

112TH CONGRESS
1ST SESSION

S. 379

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. WEBB (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Indian Tribes of Virginia Federal Recognition Act of
6 2011”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

- Sec. 101. Findings.
- Sec. 102. Definitions.
- Sec. 103. Federal recognition.
- Sec. 104. Membership; governing documents.
- Sec. 105. Governing body.
- Sec. 106. Reservation of the Tribe.
- Sec. 107. Hunting, fishing, trapping, gathering, and water rights.
- Sec. 108. Jurisdiction of Commonwealth of Virginia.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Federal recognition.
- Sec. 204. Membership; governing documents.
- Sec. 205. Governing body.
- Sec. 206. Reservation of the Tribe.
- Sec. 207. Hunting, fishing, trapping, gathering, and water rights.
- Sec. 208. Jurisdiction of Commonwealth of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

- Sec. 301. Findings.
- Sec. 302. Definitions.
- Sec. 303. Federal recognition.
- Sec. 304. Membership; governing documents.
- Sec. 305. Governing body.
- Sec. 306. Reservation of the Tribe.
- Sec. 307. Hunting, fishing, trapping, gathering, and water rights.
- Sec. 308. Jurisdiction of Commonwealth of Virginia.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

- Sec. 401. Findings.
- Sec. 402. Definitions.
- Sec. 403. Federal recognition.
- Sec. 404. Membership; governing documents.
- Sec. 405. Governing body.
- Sec. 406. Reservation of the Tribe.
- Sec. 407. Hunting, fishing, trapping, gathering, and water rights.
- Sec. 408. Jurisdiction of Commonwealth of Virginia.

TITLE V—MONACAN INDIAN NATION

- Sec. 501. Findings.
- Sec. 502. Definitions.
- Sec. 503. Federal recognition.
- Sec. 504. Membership; governing documents.
- Sec. 505. Governing body.

- Sec. 506. Reservation of the Tribe.
 Sec. 507. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 508. Jurisdiction of Commonwealth of Virginia.

TITLE VI—NANSEMOND INDIAN TRIBE

- Sec. 601. Findings.
 Sec. 602. Definitions.
 Sec. 603. Federal recognition.
 Sec. 604. Membership; governing documents.
 Sec. 605. Governing body.
 Sec. 606. Reservation of the Tribe.
 Sec. 607. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 608. Jurisdiction of Commonwealth of Virginia.

1 **TITLE I—CHICKAHOMINY**
 2 **INDIAN TRIBE**

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

5 (1) in 1607, when the English settlers set shore
 6 along the Virginia coastline, the Chickahominy In-
 7 dian Tribe was 1 of about 30 tribes that received
 8 them;

9 (2) in 1614, the Chickahominy Indian Tribe en-
 10 tered into a treaty with Sir Thomas Dale, Governor
 11 of the Jamestown Colony, under which—

12 (A) the Chickahominy Indian Tribe agreed
 13 to provide 2 bushels of corn per man and send
 14 warriors to protect the English; and

15 (B) Sir Thomas Dale agreed in return to
 16 allow the Tribe to continue to practice its own
 17 tribal governance;

18 (3) in 1646, a treaty was signed which forced
 19 the Chickahominy from their homeland to the area

1 around the York Mattaponi River in present-day
2 King William County, leading to the formation of a
3 reservation;

4 (4) in 1677, following Bacon's Rebellion, the
5 Queen of Pamunkey signed the Treaty of Middle
6 Plantation on behalf of the Chickahominy;

7 (5) in 1702, the Chickahominy were forced
8 from their reservation, which caused the loss of a
9 land base;

10 (6) in 1711, the College of William and Mary
11 in Williamsburg established a grammar school for
12 Indians called Brafferton College;

13 (7) a Chickahominy child was 1 of the first In-
14 dians to attend Brafferton College;

15 (8) in 1750, the Chickahominy Indian Tribe
16 began to migrate from King William County back to
17 the area around the Chickahominy River in New
18 Kent and Charles City Counties;

19 (9) in 1793, a Baptist missionary named
20 Bradby took refuge with the Chickahominy and took
21 a Chickahominy woman as his wife;

22 (10) in 1831, the names of the ancestors of the
23 modern-day Chickahominy Indian Tribe began to
24 appear in the Charles City County census records;

1 (11) in 1901, the Chickahominy Indian Tribe
2 formed Samaria Baptist Church;

3 (12) from 1901 to 1935, Chickahominy men
4 were assessed a tribal tax so that their children
5 could receive an education;

6 (13) the Tribe used the proceeds from the tax
7 to build the first Samaria Indian School, buy sup-
8 plies, and pay a teacher's salary;

