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107TH CONGRESS
1ST SESSION

H. R. 240

To ensure that certain property which was taken into trust by the United States for the benefit of the Poarch Band of Creek Indians of Alabama shall be protected and shall not be used for gaming.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2001

Mr. RILEY (for himself and Mr. EVERETT) introduced the following bill; which was referred to the Committee on Resources

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A BILL

To ensure that certain property which was taken into trust by the United States for the benefit of the Poarch Band of Creek Indians of Alabama shall be protected and shall not be used for gaming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GAMING PROHIBITED.

(a) FINDINGS.—Congress finds the following:

(1) Hickory Ground is of major historical significance to the Muscogee (Creek) Nation.

(2) Hickory Ground was conveyed to the Poarch Band of Creek Indians specifically to prevent desecration of the property.

(3) The original application by the Poarch Band of Creek Indians for funds to acquire Hickory Ground clearly states that ''Acquisition will prevent development on the property.''.

(4) The Poarch Band of Creek Indians agreed to the covenant placed upon the title of Hickory Ground which specifically prohibits all development of the property which would threaten or damage the site as an archeological resource.

(5) The development of a gaming operation will adversely affect the Hickory Ground archeological site.

(b) PROHIBITION.—Class II and class III gaming shall not be allowed on Hickory Ground.

(c) ENFORCEMENT.—

(1) INVESTIGATION.—Not later than 14 days after receiving a written notice from the Governor of Alabama that class II gaming or class III gaming is being conducted on Hickory Ground, the Attorney General shall conduct an investigation to determine whether or not such gaming is being conducted on such land. The Attorney General shall complete the

investigation required under this paragraph not more than 45 days after receiving notice under the previous sentence.

(2) ACTION.—If the Attorney General determines that class II gaming or class III gaming is being conducted on Hickory Ground, the Attorney general shall—

(A) immediately file in Federal court for injunctive relief to enforce subsection (b); and

(B) take any other action against persons involved in class II gaming or class III gaming available under Federal law, including the Gambling Devices Transportation Act (commonly known as the Johnson Act; 15 U.S.C. 1175) and the Organized Crime Control Act (18 U.S.C. 1955).

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CLASS II GAMING; CLASS III GAMING.—The terms ''class II gaming'' and ''class III gaming'' have the meanings given those terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

(2) HICKORY GROUND.—The term ''Hickory Ground'' means that land located within the exterior

boundaries of Elmore County, Alabama, that is held in trust by the United States as of the date of the enactment of this section for benefit of the Poarch Band of Creek Indians of Alabama (also known as the Poarch Band of Creeks).

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