

112TH CONGRESS
1ST SESSION

S. 880

To extend Federal recognition to the Muscogee Nation of Florida.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2011

Mr. NELSON of Florida 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-
11 cated from Daleville, Alabama, and other areas of

1 southern Alabama to the State of Florida between
2 1812 and 1887;

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

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

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

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

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

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

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

1 (4) members of the Nation—

2 (A) participated in the 1814 Treaty of
3 Fort Jackson and the Apalachicola Treaty of
4 October 11, 1832; and

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

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

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

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

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

1 (8) the community of Bruce in Walton County,
2 Florida, has been a governing center for the Nation
3 for more than 150 years;

4 (9) in the community of Bruce, the Nation—

5 (A) beginning in the early 1860s, used and
6 maintained the Antioch Cemetery, which re-
7 mains in use by members of the Nation as of
8 the date of enactment of this Act;

9 (B) between 1895 and 1947, maintained a
10 school that was attended by members of the
11 Nation;

12 (C) in 1912, established a church that is
13 recognized by the Methodist Conference as a
14 Native American church; and

15 (D) maintained a ceremonial area on
16 Bruce Creek that was attended until the late
17 1920s;

18 (10) the ceremonial area of the Nation, as in
19 existence on the date of enactment of this Act—

20 (A) is located in the community of
21 Blountstown, Florida, one of the reservations
22 referred to in the Apalachicola Treaty of Octo-
23 ber 11, 1832; and

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

1 (11) local governments have recognized the
2 community of Bruce as the center of tribal govern-
3 ment of the Nation; and

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

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

12 (A) an individual who is an enrolled mem-
13 ber of the Nation as of the date of enactment
14 of this Act; and

15 (B) an individual who has been placed on
16 the membership rolls of the Nation in accord-
17 ance with this Act.

18 (2) NATION.—The term “Nation” means the
19 Muscogee Nation of Florida (formerly known as the
20 “Florida Tribe of Eastern Creek Indians”).

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

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

1 **SEC. 4. FEDERAL RECOGNITION.**

2 (a) RECOGNITION.—

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

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

12 (b) FEDERAL SERVICES AND BENEFITS.—

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

18 (A) the existence of a reservation for the
19 Nation; or

20 (B) the location of the residence of any
21 member on or near any Indian reservation.

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

25 (A) the community of Bruce in Walton
26 County, Florida; and

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

3 (i) on the west by the Escambia
4 River; and

5 (ii) on the east by the St. Marks
6 River.

7 **SEC. 5. CONSTITUTION AND BYLAWS.**

8 (a) IN GENERAL.—The constitution and bylaws of
9 the Nation shall be the constitution and bylaws of the
10 Tribal Council dated January 21, 2001 (including amend-
11 ments), as submitted to the Secretary for approval on rec-
12 ognition.

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

19 **SEC. 6. TRIBAL COUNCIL.**

20 The Tribal Council—

21 (1) shall represent the Nation and members;

22 and

23 (2) may—

1 (A) enter into any contract, grant agree-
2 ment, or other agreement with any Federal de-
3 partment or agency;

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

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

11 **SEC. 7. MEMBERSHIP ROLL.**

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

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