9 (14) in 1919, C. Lee Moore, Auditor of Public
10 Accounts for Virginia, told Chickahominy Chief O.O.
11 Adkins that he had instructed the Commissioner of
12 Revenue for Charles City County to record Chicka-
13 hominy tribal members on the county tax rolls as In-
14 dian, and not as White or colored;

15 (15) during the period of 1920 through 1930,
16 various Governors of the Commonwealth of Virginia
17 wrote letters of introduction for Chickahominy
18 Chiefs who had official business with Federal agen-
19 cies in Washington, DC;

20 (16) in 1934, Chickahominy Chief O.O. Adkins
21 wrote to John Collier, Commissioner of Indian Af-
22 fairs, requesting money to acquire land for the
23 Chickahominy Indian Tribe's use, to build school,
24 medical, and library facilities and to buy tractors,
25 implements, and seed;

1 (17) in 1934, John Collier, Commissioner of In-
2 dian Affairs, wrote to Chickahominy Chief O.O.
3 Adkins, informing him that Congress had passed the
4 Act of June 18, 1934 (commonly known as the “In-
5 dian Reorganization Act”) (25 U.S.C. 461 et seq.),
6 but had not made the appropriation to fund the Act;

7 (18) in 1942, Chickahominy Chief O.O. Adkins
8 wrote to John Collier, Commissioner of Indian Af-
9 fairs, asking for help in getting the proper racial
10 designation on Selective Service records for Chicka-
11 hominy soldiers;

12 (19) in 1943, John Collier, Commissioner of In-
13 dian Affairs, asked Douglas S. Freeman, editor of
14 the Richmond News-Leader newspaper of Richmond,
15 Virginia, to help Virginia Indians obtain proper ra-
16 cial designation on birth records;

17 (20) Collier stated that his office could not offi-
18 cially intervene because it had no responsibility for
19 the Virginia Indians, “as a matter largely of histor-
20 ical accident”, but was “interested in them as de-
21 scendants of the original inhabitants of the region”;

22 (21) in 1948, the Veterans’ Education Com-
23 mittee of the Virginia State Board of Education ap-
24 proved Samaria Indian School to provide training to
25 veterans;

1 (22) that school was established and run by the
2 Chickahominy Indian Tribe;

3 (23) in 1950, the Chickahominy Indian Tribe
4 purchased and donated to the Charles City County
5 School Board land to be used to build a modern
6 school for students of the Chickahominy and other
7 Virginia Indian tribes;

8 (24) the Samaria Indian School included stu-
9 dents in grades 1 through 8;

10 (25) In 1961, Senator Sam Ervin, Chairman of
11 the Subcommittee on Constitutional Rights of the
12 Committee on the Judiciary of the Senate, requested
13 Chickahominy Chief O.O. Adkins to provide assist-
14 ance in analyzing the status of the constitutional
15 rights of Indians “in your area”;

16 (26) in 1967, the Charles City County school
17 board closed Samaria Indian School and converted
18 the school to a countywide primary school as a step
19 toward full school integration of Indian and non-In-
20 dian students;

21 (27) in 1972, the Charles City County school
22 board began receiving funds under the Indian Self-
23 Determination and Education Assistance Act (25
24 U.S.C. 458aa et seq.) on behalf of Chickahominy
25 students, which funding is provided as of the date

1 of enactment of this Act under title V of the Indian
2 Self-Determination and Education Assistance Act
3 (25 U.S.C. 458aaa et seq.);

4 (28) in 1974, the Chickahominy Indian Tribe
5 bought land and built a tribal center using monthly
6 pledges from tribal members to finance the trans-
7 actions;

8 (29) in 1983, the Chickahominy Indian Tribe
9 was granted recognition as an Indian tribe by the
10 Commonwealth of Virginia, along with 5 other In-
11 dian tribes; and

12 (30) in 1985, Governor Gerald Baliles was the
13 special guest at an intertribal Thanksgiving Day
14 dinner hosted by the Chickahominy Indian Tribe.

15 **SEC. 102. DEFINITIONS.**

16 In this title:

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

19 (2) TRIBAL MEMBER.—The term “tribal mem-
20 ber” means—

21 (A) an individual who is an enrolled mem-
22 ber of the Tribe as of the date of enactment of
23 this Act; and

1 (B) an individual who has been placed on
2 the membership rolls of the Tribe in accordance
3 with this title.

4 (3) TRIBE.—The term “Tribe” means the
5 Chickahominy Indian Tribe.

