Rather, the 1832 Treaty acknowledged that "[t]he United States are desirous that the Creeks should remove to the country west of the Mississippi" and, in service of that goal, required the Creeks to cede all lands in the East. Arts. I, XII, 7 Stat. 366, 367. Nor were the government's promises meant to be delusory. Congress twice assured the Creeks that "[the] Treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the United States." 1832 Treaty, Art. XV, *id.*, at 368; see 1833 Treaty, Art. IX, 7 Stat. 420 ("agreement shall be binding and obligatory" upon ratification). Both treaties were duly ratified and enacted as law.

Because the Tribe's move west was ostensibly voluntary, Congress held out another assurance as well. In the statute that precipitated these negotiations, Congress authorized the President "to assure the tribe . . . that the United States will forever secure and guaranty to them . . . the country so exchanged with them." Indian Removal Act of 1830, §3, 4 Stat. 412. "[A]nd if they prefer it," the bill continued, "the United States will cause a patent or grant to be made and executed to them for the same; *Provided always*, that such lands shall revert to the United States, if the Indians become extinct, or abandon the same." *Ibid.* If agreeable to all sides, a tribe would not only enjoy the government's solemn treaty promises; it would hold legal title to its lands.

It was an offer the Creek accepted. The 1833 Treaty fixed borders for what was to be a "permanent home to the whole Creek nation of Indians." 1833 Treaty, preamble, 7 Stat. 418. It also established that the "United States will grant a patent, in fee simple, to the Creek nation of Indians for the land assigned said nation by this treaty." Art. III, *id.*,

at 419. That grant came with the caveat that "the right thus guaranteed by the United States shall be continued to said tribe of Indians, so long as they shall exist as a nation, and continue to occupy the country hereby assigned to them." *Ibid.* The promised patent formally issued in 1852. See *Woodward* v. *De Graffenried*, 238 U. S. 284, 293–294 (1915).

These early treaties did not refer to the Creek lands as a "reservation"—perhaps because that word had not yet acquired such distinctive significance in federal Indian law. But we have found similar language in treaties from the same era sufficient to create a reservation. See *Menominee Tribe* v. *United States*, 391 U. S. 404, 405 (1968) (grant of land "'for a home, to be held as Indian lands are held,'" established a reservation). And later Acts of Congress left no room for doubt. In 1866, the United States entered yet another treaty with the Creek Nation. This agreement reduced the size of the land set aside for the Creek, compensating the Tribe at a price of 30 cents an acre. Treaty Between the United States and the Creek Nation of Indians, Art. III, June 14, 1866, 14 Stat. 786. But Congress explicitly restated its commitment that the remaining land would "be forever set apart as a home for said Creek Nation," which it now referred to as "the reduced Creek reservation." Arts. III, IX, *id.*, at 786, 788.[1] Throughout the late

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[1] The dissent by THE CHIEF JUSTICE (hereinafter the dissent) suggests that the Creek's intervening alliance with the Confederacy "'unsettled'" and "'forfeit[ed]'" the longstanding promises of the United States. *Post,* at 3. But the Treaty of 1866 put an end to any Civil War hostility, promising mutual amnesty, "perpetual peace and friendship," and guaranteeing the Tribe the "quiet possession of their country." Art. I, 14 Stat. 786. Though this treaty expressly reduced the size of the Creek Reservation, the Creek were compensated for the lost territory, and otherwise "retained" their unceded portion. Art. III, *ibid.* Contrary to the dissent's implication, nothing in the Treaty of 1866 purported to repeal prior treaty promises. Cf. Art. XII, *id.,* at 790 (the United States expressly "reaffirms and reassumes all obligations of treaty stipulations with the

19th century, many other federal laws also expressly referred to the Creek Reservation. See, *e.g.,* Treaty Between United States and Cherokee Nation of Indians, Art. IV, July 19, 1866, 14 Stat. 800 ("Creek reservation"); Act of Mar. 3, 1873, ch. 322, 17 Stat. 626; (multiple references to the "Creek reservation" and "Creek India[n] Reservation"); 11 Cong. Rec. 2351 (1881) (discussing "the dividing line between the Creek reservation and their ceded lands"); Act of Feb. 13, 1891, 26 Stat. 750 (describing a cession by referencing the "West boundary line of the Creek Reservation").

There is a final set of assurances that bear mention, too. In the Treaty of 1856, Congress promised that "no portion" of the Creek Reservation "shall ever be embraced or included within, or annexed to, any Territory or State." Art. IV, 11 Stat. 700. And within their lands, with exceptions, the Creeks were to be "secured in the unrestricted right of self-government," with "full jurisdiction" over enrolled Tribe members and their property. Art. XV, *id.*, at 704. So the Creek were promised not only a "permanent home" that would be "forever set apart"; they were also assured a right to self-government on lands that would lie outside both the legal jurisdiction and geographic boundaries of any State. Under any definition, this was a reservation.

III

A

While there can be no question that Congress established a reservation for the Creek Nation, it's equally clear that Congress has since broken more than a few of its promises to the Tribe. Not least, the land described in the parties' treaties, once undivided and held by the Tribe, is now fractured into pieces. While these pieces were initially distributed to Tribe members, many were sold and now belong to persons unaffiliated with the Nation. So in what sense, if

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Creek nation entered into before" the Civil War).

any, can we say that the Creek Reservation persists today?

To determine whether a tribe continues to hold a reservation, there is only one place we may look: the Acts of Congress. This Court long ago held that the Legislature wields significant constitutional authority when it comes to tribal relations, possessing even the authority to breach its own promises and treaties. *Lone Wolf* v. *Hitchcock*, 187 U. S. 553, 566–568 (1903). But that power, this Court has cautioned, belongs to Congress alone. Nor will this Court lightly infer such a breach once Congress has established a reservation. *Solem* v. *Bartlett*, 465 U. S. 463, 470 (1984).

Under our Constitution, States have no authority to reduce federal reservations lying within their borders. Just imagine if they did. A State could encroach on the tribal boundaries or legal rights Congress provided, and, with enough time and patience, nullify the promises made in the name of the United States. That would be at odds with the Constitution, which entrusts Congress with the authority to regulate commerce with Native Americans, and directs that federal treaties and statutes are the "supreme Law of the Land." Art. I, §8; Art. VI, cl. 2. It would also leave tribal rights in the hands of the very neighbors who might be least inclined to respect them.

Likewise, courts have no proper role in the adjustment of reservation borders. Mustering the broad social consensus required to pass new legislation is a deliberately hard business under our Constitution. Faced with this daunting task, Congress sometimes might wish an inconvenient reservation would simply disappear. Short of that, legislators might seek to pass laws that tiptoe to the edge of disestablishment and hope that judges—facing no possibility of electoral consequences themselves—will deliver the final push. But wishes don't make for laws, and saving the political branches the embarrassment of disestablishing a reservation is not one of our constitutionally assigned prerogatives. "[O]nly Congress can divest a reservation of its land and

diminish its boundaries." *Solem*, 465 U. S., at 470. So it's no matter how many other promises to a tribe the federal government has already broken. If Congress wishes to break the promise of a reservation, it must say so.

History shows that Congress knows how to withdraw a reservation when it can muster the will. Sometimes, legislation has provided an "[e]xplicit reference to cession" or an "unconditional commitment . . . to compensate the Indian tribe for its opened land." *Ibid.* Other times, Congress has directed that tribal lands shall be "'restored to the public domain.'" *Hagen* v. *Utah*, 510 U. S. 399, 412 (1994) (emphasis deleted). Likewise, Congress might speak of a reservation as being "'discontinued,'" "'abolished,'" or "'vacated.'" *Mattz* v. *Arnett*, 412 U. S. 481, 504, n. 22 (1973). Disestablishment has "never required any particular form of words," *Hagen*, 510 U. S., at 411. But it does require that Congress clearly express its intent to do so, "[c]ommon[ly with an] '[e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests.' " *Nebraska* v. *Parker*, 577 U. S. 481, ___–___ (2016) (slip op., at 6).

B

In an effort to show Congress has done just that with the Creek Reservation, Oklahoma points to events during the so-called "allotment era." Starting in the 1880s, Congress sought to pressure many tribes to abandon their communal lifestyles and parcel their lands into smaller lots owned by individual tribe members. See 1 F. Cohen, Handbook of Federal Indian Law §1.04 (2012) (Cohen), discussing General Allotment Act of 1887, ch. 119, 24 Stat. 388. Some allotment advocates hoped that the policy would create a class of assimilated, landowning, agrarian Native Americans. See Cohen §1.04; F. Hoxie, A Final Promise: The Campaign To Assimilate 18–19 (2001). Others may have hoped that, with lands in individual hands and (eventually)

freely alienable, white settlers would have more space of their own. See *id.*, at 14–15; cf. General Allotment Act of 1887, §5, 24 Stat. 389–390.

The Creek were hardly exempt from the pressures of the allotment era. In 1893, Congress charged the Dawes Commission with negotiating changes to the Creek Reservation. Congress identified two goals: Either persuade the Creek to cede territory to the United States, as it had before, or agree to allot its lands to Tribe members. Act of Mar. 3, 1893, ch. 209, §16, 27 Stat. 645–646. A year later, the Commission reported back that the Tribe "would not, under any circumstances, agree to cede any portion of their lands." S. Misc. Doc. No. 24, 53d Cong., 3d Sess., 7 (1894). At that time, before this Court's decision in *Lone Wolf*, Congress may not have been entirely sure of its power to terminate an established reservation unilaterally. Perhaps for that reason, perhaps for others, the Commission and Congress took this report seriously and turned their attention to allotment rather than cession.[2]

The Commission's work culminated in an allotment agreement with the Tribe in 1901. Creek Allotment Agreement, ch. 676, 31 Stat. 861. With exceptions for certain preexisting town sites and other special matters, the Agreement established procedures for allotting 160-acre parcels to individual Tribe members who could not sell, transfer, or otherwise encumber their allotments for a number of years. §§3, 7, *id.*, at 862–864 (5 years for any portion, 21 years for the designated "homestead" portion). Tribe members were given deeds for their parcels that "convey[ed] to [them] all right, title, and interest of the Creek Nation." §23, *id.*, at

[2]The dissent stresses, repeatedly, that the Dawes Commission was charged with seeking to extinguish the reservation. *Post,* at 18, 24. Yet, the dissent fails to mention the Commission's various reports acknowledging that those efforts were unsuccessful precisely because the Creek refused to cede their lands.

867–868. In 1908, Congress relaxed these alienation restrictions in some ways, and even allowed the Secretary of the Interior to waive them. Act of May 27, 1908, ch. 199, §1, 35 Stat. 312. One way or the other, individual Tribe members were eventually free to sell their land to Indians and non-Indians alike.

Missing in all this, however, is a statute evincing anything like the "present and total surrender of all tribal interests" in the affected lands. Without doubt, in 1832 the Creek "cede[d]" their original homelands east of the Mississippi for a reservation promised in what is now Oklahoma. 1832 Treaty, Art. I, 7 Stat. 366. And in 1866, they "cede[d] and convey[ed]" a portion of that reservation to the United States. Treaty With the Creek, Art. III, 14 Stat. 786. But because there exists no equivalent law terminating what remained, the Creek Reservation survived allotment.

In saying this we say nothing new. For years, States have sought to suggest that allotments automatically ended reservations, and for years courts have rejected the argument. Remember, Congress has defined "Indian country" to include "all land within the limits of any Indian reservation . . . notwithstanding the issuance of any patent, and, including any rights-of-way running through the reservation." 18 U. S. C. §1151(a). So the relevant statute expressly contemplates private land ownership within reservation boundaries. Nor under the statute's terms does it matter whether these individual parcels have passed hands to non-Indians. To the contrary, this Court has explained repeatedly that Congress does not disestablish a reservation simply by allowing the transfer of individual plots, whether to Native Americans or others. See *Mattz*, 412 U. S., at 497 ("[A]llotment under the . . . Act is completely consistent with continued reservation status"); *Seymour* v. *Superintendent of Wash. State Penitentiary*, 368 U. S. 351, 356–358 (1962) (holding that allotment act "did no more than open the way for non-Indian settlers to own land on the reservation");

Parker, 577 U. S., at ___ (slip op., at 7) ("[T]he 1882 Act falls into another category of surplus land Acts: those that merely opened reservation land to settlement. . . . Such schemes allow non-Indian settlers to own land on the reservation" (internal quotation marks omitted)).

It isn't so hard to see why. The federal government issued its own land patents to many homesteaders throughout the West. These patents transferred legal title and are the basis for much of the private land ownership in a number of States today. But no one thinks any of this diminished the United States's claim to sovereignty over any land. To accomplish that would require an act of cession, the transfer of a sovereign claim from one nation to another. 3 E. Washburn, American Law of Real Property *521–*524. And there is no reason why Congress cannot reserve land for tribes in much the same way, allowing them to continue to exercise governmental functions over land even if they no longer own it communally. Indeed, such an arrangement seems to be contemplated by §1151(a)'s plain terms. Cf. *Seymour*, 368 U. S., at 357–358.[3]

Oklahoma reminds us that allotment was often the first step in a plan ultimately aimed at disestablishment. As this Court explained in *Mattz*, Congress's expressed policy at the time "was to continue the reservation system and the trust status of Indian lands, but to allot tracts to individual Indians for agriculture and grazing." 412 U. S., at 496. Then, "[w]hen all the lands had been allotted and the trust expired, the reservation could be abolished." *Ibid.* This plan was set in motion nationally in the General Allotment

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[3] The dissent not only fails to acknowledge these features of the statute and our precedents. It proceeds in defiance of them, suggesting that by moving to eliminate communal title and relaxing restrictions on alienation, "Congress destroyed the foundation of [the Creek Nation's] sovereignty." *Post*, at 18–19. But this Court long ago rejected the notion that the purchase of lands by non-Indians is inconsistent with reservation status. See *Seymour*, 368 U. S., at 357–358.

Act of 1887, and for the Creek specifically in 1901. No doubt, this is why Congress at the turn of the 20th century "believed to a man" that "the reservation system would cease" "within a generation at most." *Solem*, 465 U. S., at 468. Still, just as wishes are not laws, future plans aren't either. Congress may have passed allotment laws to create the conditions for disestablishment. But to equate allotment with disestablishment would confuse the first step of a march with arrival at its destination.[4]

Ignoring this distinction would run roughshod over many other statutes as well. In some cases, Congress chose not to wait for allotment to run its course before disestablishing a reservation. When it deemed that approach appropriate, Congress included additional language expressly ending reservation status. So, for example, in 1904, Congress allotted reservations belonging to the Ponca and Otoe Tribes, reservations also lying within modern-day Oklahoma, and then provided "further, That the reservation lines of the said . . . reservations . . . are hereby abolished." Act of Apr. 21, 1904, §8, 33 Stat. 217–218 (emphasis deleted); see also *DeCoteau* v. *District County Court for Tenth Judicial Dist.*, 420 U. S. 425, 439–440, n. 22 (1975) (collecting other examples). Tellingly, however, nothing like that can be found in the nearly contemporary 1901 Creek Allotment Agreement or the 1908 Act. That doesn't make these laws special. Rather, in using the language that they did, these allotment laws tracked others of the period, parceling out individual

[4] The dissent seemingly conflates these steps in other ways, too, by implying that the passage of an allotment Act *itself* extinguished title. *Post,* at 18–19. The reality proved more complicated. Allotment of the Creek lands did not occur overnight, but dragged on for years, well past Oklahoma's statehood, until Congress finally prohibited any further allotments more than 15 years later. Act of Mar. 2, 1917, 39 Stat. 986.

tracts, while saving the ultimate fate of the land's reservation status for another day.[5]

C

If allotment by itself won't work, Oklahoma seeks to prove disestablishment by pointing to other ways Congress intruded on the Creek's promised right to self-governance during the allotment era. It turns out there were many. For example, just a few years before the 1901 Creek Allotment Agreement, and perhaps in an effort to pressure the Tribe to the negotiating table, Congress abolished the Creeks' tribal courts and transferred all pending civil and criminal cases to the U. S. Courts of the Indian Territory. Curtis Act of 1898, §28, 30 Stat. 504–505. Separately, the Creek Allotment Agreement provided that tribal ordinances "affecting the lands of the Tribe, or of individuals after allotment, or the moneys or other property of the Tribe, or of the citizens thereof" would not be valid until approved by the President of the United States. §42, 31 Stat. 872.

Plainly, these laws represented serious blows to the

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[5]The dissent doesn't purport to find any of the hallmarks of diminishment in the Creek Allotment Agreement. Instead, the dissent tries to excuse their absence by saying that it would have made "little sense" to find such language in an Act transferring the Tribe's lands to private owners. *Post*, at 14. But the dissent's account is impossible to reconcile with history and precedent. As we have noted, plenty of allotment agreements during this era included precisely the language of cession and compensation that the dissent says it would make "little sense" to find there. And this Court has confirmed time and again that allotment agreements without such language do not necessarily disestablish or diminish the reservation at issue. See *Mattz* v. *Arnett*, 412 U. S. 481, 497 (1973); *Seymour* v. *Superintendent* of *Wash. State Penitentiary*, 368 U. S. 351, 358 (1962). The dissent's only answer is to suggest that allotment combined with *other* statutes limiting the Creek Nation's governing authority amounted to disestablishment—in other words that it's the arguments in the *next* section that really do the work.

Creek. But, just as plainly, they left the Tribe with significant sovereign functions over the lands in question. For example, the Creek Nation retained the power to collect taxes, operate schools, legislate through tribal ordinances, and, soon, oversee the federally mandated allotment process. §§39, 40, 42, *id.*, at 871–872; *Buster* v. *Wright*, 135 F. 947, 949–950, 953–954 (CA8 1905). And, in its own way, the congressional incursion on tribal legislative processes only served to prove the power: Congress would have had no need to subject tribal legislation to Presidential review if the Tribe lacked any authority to legislate. Grave though they were, these congressional intrusions on pre-existing treaty rights fell short of eliminating all tribal interests in the land.

Much more ominously, the 1901 allotment agreement ended by announcing that the Creek tribal government "shall not continue" past 1906, although the agreement quickly qualified that statement, adding the proviso "subject to such further legislation as Congress may deem proper." §46, 31 Stat. 872. Thus, while suggesting that the tribal government *might* end in 1906, Congress also necessarily understood it had not ended in 1901. All of which was consistent with the Legislature's general practice of taking allotment as a first, not final, step toward disestablishment and dissolution.

When 1906 finally arrived, Congress adopted the Five Civilized Tribes Act. But instead of dissolving the tribal government as some may have expected, Congress "deem[ed] proper" a different course, simply cutting away further at the Tribe's autonomy. Congress empowered the President to remove and replace the principal chief of the Creek, prohibited the tribal council from meeting more than 30 days a year, and directed the Secretary of the Interior to assume control of tribal schools. §§6, 10, 28, 34 Stat. 139–140, 148. The Act also provided for the handling of the

Tribe's funds, land, and legal liabilities in the event of dissolution. §§11, 27, *id.*, at 141, 148. Despite these additional incursions on tribal authority, however, Congress expressly recognized the Creek's "tribal existence and present tribal governmen[t]" and "continued [them] in full force and effect for all purposes authorized by law." §28, *id.*, at 148.

