

111TH CONGRESS
2D SESSION

H. R. 1554

IN THE SENATE OF THE UNITED STATES

JULY 12, 2010

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To take certain property in McIntosh County, Oklahoma,
into trust for the benefit of the Muscogee (Creek) Na-
tion, 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

5 (a) IN GENERAL.—Immediately after completion of
6 the survey required under subsection (b), the receipt of
7 consideration and costs required under subsection (c), and
8 satisfaction of all terms specified by the Secretary and the
9 Secretary of the Army under subsection (d), administra-
10 tive jurisdiction of the Property shall be transferred from
11 the Secretary of the Army to the Secretary, and the Sec-
12 retary shall take the Property into trust for the benefit
13 of the tribe.

14 (b) SURVEY.—The exact acreage and legal descrip-
15 tion of the Property shall be determined by a survey satis-
16 factory to the Secretary and the Secretary of the Army.

17 (c) CONSIDERATION; COSTS.—The tribe shall pay—

18 (1) to the Secretary of the Army fair market
19 value of the Property, as determined by the Sec-
20 retary of the Army; and

21 (2) all costs and administrative expenses associ-
22 ated with the transfer of administrative jurisdiction
23 of the Property and taking the Property into trust
24 pursuant to subsection (a), including costs of the
25 survey provided for in subsection (b) and any envi-
26 ronmental remediation.

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

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

11 (1) PROPERTY.—The term “Property” means,
12 subject to valid existing rights, all right, title, and
13 interest of the United States in and to the Federal
14 land generally described as the approximately 18
15 acres of Federal land located in McIntosh County,
16 Oklahoma, within the boundary of the Muscogee
17 (Creek) Nation and located in the northwest quarter
18 of section 3, township 10 north, range 16 east,
19 McIntosh County, Oklahoma, at Lake Eufaula.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (3) TRIBE.—The term “tribe” means the
23 Muscogee (Creek) Nation.

1 (f) GAMING PROHIBITION.—The tribe may not con-
2 duct on any land taken into trust pursuant to this Act
3 any gaming activities—

4 (1) as a matter of claimed inherent authority;
5 or

6 (2) under any Federal law, including the Indian
7 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
8 and any regulations promulgated by the Secretary or
9 the National Indian Gaming Commission pursuant
10 to that Act.

11 (g) SAVINGS PROVISION.—Nothing in this section
12 shall be construed to affect or limit the application of, or
13 any obligation to comply with, any environmental law, in-
14 cluding the Comprehensive Environmental Response,
15 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
16 et seq.).

17 (h) PAYGO.—The budgetary effects of this Act, for
18 the purpose of complying with the Statutory Pay-As-You-
19 Go Act of 2010, shall be determined by reference to the
20 latest statement titled “Budgetary Effects of PAYGO
21 Legislation” for this Act, submitted for printing in the
22 Congressional Record by the chairman of the House

- 1 Budget Committee, provided that such statement has been
- 2 submitted prior to the vote on passage.

Passed the House of Representatives June 30, 2010.

Attest: LORRAINE C. MILLER,
Clerk.