6 **SEC. 103. FEDERAL RECOGNITION.**

7 (a) FEDERAL RECOGNITION.—

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

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

17 (b) FEDERAL SERVICES AND BENEFITS.—

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

23 (A) the existence of a reservation for the
24 Tribe; or

1 (B) the location of the residence of any
2 tribal member on or near any Indian reserva-
3 tion.

4 (2) SERVICE AREA.—For the purpose of the de-
5 livery of Federal services to tribal members, the
6 service area of the Tribe shall be considered to be
7 the area comprised of New Kent County, James City
8 County, Charles City County, and Henrico County,
9 Virginia.

10 **SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.**

11 The membership roll and governing documents of the
12 Tribe shall be the most recent membership roll and gov-
13 erning documents, respectively, submitted by the Tribe to
14 the Secretary before the date of enactment of this Act.

15 **SEC. 105. GOVERNING BODY.**

16 The governing body of the Tribe shall be—

17 (1) the governing body of the Tribe in place as
18 of the date of enactment of this Act; or

19 (2) any subsequent governing body elected in
20 accordance with the election procedures specified in
21 the governing documents of the Tribe.

22 **SEC. 106. RESERVATION OF THE TRIBE.**

23 (a) IN GENERAL.—On request of the Tribe, the Sec-
24 retary—

1 (1) shall take into trust for the benefit of the
2 Tribe any land held in fee by the Tribe that was ac-
3 quired by the Tribe on or before January 1, 2007;
4 and

5 (2) may take into trust for the benefit of the
6 Tribe any land held in fee by the Tribe, if the land
7 is located within the boundaries of New Kent Coun-
8 ty, James City County, Charles City County, or
9 Henrico County, Virginia.

10 (b) DEADLINE FOR DETERMINATION.—The Sec-
11 retary shall—

12 (1) not later than 3 years after the date of a
13 request of the Tribe under subsection (a), make a
14 final written determination regarding the request;
15 and

16 (2) immediately make that determination avail-
17 able to the Tribe.

18 (c) RESERVATION STATUS.—On request of the Tribe,
19 any land taken into trust for the benefit of the Tribe pur-
20 suant to this section shall be considered to be a part of
21 the reservation of the Tribe.

22 (d) GAMING.—The Tribe may not conduct gaming ac-
23 tivities—

24 (1) as a matter of claimed inherent authority;
25 or

1 (2) pursuant to any Federal law, including the
2 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
3 seq.) (including any regulations promulgated pursu-
4 ant to that Act by the Secretary or the National In-
5 dian Gaming Commission).

6 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**
7 **WATER RIGHTS.**

8 Nothing in this title expands, reduces, or affects in
9 any manner any hunting, fishing, trapping, gathering, or
10 water rights of the Tribe and members of the Tribe.

11 **SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

12 (a) IN GENERAL.—The Commonwealth of Virginia
13 shall exercise jurisdiction over any criminal offense com-
14 mitted, and any civil actions arising, on land located with-
15 in the Commonwealth that is owned by, or held in trust
16 by the United States for, the Tribe.

17 (b) ACCEPTANCE OF COMMONWEALTH JURISDICTION
18 BY SECRETARY.—The Secretary may accept on behalf of
19 the United States, after consultation with the Attorney
20 General of the United States, all or any portion of the
21 jurisdiction of the Commonwealth of Virginia described in
22 subsection (a) on verification by the Secretary of a certifi-
23 cation by the Tribe that the Tribe possesses the capacity
24 to reassume that jurisdiction.

1 (c) EFFECT OF SECTION.—Nothing in this section af-
2 fects the application of section 109 of the Indian Child
3 Welfare Act of 1978 (25 U.S.C. 1919).

4 **TITLE II—CHICKAHOMINY IN-**
5 **DIAN TRIBE—EASTERN DIVI-**
6 **SION**

7 **SEC. 201. FINDINGS.**

8 Congress finds that—

9 (1) in 1607, when the English settlers set shore
10 along the Virginia coastline, the Chickahominy In-
11 dian Tribe was 1 of about 30 tribes that received
12 them;

13 (2) in 1614, the Chickahominy Indian Tribe en-
14 tered into a treaty with Sir Thomas Dale, Governor
15 of the Jamestown Colony, under which—

16 (A) the Chickahominy Indian Tribe agreed
17 to provide 2 bushels of corn per man and send
18 warriors to protect the English; and

19 (B) Sir Thomas Dale agreed in return to
20 allow the Tribe to continue to practice its own
21 tribal governance;

22 (3) in 1646, a treaty was signed which forced
23 the Chickahominy from their homeland to the area
24 around the York River in present-day King William
25 County, leading to the formation of a reservation;