In the years that followed, Congress continued to adjust its arrangements with the Tribe. For example, in 1908, the Legislature required Creek officials to turn over all "tribal properties" to the Secretary of the Interior. Act of May 27, 1908, §13, 35 Stat. 316. The next year, Congress sought the Creek National Council's release of certain money claims against the U. S. government. Act of Mar. 3, 1909, ch. 263, 35 Stat. 781, 805. And, further still, Congress offered the Creek Nation a one-time opportunity to file suit in the federal Court of Claims for "any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Creek Indian Nation." Act of May 24, 1924, ch. 181, 43 Stat. 139; see, *e.g., United States* v. *Creek Nation*, 295 U. S. 103 (1935). But Congress never withdrew its recognition of the tribal government, and none of its adjustments would have made any sense if Congress thought it had already completed that job.

Indeed, with time, Congress changed course completely. Beginning in the 1920s, the federal outlook toward Native Americans shifted "away from assimilation policies and toward more tolerance and respect for traditional aspects of Indian culture." 1 Cohen §1.05. Few in 1900 might have foreseen such a profound "reversal of attitude" was in the making or expected that "new protections for Indian rights," including renewed "support for federally defined tribalism," lurked around the corner. *Ibid.*; see also M. Scherer, Imperfect Victories: The Legal Tenacity of the Omaha Tribe, 1945–1995, pp. 2–4 (1999). But that is exactly what happened. Pursuant to this new national policy,

in 1936, Congress authorized the Creek to adopt a constitution and bylaws, see Act of June 26, 1936, §3, 49 Stat. 1967, enabling the Creek government to resume many of its previously suspended functions. *Muscogee (Creek) Nation* v. *Hodel*, 851 F. 2d 1439, 1442–1447 (CADC 1988).[6]

The Creek Nation has done exactly that. In the intervening years, it has ratified a new constitution and established three separate branches of government. *Ibid.*; see Muscogee Creek Nation (MCN) Const., Arts. V, VI, and VII. Today the Nation is led by a democratically elected Principal Chief, Second Chief, and National Council; operates a police force and three hospitals; commands an annual budget of more than $350 million; and employs over 2,000 people. Brief for Muscogee (Creek) Nation as *Amicus Curiae* 36–39. In 1982, the Nation passed an ordinance reestablishing the criminal and civil jurisdiction of its courts. See *Hodel*, 851 F. 2d, at 1442, 1446–1447 (confirming Tribe's authority to do so). The territorial jurisdiction of these courts extends to any Indian country within the Tribe's territory as defined by the Treaty of 1866. MCN Stat. 27, §1–102(A). And the State of Oklahoma has afforded full faith and credit to its judgments since at least 1994. See *Barrett* v. *Barrett*, 878

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[6]The dissent calls it "fantasy" to suggest that Congress evinced "any unease about extinguishing the Creek domain" because Congress "did what it set out to do: transform a reservation into a State." *Post,* at 22–23. The dissent stresses, too, that the Creek were afforded U. S. citizenship and the right to vote. *Post,* at 20. But the only thing implausible here is the suggestion that "creat[ing] a new State" or enfranchising Native Americans implies an "intent to terminate" any and all reservations within a State's boundaries. *Post,* at 15. This Court confronted—and rejected—that sort of argument long ago in *United States* v. *Sandoval*, 231 U. S. 28, 47–48 (1913). The dissent treats that case as a one-off: special because "the tribe in *Sandoval*, the Pueblo Indians of New Mexico, retained a rare communal title to their lands." *Post*, at 21, n. 4. But *Sandoval* is not only a case about the Pueblos; it is a foundational precedent recognizing that Congress can welcome Native Americans to participate in a broader political community without sacrificing their tribal sovereignty.

P. 2d 1051, 1054 (Okla. 1994); Full Faith and Credit of Tribal Courts, Okla. State Cts. Network (Apr. 18, 2019), https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=458214.

Maybe some of these changes happened for altruistic reasons, maybe some for other reasons. It seems, for example, that at least certain Members of Congress hesitated about disestablishment in 1906 because they feared any reversion of the Creek lands to the public domain would trigger a statutory commitment to hand over portions of these lands to already powerful railroad interests. See, *e.g.*, 40 Cong. Rec. 2976 (1906) (Sen. McCumber); *Id.*, at 3053 (Sen. Aldrich). Many of those who advanced the reorganization efforts of the 1930s may have done so more out of frustration with efforts to assimilate Native Americans than any disaffection with assimilation as the ultimate goal. See 1 Cohen §1.05; Scherer, Imperfect Victories, at 2–4. But whatever the confluence of reasons, in all this history there simply arrived no moment when any Act of Congress dissolved the Creek Tribe or disestablished its reservation. In the end, Congress moved in the opposite direction.[7]

D

Ultimately, Oklahoma is left to pursue a very different sort of argument. Now, the State points to historical practices and demographics, both around the time of and long after the enactment of all the relevant legislation. These facts, the State submits, are enough by themselves to prove disestablishment. Oklahoma even classifies and catego-

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[7]The dissent ultimately concedes what Oklahoma will not: that no "individual congressional action or piece of evidence, standing alone, disestablished the Creek reservation." *Post*, at 9–10. Instead we're told we must consider "all of the relevant Acts of Congress together, viewed in light of contemporaneous and subsequent contextual evidence." *Ibid.* So, once again, the dissent seems to suggest that it's the arguments in the *next* section that will get us across the line to disestablishment.

rizes how we should approach the question of disestablishment into three "steps." It reads *Solem* as requiring us to examine the laws passed by Congress at the first step, contemporary events at the second, and even later events and demographics at the third. On the State's account, we have so far finished only the first step; two more await.

This is mistaken. When interpreting Congress's work in this arena, no less than any other, our charge is usually to ascertain and follow the original meaning of the law before us. *New Prime Inc.* v. *Oliveira*, 586 U. S. ___, ___ (2019) (slip op., at 6). That is the only "step" proper for a court of law. To be sure, if during the course of our work an ambiguous statutory term or phrase emerges, we will sometimes consult contemporaneous usages, customs, and practices to the extent they shed light on the meaning of the language in question at the time of enactment. *Ibid*. But Oklahoma does not point to any ambiguous language in any of the relevant statutes that could plausibly be read as an Act of disestablishment. Nor may a court favor contemporaneous or later practices *instead of* the laws Congress passed. As *Solem* explained, "[o]nce a block of land is set aside for an Indian reservation and no matter what happens to the title of individual plots within the area, the entire block retains its reservation status until Congress explicitly indicates otherwise." 465 U. S., at 470 (citing *United States* v. *Celestine*, 215 U. S. 278, 285 (1909)).

Still, Oklahoma reminds us that *other* language in *Solem* isn't so constrained. In particular, the State highlights a passage suggesting that "[w]here non-Indian settlers flooded into the opened portion of a reservation and the area has long since lost its Indian character, we have acknowledged that *de facto*, if not *de jure*, diminishment may have occurred." 465 U. S., at 471. While acknowledging that resort to subsequent demographics was "an unorthodox and potentially unreliable method of statutory interpretation," the Court seemed nonetheless taken by its

"obvious practical advantages." *Id.*, at 472, n. 13, 471.

Out of context, statements like these might suggest historical practices or current demographics can suffice to disestablish or diminish reservations in the way Oklahoma envisions. But, in the end, *Solem* itself found these kinds of arguments provided "no help" in resolving the dispute before it. *Id.*, at 478. Notably, too, *Solem* suggested that whatever utility historical practice or demographics might have was "demonstrated" by this Court's earlier decision in *Rosebud Sioux Tribe* v. *Kneip*, 430 U. S. 584 (1977). See *Solem*, 465 U. S., at 470, n. 10. And *Rosebud Sioux* hardly endorsed the use of such sources to find disestablishment. Instead, based on the statute at issue there, the Court came "to the firm conclusion that congressional intent" was to diminish the reservation in question. 430 U. S., at 603. At that point, the Tribe sought to cast doubt on the clear import of the text by citing subsequent historical events—and the Court rejected the Tribe's argument *exactly because* this kind of evidence could not overcome congressional intent as expressed in a statute. *Id.*, at 604–605.

This Court has already sought to clarify that extratextual considerations hardly supply the blank check Oklahoma supposes. In *Parker*, for example, we explained that "[e]vidence of the subsequent treatment of the disputed land . . . has 'limited interpretive value.'" 577 U. S., at ___ (slip op., at 11) (quoting *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 355 (1998)).[8] *Yankton Sioux* called it the "least

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[8]The dissent suggests *Parker* meant to say only that evidence of subsequent treatment had limited interpretative value "*in that case*." *Post,* at 12. But the dissent includes just a snippet of the relevant passage. Read in full, there is little room to doubt *Parker* invoked a general rule:

"This subsequent demographic history cannot overcome our conclusion that Congress did not intend to diminish the reservation in 1882. And it is not our rule to 'rewrite' the 1882 Act in light of this subsequent demographic history. *DeCoteau*, 420 U. S., at 447. After all, evidence of the changing demographics of disputed land is 'the least compelling' evi-

compelling" form of evidence. *Id.*, at 356. Both cases emphasized that what value such evidence has can only be *interpretative*—evidence that, at best, might be used to the extent it sheds light on what the terms found in a statute meant at the time of the law's adoption, not as an alternative means of proving disestablishment or diminishment.

To avoid further confusion, we restate the point. There is no need to consult extratextual sources when the meaning of a statute's terms is clear. Nor may extratextual sources overcome those terms. The only role such materials can properly play is to help "clear up . . . not create" ambiguity about a statute's original meaning. *Milner* v. *Department of Navy*, 562 U. S. 562, 574 (2011). And, as we have said time and again, once a reservation is established, it retains that status "until Congress explicitly indicates otherwise." *Solem*, 465 U. S., at 470 (citing *Celestine*, 215 U. S., at 285); see also *Yankton Sioux*, 522 U. S., at 343 ("[O]nly Congress can alter the terms of an Indian treaty by diminishing a reservation, and its intent to do so must be clear and plain") (citation and internal quotation marks omitted).

The dissent charges that we have failed to take account of the "compelling reasons" for considering extratextual evidence as a matter of course. *Post*, at 11–12. But Oklahoma and the dissent have cited no case in which this Court has found a reservation disestablished without first concluding that a statute required that result. Perhaps they wish this case to be the first. To follow Oklahoma and the dissent down that path, though, would only serve to allow States and courts to finish work Congress has left undone, usurp

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dence in our diminishment analysis, for '[e]very surplus land Act necessarily resulted in a surge of non-Indian settlement and degraded the "Indian character" of the reservation, yet we have repeatedly stated that not every surplus land Act diminished the affected reservation.' *Yankton Sioux*, 522 U. S., at 356. . . . Evidence of the subsequent treatment of the disputed land by Government officials likewise has 'limited interpretive value.' *Id.*, at 355." 577 U. S., at ___ (slip op., at 11).

the legislative function in the process, and treat Native American claims of statutory right as less valuable than others. None of that can be reconciled with our normal interpretive rules, let alone our rule that disestablishment may not be lightly inferred and treaty rights are to be construed in favor, not against, tribal rights. *Solem*, 465 U. S., at 472.[9]

To see the perils of substituting stories for statutes, we need look no further than the stories we are offered in the case before us. Put aside that the Tribe could tell more than a few stories of its own: Take just the evidence on which Oklahoma and the dissent wish to rest their case. First, they point to Oklahoma's long historical prosecutorial practice of asserting jurisdiction over Indians in state court, even for serious crimes on the contested lands. If the Creek lands really were part of a reservation, the argument goes, all of these cases should have been tried in federal court pursuant to the MCA. Yet, until the Tenth Circuit's *Murphy* decision a few years ago, no court embraced that possibility. See *Murphy*, 875 F. 3d 896. Second, they offer statements from various sources to show that "everyone" in the late 19th and early 20th century thought the reservation system—and the Creek Nation—would be disbanded soon. Third, they stress that non-Indians swiftly moved on to the reservation in the early part of the last century, that Tribe

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[9] In an effort to support its very different course, the dissent stitches together quotes from *Rosebud Sioux Tribe* v. *Knelp*, 430 U. S. 584 (1977), and *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329 (1998). *Post,* at 10–11. But far from supporting the dissent, both cases emphasize that "[t]he focus of our inquiry is congressional intent," *Rosebud*, 430 U. S., at 588, n. 4; see also *Yankton Sioux*, 522 U. S., at 343, and merely acknowledge that extratextual sources may help resolve ambiguity about Congress's directions. The dissent's appeal to *Solem* fares no better. As we have seen, the extratextual sources in S*olem* only confirmed what the relevant statute already suggested—that the reservation in question was not diminished or disestablished. 465 U. S., at 475–476.

members today constitute a small fraction of those now residing on the land, and that the area now includes a "vibrant city with expanding aerospace, healthcare, technology, manufacturing, and transportation sectors." Brief for Petitioner in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, p. 15. All this history, we are told, supplies "compelling" evidence about the lands in question.

Maybe so, but even taken on its own terms none of this evidence tells the story we are promised. Start with the State's argument about its longstanding practice of asserting jurisdiction over Native Americans. Oklahoma proceeds on the implicit premise that its historical practices are unlikely to have defied the mandates of the federal MCA. That premise, though, appears more than a little shaky. In conjunction with the MCA, §1151(a) not only sends to federal court certain major crimes committed by Indians on reservations. Two doors down, in §1151(c), the statute does the same for major crimes committed by Indians on "Indian allotments, the Indian titles of which have not been extinguished." Despite this direction, however, Oklahoma state courts erroneously entertained prosecutions for major crimes by Indians on Indian allotments for *decades*, until state courts finally disavowed the practice in 1989. See *State* v. *Klindt*, 782 P. 2d 401, 404 (Okla. Crim. App. 1989) (overruling *Ex parte Nowabbi*, 60 Okla. Crim. III, 61 P. 2d 1139 (1936)); see also *United States* v. *Sands*, 968 F. 2d 1058, 1062–1063 (CA10 1992). And if the State's prosecution practices disregarded §1151(c) for so long, it's unclear why we should take those same practices as a reliable guide to the meaning and application of §1151(a).

Things only get worse from there. Why did Oklahoma historically think it could try Native Americans for any crime committed on restricted allotments or anywhere else? Part of the explanation, Oklahoma tells us, is that it thought the eastern half of the State was always categorically exempt from the terms of the federal MCA. So

whether a crime was committed on a restricted allotment, a reservation, or land that wasn't Indian country at all, to Oklahoma it just didn't matter. In the State's view, when Congress adopted the Oklahoma Enabling Act that paved the way for its admission to the Union, it carved out a special exception to the MCA for the eastern half of the State where the Creek lands can be found. By Oklahoma's own admission, then, for decades its historical practices in the area in question didn't even *try* to conform to the MCA, all of which makes the State's past prosecutions a meaningless guide for determining what counted as Indian country. As it turns out, too, Oklahoma's claim to a special exemption was itself mistaken, yet one more error in historical practice that even the dissent does not attempt to defend. See Part V, *infra*.[10]

To be fair, Oklahoma is far from the only State that has overstepped its authority in Indian country. Perhaps often in good faith, perhaps sometimes not, others made similar mistakes in the past. But all that only underscores further the danger of relying on state practices to determine the meaning of the federal MCA. See, *e.g.*, *Negonsett*, 507 U. S., at 106–107 ("[I]n practice, Kansas had exercised jurisdiction over all offenses committed on Indian reservations involving Indians" (quoting memorandum from Secretary of the Interior, H. R. Rep. No. 1999, 76th Cong., 3d Sess., 4 (1940)); Scherer, Imperfect Victories, at 18 (describing "nationwide jurisdictional confusion" as a result of the MCA);

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[10] The dissent tries to avoid this inconvenient history by distinguishing fee allotments from reservations, noting that the two categories are legally distinct and geographically incommensurate. *Post,* at 27. But this misses the point: The *reason* that Oklahoma thought it could prosecute Indians for crimes on restricted allotments applied with equal force to reservations. And it hardly "stretches the imagination" to think that reason was wrong, *post*, at 28, when the dissent itself does not dispute our rejection of it in Part V.

Cohen §6.04(4)(a) ("Before 1942 the state of New York regularly exercised or claimed the right to exercise jurisdiction over the New York reservations, but a federal court decision in that year raised questions about the validity of state jurisdiction"); Brief for United States as *Amicus Curiae* in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, pp. 7a–8a (Letter from Secretary of the Interior, Mar. 27, 1963) (noting that many States have asserted criminal jurisdiction over Indians without an apparent basis in a federal law).[11]

Oklahoma next points to various statements during the allotment era which, it says, show that even the Creek understood their reservation was under threat. And there's no doubt about that. By 1893, the leadership of the Creek Nation saw what the federal government had in mind: "They [the federal government] do not deny any of our rights under treaty, but say they will go to the people themselves and confer with them and urge upon them the necessity of a change in their present condition, and upon their refusal will force a change upon them." P. Porter & A. McKellop, Printed Statement of Creek Delegates, reprinted in Creek Delegation Documents 8–9 (Feb. 9, 1893). Not a decade later, and as a result of these forced changes, the leadership recognized that "'[i]t would be difficult, if not impossible to successfully operate the Creek government now.'" App. to Brief for Respondent 8a (Message to Creek

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[11] Unable to answer Oklahoma's admitted error about the very federal criminal statute before us, the dissent travels far afield, pointing to the fact an Oklahoma court heard a civil case in 1915 about an inheritance—involving members of a different Tribe—as "evidence" Congress disestablished the Creek Reservation. See *post,* at 21 (citing *Palmer* v. *Cully*, 52 Okla. 454, 455–465, 153 P. 154, 155–157 (1915) (*per curiam*)). But even assuming that Oklahoma courts exercised civil jurisdiction over Creek members, too, the dissent never explains why this jurisdiction implies the Creek Reservation must have been disestablished. After all, everyone agrees that the Creeks were prohibited from having their own courts at the time. So it should be no surprise that some Creek might have resorted to state courts in hope of resolving their disputes.

