

106TH CONGRESS
2D SESSION

S. 2771

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2000

Mr. CLELAND introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

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 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 Grady County, Car-
2 roll County, and such other counties in the State of Geor-
3 gia to the Secretary, the Secretary shall take such inter-
4 ests in land into trust for the benefit of the Tribe.

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

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

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

1 member of the Tribe unless the individual is a lineal de-
2 scendant of a person on the base membership roll, and
3 has continued to maintain political relations with the
4 Tribe.

5 **SEC. 7. JURISDICTION.**

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

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