1 (4) in 1677, following Bacon’s Rebellion, the
2 Queen of Pamunkey signed the Treaty of Middle
3 Plantation on behalf of the Chickahominy;

4 (5) in 1702, the Chickahominy were forced
5 from their reservation, which caused the loss of a
6 land base;

7 (6) in 1711, the College of William and Mary
8 in Williamsburg established a grammar school for
9 Indians called Brafferton College;

10 (7) a Chickahominy child was 1 of the first In-
11 dians to attend Brafferton College;

12 (8) in 1750, the Chickahominy Indian Tribe
13 began to migrate from King William County back to
14 the area around the Chickahominy River in New
15 Kent and Charles City Counties;

16 (9) in 1793, a Baptist missionary named
17 Bradby took refuge with the Chickahominy and took
18 a Chickahominy woman as his wife;

19 (10) in 1831, the names of the ancestors of the
20 modern-day Chickahominy Indian Tribe began to
21 appear in the Charles City County census records;

22 (11) in 1870, a census revealed an enclave of
23 Indians in New Kent County that is believed to be
24 the beginning of the Chickahominy Indian Tribe—
25 Eastern Division;

1 (12) other records were destroyed when the
2 New Kent County courthouse was burned, leaving a
3 State census as the only record covering that period;

4 (13) in 1901, the Chickahominy Indian Tribe
5 formed Samaria Baptist Church;

6 (14) from 1901 to 1935, Chickahominy men
7 were assessed a tribal tax so that their children
8 could receive an education;

9 (15) the Tribe used the proceeds from the tax
10 to build the first Samaria Indian School, buy sup-
11 plies, and pay a teacher's salary;

12 (16) in 1910, a 1-room school covering grades
13 1 through 8 was established in New Kent County for
14 the Chickahominy Indian Tribe—Eastern Division;

15 (17) during the period of 1920 through 1921,
16 the Chickahominy Indian Tribe—Eastern Division
17 began forming a tribal government;

18 (18) E.P. Bradby, the founder of the Tribe,
19 was elected to be Chief;

20 (19) in 1922, Tsena Commocko Baptist Church
21 was organized;

22 (20) in 1925, a certificate of incorporation was
23 issued to the Chickahominy Indian Tribe—Eastern
24 Division;

1 (21) in 1950, the 1-room Indian school in New
2 Kent County was closed and students were bused to
3 Samaria Indian School in Charles City County;

4 (22) in 1967, the Chickahominy Indian Tribe
5 and the Chickahominy Indian Tribe—Eastern Divi-
6 sion lost their schools as a result of the required in-
7 tegration of students;

8 (23) during the period of 1982 through 1984,
9 Tsena Commoeko Baptist Church built a new sanc-
10 tuary to accommodate church growth;

11 (24) in 1983 the Chickahominy Indian Tribe—
12 Eastern Division was granted State recognition
13 along with 5 other Virginia Indian tribes;

14 (25) in 1985—

15 (A) the Virginia Council on Indians was
16 organized as a State agency; and

17 (B) the Chickahominy Indian Tribe—East-
18 ern Division was granted a seat on the Council;

19 (26) in 1988, a nonprofit organization known
20 as the “United Indians of Virginia” was formed; and

21 (27) Chief Marvin “Strongoak” Bradby of the
22 Eastern Band of the Chickahominy presently chairs
23 the organization.

24 **SEC. 202. DEFINITIONS.**

25 In this title:

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

3 (2) TRIBAL MEMBER.—The term “tribal mem-
4 ber” means—

5 (A) an individual who is an enrolled mem-
6 ber of the Tribe as of the date of enactment of
7 this Act; and

8 (B) an individual who has been placed on
9 the membership rolls of the Tribe in accordance
10 with this title.

11 (3) TRIBE.—The term “Tribe” means the
12 Chickahominy Indian Tribe—Eastern Division.

13 **SEC. 203. FEDERAL RECOGNITION.**

14 (a) FEDERAL RECOGNITION.—

15 (1) IN GENERAL.—Federal recognition is ex-
16 tended to the Tribe.

17 (2) APPLICABILITY OF LAWS.—All laws (includ-
18 ing regulations) of the United States of general ap-
19 plicability to Indians or nations, Indian tribes, or
20 bands of Indians (including the Act of June 18,
21 1934 (25 U.S.C. 461 et seq.)), that are not incon-
22 sistent with this title shall be applicable to the Tribe
23 and tribal members.