National Council (May 7, 1901), reprinted in The Indian Journal (May 10, 1901)). Surely, too, the future looked even bleaker: "'The remnant of a government now accorded to us can be expected to be maintained only until all settlements of our landed and other interests growing out of treaty stipulations with the government of the United States shall have been settled.'" *Ibid.*

But note the nature of these statements. The Creek Nation recognized that the federal government *will* seek to get popular support or otherwise *would* force change. Likewise, the Tribe's government *would* continue for only so long. These were prophesies, and hardly groundbreaking ones at that. After all, the 1901 Creek Allotment Agreement explicitly said that the tribal government "shall not continue" past 1906. §46, 31 Stat. 872. So what might statements like these tell us that isn't already evident from the statutes themselves? Oklahoma doesn't suggest they shed light on the meaning of some disputed and ambiguous statutory direction. More nearly, the State seeks to render the Creek's fears self-fulfilling.[12]

We are also asked to consider commentary from those outside the Tribe. In particular, the dissent reports that the federal government "operated" on the "understanding" that the reservation was disestablished. *Post,* at 32. In support of its claim, the dissent highlights a 1941 statement from Felix Cohen. Then serving as an official at the Interior Department, Cohen opined that "'all offenses by or against Indians' in the former Indian Territory 'are subject to State

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[12]The dissent finds the statements of the Creek leadership so probative that it cites them not just as evidence about the meaning of treaties the Tribe signed but even as evidence about the meaning of general purpose laws the Creek had no hand in. See *post,* at 26 (citing Chief Porter's views on the legal effects of the Oklahoma Enabling Act). That is quite a stretch from using tribal statements as "historical evidence of 'the manner in which [treaties were] negotiated' with the . . . Tribe." *Parker*, 577 U. S., at ___ (slip op., at 9) (quoting *Solem* v. *Bartlett*, 465 U. S. 463, 471 (1984)).

laws.' " *Ibid.* (quoting App. to Supp. Reply Brief for Petitioner in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, p. 1a (Memorandum for Commissioner of Indian Affairs (July 11, 1941)). But that statement is incorrect. As we have just seen, Oklahoma's courts acknowledge that the State lacks jurisdiction over Indian crimes on Indian allotments. See *Klindt*, 782 P. 2d, at 403–404. And the dissent does not dispute that Oklahoma is without authority under the MCA to try Indians for crimes committed on restricted allotments and any reservation. All of which highlights the pitfalls of elevating commentary over the law.[13]

Finally, Oklahoma points to the speedy and persistent movement of white settlers onto Creek lands throughout the late 19th and early 20th centuries. But this history proves no more helpful in discerning statutory meaning. Maybe, as Oklahoma supposes, it suggests that some white settlers in good faith thought the Creek lands no longer constituted a reservation. But maybe, too, some didn't care and

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[13] Part of the reason for Cohen's error might be explained by a portion of the memorandum the dissent leaves unquoted. Cohen concluded that Oklahoma was free to try Indians anywhere in the State because, among other things, the Oklahoma Enabling Act "transfer[red] . . . jurisdiction from the Federal courts to the State courts upon the establishment of the State of Oklahoma." App. to Supp. Reply Brief for Petitioner in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, p. 1a (Memorandum for Commissioner of Indian Affairs (July 11, 1941)). Yet, as we explore below, the Oklahoma Enabling Act did *not* send cases covered by the federal MCA to state court. See Part V, *infra*. Other, contemporaneous Interior Department memoranda acknowledged that Oklahoma state courts had simply "assumed jurisdiction" over cases arising on restricted allotments without any clear authority in the Oklahoma Enabling Act or the MCA, and much the same appears to have occurred here. App. to Supp. Reply Brief for Respondent in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, p. 1a (Memorandum from N. Gray, Dept. of Interior, for Mr. Flanery (Aug. 12, 1942)). So rather than Oklahoma and the United States having a "shared understanding" that Congress had disestablished the Creek Reservation, *post*, at 27, it seems more accurate to say that for many years much uncertainty remained about whether the MCA applied in eastern Oklahoma.

others never paused to think about the question. Certain historians have argued, for example, that the loss of Creek land ownership was accelerated by the discovery of oil in the region during the period at issue here. A number of the federal officials charged with implementing the laws of Congress were apparently openly conflicted, holding shares or board positions in the very oil companies who sought to deprive Indians of their lands. A. Debo, And Still the Waters Run 86–87, 117–118 (1940). And for a time Oklahoma's courts appear to have entertained sham competency and guardianship proceedings that divested Tribe members of oil rich allotments. *Id.*, at 104–106, 233–234; Brief for Historians et al. as *Amici Curiae* 26–30. Whatever else might be said about the history and demographics placed before us, they hardly tell a story of unalloyed respect for tribal interests.[14]

In the end, only one message rings true. Even the carefully selected history Oklahoma and the dissent recite is not nearly as tidy as they suggest. It supplies us with little help

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[14] The dissent asks us to examine a hodge-podge of other, but no more compelling, material. For example, the dissent points to later statutes that do no more than confirm there are former reservations in the State of Oklahoma. *Post*, at 30–31. It cites legislative history to show that Congress had the Creek Nation—or, at least, its neighbors—in mind when it added these in 1988. *Post,* at 31, n. 7. The dissent cites a Senate Report from 1989 and post-1980 statements made by representatives of other tribes. *Post*, at 30, 32–33. It highlights three occasions on which this Court referred to something like a "former Creek Nation," though it neglects to add that in each the Court was referring to the loss of the Nation's communal fee title, not its sovereignty. *Grayson* v. *Harris*, 267 U. S. 352, 357 (1925); *Woodward* v. *DeGraffenreid*, 238 U. S. 284, 289–290 (1915); *Washington* v. *Miller*, 235 U. S. 422, 423–425 (1914). The dissent points as well to a single instance in which the Creek Nation disclaimed reservation boundaries for purposes of litigation in a lower court, *post,* at 32, but ignores that the Creek Nation has repeatedly filed briefs in this Court to the contrary. This is thin gruel to set against treaty promises enshrined in statutes.

in discerning the law's meaning and much potential for mischief. If anything, the persistent if unspoken message here seems to be that we should be taken by the "practical advantages" of ignoring the written law. How much easier it would be, after all, to let the State proceed as it has always assumed it might. But just imagine what it would mean to indulge that path. A State exercises jurisdiction over Native Americans with such persistence that the practice seems normal. Indian landowners lose their titles by fraud or otherwise in sufficient volume that no one remembers whose land it once was. All this continues for long enough that a reservation that was once beyond doubt becomes questionable, and then even farfetched. Sprinkle in a few predictions here, some contestable commentary there, and the job is done, a reservation is disestablished. None of these moves would be permitted in any other area of statutory interpretation, and there is no reason why they should be permitted here. That would be the rule of the strong, not the rule of law.

IV

Unable to show that Congress disestablished the Creek Reservation, Oklahoma next tries to turn the tables in a completely different way. Now, it contends, Congress never established a reservation in the first place. Over all the years, from the federal government's first guarantees of land and self-government in 1832 and through the litany of promises that followed, the Tribe never received a reservation. Instead, what the Tribe has had all this time qualifies only as a "dependent Indian community."

Even if we were to accept Oklahoma's bold feat of reclassification, however, it's hardly clear the State would win this case. "Reservation[s]" and "Indian allotments, the Indian titles to which have not been extinguished," qualify as Indian country under subsections (a) and (c) of §1151. But "dependent Indian communities" *also* qualify as Indian

country under subsection (b). So Oklahoma lacks jurisdiction to prosecute Mr. McGirt whether the Creek lands happen to fall in one category or another.

About this, Oklahoma is at least candid. It admits the entire point of its reclassification exercise is to avoid *Solem*'s rule that only Congress may disestablish a reservation. And to achieve that, the State has to persuade us not only that the Creek lands constitute a "dependent Indian community" rather than a reservation. It *also* has to convince us that we should announce a rule that dependent Indian community status can be lost more easily than reservation status, maybe even by the happenstance of shifting demographics.

To answer this argument, it's enough to address its first essential premise. Holding that the Creek never had a reservation would require us to stand willfully blind before a host of federal statutes. Perhaps that is why the Solicitor General, who supports Oklahoma's disestablishment argument, refuses to endorse this alternative effort. It also may be why Oklahoma introduced this argument for affirmance only for the first time in this Court. And it may be why the dissent makes no attempt to defend Oklahoma here. What are we to make of the federal government's repeated treaty promises that the land would be "solemnly guarantied to the Creek Indians," that it would be a "permanent home," "forever set apart," in which the Creek would be "secured in the unrestricted right of self-government"? What about Congress's repeated references to a "Creek reservation" in its statutes? No one doubts that this kind of language normally suffices to establish a federal reservation. So what could possibly make this case different?

Oklahoma's answer only gets more surprising. *The* reason that the Creek's lands are not a reservation, we're told, is that the Creek Nation originally held fee title. Recall that the Indian Removal Act authorized the President not only to "solemnly . . . assure the tribe . . . that the United States

will forever secure and guaranty to them . . . the country so exchanged with them," but also, "if they prefer it, . . . the United States will cause a patent or grant to be made and executed to them for the same." 4 Stat. 412. Recall that the Creek insisted on this additional protection when negotiating the Treaty of 1833, and in fact received a land patent pursuant to that treaty some 19 years later. In the eyes of Oklahoma, the Tribe's choice on this score was a fateful one. By asking for (and receiving) fee title to their lands, the Creek inadvertently made their tribal sovereignty easier to divest rather than harder.

The core of Oklahoma's argument is that a reservation must be land "reserved from sale." *Celestine*, 215 U. S., at 285. Often, that condition is satisfied when the federal government promises to hold aside a particular piece of federally owned land in trust for the benefit of the Tribe. And, admittedly, the Creek's arrangement was different, because the Tribe held "fee simple title, not the usual Indian right of occupancy." *United States* v. *Creek Nation*, 295 U. S. 103, 109 (1935). Still, as we explained in Part II, the land *was* reserved from sale in the very real sense that the government could not "give the tribal lands to others, or to appropriate them to its own purposes," without engaging in "'an act of confiscation.'" *Id.*, at 110.

It's hard to see, too, how any difference between these two arrangements might work to the detriment of the Tribe. Just as we have never insisted on any particular form of words when it comes to disestablishing a reservation, we have never done so when it comes to establishing one. See *Minnesota* v. *Hitchcock*, 185 U. S. 373, 390 (1902) ("[I]n order to create a reservation it is not necessary that there should be a formal cession or a formal act setting apart a particular tract. It is enough that from what has been there results a certain defined tract appropriated to certain purposes"). As long as 120 years ago, the federal court for the Indian Territory recognized all this and rightly rejected the

notion that fee title is somehow inherently incompatible with reservation status. *Maxey* v. *Wright*, 54 S. W. 807, 810 (Indian Terr. 1900).

By now, Oklahoma's next move will seem familiar. Seeking to sow doubt around express treaty promises, it cites some stray language from a statute that does not control here, a piece of congressional testimony there, and the scattered opinions of agency officials everywhere in between. See, *e.g.*, Act of July 31, 1882, ch. 360, 22 Stat. 179 (referring to Creek land as "Indian country" as opposed to an "Indian reservation"); S. Doc. No. 143, 59th Cong., 1st. Sess., 33 (1906) (Chief of Choctaw Nation—which had an arrangement similar to the Creek's—testified that both Tribes "object to being classified with the reservation Indians"); Dept. of Interior, Census Office, Report on Indians Taxed and Indians Not Taxed in the U. S. 284 (1894) (Creeks and neighboring Tribes were "not on the ordinary Indian reservation, but on lands patented to them by the United States"). Oklahoma stresses that this Court even once called the Creek lands a "dependent Indian community," though it used that phrase in passing and only to show that the Tribe's "property and affairs were subject to the control and management of that government"—a point that would also be true if the lands were a reservation. *Creek Nation*, 295 U. S., at 109. Unsurprisingly given the Creek Nation's nearly 200-year occupancy of these lands, both sides have turned up a few clues suggesting the label "reservation" either did or did not apply. One thing everyone can agree on is this history is long and messy.

But the most authoritative evidence of the Creek's relationship to the land lies not in these scattered references; it lies in the treaties and statutes that promised the land to the Tribe in the first place. And, if not for the Tribe's fee title to its land, no one would question that these treaties and statutes created a reservation. So the State's argument inescapably boils down to the untenable suggestion that,

when the federal government agreed to offer more protection for tribal lands, it really provided less. All this time, fee title was nothing more than another trap for the wary.

V

That leaves Oklahoma to attempt yet another argument in the alternative. We alluded to it earlier in Part III. Now, the State accepts for argument's sake that the Creek land is a reservation and thus "Indian country" for purposes of the Major Crimes Act. It accepts, too, that this would normally mean serious crimes by Indians on the Creek Reservation would have to be tried in federal court. But, the State tells us, none of that matters; everything the parties have briefed and argued so far is beside the point. It's all irrelevant because it turns out the MCA just doesn't apply to the eastern half of Oklahoma, and it never has. That federal law may apply to other States, even to the western half of Oklahoma itself. But eastern Oklahoma is and has always been exempt. So whether or not the Creek have a reservation, the State's historic practices have always been correct and it remains free to try individuals like Mr. McGirt in its own courts.

Notably, the dissent again declines to join Oklahoma in its latest twist. And, it turns out, for good reason. In support of its argument, Oklahoma points to statutory artifacts from its territorial history. The State of Oklahoma was formed from two territories: the Oklahoma Territory in the west and Indian Territory in the east. Originally, it seems criminal prosecutions in the Indian Territory were split between tribal and federal courts. See Act of May 2, 1890, §30, 26 Stat. 94. But, in 1897, Congress abolished that scheme, granting the U. S. Courts of the Indian Territory "exclusive jurisdiction" to try "all criminal causes for the punishment of any offense." Act of June 7, 1897, 30 Stat. 83. These federal territorial courts applied federal law and

state law borrowed from Arkansas "to all persons . . . irrespective of race." *Ibid.* A year later, Congress abolished tribal courts and transferred all pending criminal cases to U. S. courts of the Indian Territory. Curtis Act of 1898, §28, 30 Stat. 504–505. And, Oklahoma says, sending Indians to federal court and all others to state court would be inconsistent with this established and enlightened policy of applying the same law in the same courts to everyone.

Here again, however, arguments along these and similar lines have been "frequently raised" but rarely "accepted." *United States* v. *Sands*, 968 F. 2d 1058, 1061 (CA10 1992) (Kelly, J.). "The policy of leaving Indians free from state jurisdiction and control is deeply rooted in this Nation's history." *Rice* v. *Olson*, 324 U. S. 786, 789 (1945). Chief Justice Marshall, for example, held that Indian Tribes were "distinct political communities, having territorial boundaries, within which their authority is exclusive . . . which is not only acknowledged, but guarantied by the United States," a power dependent on and subject to no state authority. *Worcester* v. *Georgia*, 6 Pet. 515, 557 (1832); see also *McClanahan* v. *Arizona Tax Comm'n*, 411 U. S. 164, 168–169 (1973). And in many treaties, like those now before us, the federal government promised Indian Tribes the right to continue to govern themselves. For all these reasons, this Court has long "require[d] a clear expression of the intention of Congress" before the state or federal government may try Indians for conduct on their lands. *Ex parte Crow Dog*, 109 U. S. 556, 572 (1883).

Oklahoma cannot come close to satisfying this standard. In fact, the only law that speaks expressly here speaks *against* the State. When Oklahoma won statehood in 1907, the MCA applied immediately according to its plain terms. That statute, as phrased at the time, provided exclusive federal jurisdiction over qualifying crimes by Indians in "*any Indian reservation*" located within "the boundaries of *any*

State." Act of Mar. 3, 1885, ch. 341, §9, 23 Stat. 385 (emphasis added); see also 18 U. S. C. §1151 (defining "Indian country" even more broadly). By contrast, every one of the statutes the State directs us to merely discusses the assignment of cases among courts in the *Indian Territory*. They say nothing about the division of responsibilities between federal and state authorities after Oklahoma entered the Union. And however enlightened the State may think it was for territorial law to apply to all persons irrespective of race, some Tribe members may see things differently, given that the same policy entailed the forcible closure of tribal courts in defiance of treaty terms.

Left to hunt for some statute that might have rendered the MCA inapplicable in Oklahoma after statehood, the best the State can find is the Oklahoma Enabling Act. Congress adopted that law in preparation for Oklahoma's admission in 1907. Among its many provisions sorting out the details associated with Oklahoma's transition to statehood, the Enabling Act transferred all nonfederal cases pending in territorial courts to Oklahoma's new state courts. Act of June 16, 1906, §20, 34 Stat. 277; see also Act of Mar. 4, 1907, §3, 34 Stat. 1287 (clarifying treatment of cases to which United States was a party). The State says this transfer made its courts the inheritors of the federal territorial courts' sweeping authority to try Indians for crimes committed on reservations.

But, at best, this tells only half the story. The Enabling Act not only sent all nonfederal cases pending in territorial courts to state court. It *also* transferred pending cases that arose "under the Constitution, laws, or treaties of the United States" to federal district courts. §16, 34 Stat. 277. Pending criminal cases were thus transferred to federal court if the prosecution would have belonged there had the Territory been a State at the time of the crime. §1, 34 Stat. 1287 (amending the Enabling Act). Nor did the statute make any distinction between cases arising in the former

eastern (Indian) and western (Oklahoma) territories. So, simply put, the Enabling Act sent state-law cases to state court and federal-law cases to federal court. And serious crimes by Indians in Indian country were matters that arose under the federal MCA and thus properly belonged in federal court from day one, wherever they arose within the new State.

Maybe that's right, Oklahoma acknowledges, but that's not what happened. Instead, for many years the State continued to try Indians for crimes committed anywhere within its borders. But what can that tell us? The State identifies not a single ambiguous statutory term in the MCA that its actions might illuminate. And, as we have seen, its own courts have acknowledged that the State's historic practices deviated in meaningful ways from the MCA's terms. See *supra,* at 22–23. So, once more, it seems Oklahoma asks us to defer to its usual practices *instead of* federal law, something we will not and may never do.

That takes Oklahoma down to its last straw when it comes to the MCA. If Oklahoma lacks the jurisdiction to try Native Americans it has historically claimed, that means at the time of its entry into the Union *no one* had the power to try minor Indian-on-Indian crimes committed in Indian country. This much follows, Oklahoma reminds us, because the MCA provides federal jurisdiction only for major crimes, and no tribal forum existed to try lesser cases after Congress abolished the tribal courts in 1898. Curtis Act, §28, 30 Stat. 504–505. Whatever one thinks about the plausibility of other discontinuities between federal law and state practice, the State says, it is unthinkable that Congress would have allowed such a significant "jurisdictional gap" to open at the moment Oklahoma achieved statehood.

But what the State considers unthinkable turns out to be easily imagined. Jurisdictional gaps are hardly foreign to this area of the law. See, *e.g.*, *Duro* v. *Reina*, 495 U. S. 676,

704–706 (1990) (Brennan, J., dissenting). Many tribal courts across the country were absent or ineffective during the early part of the last century, yielding just the sort of gaps Oklahoma would have us believe impossible. Indeed, this might be why so many States joined Oklahoma in prosecuting Indians without proper jurisdiction. The judicial mind abhors a vacuum, and the temptation for state prosecutors to step into the void was surely strong. See *supra*, at 23–24.

With time, too, Congress has filled many of the gaps Oklahoma worries about. One way Congress has done so is by reauthorizing tribal courts to hear minor crimes in Indian country. Congress chose exactly this course for the Creeks and others in 1936. Act of June 26, 1936, §3, 49 Stat. 1967; see also *Hodel*, 851 F. 2d, at 1442–1446. Another option Congress has employed is to allow affected Indian tribes to consent to state criminal jurisdiction. 25 U. S. C. §§1321(a), 1326. Finally, Congress has sometimes expressly expanded state criminal jurisdiction in targeted bills addressing specific States. See, *e.g.*, 18 U. S. C. §3243 (creating jurisdiction for Kansas); Act of May 31, 1946, ch. 279, 60 Stat. 229 (same for a reservation in North Dakota); Act of June 30, 1948, ch. 759, 62 Stat. 1161 (same for certain reservations in Iowa); 18 U. S. C. §1162 (creating jurisdiction for six additional States). But Oklahoma doesn't claim to have complied with the requirements to assume jurisdiction voluntarily over Creek lands. Nor has Congress ever passed a law conferring jurisdiction on Oklahoma. As a result, the MCA applies to Oklahoma according to its usual terms: Only the federal government, not the State, may prosecute Indians for major crimes committed in Indian country.

