

111TH CONGRESS
1ST SESSION

S. 530

To extend Federal recognition to the Muscogee Nation of Florida.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To extend Federal recognition to the Muscogee Nation of Florida.

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 “Muscogee Nation of
5 Florida Federal Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Muscogee Nation of Florida is com-
9 prised of lineal descendants of persons who were his-
10 torically part of the Creek Confederacy, which relo-

1 cated from Daleville, Alabama, and other areas of
2 southern Alabama to the State of Florida between
3 1812 and 1887;

4 (2) those Creek persons settled in the north
5 Florida panhandle in autonomous communities (re-
6 ferred to in the constitution of the Muscogee Nation
7 as “Townships”), continuing the lifestyle and tradi-
8 tions practiced by the historic Creek Nation of Ala-
9 bama and Georgia;

10 (3)(A) on dissolution of the Creek Confederacy,
11 the ancestors of current members of the Muscogee
12 Nation of Florida relocated and reestablished home
13 sites, traditions, ceremonial centers, tribal govern-
14 ment (including through the traditional appointment
15 of tribal leaders), and tribal economy in rural areas
16 of the State of Florida;

17 (B) the relocation described in subparagraph
18 (A) did not prevent the Nation from—

19 (i) continuing to exercise the governing
20 powers of the Nation;

21 (ii) providing services to members of the
22 Nation; or

23 (iii) enjoying the communal lifestyle of the
24 Nation; and

1 (C) some members of the Nation remain on
2 original home sites of their Creek ancestors;

3 (4) members of the Nation—

4 (A) participated in the 1814 Treaty of Ft.
5 Jackson and the Apalachicola Treaty of October
6 11, 1832; and

7 (B) were included in the Abbott-Parsons
8 Creek Census, dated 1832 and 1833;

9 (5) members of the Nation have established an
10 ancestral claim to land taken from the Nation by
11 General Andrew Jackson in the aftermath of the
12 War of 1812 pursuant to the 1814 Treaty of Ft.
13 Jackson;

14 (6) beginning in 1971, the Secretary of the In-
15 terior distributed to members of the Nation in 3 ac-
16 tions per capita payments for land claim settle-
17 ments;

18 (7)(A) in 1974, the State of Florida established
19 the Northwest Florida Creek Indian Council to man-
20 age issues relating to Creek Indians in northwest
21 Florida; and

22 (B) in 1978, the Council held an election for
23 representatives to the tribal government known as
24 the “Florida Tribe of Eastern Creek Indians”, which
25 is now the Muscogee Nation of Florida;

1 (8) in 1986, the Senate and House of Rep-
2 representatives of the State of Florida passed resolu-
3 tions recognizing the Muscogee Nation of Florida as
4 an Indian tribe;

5 (9) the community of Bruce in Walton County,
6 Florida, has been a governing center for the Nation
7 for more than 150 years;

8 (10) in the community of Bruce, the Nation—

9 (A) beginning in the early 1860s, used and
10 maintained the Antioch Cemetery, which re-
11 mains in use by members of the Nation as of
12 the date of enactment of this Act;

13 (B) between 1895 and 1947, maintained a
14 school that was attended by members of the
15 Nation;

16 (C) in 1912, established a church that is
17 recognized by the Methodist Conference as a
18 Native American church; and

19 (D) maintained a ceremonial area on
20 Bruce Creek that was attended until the late
21 1920s;

22 (11) the ceremonial area of the Nation, as in
23 existence on the date of enactment of this Act—

24 (A) is located in the community of
25 Blountstown, Florida, 1 of the reservations re-

1 ferred to in the Apalachicola Treaty of October
2 11, 1832; and

3 (B) is the site of continuing ceremonies,
4 such as Green Corn, and traditional events;

5 (12) local governments have recognized the
6 community of Bruce as the center of tribal govern-
7 ment of the Nation; and

8 (13) during the 30-year period preceding the
9 date of enactment of this Act, the Nation has re-
10 ceived Federal, State, and local grants, and entered
11 into contracts, to provide services and benefits to
12 members of the Nation.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) MEMBER.—The term “member” means—

16 (A) an individual who is an enrolled mem-
17 ber of the Nation as of the date of enactment
18 of this Act; and

19 (B) an individual who has been placed on
20 the membership rolls of the Nation in accord-
21 ance with this Act.

22 (2) NATION.—The term “Nation” means the
23 Muscogee Nation of Florida (formerly known as the
24 “Florida Tribe of Eastern Creek Indians”).

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

3 (4) TRIBAL COUNCIL.—The term “Tribal Coun-
4 cil” means the governing body of the Nation.

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

6 (a) RECOGNITION.—

7 (1) IN GENERAL.—Federal recognition is ex-
8 tended to the Nation.

9 (2) APPLICABILITY OF LAWS.—All laws (includ-
10 ing regulations) of the United States of general ap-
11 plicability to Indians or nations, Indian tribes, or
12 bands of Indians (including the Act of June 18,
13 1934 (25 U.S.C. 461 et seq.)) that are not incon-
14 sistent with this Act shall be applicable to the Na-
15 tion and members.

16 (b) FEDERAL SERVICES AND BENEFITS.—

17 (1) IN GENERAL.—On and after the date of en-
18 actment of this Act, the Nation and members shall
19 be eligible for all services and benefits provided by
20 the Federal Government to federally recognized In-
21 dian tribes without regard to—

22 (A) the existence of a reservation for the
23 Nation; or

24 (B) the location of the residence of any
25 member on or near any Indian reservation.

1 (2) SERVICE AREA.—For the purpose of the de-
 2 livery of Federal services to members, the service
 3 area of the Nation shall be considered to be—

4 (A) the community of Bruce in Walton
 5 County, Florida; and

6 (B) an area in the State of Florida in
 7 which members reside that is bordered—

8 (i) on the west by the Escambia
 9 River; and

10 (ii) on the east by the St. Marks
 11 River.

12 **SEC. 5. CONSTITUTION AND BYLAWS.**

13 (a) IN GENERAL.—The constitution and bylaws of
 14 the Nation shall be the constitution and bylaws of the
 15 Tribal Council dated January 21, 2001 (including amend-
 16 ments), as submitted to the Secretary for approval on rec-
 17 ognition.

18 (b) NEW CONSTITUTION AND BYLAWS.—On receipt
 19 of a written request of the Tribal Council, the Secretary
 20 shall hold a referendum for members for the purpose of
 21 adopting a new constitution and bylaws, in accordance
 22 with section 16 of the Act of June 18, 1934 (25 U.S.C.
 23 476).

24 **SEC. 6. TRIBAL COUNCIL.**

25 The Tribal Council—

1 (1) shall represent the Nation and members;

2 and

3 (2) may—

4 (A) enter into any contract, grant agree-
5 ment, or other agreement with any Federal de-
6 partment or agency;

7 (B) carry out or administer such programs
8 as the Tribal Council determines to be appro-
9 priate to carry out the contracts and agree-
10 ments; and

11 (C) designate a successor in interest pur-
12 suant to a new constitution or bylaw of the Na-
13 tion adopted under section 5(b).

14 **SEC. 7. MEMBERSHIP ROLL.**

15 The membership roll of the Nation shall be deter-
16 mined in accordance with the membership criteria estab-
17 lished by the ordinance of the Nation numbered 04–01–
18 100 and dated February 7, 2004.

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