24 (b) FEDERAL SERVICES AND BENEFITS.—

1 (1) IN GENERAL.—On and after the date of en-
 2 actment of this Act, the Tribe and tribal members
 3 shall be eligible for all future services and benefits
 4 provided by the Federal Government to federally rec-
 5 ognized Indian tribes without regard to—

6 (A) the existence of a reservation for the
 7 Tribe; or

8 (B) the location of the residence of any
 9 tribal member on or near any Indian reserva-
 10 tion.

11 (2) SERVICE AREA.—For the purpose of the de-
 12 livery of Federal services to tribal members, the
 13 service area of the Tribe shall be considered to be
 14 the area comprised of New Kent County, James City
 15 County, Charles City County, and Henrico County,
 16 Virginia.

17 **SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.**

18 The membership roll and governing documents of the
 19 Tribe shall be the most recent membership roll and gov-
 20 erning documents, respectively, submitted by the Tribe to
 21 the Secretary before the date of enactment of this Act.

22 **SEC. 205. GOVERNING BODY.**

23 The governing body of the Tribe shall be—

24 (1) the governing body of the Tribe in place as
 25 of the date of enactment of this Act; or

1 (2) any subsequent governing body elected in
2 accordance with the election procedures specified in
3 the governing documents of the Tribe.

4 **SEC. 206. RESERVATION OF THE TRIBE.**

5 (a) IN GENERAL.—On request of the Tribe, the Sec-
6 retary—

7 (1) shall take into trust for the benefit of the
8 Tribe any land held in fee by the Tribe that was ac-
9 quired by the Tribe on or before January 1, 2007;
10 and

11 (2) may take into trust for the benefit of the
12 Tribe any land held in fee by the Tribe, if the land
13 is located within the boundaries of New Kent Coun-
14 ty, James City County, Charles City County, or
15 Henrico County, Virginia.

16 (b) DEADLINE FOR DETERMINATION.—The Sec-
17 retary shall—

18 (1) not later than 3 years after the date of a
19 request of the Tribe under subsection (a), make a
20 final written determination regarding the request;
21 and

22 (2) immediately make that determination avail-
23 able to the Tribe.

24 (c) RESERVATION STATUS.—On request of the Tribe,
25 any land taken into trust for the benefit of the Tribe pur-

1 suant to this section shall be considered to be a part of
 2 the reservation of the Tribe.

3 (d) GAMING.—The Tribe may not conduct gaming ac-
 4 tivities—

5 (1) as a matter of claimed inherent authority;
 6 or

7 (2) pursuant to any Federal law, including the
 8 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
 9 seq.) (including any regulations promulgated pursu-
 10 ant to that Act by the Secretary or the National In-
 11 dian Gaming Commission).

12 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 13 **WATER RIGHTS.**

14 Nothing in this title expands, reduces, or affects in
 15 any manner any hunting, fishing, trapping, gathering, or
 16 water rights of the Tribe and members of the Tribe.

17 **SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

18 (a) IN GENERAL.—The Commonwealth of Virginia
 19 shall exercise jurisdiction over any criminal offense com-
 20 mitted, and any civil actions arising, on land located with-
 21 in the Commonwealth that is owned by, or held in trust
 22 by the United States for, the Tribe.

23 (b) ACCEPTANCE OF COMMONWEALTH JURISDICTION
 24 BY SECRETARY.—The Secretary may accept on behalf of
 25 the United States, after consultation with the Attorney

1 General of the United States, all or any portion of the
2 jurisdiction of the Commonwealth of Virginia described in
3 subsection (a) on verification by the Secretary of a certifi-
4 cation by the Tribe that the Tribe possesses the capacity
5 to reassume that jurisdiction.

6 (c) EFFECT OF SECTION.—Nothing in this section af-
7 fects the application of section 109 of the Indian Child
8 Welfare Act of 1978 (25 U.S.C. 1919).

9 **TITLE III—UPPER MATTAPONI**
10 **TRIBE**

11 **SEC. 301. FINDINGS.**

12 Congress finds that—

13 (1) during the period of 1607 through 1646,
14 the Chickahominy Indian Tribes—

15 (A) lived approximately 20 miles from
16 Jamestown; and

17 (B) were significantly involved in English-
18 Indian affairs;

19 (2) Mattaponi Indians, who later joined the
20 Chickahominy Indians, lived a greater distance from
21 Jamestown;

22 (3) in 1646, the Chickahominy Indians moved
23 to Mattaponi River basin, away from the English;

1 (4) in 1661, the Chickahominy Indians sold
2 land at a place known as “the cliffs” on the
3 Mattaponi River;