VI

In the end, Oklahoma abandons any pretense of law and speaks openly about the potentially "transform[ative]" effects of a loss today. Brief for Respondent 43. Here, at

least, the State is finally rejoined by the dissent. If we dared to recognize that the Creek Reservation was never disestablished, Oklahoma and dissent warn, our holding might be used by other tribes to vindicate similar treaty promises. Ultimately, Oklahoma fears that perhaps as much as half its land and roughly 1.8 million of its residents could wind up within Indian country.

It's hard to know what to make of this self-defeating argument. Each tribe's treaties must be considered on their own terms, and the only question before us concerns the Creek. Of course, the Creek Reservation alone is hardly insignificant, taking in most of Tulsa and certain neighboring communities in Northeastern Oklahoma. But neither is it unheard of for significant non-Indian populations to live successfully in or near reservations today. See, *e.g.*, Brief for National Congress of American Indians Fund as *Amicus Curiae* 26–28 (describing success of Tacoma, Washington, and Mount Pleasant, Michigan); see also *Parker*, 577 U. S., at ___–___ (slip op., at 10–12) (holding Pender, Nebraska, to be within Indian country despite tribe's absence from the disputed territory for more than 120 years). Oklahoma replies that its situation is different because the affected population here is large and many of its residents will be surprised to find out they have been living in Indian country this whole time. But we imagine some members of the 1832 Creek Tribe would be just as surprised to find them there.

What are the consequences the State and dissent worry might follow from an adverse ruling anyway? Primarily, they argue that recognizing the continued existence of the Creek Reservation could unsettle an untold number of convictions and frustrate the State's ability to prosecute crimes in the future. But the MCA applies only to certain crimes committed in Indian country by Indian defendants. A neighboring statute provides that federal law applies to a broader range of crimes by or against Indians in Indian country. See 18 U. S. C. §1152. States are otherwise free

to apply their criminal laws in cases of non-Indian victims and defendants, including within Indian country. See *McBratney*, 104 U. S., at 624. And Oklahoma tells us that somewhere between 10% and 15% of its citizens identify as Native American. Given all this, even Oklahoma admits that the vast majority of its prosecutions will be unaffected whatever we decide today.

Still, Oklahoma and the dissent fear, "[t]housands" of Native Americans like Mr. McGirt "wait in the wings" to challenge the jurisdictional basis of their state-court convictions. Brief for Respondent 3. But this number is admittedly speculative, because many defendants may choose to finish their state sentences rather than risk reprosecution in federal court where sentences can be graver. Other defendants who do try to challenge their state convictions may face significant procedural obstacles, thanks to well-known state and federal limitations on post-conviction review in criminal proceedings.[15]

In any event, the magnitude of a legal wrong is no reason to perpetuate it. When Congress adopted the MCA, it broke many treaty promises that had once allowed tribes like the Creek to try their own members. But, in return, Congress allowed only the federal government, not the States, to try

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[15] For example, Oklahoma appears to apply a general rule that "issues that were not raised previously on direct appeal, but which could have been raised, are waived for further review." *Logan* v. *State*, 2013 OK CR 2, ¶ 1, 293 P. 3d 969, 973. Indeed, JUSTICE THOMAS contends that this state-law limitation on collateral review prevents us from considering even the case now before us. *Post,* at 2 (dissenting opinion). But while that state-law rule may often bar our way, it doesn't in this case. After noting a potential state-law obstacle, the Oklahoma Court of Criminal Appeals (OCCA) proceeded to address the merits of Mr. McGirt's federal MCA claim anyway. Because the OCCA's opinion "fairly appears to rest primarily on federal law or to be interwoven with federal law" and lacks any "plain statement" that it was relying on a state-law ground, we have jurisdiction to consider the federal-law question presented to us. See *Michigan* v. *Long*, 463 U. S. 1032, 1040–1041, 1044 (1983).

tribal members for major crimes. All our decision today does is vindicate that replacement promise. And if the threat of unsettling convictions cannot save a precedent of this Court, see *Ramos* v. *Louisiana*, 590 U. S. ___, ___–___ (2020) (plurality opinion) (slip op., at 23–26), it certainly cannot force us to ignore a statutory promise when no precedent stands before us at all.

What's more, a decision for *either* party today risks upsetting some convictions. Accepting the State's argument that the MCA never applied in Oklahoma would preserve the state-court convictions of people like Mr. McGirt, but simultaneously call into question every *federal* conviction obtained for crimes committed on trust lands and restricted Indian allotments since Oklahoma recognized its jurisdictional error more than 30 years ago. See *supra*, at 22. It's a consequence of their own arguments that Oklahoma and the dissent choose to ignore, but one which cannot help but illustrate the difficulty of trying to guess how a ruling one way or the other might affect past cases rather than simply proceeding to apply the law as written.

Looking to the future, Oklahoma warns of the burdens federal and tribal courts will experience with a wider jurisdiction and increased caseload. But, again, for every jurisdictional reaction there seems to be an opposite reaction: recognizing that cases like Mr. McGirt's belong in federal court simultaneously takes them out of state court. So while the federal prosecutors might be initially understaffed and Oklahoma prosecutors initially overstaffed, it doesn't take a lot of imagination to see how things could work out in the end.

Finally, the State worries that our decision will have significant consequences for civil and regulatory law. The only question before us, however, concerns the statutory definition of "Indian country" as it applies in federal criminal law under the MCA, and often nothing requires other civil stat-

utes or regulations to rely on definitions found in the criminal law. Of course, many federal civil laws and regulations do currently borrow from §1151 when defining the scope of Indian country. But it is far from obvious why this collateral drafting choice should be allowed to skew our interpretation of the MCA, or deny its promised benefits of a federal criminal forum to tribal members.

It isn't even clear what the real upshot of this borrowing into civil law may be. Oklahoma reports that recognizing the existence of the Creek Reservation for purposes of the MCA might potentially trigger a variety of federal civil statutes and rules, including ones making the region eligible for assistance with homeland security, 6 U. S. C. §§601, 606, historical preservation, 54 U. S. C. §302704, schools, 20 U. S. C. §1443, highways, 23 U. S. C. §120, roads, §202, primary care clinics, 25 U. S. C. §1616e–1, housing assistance, §4131, nutritional programs, 7 U. S. C. §§2012, 2013, disability programs, 20 U. S. C. §1411, and more. But what are we to make of this? Some may find developments like these unwelcome, but from what we are told others may celebrate them.

The dissent isn't so sanguine—it assures us, without further elaboration, that the consequences will be "drastic precisely because they depart from . . . more than a century [of] settled understanding." *Post,* at 37. The prediction is a familiar one. Thirty years ago the Solicitor General warned that "[l]aw enforcement would be rendered very difficult" and there would be "grave uncertainty regarding the application" of state law if courts departed from decades of "long-held understanding" and recognized that the federal MCA applies to restricted allotments in Oklahoma. Brief for United States as *Amicus Curiae* in *Oklahoma* v. *Brooks*, O.T. 1988, No. 88–1147, pp. 2, 9, 18, 19. Yet, during the intervening decades none of these predictions panned out, and that fact stands as a note of caution against too readily crediting identical warnings today.

More importantly, dire warnings are just that, and not a license for us to disregard the law. By suggesting that our interpretation of Acts of Congress adopted a century ago should be inflected based on the costs of enforcing them today, the dissent tips its hand. Yet again, the point of looking at subsequent developments seems not to be determining the meaning of the laws Congress wrote in 1901 or 1906, but emphasizing the costs of taking them at their word.

Still, we do not disregard the dissent's concern for reliance interests. It only seems to us that the concern is misplaced. Many other legal doctrines—procedural bars, res judicata, statutes of repose, and laches, to name a few—are designed to protect those who have reasonably labored under a mistaken understanding of the law. And it is precisely because those doctrines exist that we are "fre[e] to say what we know to be true . . . today, while leaving questions about . . . reliance interest[s] for later proceedings crafted to account for them." *Ramos*, 590 U. S., at ___ (plurality opinion) (slip op., at 24).

In reaching our conclusion about what the law demands of us today, we do not pretend to foretell the future and we proceed well aware of the potential for cost and conflict around jurisdictional boundaries, especially ones that have gone unappreciated for so long. But it is unclear why pessimism should rule the day. With the passage of time, Oklahoma and its Tribes have proven they can work successfully together as partners. Already, the State has negotiated hundreds of intergovernmental agreements with tribes, including many with the Creek. See Okla. Stat., Tit. 74, §1221 (2019 Cum. Supp.); Oklahoma Secretary of State, Tribal Compacts and Agreements, www.sos.ok.gov/tribal.aspx. These agreements relate to taxation, law enforcement, vehicle registration, hunting and fishing, and countless other fine regulatory questions. See Brief for Tom Cole et al. as *Amici Curiae* 13–19. No one before us claims that the spirit of good faith, "comity and

cooperative sovereignty" behind these agreements, *id.*, at 20, will be imperiled by an adverse decision for the State today any more than it might be by a favorable one.[16] And, of course, should agreement prove elusive, Congress remains free to supplement its statutory directions about the lands in question at any time. It has no shortage of tools at its disposal.

*

The federal government promised the Creek a reservation in perpetuity. Over time, Congress has diminished that reservation. It has sometimes restricted and other times expanded the Tribe's authority. But Congress has never withdrawn the promised reservation. As a result, many of the arguments before us today follow a sadly familiar pattern. Yes, promises were made, but the price of keeping them has become too great, so now we should just cast a blind eye. We reject that thinking. If Congress wishes to withdraw its promises, it must say so. Unlawful acts, performed long enough and with sufficient vigor, are never enough to amend the law. To hold otherwise would be to elevate the most brazen and longstanding injustices over the law, both rewarding wrong and failing those in the right.

The judgment of the Court of Criminal Appeals of Oklahoma is

Reversed.

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[16] This sense of cooperation and a shared future is on display in this very case. The Creek Nation is supported by an array of leaders of other Tribes and the State of Oklahoma, many of whom had a role in negotiating exactly these agreements. See Brief for Tom Cole et al. as *Amici Curiae* 1 ("Amici are a former Governor, State Attorney General, cabinet members, and legislators of the State of Oklahoma, and two federally recognized Indian tribes, the Chickasaw Nation and Choctaw Nation of Oklahoma") (brief authored by Robert H. Henry, also a former State Attorney General and Chief Judge of the Tenth Circuit).

SUPREME COURT OF THE UNITED STATES

No. 18–9526

JIMCY MCGIRT, PETITIONER *v.* OKLAHOMA

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF OKLAHOMA

[July 9, 2020]

CHIEF JUSTICE ROBERTS, with whom JUSTICE ALITO and JUSTICE KAVANAUGH join, and with whom JUSTICE THOMAS joins except as to footnote 9, dissenting.

In 1997, the State of Oklahoma convicted petitioner Jimcy McGirt of molesting, raping, and forcibly sodomizing a four-year-old girl, his wife's granddaughter. McGirt was sentenced to 1,000 years plus life in prison. Today, the Court holds that Oklahoma lacked jurisdiction to prosecute McGirt—on the improbable ground that, unbeknownst to anyone for the past century, a huge swathe of Oklahoma is actually a Creek Indian reservation, on which the State may not prosecute serious crimes committed by Indians like McGirt. Not only does the Court discover a Creek reservation that spans three million acres and includes most of the city of Tulsa, but the Court's reasoning portends that there are four more such reservations in Oklahoma. The rediscovered reservations encompass the entire eastern half of the State—19 million acres that are home to 1.8 million people, only 10%–15% of whom are Indians.

Across this vast area, the State's ability to prosecute serious crimes will be hobbled and decades of past convictions could well be thrown out. On top of that, the Court has profoundly destabilized the governance of eastern Oklahoma. The decision today creates significant uncertainty for the State's continuing authority over any area that touches Indian affairs, ranging from zoning and taxation to family and

environmental law.

None of this is warranted. What has gone unquestioned for a century remains true today: A huge portion of Oklahoma is not a Creek Indian reservation. Congress disestablished any reservation in a series of statutes leading up to Oklahoma statehood at the turn of the 19th century. The Court reaches the opposite conclusion only by disregarding the "well settled" approach required by our precedents. *Nebraska* v. *Parker*, 577 U. S. 481, ___ (2016) (slip op., at 5).

Under those precedents, we determine whether Congress intended to disestablish a reservation by examining the relevant Acts of Congress and "all the [surrounding] circumstances," including the "contemporaneous and subsequent understanding of the status of the reservation." *Id.*, at ___ (slip op., at 6) (internal quotation marks omitted). Yet the Court declines to consider such understandings here, preferring to examine only individual statutes in isolation.

Applying the broader inquiry our precedents require, a reservation did not exist when McGirt committed his crimes, so Oklahoma had jurisdiction to prosecute him. I respectfully dissent.

I

The Creek Nation once occupied what is now Alabama and Georgia. In 1832, the Creek were compelled to cede these lands to the United States in exchange for land in present day Oklahoma. The expanse set aside for the Creek and the other Indian nations that composed the "Five Civilized Tribes"—the Cherokees, Chickasaws, Choctaws, and Seminoles—became known as Indian Territory. See F. Cohen, Handbook of Federal Indian Law §4.07(1)(a), pp. 289–290 (N. Newton ed. 2012) (Cohen). Each of the Five Tribes formed a tripartite system of government. See *Marlin* v. *Lewallen*, 276 U. S. 58, 60 (1928). They "enact[ed] and execut[ed] their own laws," "punish[ed] their own criminals," and "rais[ed] and expend[ed] their own revenues." *Atlantic*

& Pacific R. Co. v. *Mingus*, 165 U. S. 413, 436 (1897).

The Five Tribes also enjoyed unique property rights. While many tribes held only a "right of occupancy" on lands owned by the United States, *United States* v. *Creek Nation*, 295 U. S. 103, 109 (1935), each of the Five Tribes possessed title to its lands in communal fee simple, meaning the lands were "considered the property of the whole." *E.g.*, Treaty with the Creeks, Arts. III and IV, Feb. 14, 1833, 7 Stat. 419; see *Marlin*, 276 U. S., at 60. Congress promised the Tribes that their lands would never be "included within, or annexed to, any Territory or State," see, *e.g.*, Treaty with Creeks and Seminoles, Art. IV, Aug. 7, 1856, 11 Stat. 700 (1856 Treaty), and that their new homes would be "forever secure," Indian Removal Act, §3, 4 Stat. 412; see also Treaty with the Creeks, Arts. I and XIV, Mar. 24, 1832, 7 Stat. 368.

Forever, it turns out, did not last very long, because the Civil War disrupted both relationships and borders. The Five Tribes, whose members collectively held at least 8,000 slaves, signed treaties of alliance with the Confederacy and contributed forces to fight alongside Rebel troops. See Gibson, Native Americans and the Civil War, 9 Am. Indian Q. 4, 385, 388–389, 393 (1985); Doran, Negro Slaves of the Five Civilized Tribes, 68 Annals Assn. Am. Geographers 335, 346–347, and Table 3 (1978); Cohen §4.07(1)(a), at 289. After the war, the United States and the Tribes formed new treaties, which required each Tribe to free its slaves and allow them to become tribal citizens. *E.g.*, Treaty with the Creek Indians, Art. II, June 14, 1866, 14 Stat. 786 (1866 Treaty); see Cohen §4.07(1)(a), at 289, and n. 9. The treaties also stated that the Tribes had "ignored their allegiance to the United States" and "unsettled the [existing] treaty relations," thereby rendering themselves "liable to forfeit" all "benefits and advantages enjoyed by them"—including their lands. *E.g.*, 1866 Treaty, Preamble, 14 Stat. 785. Due to "said liabilities," the treaties departed from prior promises and required each Tribe to give up the "west half" of its

"entire domain." *E.g.*, Preamble and Art. III, *id.*, at 785–786. These western lands became the Oklahoma Territory. As before, the new treaties promised that the reduced Indian Territory would be "forever set apart as a home" for the Tribes. *E.g.*, Art. III, *id.,* at 786.[1]

Again, however, it was not to last. In the wake of the war, a renewed "determination to thrust the nation westward" gripped the country. Cohen §1.04, at 71. Spurred by new railroads and protected by the repurposed Union Army, settlers rapidly transformed vast stretches of territorial wilderness into farmland and ranches. See *id.*, at 71–74. The Indian Territory was no exception. By 1900, over 300,000 settlers had poured in, outnumbering members of the Five Tribes by over 3 to 1. See H. R. Rep. No. 1762, 56th Cong., 1st Sess., 1 (1900). There to stay, the settlers founded "[f]lourishing towns" along the railway lines that crossed the territory. S. Rep. No. 377, 53d Cong., 2d Sess., 6 (1894).

Coexistence proved complicated. The new towns had no municipal governments or the things that come with them—laws, taxes, police, and the like. See H. R. Doc. No. 5, 54th Cong., 1st Sess., 89 (1895). No one had meaningful access to private property ownership, as the unique communal titles of the Five Tribes precluded ownership by Indians and non-Indians alike. Despite the millions of dollars that had been invested in the towns and farmlands, residents had no durable claims to their improvements. *Ibid.* Members of the Tribes were little better off, as the

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[1] I assume that the Creek Nation's territory constituted a "reservation" at this time. See *ante*, at 5–6. The State contends that no reservation existed in the first place because the territory instead constituted a "dependent Indian communit[y]." Brief for Respondent 8 (quoting 18 U. S. C. §1151(b)). The United States disagrees and states that defining the territory as a dependent Indian community could disrupt the application of various federal statutes. Tr. of Oral Arg. 79–80. I do not address this debate because, regardless, I conclude that any reservation was disestablished.

Tribes failed to hold the communal lands for the "equal benefit" of all members. *Woodward* v. *De Graffenried*, 238 U. S. 284, 297 (1915). Instead, a few "enterprising citizens" of the Tribes "appropriate[d] to their exclusive use almost the entire property of the Territory that could be rendered profitable." *Id.*, at 297, 299, n. 1 (internal quotation marks omitted). As a result, "the poorer class of Indians [were] unable to secure enough lands for houses and farms," and "the great body of the tribe derive[d] no more benefit from their title than the neighbors in Kansas, Arkansas, or Missouri." *Id.*, at 299–301, n. 1 (emphasis deleted; internal quotation marks omitted).

Attuned to these new realities, Congress decided that it could not maintain an Indian Territory predicated on "exclusion of the Indians from the whites." S. Rep. No. 377, at 6. Congress therefore set about transforming the Indian Territory into a State.

Congress began by establishing a uniform body of law applicable to all occupants of the territory, regardless of race. To apply these laws, Congress established the U. S. Courts for the Indian Territory. Next Congress systematically dismantled the tribal governments. It abolished tribal courts, hollowed out tribal lawmaking power, and stripped tribal taxing authority. Congress also eliminated the foundation of tribal sovereignty, extinguishing the Creek Nation's title to the lands. Finally, Congress made the tribe members citizens of the United States and incorporated them in the drafting and ratification of the constitution for their new State, Oklahoma.

