

106TH CONGRESS
2D SESSION

H. R. 4730

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2000

Mr. BISHOP (for himself, Mr. ISAKSON, Mr. LEWIS of Georgia, Ms. MCKINNEY, and Mr. COLLINS) 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 Congress 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 before removal while the
7 Creeks were one nation. 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 that treaty.

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 Fed-
14 eral Government, the government of the State of
15 Georgia, and local governments, have recognized the
16 political leaders of the Lower Muscogee-Creek In-
17 dian Tribe of Georgia as leaders of a distinct polit-
18 ical governmental entity.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) MEMBER.—The term “member” means an
22 enrolled member of the Tribe, as of the date of en-
23 actment of this Act, or an individual who has been
24 placed on the membership rolls of the Tribe in ac-
25 cordance with this Act.

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

3 (3) TRIBE.—The term “Tribe” means the
4 Lower Muscogee-Creek Indian Tribe of Georgia.

5 **SEC. 4. FEDERAL RECOGNITION.**

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

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

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

22 **SEC. 5. RESERVATION.**

23 (a) LANDS TAKEN INTO TRUST.—Notwithstanding
24 any other provision of law, if, not later than 2 years after
25 the date of enactment of this Act, the Tribe transfers in-

1 terest in land within the boundaries of the State of Geor-
2 gia to the Secretary, the Secretary shall take such inter-
3 ests in land into trust for the benefit of the Tribe.

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

7 (c) LIMITATION ON GAMING.—Gaming as defined
8 and regulated by the Indian Gaming Regulatory Act (25
9 U.S.C. 2701 et seq.) is prohibited on the land taken into
10 trust under subsection (a).

11 **SEC. 6. BASE MEMBERSHIP ROLL.**

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

22 (b) FUTURE MEMBERSHIP.—The Tribe shall have
23 the right to determine future membership in the Tribe,
24 however, in no event may an individual be enrolled as a
25 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.

7 **SEC. 8. TREATIES NOT AFFECTED.**

8 No provision of this Act shall be construed to con-
9 stitute an amendment, modification, or interpretation of
10 any treaty to which a tribe mentioned in this Act is a party
11 nor to any right secured to such a tribe or to any other
12 tribe by any treaty.

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