

Union Calendar No. 293

111TH CONGRESS
2^D SESSION

H. R. 1554

[Report No. 111-513]

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

JUNE 28, 2010

Additional sponsor: Mr. COLE

JUNE 28, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 17, 2009]

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 Property*
5 *Land Transfer Act”.*

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

7 (a) *IN GENERAL.*—*Immediately after completion of the*
8 *survey required under subsection (b), the receipt of consider-*
9 *ation and costs required under subsection (c), and satisfac-*
10 *tion of all terms specified by the Secretary and the Sec-*
11 *retary of the Army under subsection (d), administrative ju-*
12 *risdiction of the Property shall be transferred from the Sec-*
13 *retary of the Army to the Secretary and the Secretary shall*
14 *take the Property into trust for the benefit of the Tribe.*

15 (b) *SURVEY.*—*The exact acreage and legal description*
16 *of the Property shall be determined by a survey satisfactory*
17 *to the Secretary and the Secretary of the Army.*

18 (c) *CONSIDERATION; COSTS.*—*The Tribe shall pay—*

19 (1) *to the Secretary of the Army fair market*
20 *value of the Property, as determined by the Secretary*
21 *of the Army; and*

22 (2) *all costs and administrative expenses associ-*
23 *ated with the transfer of administrative jurisdiction*
24 *of the Property and taking the Property into trust*
25 *pursuant to subsection (a), including costs of the sur-*

1 *vey provided for in subsection (b) and any environ-*
2 *mental remediation.*

3 *(d) OTHER TERMS AND CONDITIONS.—The transfer of*
4 *administrative jurisdiction of the Property and taking the*
5 *Property into trust shall be subject to such other terms and*
6 *conditions as the Secretary and the Secretary of the Army*
7 *consider appropriate to protect the interests of the United*
8 *States, including reservation of flowage easements con-*
9 *sistent with the Acquisition Guide Line for Flowage Ease-*
10 *ment for the Lake Eufaula project and other applicable*
11 *policies for that project.*

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

13 *(1) PROPERTY.—The term “Property” means,*
14 *subject to valid existing rights, all right, title, and in-*
15 *terest of the United States in and to the Federal land*
16 *generally described as the approximately 18 acres of*
17 *Federal land located in McIntosh County, Oklahoma,*
18 *within the boundary of the Muscogee (Creek) Nation*
19 *and located in Northwest Quarter of Section 3, Town-*
20 *ship 10 North, Range 16 East, McIntosh County,*
21 *Oklahoma, at Lake Eufaula.*

22 *(2) SECRETARY.—The term “Secretary” means*
23 *the Secretary of the Interior.*

24 *(3) TRIBE.—The term “Tribe” means the*
25 *Muscogee (Creek) Nation.*

1 (f) *GAMING.*—*Gaming pursuant to the Indian Gaming*
2 *Regulatory Act (25 U.S.C. 2701 et seq.) may not be con-*
3 *ducted on the Property, except as provided under section*
4 *20(b)(1)(A) of the Indian Gaming Regulatory Act (25*
5 *U.S.C. 2719(b)(1)(A)), notwithstanding the exception con-*
6 *tained in section 20(a)(2) of that Act (25 U.S.C.*
7 *2719(a)(2)).*

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