In taking these transformative steps, Congress made no secret of its intentions. It created a commission tasked with extinguishing the Five Tribes' territory and, in one report after another, explained that it was creating a homogenous population led by a common government. That contemporaneous understanding was shared by the tribal leadership

and the State of Oklahoma. The tribal leadership acknowledged that its only remaining power was to parcel out the last of its land, and the State assumed jurisdiction over criminal cases that, if a reservation had continued to exist, would have belonged in federal court.

A century of practice confirms that the Five Tribes' prior domains were extinguished. The State has maintained unquestioned jurisdiction for more than 100 years. Tribe members make up less than 10%–15% of the population of their former domain, and until a few years ago the Creek Nation itself acknowledged that it no longer possessed the reservation the Court discovers today. This on-the-ground reality is enshrined throughout the U. S. Code, which repeatedly terms the Five Tribes' prior holdings the "former" Indian reservations in Oklahoma. As the Tribes, the State, and Congress have recognized from the outset, those "reservations were destroyed" when "Oklahoma entered the Union." S. Rep. No. 101–216, pt. 2, p. 47 (1989).

II

Much of this important context is missing from the Court's opinion, for the Court restricts itself to viewing each of the statutes enacted by Congress in a vacuum. That approach is wholly inconsistent with our precedents on reservation disestablishment, which require a highly contextual inquiry. Our "touchstone" is congressional "purpose" or "intent." *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329, 343 (1998). To "decipher Congress' intention" in this specialized area, we are instructed to consider three categories of evidence: the relevant Acts passed by Congress; the contemporaneous understanding of those Acts and the historical context surrounding their passage; and the subsequent understanding of the status of the reservation and the pattern of settlement there. *Solem* v. *Bartlett*, 465 U. S. 463, 470–472 (1984). The Court resists calling these "steps," be-

cause "the only 'step' proper for a court of law" is interpreting the laws enacted by Congress. *Ante*, at 17–18. Any label is fine with us. What matters is that these are categories of evidence that our precedents "direct[] us" to examine *in determining* whether the laws enacted by Congress disestablished a reservation. *Hagen* v. *Utah*, 510 U. S. 399, 410–411 (1994). Because those precedents are not followed by the Court today, it is necessary to describe several at length.[2]

In *Solem* v. *Bartlett*, 465 U. S. 463 (1984), a unanimous Court summarized the appropriate methodology. "Congress [must] clearly evince an intent to change boundaries before diminishment will be found." *Id.*, at 470 (internal quotation marks and alterations omitted). This inquiry first considers the "statutory language used to open the Indian lands," which is the "most probative evidence of congressional intent." *Ibid.* "Explicit reference to cession or other language evidencing the present and total surrender of all tribal interests strongly suggests that Congress meant to divest from the reservation all unallotted opened lands." *Ibid.* But "explicit language of cession and unconditional compensation are not prerequisites" for a finding of disestablishment. *Id.*, at 471.

Second, we consider "events surrounding the passage of

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[2] Our precedents have generally considered whether Congress disestablished or diminished a reservation by enacting "surplus land Acts" that opened land to non-Indian settlement. Here Congress did much more than that, as I will explain. Even so, there is broad agreement among the parties, the United States, the Creek Nation, and even the Court that our precedents on surplus land Acts provide the governing framework for this case, so I proceed on the same course. See Brief for Petitioner 1; Brief for Respondent 29, 35, 40; Brief for United States as *Amicus Curiae* 4–5; Brief for Muscogee (Creek) Nation as *Amicus Curiae* 1–2; *ante*, at 7–8, 18–19.

[an] Act—particularly the manner in which the transaction was negotiated with the tribes involved and the tenor of legislative Reports presented to Congress." *Ibid.* When such materials "unequivocally reveal a widely held, contemporaneous understanding that the affected reservation would shrink as a result of the proposed legislation," we will "infer that Congress shared the understanding that its action would diminish the reservation," even in the face of "statutory language that would otherwise suggest reservation boundaries remained unchanged." *Ibid.*

Third, to a "lesser extent," we examine "events that occurred after the passage of [an] Act to decipher Congress' intentions." *Ibid.* "Congress' own treatment of the affected areas, particularly in the years immediately following the opening, has some evidentiary value, as does the manner in which the Bureau of Indian Affairs and local judicial authorities dealt with [the areas]." *Ibid.* In addition, "we have recognized that who actually moved onto opened reservation lands is also relevant." *Ibid.* "Where non-Indian settlers flooded into the opened portion of a reservation and the area has long since lost its Indian character, we have acknowledged that *de facto*, if not *de jure*, diminishment may have occurred." *Ibid.* This "subsequent demographic history" provides an "additional clue as to what Congress expected would happen." *Id.*, at 471–472.

Fifteen years later, another unanimous Court described the same methodology more pithily in *South Dakota* v. *Yankton Sioux Tribe*, 522 U. S. 329 (1998). First, the Court reiterated that the "most probative evidence of diminishment is, of course, the statutory language." *Id.*, at 344 (internal quotation marks omitted). The Court continued that it would also consider, second, "the historical context surrounding the passage of the . . . Acts," and third, "the subsequent treatment of the area in question and the pattern of settlement there." *Ibid.* (quoting *Hagen*, 510 U. S., at 411).

The Court today treats these precedents as aging relics in need of "clarif[ication]." *Ante*, at 19. But these precedents have been clear enough for some time. Just a few Terms ago, the same inquiry was described as "well settled" by the unanimous Court in *Nebraska* v. *Parker*, 577 U. S. 481, ___ (2016) (slip op., at 5). First, the Court explained, "we start with the statutory text." *Ibid.* "Under our precedents," the Court continued, "we also 'examine all the circumstances surrounding the opening of a reservation.'" *Id.,* at ___ (slip op., at 6) (quoting *Hagen*, 510 U. S., at 412). Thus, second and third, we "look to any unequivocal evidence of the contemporaneous and subsequent understanding of the status of the reservation by members and nonmembers, as well as the United States and the State." 577 U. S., at ___ (slip op., at 6) (internal quotation marks omitted). These inquiries include, respectively, the "history surrounding the passage of the [relevant] Act" as well as the subsequent "demographic history" and "treatment" of the lands at issue. *Id.*, at ___, ___ (slip op., at 8, 10).

Today the Court does not even discuss the governing approach reiterated throughout these precedents. The Court briefly recites the general rule that disestablishment requires clear congressional "intent," *ante*, at 8, but the Court then declines to examine the categories of evidence that our precedents demand we consider. Instead, the Court argues at length that allotment alone is not enough to disestablish a reservation. *Ante*, at 8–12. Then the Court argues that the "many" "serious blows" dealt by Congress to tribal governance, and the creation of the new State of Oklahoma, are each insufficient for disestablishment. *Ante*, at 13–16. Then the Court emphasizes that "historical practices or current demographics" do not "by themselves" "suffice" to disestablish a reservation. *Ante*, at 17–18.

This is a school of red herrings. No one here contends that any individual congressional action or piece of evi-

dence, standing alone, disestablished the Creek reservation. Rather, Oklahoma contends that all of the relevant Acts of Congress together, viewed in light of contemporaneous and subsequent contextual evidence, demonstrate Congress's intent to disestablish the reservation. "[O]ur traditional approach . . . *requires* us" to determine Congress's intent by "examin[ing] *all* the circumstances surrounding the opening of a reservation." *Hagen*, 510 U. S., at 412 (emphasis added). Yet the Court refuses to confront the cumulative import of all of Congress's actions here.

The Court instead announces a new approach sharply restricting consideration of contemporaneous and subsequent evidence of congressional intent. The Court states that such "extratextual sources" may be considered in "only" one narrow circumstance: to help "'clear up'" ambiguity in a particular "statutory term or phrase." *Ante*, at 17–18, 20 (quoting *Milner* v. *Department of Navy*, 562 U. S. 562, 574 (2011), and citing *New Prime Inc.* v. *Oliveira*, 586 U. S. ___, ___ (2019) (slip op., at 6)).

But, if that is the right approach, what have we been doing all these years? Every single one of our disestablishment cases has considered extratextual sources, and in doing so, none has required the identification of ambiguity in a particular term. That is because, while it is well established that Congress's "intent" must be "clear," *ante,* at 20 (quoting *Yankton Sioux Tribe*, 522 U. S., at 343), in this area we have expressly held that the appropriate inquiry does not focus on the statutory text alone.

Today the Court suggests that only the text can satisfy the longstanding requirement that Congress "explicitly indicate[]" its intent. *Ante,* at 20 (quoting *Solem*, 465 U. S., at 470). The Court reiterates that a reservation persists unless Congress "said otherwise," *ante*, at 1; if Congress wishes to disestablish a reservation, "it must say so," with the right "language." *Ante*, at 8, 18; see *ante*, at 42 (same).

Our precedents disagree. They explain that disestablishment can occur "[e]ven in the absence of a clear expression of congressional purpose in the text of [the] Act." *Yankton Sioux Tribe*, 522 U. S., at 351. The "notion" that "express language in an Act is the *only* method by which congressional action may result in disestablishment" is "quite inconsistent" with our precedents. *Rosebud Sioux Tribe* v. *Kneip*, 430 U. S. 584, 586, 588, n. 4 (1977); see *Solem*, 465 U. S., at 471 (intent may be discerned from a "widely held, contemporaneous understanding," "notwithstanding the presence of statutory language that would otherwise suggest reservation boundaries remained unchanged"); see also *DeCoteau* v. *District County Court for Tenth Judicial Dist.*, 420 U. S. 425, 444 (1975); *Mattz* v. *Arnett*, 412 U. S. 481, 505 (1973).

These are not "stiche[d] together quotes" but rather plain language reflecting a consistent theme running through our precedents. *Ante*, at 20, n. 9. They make clear that the Court errs in focusing on whether "a statute" alone "required" disestablishment, *ante,* at 20; under these precedents, we cannot determine what Congress "required" without first considering evidence in addition to the relevant statutes. Oddly, the Court claims these precedents actually support its new approach because they "emphasize that '[t]he focus of our inquiry is congressional intent.'" *Ante,* at 20–21, n. 9 (quoting *Rosebud Sioux Tribe*, 430 U. S., at 588, n. 4, and citing *Yankton Sioux Tribe*, 522 U. S., at 343). But in this context that intent is determined by examining a broad array of evidence—"all the circumstances." *Parker*, 577 U. S., at ___ (slip op., at 6) (quoting *Hagen*, 510 U. S., at 412). Unless the Court is prepared to overrule these precedents, it should follow them.

The Court appears skeptical of these precedents, but does not address the compelling reasons they give for considering extratextual evidence. At the turn of the century, the possibility that a reservation might persist in the absence

of "tribal ownership" of the underlying lands was "unfamiliar," and the prevailing "assumption" was that "Indian reservations were a thing of the past." *Solem*, 465 U. S., at 468. Congress believed "to a man" that "within a short time" the "Indian tribes would enter traditional American society and the reservation system would cease to exist." *Ibid.* As a result, Congress—while intending disestablishment—did not always "detail" precise changes to reservation boundaries. *Ibid.* Recognizing this distinctive backdrop, our precedents determine Congress's intent by considering a broader variety of evidence than we might for more run-of-the-mill questions of statutory interpretation. See *id.*, at 468–469; *Parker*, 577 U. S., at ___ (slip op., at 6); *Yankton Sioux Tribe*, 522 U. S., at 343. See also Cohen §2.02(1), at 113 ("The theory and practice of interpretation in federal Indian law differs from that of other fields of law.").

The Court next claims that *Parker* "clarif[ied]" that evidence of the subsequent treatment of the disputed land by government officials "'has limited interpretive value.'" *Ante*, at 19 (quoting *Parker*, 577 U. S., at ___ (slip op., at 11)). But *Parker* held that the subsequent evidence *in that case* "ha[d] 'limited interpretive value,'" as in the case that *Parker* relied on. 577 U. S., at ___–___ (slip op., at 11–12) (quoting *Yankton Sioux Tribe*, 522 U. S., at 355). The adequacy of evidence in a particular case says nothing about whether our precedents require us to consider such evidence in others.[3]

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[3]The Court rejects this reading of *Parker* based on a quotation that ends with what sounds like a general principle that "[e]vidence of the subsequent treatment of the disputed land by Government officials likewise has 'limited interpretive value.'" *Ante*, at 19, n. 8 (quoting *Parker*, 577 U. S., at ___ (slip op., at 11)). But that sentence was actually the topic sentence of a new paragraph that addressed the *particular* evidence of subsequent treatment of the *particular* land by the *particular* government officials in that case. *Id.*, at ___–___ (slip op., at 11–12). It is clear

The Court finally resorts to torching strawmen. No one relying on our precedents contends that "practical advantages" require "ignoring the written law." *Ante*, at 27. No one claims a State has "authority to reduce federal reservations." *Ante*, at 7. No one says the role of courts is to "sav[e] the political branches" from "embarrassment." *Ibid.* No one argues that courts can "adjust[ ]" reservation borders. *Ibid.* Such notions have nothing to do with our precedents. What our precedents do provide is the settled approach for determining whether Congress disestablished a reservation, and the Court starkly departs from that approach here.

III

Applied properly, our precedents demonstrate that Congress disestablished any reservation possessed by the Creek Nation through a relentless series of statutes leading up to Oklahoma statehood.

A

The statutory texts are the "most probative evidence" of congressional intent. *Parker*, 577 U. S., at ___ (slip op., at 5) (quoting *Hagen*, 510 U. S., at 411). The Court appropriately examines the Original Creek Agreement of 1901 and a subsequent statute for language of disestablishment, such as "cession," "abolish[ing]" the reservation, "restor[ing]" land to the "public domain," or an "unconditional commitment" to "compensate" the Tribe. *Ante*, at 8–12 (internal quotation marks omitted). But that is only the beginning

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that *Parker* merely concluded that the evidence cited by the parties provided a "mixed record of subsequent treatment" that did not move the needle either way. *Ibid.* (internal quotation marks omitted). *Parker* did not silently overturn our precedents requiring us to consider—and accord "weight" to—subsequent evidence that plainly favors, or undermines, disestablishment. *Rosebud Sioux Tribe* v. *Kneip*, 430 U. S. 584, 604 (1977); see *supra,* at 6–9.

of the analysis; there is no "magic words" requirement for disestablishment, and each individual statute may not be considered in isolation. See *supra,* at 10–11; *Hagen*, 510 U. S., at 411, 415–416 (when two statutes "buil[d]" on one another in this area, "[both] statutes—as well as those that came in between—must therefore be read together"); see also *Rosebud Sioux Tribe*, 430 U. S., at 592 (recognizing that a statute "cannot, and should not, be read as if it were the first time Congress had addressed itself to" disestablishment when prior statutes also indicate congressional intent). In this area, "we are not free to say to Congress: 'We see what you are driving at, but you have not said it, and therefore we shall go on as before.'" *Id.*, at 597 (quoting *Johnson* v. *United States*, 163 F. 30, 32 (CA1 1908) (Holmes, J.)). Rather, we recognize that the language Congress uses to accomplish its objective is adapted to the circumstances it confronts.

For example, "cession" is generally what a tribe does when it conveys land to a fellow sovereign, such as the United States or another tribe. See *Mitchel* v. *United States*, 9 Pet. 711, 734 (1835); *e.g.*, 1856 Treaty, Art. I, 11 Stat. 699. But here, given that Congress sought direct allotment to tribe members in order to enable private ownership by both Indians and the 300,000 settlers in the territory, it would have made little sense to "cede" the lands to the United States or "restore" the lands to the "public domain," as Congress did on other occasions. So too with a "commitment" to "compensate" the Tribe. Rather than buying land from the Creek, Congress provided for allotment to tribe members who could then "sell their land to Indians and non-Indians alike." *Ante*, at 10; see *Hagen*, 510 U. S., at 412 (a "definite payment" is not required for disestablishment). That other allotment statutes have contained various "hallmarks" of disestablishment tells us little about Congress's intent here. Contra, *ante,* at 12–13, and n. 5. "[W]e have never required any particular form of words" to

disestablish a reservation. *Hagen*, 510 U. S., at 411. There are good reasons the statutes here do not include the language the Court looks for, and those reasons have nothing to do with a failure to disestablish the reservation. Respect for Congress's work requires us to look at what it actually did, not search in vain for what it might have done or did on other occasions.

What Congress actually did here was enact a series of statutes beginning in 1890 and culminating with Oklahoma statehood that (1) established a uniform legal system for Indians and non-Indians alike; (2) dismantled the Creek government; (3) extinguished the Creek Nation's title to the lands at issue; and (4) incorporated the Creek members into a new political community—the State of Oklahoma. These statutes evince Congress's intent to terminate the reservation and create a new State in its place.

First, Congress supplanted the Creek legal system with a legal code and court system that applied equally to Indians and non-Indians. In 1890, Congress subjected the Indian Territory to specified federal criminal laws. Act of May 2, 1890, §31, 26 Stat. 96. For offenses not covered by federal law, Congress did what it often did when establishing a new territorial government. It provided that the criminal laws from a neighboring State, here Arkansas, would apply. §33, *id.*, at 96–97. Seven years later, Congress provided that the laws of the United States and Arkansas "shall apply to *all* persons" in Indian Territory, "*irrespective of race*." Act of June 7, 1897 (1897 Act), 30 Stat. 83 (emphasis added). In the same Act, Congress conferred on the U. S. Courts for the Indian Territory "exclusive jurisdiction" over "all civil causes in law and equity" and "all criminal causes" for the punishment of offenses committed by "any person" in the Indian Territory. *Ibid.*

The following year, the 1898 Curtis Act "abolished" all tribal courts, prohibited all officers of such courts from ex-

ercising "any authority" to perform "any act" previously authorized by "any law," and transferred "all civil and criminal causes then pending" to the U. S. Courts for the Indian Territory. Act of June 27, 1898 (Curtis Act), §28, *id.,* at 504–505. In the same Act, Congress completed the shift to a uniform legal order by banning the enforcement of tribal law in the newly exclusive jurisdiction of the U. S. Courts. See §26, *id.*, at 504 ("[T]he laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory."). Congress reiterated yet again in 1904 that Arkansas law "continued" to "embrace *all* persons and estates" in the territory—"whether Indian, freedmen, or otherwise." Act of Apr. 28, 1904, ch. 1824, §2, 33 Stat. 573 (emphasis added). In this way, Congress replaced tribal law with local law in matters at the core of tribal governance, such as inheritance and marital disputes. See, *e.g.*, *George* v. *Robb*, 4 Ind. T. 61, 64 S. W. 615, 615–616 (1901); *Colbert* v. *Fulton*, 74 Okla. 293, 157 P. 1151, 1152 (1916).

In addition, the Curtis Act established municipalities to govern both Indians and non-Indians. It authorized "any city or town" with at least 200 residents to incorporate. §14, 30 Stat. 499. The Act gave incorporated towns "all the powers" and "all the rights" of municipalities under Arkansas law. *Ibid.* "All male inhabitants," including Indians, were deemed qualified to vote in town elections. *Ibid.* And "all inhabitants"—"*without regard to race*"—were made subject to "all" town laws and were declared to possess "*equal* rights, privileges, and protection." *Id.*, at 499–500 (emphasis added). These changes reorganized the approximately 150 towns in the territory—including Tulsa, Muskogee, and 23 others within the Creek Nation's former territory—that were home to tens of thousands of people and nearly one third of the territory's population at the time, laying the foundation for the state governance that was to come. See H. R. Doc. No. 5, 57th Cong., 2d Sess., pt. 2, pp. 299–300,

Table 1 (1903); Depts. of Commerce and Labor, Bureau of Census, Population of Oklahoma and Indian Territory 1907, pp. 8, 30–33.

