

106TH CONGRESS  
1ST SESSION

# H. R. 3262

To provide for Federal recognition of the Lower Muscogee-Creek Indian  
Tribe of Georgia, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1999

Mr. BISHOP introduced the following bill; which was referred to the Committee  
on Resources

---

## A BILL

To provide for Federal recognition of the Lower Muscogee-  
Creek Indian Tribe of Georgia, 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 “Lower Muscogee-Creek  
5       Indian Tribe of Georgia Recognition Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress declares and finds the following:

8               (1) The Lower Muscogee-Creek Indian Tribe of  
9       Georgia are descendants of and political successors  
10       to those Indians known as the original Creek Indian

1 Nation at the time of initial European contact with  
2 America.

3 (2) The Lower Muscogee-Creek Indian Tribe of  
4 Georgia are descendants and political successors to  
5 the signatories of the 1832 Treaty of Washington  
6 which was a treaty made while the Creeks were one  
7 nation, before removal. The Treaty involved all  
8 Creeks, including the Upper, Middle, and Lower  
9 Creeks, when the Creek Nation was whole and in-  
10 tact.

11 (3) The Lower Muscogee-Creek Indian Tribe of  
12 Georgia consists of over 2,500 eligible members,  
13 most of whom continue to reside close to their ances-  
14 tral homeland within the State of Georgia. Pursuant  
15 to Article XII of the 1832 Treaty of Washington,  
16 the Lower Muscogee-Creek Indian Tribe of Georgia  
17 declined to be removed and continued to operate as  
18 a sovereign Indian tribe comprising those Lower  
19 Creeks declining removal under the Treaty of 1832.

20 (4) The Lower Muscogee-Creek Indian Tribe of  
21 Georgia continues its political and social existence  
22 with a viable tribal government carrying out many of  
23 its governmental functions through its traditional  
24 form of collective decisionmaking and social inter-  
25 action.

1           (5) In 1972, when the Lower Muscogee-Creek  
2       Indian Tribe of Georgia (also known as the  
3       Muscogee-Creek Indian Tribe East of the Mississippi  
4       River) petitioned the Bureau of Indian Affairs for  
5       Federal recognition, the tribal leaders were not well  
6       educated and the Tribe could not afford competent  
7       counsel adequately versed in Federal Indian law.  
8       The Tribe was unable to obtain technical assistance  
9       in its petition which consequently lacked critical and  
10      pertinent historical information necessary for rec-  
11      ognition. Thus, due to technical omissions, the peti-  
12      tion was denied on December 21, 1981.

13           (6) Despite the denial of the petition, the  
14      United States Government, the government of the  
15      State of Georgia, and local governments, have recog-  
16      nized the political leaders of the Lower Muscogee-  
17      Creek Indian Tribe of Georgia as leaders of a dis-  
18      tinct political governmental entity.

19 **SEC. 3. DEFINITIONS.**

20       For the purposes of this Act—

21           (1) the term “Tribe” means the Lower  
22      Muscogee-Creek Indian Tribe of Georgia;

23           (2) the term “Secretary” means the Secretary  
24      of the Interior; and

1           (3) The term “member” means an enrolled  
2           member of the Tribe, as of the date of enactment of  
3           this Act, or an individual who has been placed on  
4           the membership rolls of the Tribe in accordance with  
5           this Act.

6 **SEC. 4. FEDERAL RECOGNITION.**

7           (a) IN GENERAL.—Federal recognition is hereby ex-  
8           tended to the Tribe. All laws and regulations of general  
9           application to Indians or nations, tribes, or bands of Indi-  
10          ans that are not inconsistent with any specific provision  
11          of this Act shall be applicable to the Tribe and its mem-  
12          bers.

13          (b) FEDERAL BENEFITS AND SERVICES.—The Tribe  
14          and its members shall be eligible, on or after the date of  
15          enactment of this Act, for all Federal benefits and services  
16          furnished to federally recognized Indian tribes and their  
17          members because of their status as Indians without regard  
18          to the existence of a reservation for the Tribe or the resi-  
19          dence of any member on or near an Indian reservation.

20          (c) SERVICE AREA.—

21          (d) INDIAN REORGANIZATION ACT APPLICABILITY.—  
22          The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall  
23          be applicable to the Tribe and its members.

1 **SEC. 5. RESERVATION.**

2 (a) LANDS TAKEN INTO TRUST.—Notwithstanding  
3 any other provision of law, if, not later than 2 years after  
4 the date of enactment of this Act, the Tribe transfers in-  
5 terest in land within the boundaries of Grady County, Car-  
6 roll County, and such other counties in the State of Geor-  
7 gia to the Secretary, the Secretary shall take such inter-  
8 ests in land into trust for the benefit of the Tribe.

9 (b) RESERVATION ESTABLISHED.—Land taken into  
10 trust pursuant to subsection (a) shall be the initial res-  
11 ervation land of the Tribe.

12 **SEC. 6. BASE MEMBERSHIP ROLL.**

13 (a) IN GENERAL.—Not later than 120 days after the  
14 date of enactment of this Act, the Tribe shall submit to  
15 the Secretary a membership roll consisting of all individ-  
16 uals who are members of the Tribe. The qualifications for  
17 inclusion in the membership roll of the Tribe shall be de-  
18 veloped and based upon the membership provisions as con-  
19 tained in the Tribe's Constitution and Bill of Rights. Upon  
20 completion of the membership roll, the Secretary shall  
21 publish notice of such in the Federal Register. The Tribe  
22 shall ensure that such roll is maintained and kept current.

23 (b) FUTURE MEMBERSHIP.—The Tribe shall have  
24 the right to determine future membership in the Tribe;  
25 however, in no event may an individual be enrolled as a  
26 member of the Tribe unless the individual is a lineal de-

1 scendant of a person on the base membership roll, and  
2 has continued to maintain political relations with the  
3 Tribe.

4 **SEC. 7. JURISDICTION.**

5       The reservation established pursuant to this Act shall  
6 be Indian country under Federal and tribal jurisdiction.

○