4 (5) in 1669, the Chickahominy Indians—

5 (A) appeared in the Virginia Colony’s cen-
6 sus of Indian bowmen; and

7 (B) lived in “New Kent” County, which in-
8 cluded the Mattaponi River basin at that time;

9 (6) in 1677, the Chickahominy and Mattaponi
10 Indians were subjects of the Queen of Pamunkey,
11 who was a signatory to the Treaty of 1677 with the
12 King of England;

13 (7) in 1683, after a Mattaponi town was at-
14 tacked by Seneca Indians, the Mattaponi Indians
15 took refuge with the Chickahominy Indians, and the
16 history of the 2 groups was intertwined for many
17 years thereafter;

18 (8) in 1695, the Chickahominy and Mattaponi
19 Indians—

20 (A) were assigned a reservation by the Vir-
21 ginia Colony; and

22 (B) traded land of the reservation for land
23 at the place known as “the cliffs” (which, as of
24 the date of enactment of this Act, is the

1 Mattaponi Indian Reservation), which had been
2 owned by the Mattaponi Indians before 1661;

3 (9) in 1711, a Chickahominy boy attended the
4 Indian School at the College of William and Mary;

5 (10) in 1726, the Virginia Colony discontinued
6 funding of interpreters for the Chickahominy and
7 Mattaponi Indian Tribes;

8 (11) James Adams, who served as an inter-
9 preter to the Indian tribes known as of the date of
10 enactment of this Act as the “Upper Mattaponi In-
11 dian Tribe” and “Chickahominy Indian Tribe”,
12 elected to stay with the Upper Mattaponi Indians;

13 (12) today, a majority of the Upper Mattaponi
14 Indians have “Adams” as their surname;

15 (13) in 1787, Thomas Jefferson, in Notes on
16 the Commonwealth of Virginia, mentioned the
17 Mattaponi Indians on a reservation in King William
18 County and said that Chickahominy Indians were
19 “blended” with the Mattaponi Indians and nearby
20 Pamunkey Indians;

21 (14) in 1850, the census of the United States
22 revealed a nucleus of approximately 10 families, all
23 ancestral to modern Upper Mattaponi Indians, living
24 in central King William County, Virginia, approxi-
25 mately 10 miles from the reservation;

1 (15) during the period of 1853 through 1884,
2 King William County marriage records listed Upper
3 Mattaponis as “Indians” in marrying people residing
4 on the reservation;

5 (16) during the period of 1884 through the
6 present, county marriage records usually refer to
7 Upper Mattaponis as “Indians”;

8 (17) in 1901, Smithsonian anthropologist
9 James Mooney heard about the Upper Mattaponi In-
10 dians but did not visit them;

11 (18) in 1928, University of Pennsylvania an-
12 thropologist Frank Speck published a book on mod-
13 ern Virginia Indians with a section on the Upper
14 Mattaponis;

15 (19) from 1929 until 1930, the leadership of
16 the Upper Mattaponi Indians opposed the use of a
17 “colored” designation in the 1930 United States
18 census and won a compromise in which the Indian
19 ancestry of the Upper Mattaponis was recorded but
20 questioned;

21 (20) during the period of 1942 through 1945—

22 (A) the leadership of the Upper Mattaponi
23 Indians, with the help of Frank Speck and oth-
24 ers, fought against the induction of young men

1 of the Tribe into “colored” units in the Armed
2 Forces of the United States; and

3 (B) a tribal roll for the Upper Mattaponi
4 Indians was compiled;

5 (21) from 1945 to 1946, negotiations took
6 place to admit some of the young people of the
7 Upper Mattaponi to high schools for Federal Indians
8 (especially at Cherokee) because no high school
9 coursework was available for Indians in Virginia
10 schools; and

11 (22) in 1983, the Upper Mattaponi Indians ap-
12 plied for and won State recognition as an Indian
13 tribe.

14 **SEC. 302. DEFINITIONS.**

15 In this title:

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

18 (2) TRIBAL MEMBER.—The term “tribal mem-
19 ber” means—

20 (A) an individual who is an enrolled mem-
21 ber of the Tribe as of the date of enactment of
22 this Act; and

23 (B) an individual who has been placed on
24 the membership rolls of the Tribe in accordance
25 with this title.

1 (3) **TRIBE.**—The term “Tribe” means the
2 Upper Mattaponi Tribe.

3 **SEC. 303. FEDERAL RECOGNITION.**

4 (a) **FEDERAL RECOGNITION.**—

5 (1) **IN GENERAL.**—Federal recognition is ex-
6 tended to the Tribe.