Second, Congress systematically dismantled the governmental authority of the Creek Nation, targeting all three branches. As noted, Congress dissolved the Tribe's judicial system. Congress also specified in the Original Creek Agreement that the Creek government would "not continue" past March 1906, essentially preserving it only as long as Congress thought necessary for the Tribe to wind up its affairs. §46, 31 Stat. 872. In the meantime, Congress radically curtailed tribal legislative authority, providing that no statute passed by the council of the Creek Nation affecting the Nation's lands, money, or property would be valid unless approved by the President of the United States. §42, *id.*, at 872. When 1906 came around, the Five Tribes Act provided for the "final disposition of the affairs of the Five Civilized Tribes." Act of Apr. 26, 1906, ch. 1876, 34 Stat. 137. Along with "abolish[ing]" all tribal taxes, the Act directed the Secretary of the Interior to assume control over the collection of the Nation's remaining revenues and to distribute them among tribe members on a per capita basis. §§11, 17, *id.*, at 141, 143–144. Thus, by the time Oklahoma became the 46th State in 1907, there was little left of the Creek Nation's authority: No tribal courts. No tribal law. No tribal fisc. And any lingering authority was further reduced in 1908, when Congress amended the Five Tribes Act to require tribal officers and members to surrender all remaining tribal property, money, and records. Act of May 27, 1908, §13, 35 Stat. 316.

The Court stresses that the Five Tribes Act separately stated that the Creek government was "continued" in "full force and effect for all purposes authorized by law." *Ante*, at 15 (quoting §28, 34 Stat. 148). By that point, however, such "authorized" purposes were nearly nonexistent, and the Act's statement is readily explained by the need to

maintain a tribal body to wrap up the distribution of Creek lands. Indeed, the Court does not cite any examples of the Creek Nation exercising significant government authority in the wake of the statutes discussed above. Instead, the Court alludes to subsequent changes in the 1920s to the general "federal outlook towards Native Americans," and it observes that in the 1930s Congress authorized the Creek Nation to reconstitute its tribal courts and adopt a constitution and bylaws. *Ante*, at 15. That, however, simply highlights the drastic extent to which Congress erased the Nation's authority at the turn of the century.

Third, Congress destroyed the foundation of sovereignty by stripping the Creek Nation of its territory. The communal title held by the Creek Nation, which "did not recognize private property in land," "presented a serious obstacle to the creation of [a] State." *Choate* v. *Trapp*, 224 U. S. 665, 667 (1912). Well aware of this impediment, Congress established the Dawes Commission and directed it to negotiate with the Five Tribes for "the extinguishment of the national or tribal title to any lands" within the Indian Territory. Act of Mar. 3, 1893, §16, 27 Stat. 645. That extinguishment could be accomplished through "cession" of the tribal lands to the United States, "allotment" of the lands among the Indians, or any other agreed upon method. *Ibid.* The Commission initially sought cession, but ultimately sought to extinguish the title through allotment. See *ante*, at 9.

In the Original Creek Agreement of 1901, Congress did just that. The agreement provided that "*[a]ll lands* belonging to the Creek tribe," except town sites and lands reserved for schools and public buildings, "shall be allotted among the citizens of the tribe." §§2, 3, 31 Stat. 862 (emphasis added). Town sites, rather than being allotted, were made available for purchase by the non-Indians residing there. §§11–16, *id.*, at 866–867. Unclaimed lots were to be sold at public auction, with the proceeds divvied up among the

Creeks. §§11, 14, *id.*, at 866. The agreement required that the deeds for the allotments and town site purchases convey "all right, title, and interest of the Creek Nation and of all other [Creek] citizens," and that the deeds be executed by the leader of the Creek Nation (the "principal chief"). §23, *id.*, at 867–868. The conveyances were then approved by the Secretary of the Interior, who in turn "relinquish[ed] to the grantee . . . all the right, title, and interest of the United States" in the land. *Id.*, at 868. In this way, Congress provided for the complete termination of the Creek Nation's interest in the lands, as well as the interests of individual Creek members apart from their personal allotments. Indeed, the language Congress used in the Original Creek Agreement resembles what the Court regards as model disestablishment language. See *ante*, at 8, 10 (looking for language evincing "the present and total surrender of all tribal interests in the affected lands" (internal quotation marks omitted)). And, making even more clear its intent to place Indian-held land under the same laws as all other property, Congress subsequently eliminated restrictions on the alienation of allotments, freeing tribe members "to sell their land to Indians and non-Indians alike." *Ante*, at 10.

In addition, while the Original Creek Agreement did not allot lands reserved for schools and tribal buildings, the Creek Nation's interest in those lands was subsequently terminated by the Five Tribes Act. That Act directed the Secretary of the Interior to take possession of—and sell off—"all" tribal buildings and underlying lands, whether used for "governmental" or "other tribal purposes." §15, 34 Stat. 143. The Secretary was also ordered to assume control of all tribal schools and the underlying property until the federal or state governments established a public school system. See §10, *id.*, at 140–141.

These statutes evince a clear intent to leave the Creek Nation with no communally held land and no meaningful governing authority to exercise over the newly distributed

parcels. Contrary to the Court's portrayal, this is not a scenario in which Congress allowed a tribe to "continue to exercise governmental functions over land" that it "no longer own[ed] communally." *Ante*, at 11. From top to bottom, these statutes, which divested the Tribes and the United States of their interests while displacing tribal governance, "strongly suggest[] that Congress meant to divest" the lands of reservation status. *Solem*, 465 U. S., at 470.

Finally, having stripped the Creek Nation of its laws, its powers of self-governance, and its land, Congress incorporated the Nation's members into a new political community. Congress made "every Indian" in the Oklahoma territory a citizen of the United States in 1901—decades before conferring citizenship on all native born Indians elsewhere in the country. Act of Mar. 3, 1901, ch. 868, 31 Stat. 1447. In the Oklahoma Enabling Act of 1906—the gateway to statehood—Congress confirmed that members of the Five Tribes would participate in equal measure alongside non-Indians in the choice regarding statehood. The Act gave Indians the right to vote on delegates to a constitutional convention and ultimately on the state constitution that the delegates proposed. §§2, 4, 34 Stat. 268, 271. Fifteen members of the Five Tribes were elected as convention delegates, many of them served on significant committees, and a member of the Chickasaw Nation even served as president of the convention. See Brief for Seventeen Oklahoma District Attorneys et al. as *Amici Curiae* 9–13.

The Enabling Act also ensured that Indians and non-Indians would be subject to uniform laws and courts. It replaced Arkansas law, which had applied to all persons "irrespective of race," 1897 Act, 30 Stat. 83, with the laws of the adjacent Oklahoma Territory until the new state legislature provided otherwise. Enabling Act §§2, 13, 21, 34 Stat. 268–269, 275, 277–278; see *Jefferson* v. *Fink*, 247 U. S. 288, 294 (1918). All of the pending cases in the territorial courts arising under federal law were transferred to

the newly created U. S. District Courts of Oklahoma. See §16, 34 Stat. 276. Pending cases not involving federal law, including those that involved Indians on Indian land and had arisen under Arkansas law, were transferred to the new Oklahoma state courts. §§16, 17, 20, *id.*, at 276–277. To dispel any potential confusion about the distribution of criminal cases, Congress amended the Enabling Act the following year, clarifying that all cases for crimes that would have fallen under federal jurisdiction had they been committed in a State would be transferred to the U. S. District Courts. Act of Mar. 4, 1907, §1, *id.*, at 1286–1287. All other pending criminal cases would be "prosecuted to a final determination in the State courts of Oklahoma." §3, *id.*, at 1287. As for civil cases, the new state courts were immediately empowered to resolve even disputes that previously lay at the core of tribal self-governance. *E.g.*, *Palmer* v. *Cully*, 52 Okla. 454, 463–469, 153 P. 154, 157–158 (1915) (*per curiam*) (marital dispute).[4]

In sum, in statute after statute, Congress made abundantly clear its intent to disestablish the Creek territory. The Court, for purposes of the disestablishment question before us, defines the Creek territory as "lands that would lie outside both the legal jurisdiction and geographic boundaries of any State" and on which a tribe was "assured a right to self-government." *Ante*, at 6. That territory was eliminated. By establishing uniform laws for Indians and non-

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[4]The Court, citing *United States* v. *Sandoval*, 231 U. S. 28, 47–48 (1913), argues that including a tribe within a new State is not necessarily incompatible with the continuing existence of a reservation. *Ante*, at 15–16, n. 6. But the tribe in *Sandoval*, the Pueblo Indians of New Mexico, retained a rare communal title to their lands—which Congress explicitly extinguished here. 231 U. S., at 47. More fundamentally, the Court's argument suffers from the same flaw that runs through its entire approach, which maintains that each of Congress's actions alone would not be enough for disestablishment but never confronts the import of all of them.

Indians alike in the new State of Oklahoma, Congress brought Creek members and the land on which they resided under state jurisdiction. By stripping the Creek Nation of its courts, lawmaking authority, and taxing power, Congress dismantled the tribal government. By extinguishing the Nation's title, Congress erased the geographic boundaries that once defined Creek territory. And, by conferring citizenship on tribe members and giving them a vote in the formation of the State, Congress incorporated them into a new political community. "Under any definition," that was disestablishment. *Ibid.*

In the face of all this, the Court claims that recognizing Congress's intent would permit disestablishment in the absence of "a statute requir[ing] that result." *Ante*, at 20. Hardly. The numerous statutes discussed above demonstrate Congress's plain intent to terminate the reservation. The Court resists the cumulative force of these statutes by attacking each in isolation, first asking whether allotment alone disestablished the reservation, then whether restricting tribal governance was sufficient, and so on. But the Court does not consider the full picture of what Congress accomplished. Far from justifying its blinkered approach, the Court repeatedly tells the reader to wait until the "*next* section" of the opinion—where the Court will again nitpick discrete aspects of Congress's disestablishment effort while ignoring the full picture our precedents require us to honor. *Ante*, at 12–13, n. 5, 17, n. 7; see *supra,* at 11, 14.

The Court also hypothesizes that Congress may have taken significant steps toward disestablishment but ultimately could not "complete[]" it; perhaps Congress just couldn't "muster the will" to finish the job. *Ante*, at 8, 15. The Court suggests that Congress sought to "tiptoe to the edge of disestablishment," fearing the "embarrassment of disestablishing a reservation" but hoping that judges would "deliver the final push." *Ante*, at 7. This is fantasy. The congressional Acts detailed above do not evince any unease

about extinguishing the Creek domain, or any shortage of "will." Quite the opposite. Through an open and concerted effort, Congress did what it set out to do: transform a reservation into a State. "Mustering the broad social consensus required to pass new legislation is a deliberately hard business," as the Court reminds us. *Ibid.* Congress did that hard work here, enacting not one but a steady progression of major statutes. The Court today does not give effect to the cumulative significance of Congress's actions, because Congress did not use explicit words of the sort the Court insists upon. But Congress had no reason to suppose that such words would be required of it, and this Court has held that they were not. See *Hagen*, 510 U. S., at 411–412; *Yankton Sioux Tribe*, 522 U. S., at 351; *Solem*, 465 U. S., at 471.

B

Under our precedents, we next consider the contemporaneous understanding of the statutes enacted by Congress and the subsequent treatment of the lands at issue. The Court, however, declines to consider such evidence because, in the Court's view, the statutes clearly do not disestablish any reservation, and there is no "ambiguity" to "clear up." *Ante*, at 20 (internal quotation marks omitted). That is not the approach demanded by our precedent, *supra*, at 10–13, and, in any event, the Court's argument fails on its own terms here. I find it hard to see how anyone can come away from the statutory texts detailed above with *certainty* that Congress had no intent to disestablish the territorial reservation. At the very least, the statutes leave some ambiguity, and thus "extratextual sources" ought to be consulted. *Ante*, at 20.

Turning to such sources, our precedents direct us to "examine all the circumstances" surrounding Congress's actions. *Parker*, 577 U. S., at ___ (slip op., at 6) (quoting *Hagen*, 510 U. S., at 412). This includes evidence of the

"contemporaneous understanding" of the status of the reservation and the "history surrounding the passage" of the relevant Acts. *Parker*, 577 U. S., at ___ (slip op., at 8) (internal quotation marks omitted); see *Yankton Sioux Tribe*, 522 U. S., at 351–354; *Solem*, 465 U. S., at 471. The available evidence overwhelmingly confirms that Congress eliminated any Creek reservation. That was the purpose identified by Congress, the Dawes Commission, and the Creek Nation itself. And that was the understanding demonstrated by the actions of Oklahoma, the United States, and the Creek.

According to reports published by Congress leading up to Oklahoma statehood, the Five Tribes had failed to hold the lands for the equal benefit of all Indians, and the tribal governments were ill equipped to handle the largescale settlement of non-Indians in the territories. See *supra*, at 4–5; *Woodward*, 238 U. S., at 296–297. The Senate Select Committee on the Five Tribes explained that it was "imperative[ ]" to "establish[ ] a government over [non-Indians] and Indians" in the territory "in accordance with the principles of our constitution and laws." S. Rep. No. 377, at 12–13. On the eve of the Original Creek Agreement, the House Committee on Indian Affairs emphasized that "[t]he independent self-government of the Five Tribes ha[d] practically ceased," "[t]he policy of the Government to abolish classes in Indian Territory and make a homogeneous population [wa]s being rapidly carried out," and all Indians "should at once be put upon a level and equal footing with the great population with whom they [were] intermingled." H. R. Rep. No. 1188, 56th Cong., 1st Sess., 1 (1900).

The Dawes Commission understood Congress's intent in the same way. The Commission explained that the "object of Congress from the beginning has been the dissolution of the tribal governments, the extinguishment of the communal or tribal title to the land, the vesting of possession and title in severalty among the citizens of the Tribes, and the

assimilation of the peoples and institutions of this Territory to our prevailing American standard." H. R. Doc. No. 5, 58th Cong., 2d Sess., pt. 2, p. 5 (1903). Accordingly, the Commission's aim—"in all [its] endeavors"—was a "uniformity of political institutions to lay the foundation for an ultimate common government." H. R. Doc. No. 5, 56th Cong., 2d Sess., 163 (1900).

The Creek shared the same understanding. In 1893, the year Congress formed the Dawes Commission, the Creek delegation to Washington recognized that Congress's "unwavering aim" was to "'wipe out the line of political distinction between an Indian citizen and other citizens of the Republic'" so that the Tribe could be "'absorbed and become a part of the United States.'" P. Porter & A. McKellop, Printed Statement of Creek Delegates, reprinted in Creek Delegation Documents 8–9 (Feb. 9, 1893) (quoting Senate Committee Report); see also S. Doc. No. 111, 54th Cong., 2d Sess., 5, 8 (1897) (resolution of the Creek Nation "recogniz[ing]" that Congress proposed to "disintegrat[e] the land of our people" and "transform[]" "our domestic dependent states" "into a State of the Union").

Particularly probative is the understanding of Pleasant Porter, the principal Chief of the Creek Nation. He described Congress's decisions to the Creek people and legislature in messages published in territorial newspapers during the run-up to statehood. Following the extinguishment of the Nation's title, dissolution of tribal courts, and curtailment of lawmaking authority, he told his people that "[i]t would be difficult, if not impossible to successfully operate the Creek government now." App. to Brief for Respondent 8a (Message to Creek National Council (May 7, 1901), reprinted in The Indian Journal (May 10, 1901)). The "remnant of a government" had been reduced to a land office for finalizing the distribution of allotments and would be "maintained only until" the Tribe's "landed and other interests . . . have been settled." App. to Brief for Respondent

8a. He reiterated this understanding following the Five Tribes Act of 1906, which stated that the tribal government would "continue[] in full force and effect for all purposes authorized by law." §28, 34 Stat. 148. While the Court believes that meant Congress decided against disestablishing the reservation, see *ante*, at 14–15, Chief Porter saw things differently. From his vantage point as the contemporaneous leader of the government at issue, Congress had temporarily continued the tribal government but left it with only "limited and circumscribed" authority: The council could "pass[ ] resolutions respecting our wishes" regarding the property "now in the process of distribution," but the council no longer had any authority to "mak[e] laws for our government." App. to Brief for Respondent 14a (Message to Creek National Council (Oct. 18, 1906), reprinted in The New State Tribune (Oct. 18, 1906)). Apart from distributing the Nation's property, Chief Porter maintained that "all powers over the governing even of our landed property will cease" once the new state government was established. App. to Brief for Respondent 15a; see also S. Rep. No. 5013, 59th Cong., 2d Sess., pt. 1, p. 885 (1907) (Choctaw governor mourning that his "only" remaining authority was "to sign deeds").

The Creek remained of that view after Oklahoma was officially made a State through the Enabling Act. At that point, the new principal Chief confirmed that it was "utterly impossible" to resume "our old tribal government." App. to Brief for Respondent 16a–17a (Address by Moty Tiger to Creek National Council (Oct. 8, 1908), reprinted in The Indian Journal (Oct. 9, 1908)). And any "appeal to the government at Washington to alter its purpose to wipe out all tribal government among the five civilized tribes" would "be to no purpose." App. to Brief for Respondent 16a. "[C]ontributions" for such efforts would be "just that much money thrown away," and "all attorneys at Washington or else-

where who encourage and receive any part of such contributions do it knowing that they can give no return or service for same and that they take such money fraudulently and dishonestly." *Id.*, at 17a.[5]

In addition to their words, the contemporaneous actions of Oklahoma, the Creek, and the United States in criminal matters confirm their shared understanding that Congress did not intend a reservation to persist. Had the land been a reservation, the federal government—not the new State—would have had jurisdiction over serious crimes committed by Indians under the Major Crimes Act of 1885. See §9, 23 Stat. 385. Yet, at statehood, Oklahoma immediately began prosecuting serious crimes committed by Indians in the new state courts, and the federal government immediately ceased prosecuting such crimes in federal court. At argument, McGirt's counsel acknowledged that he could not cite a single example of federal prosecutions for such crimes. Tr. of Oral Arg. 17–18. Rather, the record demonstrates that case after case was transferred to state court or filed there outright by Oklahoma after 1907—without objection by anyone. See, *e.g.*, *Bigfeather* v. *State*, 7 Okla. Crim. 364, 123 P. 1026 (1912) (manslaughter); *Rollen* v. *State*, 7 Okla. Crim. 673, 125 P. 1087 (1912) (assault with intent to kill); *Jones* v. *State*, 3 Okla. Crim. 593, 107 P. 738 (1910) (murder); see also Brief for Petitioner in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, pp. 40–41 (collecting more cases).

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[5] The Court discounts the views of the principal chiefs as mere predictions about what Congress "*would*" do, *ante,* at 25, but the Court ignores statements made after statehood, describing what Congress *did* do. The Court also asserts that the chiefs' views cannot serve as "evidence" of the "meaning" of laws enacted by Congress. *Ante*, at 25, n. 12. That is inconsistent with our precedent, which specifically instructs us to determine Congress's intent by considering the "understanding of the status of the reservation by members" of the affected tribe. *Parker*, 577 U. S., at ___ (slip op., at 6). The contemporaneous understanding of the leaders of the tribe is highly probative.

