

drafted and adopted Constitution. Indeed, a principal purpose of the Act of the 94th Congress, U.S. Public Law 94–584, which governs this process, was to enable the people of both territories to organize a government pursuant to a Constitution of their own adoption and structured in accordance with their vision.

Absent such a locally adopted Constitution, the governments of the Virgin Islands and Guam have been organized by and derive legitimacy from separate Acts of Congress, which for all intents and purposes serve as de facto Constitutions for the respective territories. These statutes are the Revised Organic Act of 1954 for the Virgin Islands, which superseded the Organic Act of 1936, and the Organic Act of 1950 for Guam.

The people of the Virgin Islands have duly elected five Constitutional Conventions since the enactment of the Revised Organic Act of 1954. Two Conventions in the Virgin Islands were convened prior to the enactment of U.S. Public Law 94–584—in 1964 and 1972, respectively—and three since—in 1978, 1980, and the most recent, the fifth such Convention convened in 2007. Positive steps toward increased self-government for the people of the Virgin Islands were realized as a result of the work of the 1964 and 1972 conventions, including an amendment by Congress to the Revised Organic Act that allowed for the Governor of the Virgin Islands to be chosen by popular election beginning in 1965. The work of the third and fourth conventions resulted in transmittals of whole proposed Constitutions to the Congress, and similarly served as a continued exercise of and toward greater self-government for the people of the Virgin Islands.

In 1977, one year following the enactment of U.S. Public Law 94–584, a Constitutional Convention was convened in Guam and composed of Delegates elected by the people of Guam. The particular proposed Constitution drafted by that Convention was not ultimately adopted by the people of Guam. Discussion arose then among the voters and leaders of Guam about whether approval of local constitutional government in Guam might preclude or be prejudicial to the exercise of their right to self-determination, and efforts in subsequent years were concentrated predominately on resolving the territory's ultimate political status.

The Fifth Constitutional Convention of the Virgin Islands marks another point in the continued journey of the people of the Virgin Islands toward increased self-governance and their commitment to a democratic form of government. The President noted such in his comments to Congress on this most recent, proposed Constitution. While certain legal questions have been raised regarding several of its features that are noted in the President's comments, the proposed Constitution in and of itself represents significant effort and work undertaken by leaders in the Virgin Islands dedicated to their community and to our democracy.

I commend the leadership that our colleague, Mrs. CHRISTENSEN, has brought to bear in this process and in all issues pertaining to governance in the territories. This body is now considering a measure that the Senate has sent to us. I would be remiss if I did not note the implications for my district, Guam. As leaders in Guam may in the future decide to again take up the work to draft and adopt a Constitution locally, it is important that

Congress remain cognizant of and open to such opportunity.

S.J. Res. 33 proposes to amend the underlying statutory scheme governing such a process to allow for formal revision of a proposed Constitution after it has been initially transmitted to the President and Congress. In doing so, it requires a reconvened Constitutional Convention to resubmit a proposed Constitution in any form it may so revise it to the Governor of the Virgin Islands and the President. In amending Section 5 of U.S. Public Law 94–584 for this purpose, S.J. Res. 33 would separate and designate as separate subsections the existing four sentences of such Section. Additionally, it would insert a new subsection (c) in the middle of the existing language to provide for the resubmitting requirement. However, the proposed amendment of the Senate would only insert a reference to the Governor of the Virgin Islands in this instance despite the fact the underlying statute is structured such that the process is to apply both to the Virgin Islands and Guam, respectively. Revisiting this language may become important should leaders in Guam at any point in the future again convene a Constitutional Convention.

Ultimately, it is important for Congress to remain responsive to and supportive of leaders in both territories as they work to advance local self-government and provide for the rule of law.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mrs. CHRISTENSEN. I thank my colleague for his support. As we said, we are at the very last few days with which the Congress has been prescribed to act, and I ask for support of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the joint resolution, S.J. Res. 33.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

#### FOUNTAINHEAD PROPERTY LAND TRANSFER ACT

Mr. BOREN. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1554

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fountainhead Property Land Transfer Act".

#### SEC. 2. TRANSFER OF LAND; LAND INTO TRUST.

(a) IN GENERAL.—Immediately after completion of the survey required under sub-

section (b), the receipt of consideration and costs required under subsection (c), and satisfaction of all terms specified by the Secretary and the Secretary of the Army under subsection (d), administrative jurisdiction of the Property shall be transferred from the Secretary of the Army to the Secretary, and the Secretary shall take the Property into trust for the benefit of the tribe.

