

113TH CONGRESS
2D SESSION

H. R. 4844

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

JUNE 11, 2014

Mr. MULLIN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 and the

1 Secretary of the Army under subsection (d), administra-
2 tive jurisdiction of the Property shall be transferred from
3 the Secretary of the Army to the Secretary, and the Sec-
4 retary shall take the Property into trust for the benefit
5 of the tribe.

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

9 (c) CONSIDERATION; COSTS.—The tribe shall pay—
10 (1) to the Secretary of the Army fair market
11 value of the Property, as determined by the Sec-
12 retary of the Army; and

13 (2) all costs and administrative expenses associ-
14 ated with the transfer of administrative jurisdiction
15 of the Property and taking the Property into trust
16 pursuant to subsection (a), including costs of the
17 survey provided for in subsection (b) and any envi-
18 ronmental 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 and the Secretary
23 of the Army consider appropriate to protect the interests
24 of the United States, including reservation of flowage
25 easements consistent with the Acquisition Guide Line for

1 Flowage Easement for the Lake Eufaula project and other
2 applicable policies for that 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 of the United States in and to the approxi-
7 mately 18.33 acres of Federal land depicted as
8 “USACE” on the map titled “Muscogee (Creek) Na-
9 tion Proposed Land Acquisition” and dated May 23,
10 2014.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

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

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

18 (1) as a matter of claimed inherent authority;
19 or

20 (2) under any Federal law, including the Indian
21 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)
22 and any regulations promulgated by the Secretary or
23 the National Indian Gaming Commission pursuant
24 to that Act.

1 (g) SAVINGS PROVISION.—Nothing in this section
2 shall be construed to affect or limit the application of, or
3 any obligation to comply with, any environmental law, in-
4 cluding the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
6 et seq.).

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