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

14 (b) **FEDERAL SERVICES AND BENEFITS.**—

15 (1) **IN GENERAL.**—On and after the date of en-
16 actment of this Act, the Tribe and tribal members
17 shall be eligible for all services and benefits provided
18 by the Federal Government to federally recognized
19 Indian tribes without regard to—

20 (A) the existence of a reservation for the
21 Tribe; or

22 (B) the location of the residence of any
23 tribal member on or near any Indian reserva-
24 tion.

1 (2) SERVICE AREA.—For the purpose of the de-
2 livery of Federal services to tribal members, the
3 service area of the Tribe shall be considered to be
4 the area within 25 miles of the Sharon Indian
5 School at 13383 King William Road, King William
6 County, Virginia.

7 **SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.**

8 The membership roll and governing documents of the
9 Tribe shall be the most recent membership roll and gov-
10 erning documents, respectively, submitted by the Tribe to
11 the Secretary before the date of enactment of this Act.

12 **SEC. 305. GOVERNING BODY.**

13 The governing body of the Tribe shall be—

14 (1) the governing body of the Tribe in place as
15 of the date of enactment of this Act; or

16 (2) any subsequent governing body elected in
17 accordance with the election procedures specified in
18 the governing documents of the Tribe.

19 **SEC. 306. RESERVATION OF THE TRIBE.**

20 (a) IN GENERAL.—On request of the Tribe, the Sec-
21 retary—

22 (1) shall take into trust for the benefit of the
23 Tribe any land held in fee by the Tribe that was ac-
24 quired by the Tribe on or before January 1, 2007;
25 and

1 (2) may take into trust for the benefit of the
2 Tribe any land held in fee by the Tribe, if the land
3 is located within the boundaries of King William
4 County, Caroline County, Hanover County, King
5 and Queen County, and New Kent County, Virginia.

6 (b) DEADLINE FOR DETERMINATION.—The Sec-
7 retary shall—

8 (1) not later than 3 years after the date of a
9 request of the Tribe under subsection (a), make a
10 final written determination regarding the request;
11 and

12 (2) immediately make that determination avail-
13 able to the Tribe.

14 (c) RESERVATION STATUS.—On request of the Tribe,
15 any land taken into trust for the benefit of the Tribe pur-
16 suant to this section shall be considered to be a part of
17 the reservation of the Tribe.

18 (d) GAMING.—The Tribe may not conduct gaming ac-
19 tivities—

20 (1) as a matter of claimed inherent authority;
21 or

22 (2) pursuant to any Federal law, including the
23 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
24 seq.) (including any regulations promulgated pursu-

1 ant to that Act by the Secretary or the National In-
2 dian Gaming Commission).

3 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
4 **WATER RIGHTS.**

5 Nothing in this title expands, reduces, or affects in
6 any manner any hunting, fishing, trapping, gathering, or
7 water rights of the Tribe and members of the Tribe.

8 **SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

9 (a) IN GENERAL.—The Commonwealth of Virginia
10 shall exercise jurisdiction over any criminal offense com-
11 mitted, and any civil actions arising, on land located with-
12 in the Commonwealth that is owned by, or held in trust
13 by the United States for, the Tribe.

14 (b) ACCEPTANCE OF COMMONWEALTH JURISDICTION
15 BY SECRETARY.—The Secretary may accept on behalf of
16 the United States, after consultation with the Attorney
17 General of the United States, all or any portion of the
18 jurisdiction of the Commonwealth of Virginia described in
19 subsection (a) on verification by the Secretary of a certifi-
20 cation by the Tribe that the Tribe possesses the capacity
21 to reassume that jurisdiction.

22 (c) EFFECT OF SECTION.—Nothing in this section af-
23 fects the application of section 109 of the Indian Child
24 Welfare Act of 1978 (25 U.S.C. 1919).

1 **TITLE IV—RAPPAHANNOCK**
2 **TRIBE, INC.**

3 **SEC. 401. FINDINGS.**

4 Congress finds that—

5 (1)(A) the first encounter with the English
6 colonists was chronicled by George Percy on May 5,
7 1607, when the Rappahannock werowance,
8 Pipiscumah or Pipisco, sent a messenger to Captain
9 Christopher Newport bidding the English to come to
10 him.

