

111TH CONGRESS
1ST SESSION

H. R. 1554

To take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2009

Mr. BOREN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fountainhead Prop-
5 erty Land Transfer Act”.

6 **SEC. 2. TRANSFER OF LAND; LAND INTO TRUST.**

7 (a) IN GENERAL.—Immediately after completion of
8 the survey required under subsection (b), the receipt of
9 consideration and costs required under subsection (c), and
10 satisfaction of all terms specified by the Secretary of the

1 Interior under subsection (d), administrative jurisdiction
2 of the Property shall be transferred to the Secretary and
3 the Secretary shall take the Property into trust for the
4 benefit of the Tribe.

5 (b) SURVEY.—The exact acreage and legal descrip-
6 tion of the Property shall be determined by a survey satis-
7 factory to the Secretary.

8 (c) CONSIDERATION; COSTS.—The Tribe shall pay to
9 the Secretary—

10 (1) fair market value of the Property, as deter-
11 mined by the Secretary;

12 (2) the cost of the survey required by sub-
13 section (b); and

14 (3) all costs and administrative expenses associ-
15 ated with the transfer of administrative jurisdiction
16 of the Property and taking the Property into trust
17 pursuant to subsection (a), including costs of any
18 environmental remediation.

19 (d) OTHER TERMS AND CONDITIONS.—The transfer
20 of administrative jurisdiction of the Property and taking
21 the Property into trust shall be subject to such other
22 terms and conditions as the Secretary considers appro-
23 priate to protect the interests of the United States, includ-
24 ing reservation of flowage easements consistent with the
25 Acquisition Guide Line for Flowage Easement for the

1 Lake Eufaula project and other applicable policies for that
2 project.

3 (e) DEFINITIONS.—For the purposes of this section:

4 (1) PROPERTY.—The term “Property” means,
5 subject to valid existing rights, all right, title, and
6 interest (including improvements and appur-
7 tenances) of the United States in and to the Federal
8 land generally described as the approximately 18
9 acres of Federal land located in McIntosh County,
10 Oklahoma, within the boundary of the Muscogee
11 (Creek) Nation and located in Northwest Quarter of
12 Section 3, Township 10 North, Range 16 East,
13 McIntosh County, Oklahoma, at Lake Eufaula.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (3) TRIBE.—The term “Tribe” means the
17 Muscogee (Creek) Nation.

18 (f) GAMING.—Gaming pursuant to the Indian Gam-
19 ing Regulatory Act (25 U.S.C. 2701 et seq.) may not be
20 conducted on the Property, except as provided under sec-
21 tion 20(b)(1)(A) of the Indian Gaming Regulatory Act (25
22 U.S.C. 2719(b)(1)(A)).

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