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

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

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

(2) all costs and administrative expenses associated with the transfer of administrative jurisdiction of the Property and taking the Property into trust pursuant to subsection (a), including costs of the survey provided for in subsection (b) and any environmental remediation.

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

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

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

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBE.—The term "tribe" means the Muscogee (Creek) Nation.

(f) GAMING PROHIBITION.—The tribe may not conduct on any land taken into trust pursuant to this Act any gaming activities—

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

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

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

(h) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

## GENERAL LEAVE

Mr. BOREN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1554 would take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee Creek Nation.

The Creek Nation has over 69,000 enrolled citizens at its headquarters in my district in beautiful eastern Oklahoma. As part of their effort to provide economic development in this very rural area of Oklahoma, the Nation purchased the Fountainhead Lodge and 48 surrounding acres from the State of Oklahoma.

Fountainhead was once touted as the State's premier resort lodge, but the property had fallen into disrepair. The Creek Nation hopes to turn the property into a destination resort at Lake Eufaula, bringing much-needed tourism dollars to this distressed area, one of the poorest in the Nation.

The property included a hotel, recreational building and duplex cabins, as well as 18 acres of Army Corps of Engineers land that came with the property as a lease. A subsequent survey determined that the recreational building was located entirely on the Corps' land. The Corps suggested that they transfer the ownership of the leased land to the Creek Nation to assist in the development of the property.

On April 21, 2010, the Committee on Natural Resources held a hearing on this legislation. The administration testified in support of the bill, but expressed concerns with the manner in which it was drafted. At the full committee markup, I offered an amendment in the nature of a substitute to address their concerns. The bill as amended was favorably reported by voice vote.

Additional changes have been made to H.R. 1554. The bill now prohibits gaming on the lands that are subsequent to this legislation. Further, a provision was added to ensure that if there are hazardous materials on the lands, the Federal Government remains responsible for cleaning them up. Finally, language was added to account for any budgetary impacts this legislation may have.

Enactment of H.R. 1554 would allow the Creek Nation to move forward with their plans to build a full-scale lake resort. This project will bring hundreds of much-needed jobs and economic prosperity to the region. Resolutions of support for this project have been passed by members of the legislature from the Lake Eufaula area, Checotah Chamber of Commerce, City of Henryetta, City of Eufaula, and the Lake Eufaula Association.

I ask my colleagues to support passage of this legislation.

Mr. Speaker, I submit for the RECORD an exchange of letters between the Committee on Natural Resources and the Committee on Transportation and Infrastructure concerning H.R. 1554.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, June 28, 2010.

Hon. JAMES OBERSTAR,  
Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 1554, a bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation.

I appreciate your willingness to waive rights to further consideration of H.R. 1554, notwithstanding the jurisdictional interest of the Committee on Transportation and Infrastructure. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Transportation and Infrastructure if a conference is held on this matter.

This exchange of letters will be placed in the committee report and inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,  
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, June 28, 2010.

Hon. NICK RAHALL,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 1554, a bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation.

H.R. 1554 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 1554.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 1554 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 1554 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
Chairman.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Oklahoma has adequately described the purpose of this bill. I am pleased to lend my support to this bill, which will enable the Muscogee Creek Nation of Oklahoma to acquire land and put it into productive use at no cost to the taxpayer.

I also appreciate the sponsor, the gentleman from Oklahoma, and the chairman of the committee, for ironing out the minor technical concerns that were brought up in relation to gaming in the original version of the bill. I think those improvements add to this bill. This is a good bill as it has been amended, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. BOREN. Mr. Speaker, I also want to particularly thank the chairman for allowing us to have the hearing and for the markup, but I really want to say a special thank you to the ranking member and his staff for working with us on these technical changes and making sure that everything was ironed out.

I want to thank the Creek Nation for all the hard work it has put into this legislation. I want to thank the Chief, the Council, and all the community leaders that have made this possible. I ask for a "yes" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and pass the bill, H.R. 1554, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### INDIAN PUEBLO CULTURAL CENTER CLARIFICATION ACT

Mr. HEINRICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4445) to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4445

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