These prosecutions were lawful, the Oklahoma Supreme Court recognized at the time, because Congress had not intended to "except out of [Oklahoma] an Indian reservation" upon its admission as a State. *Higgins* v. *Brown*, 20 Okla. 355, 419, 94 P. 703, 730 (1908).

Instead of explaining how everyone at the time somehow missed that a reservation still existed, the Court resorts to misdirection. It observes that Oklahoma state courts have held that they erroneously entertained prosecutions for crimes committed by Indians on the small number of remaining restricted allotments and tribal trust lands from the 1930s until 1989. But this Court has not addressed that issue, and regardless, it would not tell us whether the State properly prosecuted major crimes committed by Indians on the lands at issue here—the unrestricted fee lands that make up more than 95% of the Creek Nation's former territory. Perhaps most telling is that the State's jurisdiction over crimes on Indian allotments was hotly contested from an early date, whereas nobody raised objections based on a surviving reservation. See, *e.g.*, *Ex parte Nowabbi*, 60 Okla. Crim. 111, 61 P. 2d 1139 (1936), overruled by *State* v. *Klindt*, 782 P. 2d 401, 404 (Okla. Crim. App. 1989); see also *ante*, at 21 ("no court" suggested the "possibility" that "the Creek lands really were part of a reservation" until 2017).[6]

Lacking any other arguments, the Court suspects uniform lawlessness: The State must have "overstepped its authority" in prosecuting thousands of cases for over a century. *Ante*, at 23. Perhaps, the Court suggests, the State

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[6]The Court claims that the Oklahoma courts' reasons for treating restricted allotments as Indian country must apply with "equal force" to the unrestricted fee lands at issue here, but the Court ultimately admits the two types of land are "legally distinct." *Ante*, at 23, n. 10. And any misstep with regard to the small number of restricted allotments hardly means the Oklahoma courts made the far more extraordinary mistake of failing to notice that the Five Tribes' reservations—encompassing 19 million acres—continued to exist.

lacked "good faith." *Ibid.* In the Court's telling, the federal government acquiesced in this extraordinary alleged power grab, abdicating its responsibilities over the purported reservation. And, all the while, the state and federal courts turned a blind eye.

But we normally presume that government officials exercise their duties in accordance with the law. Certainly the presumption may be strained from time to time in this area, but not so much as to justify the Court's speculations, which posit that government officials at every level either conspired to violate the law or uniformly misunderstood the fundamental structure of their society and government. Whatever the imperfections of our forebears, neither option seems tenable. And it is downright inconceivable that this could occur without prompting objections—from anyone, including from the Five Tribes themselves. Indians frequently asserted their rights during this period. The cases above, for example, involve criminal appeals brought by Indians, and Indians raised numerous objections to land graft in the former Territory. See Brief for Historians et al. as *Amici Curiae* 28–31. Yet, according to the extensive record compiled over several years for this case and a similar case, *Sharp* v. *Murphy*, *post*, p. ___ (*per curiam*), Indians and their counsel did not raise a single objection to state prosecutions on the theory that the lands at issue were still a reservation. It stretches the imagination to suggest they just missed it.

C

Finally, consider "the subsequent treatment of the area in question and the pattern of settlement there." *Yankton Sioux Tribe*, 522 U. S., at 344. This evidence includes the "subsequent understanding of the status of the reservation by members and nonmembers as well as the United States and the [relevant] State," and the "subsequent demographic history" of the area. *Parker*, 577 U. S., at ___, ___ (slip op.,

at 6, 10); see *Solem*, 465 U. S., at 471. Each of the indicia from our precedents—subsequent treatment by Congress, the State's unquestioned exercise of jurisdiction, and demographic evidence—confirms that the Creek reservation did not survive statehood.

First, "Congress' own treatment of the affected areas" strongly supports disestablishment. *Id.*, at 471. After statehood, Congress enacted several statutes progressively eliminating restrictions on the alienation and taxation of Creek allotments, and Congress subjected even restricted lands to state jurisdiction. Since Congress had already destroyed nearly all tribal authority, these statutes rendered Creek parcels little different from other plots of land in the State. See Act of May 27, 1908, 35 Stat. 312; Act of June 14, 1918, 40 Stat. 606; Act of Apr. 10, 1926, 44 Stat. 239. This is not a scenario where Congress merely opened land for "purchase . . . by non-Indians" while allowing the Tribe to "continue to exercise governmental functions over [the] land," *ante*, at 11, and n. 3; rather, Congress eliminated both restrictions on the lands here and the Creek Nation's authority over them. Such developments would be surprising if Congress intended for all of the former Indian Territory to be reservation land insulated from state jurisdiction in significant ways. The simpler and more likely explanation is that they reflect Congress's understanding through the years that "all Indian reservations as such have ceased to exist" in Oklahoma, S. Rep. No. 1232, 74th Cong., 1st Sess., 6 (1935), and that "Indian reservations [in the Indian Territory] were destroyed" when "Oklahoma entered the union," S. Rep. No. 101–216, p. 47 (1989).

That understanding is now woven throughout the U. S. Code, which applies numerous statutes to the land here by extending them to the "*former* reservation[s]" "in Oklahoma"—underscoring that no reservation exists today. 25 U. S. C. §2719(a)(2)(A)(i) (emphasis added) (Indian Gaming

Regulatory Act); see Brief for United States as *Amicus Curiae* 23; 23 U. S. C. §202(b)(1)(B)(v) (road grants; "former Indian reservations in the State of Oklahoma"); 25 U. S. C. §1452(d) (Indian Financing Act; "former Indian reservations in Oklahoma"); §2020(d) (education grants; "former Indian reservations in Oklahoma"); §3103(12) (National Indian Forest Resources Management Act; "former Indian reservations in Oklahoma"); 29 U. S. C. §741(d) (American Indian Vocational Rehabilitation Services Act; "former Indian reservations in Oklahoma"); 33 U. S. C. §1377(c)(3)(B) (waste treatment grants; "former Indian reservations in Oklahoma"); 42 U. S. C. §5318(n)(2) (urban development grants; "former Indian reservations in Oklahoma").[7]

Second, consider the State's "exercis[e] [of] unquestioned jurisdiction over the disputed area since the passage of" the Enabling Act, which deserves "weight" as "an indication of the intended purpose of the Act." *Rosebud Sioux Tribe*, 430 U. S., at 599, n. 20, 604. As discussed above, for 113 years, Oklahoma has asserted jurisdiction over the former Indian

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[7] The Court suggests that these statutes only show that there are some "former reservations" in Oklahoma, not that the Five Tribes' former domains are necessarily among them. *Ante*, at 27, n. 14. History says otherwise. For example, the Five Tribes actively lobbied for inclusion of this language in the Indian Gaming Regulatory Act. See Hearing on S. 902 et al. before the Senate Select Committee on Indian Affairs, 99th Cong., 2d Sess., 299–300 (1986). They observed that the term "reservation," as originally defined, did not pertain to the "eastern Oklahoma tribes, including the Five Civilized Tribes." *Ibid.* (statement of Charles Blackwell, representative of the Chickasaw Nation of Oklahoma). Accordingly, they "recommend[ed] inclu[ding] . . . the wording 'or in the case of Oklahoma tribes, their *former* jurisdictional and/or reservation boundaries in Oklahoma.'" *Id.*, at 300 (emphasis added). The National Indian Gaming Association, which proposed the language on which the final act was ultimately modeled, made the same point, observing that in Oklahoma "reservation boundaries have been extinguished for most purposes" so the statute should refer to "former reservation[s] in Oklahoma." *Id.*, at 312 (Memorandum from the National Indian Gaming Assn. to the Senate Select Committee on Indian Affairs (June 17, 1986)).

Territory on the understanding that it is not a reservation, without any objection by the Five Tribes until recently (or by McGirt for the first 20 years after his convictions). See Brief for Respondent 4, 40. The same goes for major cities in Oklahoma. Tulsa, for example, has exercised jurisdiction over both Indians and non-Indians for more than a century on the understanding that it is not a reservation. See Brief for City of Tulsa as *Amicus Curiae* 27–28.

All the while, the federal government has operated on the same understanding. Brief for United States as *Amicus Curiae* 24. No less than Felix Cohen, whose authoritative treatise the Court repeatedly cites, agreed while serving as Acting Solicitor of the Interior in 1941 that "all offenses by or against Indians" in the former Indian Territory "are subject to State laws." App. to Supp. Reply Brief for Petitioner in *Carpenter* v. *Murphy*, O. T. 2018, No. 17–1107, p. 1a (Memorandum for Commissioner of Indian Affairs (July 11, 1941)). In the view of the Department of the Interior, such state jurisdiction was appropriate because the reservations in the Territory "lost their character as Indian country" by the time Oklahoma became a State. App. to Brief for United States as *Amicus Curiae* 4a (Letter from O. Chapman, Assistant Secretary of the Interior, to the Attorney General (Aug. 17, 1942)); see also *supra,* at 28, n. 6.

Indeed, far from disputing Oklahoma's jurisdiction, the Five Tribes themselves have repeatedly and emphatically agreed that no reservation exists. After statehood, tribal leaders and members frequently informed Congress that "there are no reservations in Oklahoma." App. to Brief for Respondent 19a (Testimony of Hon. Bill Anoatubby, Governor, Chickasaw Nation, Hearings before the Subcommittee on Indian, Insular and Alaska Native Affairs of the House Committee on Natural Resources (Feb. 24, 2016)).[8] They

[8] See App. to Brief for Respondent 18a–19a (excerpting various statements before Congress, including: "[w]e are not a reservation tribe"

took the same position before federal courts. Before this litigation started, the Creek Nation represented to the Tenth Circuit that there is only "'checkerboard' Indian country within its *former* reservation boundaries." Reply Brief in No. 09–5123, p. 5 (emphasis added). And the Nation never once contended in this Court that a sprawling reservation still existed in the more than a century that preceded the present disputes.

Like the Creek, this Court has repeatedly described the area in question as the "former" lands of the Creek Nation. See *Grayson* v. *Harris*, 267 U. S. 352, 353 (1925) (lands "lying within the former Creek Nation"); *Woodward*, 238 U. S., at 285 (lands "formerly part of the domain of the Creek Nation"); *Washington* v. *Miller*, 235 U. S. 422, 423 (1914) (lands "within what until recently was the Creek Nation"). Yet today the Court concludes that the lands have been a Creek reservation all along—contrary to the position shared for the past century by this Court, the United States, Oklahoma, and the Creek Nation itself.

Under our precedent, Oklahoma's unquestioned, century-long exercise of jurisdiction supports the conclusion that no reservation persisted past statehood. See *Yankton Sioux Tribe*, 522 U. S., at 357; *Hagen*, 510 U. S., at 421; *Rosebud Sioux Tribe*, 430 U. S., at 604–605. "Since state jurisdiction over the area within a reservation's boundaries is quite limited, the fact that neither Congress nor the Department of Indian Affairs has sought to exercise its authority over this area, or to challenge the State's exercise of authority is a

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(Principal Cherokee Chief, 1982), "Oklahoma, . . . of course, is not a reservation State" (Chickasaw Governor, 1988), "Oklahoma is not [a reservation State]" and "[w]e have no surface reservations in Oklahoma" (Chickasaw advisor, 2011), as well as references to the boundaries and lands of "former reservation[s]" (Chickasaw nominee for Assistant Secretary of Indian Affairs, 2012; Inter-Tribal Council of the Five Civilized Tribes, 2016)).

factor entitled to weight as part of the 'jurisdictional history.'" *Id.*, at 603–604 (citations omitted).

Third, consider the "subsequent demographic history" of the lands at issue, which provides an "'additional clue'" as to the meaning of Congress's actions. *Parker*, 577 U. S., at ___ (slip op., at 10) (quoting *Solem*, 465 U. S., at 472). Continuing from statehood to the present, the population of the lands has remained approximately 85%–90% non-Indian. See Brief for Respondent 43; *Murphy* v. *Royal*, 875 F. 3d 896, 965 (CA10 2017). "[T]hose demographics signify a diminished reservation." *Yankton Sioux Tribe*, 522 U. S., at 357. The Court questions whether the consideration of demographic history is appropriate, *ante*, at 18–19, 27, but we have determined that it is a "*necessary* expedient." *Solem*, 465 U. S., at 472, and n. 13 (emphasis added); see *Parker*, 577 U. S., at ___ (slip op., at 10). And for good reason. Our precedents recognize that disestablishment cases call for a wider variety of tools than more workaday questions of statutory interpretation. *Supra*, at 12. In addition, the use of demographic data addresses the practical concern that "[w]hen an area is predominately populated by non-Indians with only a few surviving pockets of Indian allotments, finding that the land remains Indian country seriously burdens the administration of state and local governments." *Solem*, 465 U. S., at 471–472, n. 12.

Here those burdens—the product of a century of settled understanding—are extraordinary. Most immediately, the Court's decision draws into question thousands of convictions obtained by the State for crimes involving Indian defendants or Indian victims across several decades. This includes convictions for serious crimes such as murder, rape, kidnapping, and maiming. Such convictions are now subject to jurisdictional challenges, leading to the potential release of numerous individuals found guilty under state law

of the most grievous offenses.[9] Although the federal government may be able to reprosecute some of these crimes, it may lack the resources to reprosecute all of them, and the odds of convicting again are hampered by the passage of time, stale evidence, fading memories, and dead witnesses. See Brief for United States as *Amicus Curiae* 37–39. No matter, the court says, these concerns are speculative because "many defendants may choose to finish their state sentences rather than risk reprosecution in federal court." *Ante*, at 38. Certainly defendants like McGirt—convicted of serious crimes and sentenced to 1,000 years plus life in prison—will not adopt a strategy of running out the clock on their state sentences. At the end of the day, there is no escaping that today's decision will undermine numerous convictions obtained by the State, as well as the State's ability to prosecute serious crimes committed in the future.

Not to worry, the Court says, only about 10%–15% of Oklahoma citizens are Indian, so the "majority" of prosecutions will be unaffected. *Ibid.* But the share of serious crimes committed by 10%–15% of the 1.8 million people in eastern Oklahoma, or of the 400,000 people in Tulsa, is no small number.

Beyond the criminal law, the decision may destabilize the governance of vast swathes of Oklahoma. The Court, despite briefly suggesting that its decision concerns only a narrow question of criminal law, ultimately acknowledges that "many" federal laws, triggering a variety of rules, spring into effect when land is declared a reservation. *Ante*, at 39–40.

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[9] The Court suggests that "well-known" "procedural obstacles" could prevent challenges to state convictions. *Ante*, at 38. But, under Oklahoma law, it appears that there may be little bar to state habeas relief because "issues of subject matter jurisdiction are never waived and can therefore be raised on a collateral appeal." *Murphy* v. *Royal*, 875 F. 3d 896, 907, n. 5 (CA10 2017) (quoting *Wallace* v. *State*, 935 P. 2d 366, 372 (Okla. Crim. App. 1997)).

State and tribal authority are also transformed. As to the State, its authority is clouded in significant respects when land is designated a reservation. Under our precedents, for example, state regulation of even non-Indians is preempted if it runs afoul of federal Indian policy and tribal sovereignty based on a nebulous balancing test. This test lacks any "rigid rule"; it instead calls for a "particularized inquiry into the nature of the state, federal, and tribal interests at stake," contemplated in light of the "broad policies that underlie" relevant treaties and statutes and "notions of sovereignty that have developed from historical traditions of tribal independence." *White Mountain Apache Tribe* v. *Bracker*, 448 U. S. 136, 142, 144–145 (1980). This test mires state efforts to regulate on reservation lands in significant uncertainty, guaranteeing that many efforts will be deemed permissible only after extensive litigation, if at all.[10]

In addition to undermining state authority, reservation status adds an additional, complicated layer of governance over the massive territory here, conferring on tribal government power over numerous areas of life—including powers over non-Indian citizens and businesses. Under our precedents, tribes may regulate non-Indian conduct on reservation land, so long as the conduct stems from a "consensual

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[10] See, *e.g.*, *White Mountain Apache Tribe*, 448 U. S., at 148–151 (barring State from imposing motor carrier license tax and fuel use taxes on non-Indian logging companies that harvested timber on a reservation); *Warren Trading Post Co.* v. *Arizona Tax Comm'n*, 380 U. S. 685, 690–692 (1965) (barring State from taxing income earned by a non-Indian who operated a trading post on a reservation); *New Mexico* v. *Mescalero Apache Tribe*, 462 U. S. 324, 325 (1983) (barring State from regulating hunting and fishing by non-Indians on a reservation); see also *Brendale* v. *Confederated Tribes and Bands of Yakima Nation*, 492 U. S. 408, 448 (1989) (opinion of Stevens, J.) (arguing that it is "impossible to articulate precise rules that will govern whenever a tribe asserts that a land use approved by a county board is pre-empted by federal law").

relationship[] with the tribe or its members" or directly affects "the political integrity, the economic security, or the health or welfare of the tribe." *Montana* v. *United States*, 450 U. S. 544, 565–566 (1981); see Cohen §6.02(2)(a), at 506–507. Tribes may also impose certain taxes on non-Indians on reservation land, *s*ee *Kerr-McGee Corp.* v. *Navajo Tribe*, 471 U. S. 195, 198 (1985), and in this litigation, the Creek Nation contends that it retains the power to tax nonmembers doing business within its borders. Brief for Muscogee (Creek) Nation as *Amicus Curiae* 18, n. 6. No small power, given that those borders now embrace three million acres, the city of Tulsa, and hundreds of thousands of Oklahoma citizens. Recognizing the significant "potential for cost and conflict" caused by its decision, the Court insists any problems can be ameliorated if the citizens of Oklahoma just keep up the "spirit" of cooperation behind existing intergovernmental agreements between Oklahoma and the Five Tribes. *Ante*, at 41. But those agreements are small potatoes compared to what will be necessary to address the disruption inflicted by today's decision.

The Court responds to these and other concerns with the truism that significant consequences are no "license for us to disregard the law." *Ibid.* Of course not. But when those consequences are drastic precisely because they depart from how the law has been applied for more than a century—a settled understanding that our precedents demand we consider—they are reason to think the Court may have taken a wrong turn in its analysis.

* * *

As the Creek, the State of Oklahoma, the United States, and our judicial predecessors have long agreed, Congress disestablished any Creek reservation more than 100 years ago. Oklahoma therefore had jurisdiction to prosecute McGirt. I respectfully dissent.

SUPREME COURT OF THE UNITED STATES

No. 18–9526

JIMCY MCGIRT, PETITIONER *v.* OKLAHOMA

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS OF OKLAHOMA

[July 9, 2020]

JUSTICE THOMAS, dissenting.

I agree with THE CHIEF JUSTICE that the former Creek Nation Reservation was disestablished at statehood and Oklahoma therefore has jurisdiction to prosecute petitioner for sexually assaulting his wife's granddaughter. *Ante*, at 1–2 (dissenting opinion). I write separately to note an additional defect in the Court's decision: It reverses a state-court judgment that it has no jurisdiction to review. "[W]e have long recognized that 'where the judgment of a state court rests upon two grounds, one of which is federal and the other non-federal in character, our jurisdiction fails if the non-federal ground is independent of the federal ground and adequate to support the judgment.'" *Michigan* v. *Long*, 463 U. S. 1032, 1038, n. 4 (1983) (quoting *Fox Film Corp.* v. *Muller*, 296 U. S. 207, 210 (1935)). Under this well-settled rule, we lack jurisdiction to review the Oklahoma Court of Criminal Appeals' decision, because it rests on an adequate and independent state ground.

