

112TH CONGRESS  
1ST SESSION

# H. R. 475

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

JANUARY 26, 2011

Mr. BOREN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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

1 consideration and costs required under subsection (c), and  
2 satisfaction of all terms specified by the Secretary and the  
3 Secretary of the Army under subsection (d), administra-  
4 tive jurisdiction of the Property shall be transferred from  
5 the Secretary of the Army to the Secretary, and the Sec-  
6 retary shall take the Property into trust for the benefit  
7 of the tribe.

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

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

12 (1) to the Secretary of the Army fair market  
13 value of the Property, as determined by the Sec-  
14 retary of the Army; and

15 (2) all costs and administrative expenses associ-  
16 ated with the transfer of administrative jurisdiction  
17 of the Property and taking the Property into trust  
18 pursuant to subsection (a), including costs of the  
19 survey provided for in subsection (b) and any envi-  
20 ronmental remediation.

21 (d) OTHER TERMS AND CONDITIONS.—The transfer  
22 of administrative jurisdiction of the Property and taking  
23 the Property into trust shall be subject to such other  
24 terms and conditions as the Secretary and the Secretary  
25 of the Army consider appropriate to protect the interests

1 of the United States, including reservation of flowage  
2 easements consistent with the Acquisition Guide Line for  
3 Flowage Easement for the Lake Eufaula project and other  
4 applicable policies for that project.

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

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

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

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

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

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

24 (2) under any Federal law, including the Indian  
25 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)

1 and any regulations promulgated by the Secretary or  
2 the National Indian Gaming Commission pursuant  
3 to that Act.

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

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

○