In his application for state postconviction relief, petitioner claimed that Oklahoma lacked jurisdiction to prosecute him because his crime was committed on Creek Nation land and thus was subject to the exclusive jurisdiction of the Federal Government under the Major Crimes Act, 18 U. S. C. §1153. In support of his argument, petitioner cited the Tenth's Circuit's decision in *Murphy* v. *Royal*, 875 F. 3d 896 (2017).

The Oklahoma Court of Criminal Appeals concluded that petitioner's claim was procedurally barred under state law because it was "not raised previously on direct appeal" and thus was "waived for further review." 2018 OK CR 1057 ¶2, ___ P. 3d ___, ___ (citing Okla. Stat., Tit. 22, §1086 (2011)). The court found no grounds for excusing this default, explaining that "[p]etitioner [had] not established any sufficient reason why his current grounds for relief were not previously raised." ___ P. 3d, at ___. This state procedural bar was applied independent of any federal law, and it is adequate to support the decision below. We therefore lack jurisdiction to disturb the state court's judgment.

There are two possible arguments in favor of jurisdiction, neither of which hold water. First, one might claim that the state procedural bar is not an "adequate" ground for decision in this case. In *Murphy*, the Tenth Circuit suggested that Oklahoma law permits jurisdictional challenges to be raised for the first time on collateral review. 875 F. 3d, at 907, n. 5 (citing *Wallace* v. *State*, 1997 OK CR 18, 935 P. 2d 366). But the Oklahoma Court of Criminal Appeals did not even hint at such grounds for excusing petitioner's default here. More importantly, however, we may not go beyond "the four corners of the opinion" and delve into background principles of Oklahoma law to determine the adequacy of the independent state ground. *Long*, 463 U. S., at 1040. This Court put an end to that approach in *Long*, noting that "[t]he process of examining state law is unsatisfactory because it requires us to interpret state laws with which we are generally unfamiliar, and which often, as in this case, have not been discussed at length by the parties." *Id.*, at 1039. Moreover, such second-guessing disrespects "the independence of state courts," *id.*, at 1040, and the State itself, *Coleman* v. *Thompson*, 501 U. S. 722, 738–739 (1991).

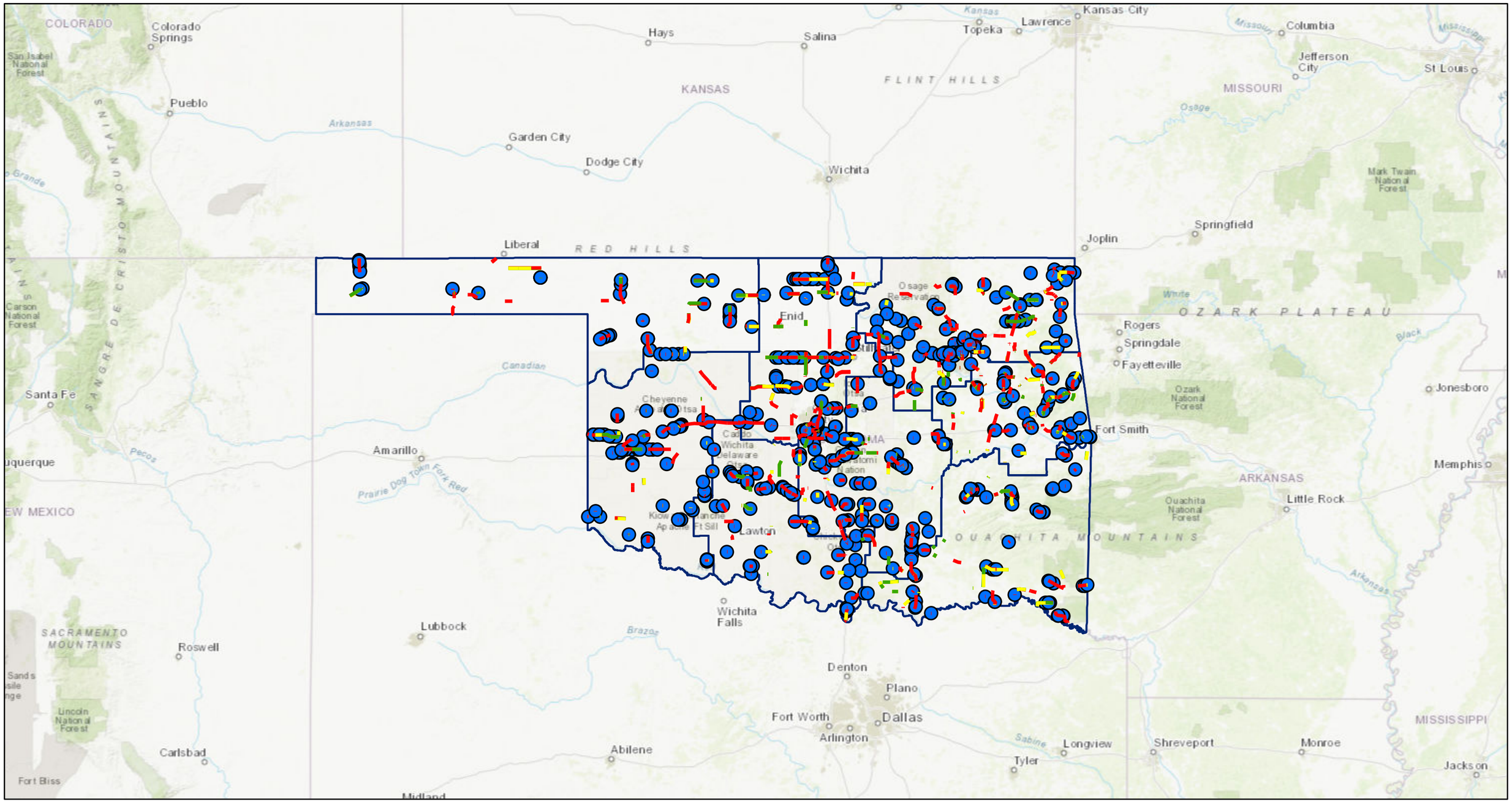
Second, one might argue, as the Court does, that we have jurisdiction because the decision below rests on federal, not state, grounds. See *ante,* at 38, n. 15. It is true that the

Oklahoma Court of Criminal Appeals briefly recited the procedural history of *Murphy* and recognized that the Tenth Circuit's decision—which we granted certiorari to review—is not yet final. But contrary to the Court's assertion that brief discussion of federal case law did not come close to "address[ing] the merits of [petitioner's] federal [Major Crimes Act] claim." *Ante*, at 38, n. 15. The state court did not analyze the relevant statutory text or this Court's decisions in *Solem* v. *Bartlett*, 465 U. S. 463 (1984), and *Nebraska* v. *Parker*, 577 U. S. 481 (2016). It reads far too much into the opinion to claim that the court's brief reference to the Tenth Circuit's decision in *Murphy* transformed the state court's decision into one that "fairly appear[s] to rest primarily on federal law or to be interwoven with federal law," *Long*, *supra*, at 1040–1041; see also *ante,* at 38, n. 15. Nothing in the court's opinion suggests that its judgment was at all based on federal law. Thus, even if we were to set aside the fact that the state court "clearly and expressly state[d] that [its decision] was based on state procedural grounds," we could not presume jurisdiction here. *Coleman*, *supra*, at 735–736 (internal quotation marks omitted).

The Court might think that, in the grand scheme of things, this jurisdictional defect is fairly insignificant. After all, we were bound to resolve this federal question sooner or later. See *Royal* v. *Murphy*, 584 U. S. ___ (2018). But our desire to decisively "settle [important disputes] for the sake of convenience and efficiency" must yield to the "overriding and time-honored concern about keeping the Judiciary's power within its proper constitutional sphere." *Hollingsworth* v. *Perry*, 570 U. S. 693, 704–705 (2013) (internal quotation marks omitted). Because the Oklahoma court's "judgment does not depend upon the decision of any federal question[,] we have no power to disturb it." *Enterprise Irrigation Dist.* v. *Farmers Mut. Canal Co.*, 243 U. S. 157, 164 (1917).

I agree with THE CHIEF JUSTICE that the Court misapplies our precedents in granting petitioner relief. *Ante*, at 6–38 (dissenting opinion). But in doing so, the Court also overrides Oklahoma's statutory procedural bar, upsetting a violent sex offender's conviction without the power to do so. The State of Oklahoma deserves more respect under our Constitution's federal system. Therefore, I respectfully dissent.

ODOT 8-Year work plan 2021-2028



July 16, 2021

Work Plan Roadways

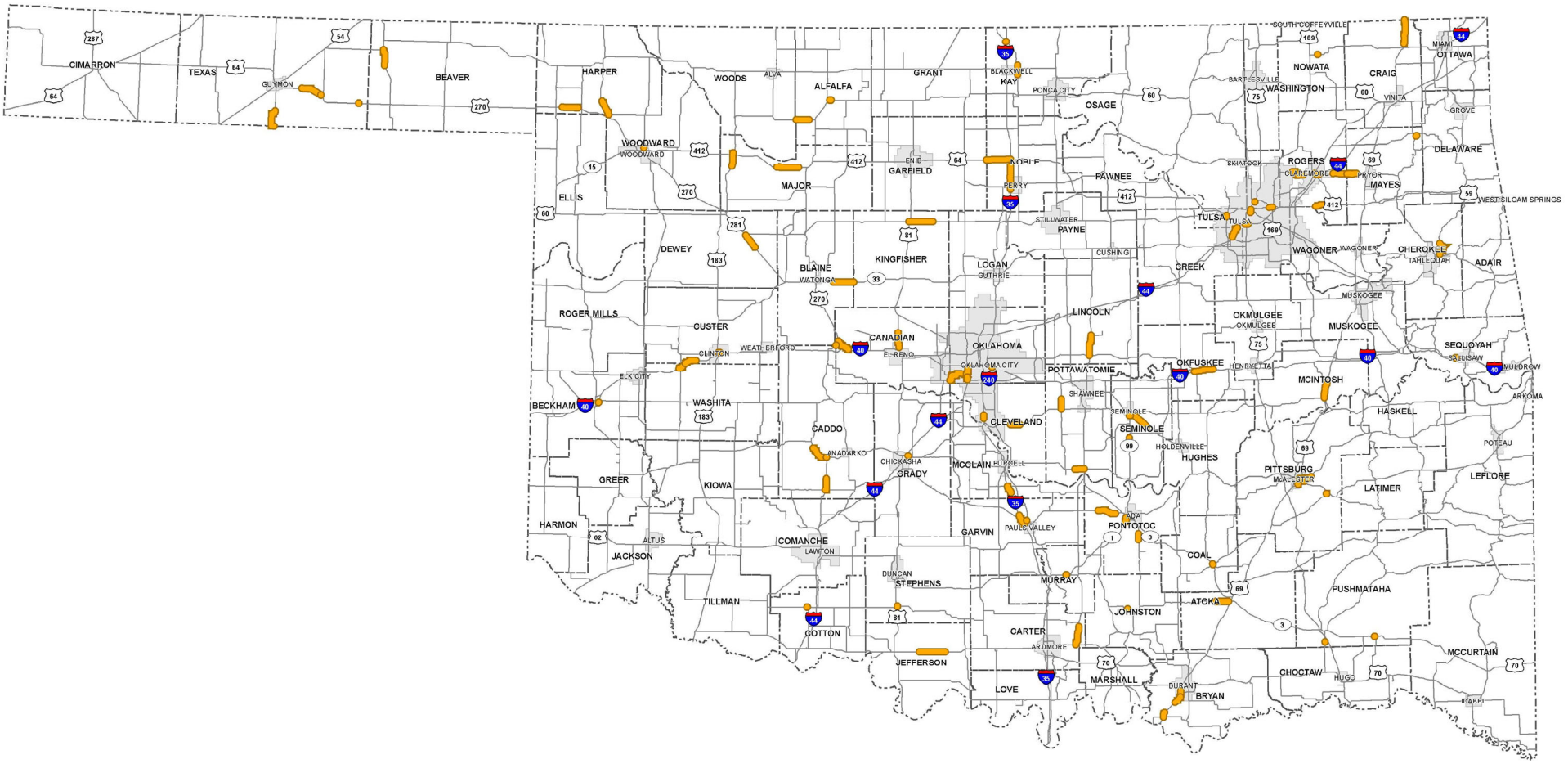
- Right-of-Way
- Utilities
- Work Plan Bridges
- ODOT Maintenance Divisions

1:4,622,324

0 45 90 180 mi

0 75 150 300 km

Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NPS



01-01621-14-062821

OKLAHOMA Transportation

Work Zones

Legend

- Work Zones as of 24 June 2021
- Highways
- Urban Areas
- Counties

N W E S

for FY 2022."; or "Our estimates are based on increasing the provider rate to $24 per case; an increase of $2 from FY 2021.").

Personnel, Benefit and Tax Information

Organization Chart

Include your agency's current organization chart when you submit your Budget Work Program. Each position in the agency should be identifiable on the chart, and the chart should display the lines of authority within the agency. If you have questions about the chart, contact your budget analyst.

Position Budgeting

On average, payroll costs represent approximately 80-90% of most agencies' budgets. Because of this significance and pursuant to 62 O.S. § 34.42(C)(3) and 62 O.S. § 34.49(B), agencies are required to submit their payroll budgets (i.e., Position Budget) delineated by each position (PIN). This budget should include salary costs budgeted for temporary and/or vacant positions that the agency intends to fill in the current year.

The Position Budget should match the total budgets for payroll-related account codes (i.e., salaries, benefits and taxes) contained in the Line Item Budget, aside from any account codes that your agency budgets as lump sums (Worker's Comp, Terminal Leave, etc.).

Each position on your organization chart should appear on your Position Budget. If your agency is budgeting furloughs in FY 2022, notify your budget analyst.

Your analyst can supply position budget data for the BWP Workbook upon request. Contact your analyst if you are interested in this option. Otherwise, the structure of the position budget tab has not changed. Do not budget lump sums in this tab, and do not add columns or perform scratch work in this tab.

Employee Salaries

Employee pay raises are prohibited unless authorized by the Legislature and OMES Human Capital Management rules (74 O.S. § 840-2.17). All personnel actions require certification by appointing authorities that the action can be implemented for the current fiscal year and the subsequent fiscal year without the need for additional funding to increase the personnel budget (HCM Form 92). If you have any questions about pay issues, see the contact list in the required documents section.

Retirement System Contributions

For Oklahoma Public Employees Retirement System, the employer contribution rate remains at 16.5% (74 O.S. § 920 (5)).

For Oklahoma Uniform Retirement System for Justices and Judges, the employer contribution rate remains at the current rate of 22% (20 O.S. § 1103.1).

For Oklahoma Teachers Retirement System, the employer contribution rate remains at 9.5% (70 O.S. § 17-108.1). Career Tech, 2-Year Colleges and State Agencies (EESIP eligible) are at 9.5%. Comprehensive and Regional 4-Year Colleges and Universities (non-EESIP) are at 8.55%. For FY 2022, the federal match is 7.9%.

For Oklahoma Police Pension and Retirement System, the employer contribution rate remains at 13% (11 O.S. § 50-109).

For Oklahoma Law Enforcement Retirement System, the employer contribution rate remains at 11% (47 O.S. § 2-304).

For the Pathfinders 401(a)/457 retirement program, the employer contribution rate will be either 6 or 7% depending on the employee's contribution rate. (74 O.S. § 935.5). Additionally, employers are required to pay the difference between the 16.5% OPERS defined benefit plan match and the Pathfinder contribution rate of either 6 or 7% to the defined benefit plan. This rate will be 9.5 or 10.5% depending on the employee contribution rate which affects the employer contribution rate (6 or 7%) (74 O.S. § 935.10). The employer's total contribution rate will remain at 16.5%.

Agencies should not charge federal programs for amounts remitted to the OPERS Defined Benefit plan for employees who are on the Pathfinder plan. The expenditure code for the non-allowable portion is 513300.

Deferred Savings Incentive Plan

For FY 2022, the $25 per month which the state provides as a match for employee contributions to the Oklahoma Employees Deferred Savings Incentive Plan (SoonerSave) will be paid by each agency when payrolls are prepared, as they were in FY 2021. For FY 2022, the administrative fee paid by the state for each qualified participant is $4.26 per month, $1.97 on a bi-weekly basis, and $2.13 on a semi-monthly basis. If you have questions, contact the Oklahoma Public Employees Retirement System at 405-858-6737.

Pathfinder Defined Contribution Retirement Plan Administrative Fee

The administrative fee paid by the state for each qualified participant is $1.91 per month, $0.88 on a bi-weekly basis and $0.95 on a semi-monthly basis. If you have questions, contact the Oklahoma Public Employees Retirement System at 405-858-6737.

F.I.C.A. Rates

Agencies' budget models are set up to account for the blended F.I.C.A. rate over the two calendar years within our fiscal year.

For calendar year 2021, F.I.C.A. taxes should be calculated using 7.65% [6.2% F.I.C.A plus 1.45% MQFE)] on the first $141,900 of taxable wages and 1.45% MQFE on all wages above $141,900.

The calendar year 2021 estimate for F.I.C.A. is provided by the 2020 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds.

Normally the figures are released in October, but based on historical trends: For calendar year 2022, F.I.C.A. taxes should be calculated using 7.65% [6.2% F.I.C.A plus 1.45% MQFE)] on the first $149,100 of taxable wages and 1.45% MQFE on all wages above $149,100. The calendar year 2022 estimate for F.I.C.A. is provided by the 2021 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds.

Unemployment Taxes

Normally the figures are released in October, but based on historical trends: In calendar year 2022 the annual unemployment tax rate is 1% of the employer's maximum base of $20,800 for a total maximum of $208 per employee per year (1% x $20,800 = $208).

Health Insurance Rates

The state will continue providing each employee with a fixed monthly benefit allowance for plan year 2021 (Jan. 1, 2021 through Dec. 31, 2021). The actual *agency* cost will depend on whether employees choose to cover their dependents. The state will continue providing funds for part of the employee's dependent health costs.

If the employee chooses a plan with a cost that exceeds the benefit allowance, the employee pays the difference. If the employee chooses a plan with a cost that is less than the benefit allowance, the employee receives the difference as taxable income or may apply it to optional benefits such as dependent dental, vision coverage, supplemental life insurance, flexible spending accounts, etc. The benefit allowance can be calculated using the table below. The Plan Year 2022 monthly amounts include the 2% increase legislated by SB 650.

Benefit Allowance	Current Monthly Amount	Plan Year 2022 Monthly Amount
Employee	$659.89	$673.09
Plus Child	$892.24	$910.08
Plus Children	$1,054.18	$1,075.26
Plus Spouse	$1,312.75	$1,339.01
Plus Spouse & 1 Child	$1,542.66	$1,573.51
Plus Spouse & Children	$1,677.96	$1,711.52