11 (B) Percy wrote, “When we came to
12 Rappahanna’s town, he entertained us in good hu-
13 manity.”;

14 (C) the meeting took place approximately 10
15 miles from Jamestown, at the principal town of the
16 Rappahannoeks on the James River,
17 Quioughcohanock (also called “Tapahanauk”);

18 (D) Quioughcohanock was a part of the Pow-
19 hatan chiefdom as well as a later town named after
20 the werowance, Pipisco;

21 (E) those towns were located in (Old) James
22 City County, which later became Surry County, Vir-
23 ginia; and

24 (F) there are numerous interactions between
25 those Rappahannock towns and the English recorded

1 in the Jamestown Narratives during the period of
2 1607 through 1617;

3 (2) during the initial months after Virginia was
4 settled, the Rappahannock Indians had 2 encounters
5 with Captain John Smith;

6 (3)(A) a meeting occurred during the time
7 when Powhatan held Smith captive (December 1607
8 through January 8, 1608);

9 (B) Smith was taken to the Rappahannock
10 principal town on the Rappahannock River to see if
11 he was the “great man” that had previously sailed
12 into the Rappahannock River, killed their king and
13 kidnaped their people; and

14 (C) it was determined that Smith was too short
15 to be that “great man”;

16 (4) a second meeting took place during Smith’s
17 exploration of the Chesapeake Bay (July 1608 to
18 September 1608), when, after the Moraughtacund
19 Indians had stolen 3 women from the Rappahannock
20 King, Smith was prevailed on to facilitate a peaceful
21 truce between the Rappahannock and the
22 Moraughtacund Indians;

23 (5) in the settlement, Smith had the 2 Indian
24 tribes meet on the spot of their first fight;

1 (6) when it was established that both groups
2 wanted peace, Smith told the Rappahannock King to
3 select which of the 3 stolen women he wanted;

4 (7) the Moraughtacund King was given second
5 choice among the 2 remaining women, and Mosco, a
6 Wighcocomoco (on the Potomac River) guide, was
7 given the third woman;

8 (8) in 1645, Captain William Claiborne tried
9 unsuccessfully to establish treaty relations with the
10 Rappahannocks, because the Rappahannock towns
11 on the Rappahannock River had not participated in
12 the Pamunkey-led uprising in 1644, and the English
13 wanted to “treat with the Rappahannocks or any
14 other Indians not in amity with Opechancanough,
15 concerning serving the County against the
16 Pamunkey’s”;

17 (9) in April 1651, the Rappahannocks conveyed
18 a tract of land to an English settler, Colonel Morre
19 Fauntleroy;

20 (10) the deed for the conveyance was signed by
21 Accopatough, weroance of the Rappahannock Indi-
22 ans;

23 (11) in September 1653, Lancaster County
24 signed a treaty with Rappahannock Indians, the
25 terms of which treaty—

1 (A) gave Rappahannocks the rights of
2 Englishmen in the county court; and

3 (B) attempted to make the Rappahannocks
4 more accountable under English law;

5 (12) in September 1653, Lancaster County de-
6 fined and marked the bounds of its Indian settle-
7 ments;

8 (13) according to the Lancaster clerk of court,
9 “the tribe called the great Rappahannocks lived on
10 the Rappahannock Creek just across the river above
11 Tappahannock”;

12 (14) in September 1656, (Old) Rappahannock
13 County (which, as of the date of enactment of this
14 Act, is comprised of Richmond and Essex Counties,
15 Virginia) signed a treaty with Rappahannock Indi-
16 ans that—

17 (A) mirrored the Lancaster County treaty
18 from 1653; and

19 (B) stated that—

20 (i) Rappahannocks were to be re-
21 warded, in Roanoke, for returning English
22 fugitives; and

23 (ii) the English encouraged the
24 Rappahannocks to send their children to
25 live among the English as servants, who

1 the English promised would be well-treat-
2 ed;

3 (15) in 1658, the Virginia Assembly revised a
4 1652 Act stating that “there be no grants of land
5 to any Englishman whatsoever de futuro until the
6 Indians be first served with the proportion of 50
7 acres of land for each bowman”;

8 (16) in 1669, the colony conducted a census of
9 Virginia Indians;

10 (17) as of the date of that census—

11 (A) the majority of the Rappahannocks
12 were residing at their hunting village on the
13 north side of the Mattaponi River; and

14 (B) at the time of the visit, census-takers
15 were counting only the Indian tribes along the
16 rivers, which explains why only 30 Rappahan-
17 nock bowmen were counted on that river;

18 (18) the Rappahannocks used the hunting vil-
19 lage on the north side of the Mattaponi River as
20 their primary residence until the Rappahannocks
21 were removed in 1684;

22 (19) in May 1677, the Treaty of Middle Planta-
23 tion was signed with England;

24 (20) the Pamunkey Queen Cockacoeske signed
25 on behalf of the Rappahannocks, “who were sup-

1 posed to be her tributaries”, but before the treaty
2 could be ratified, the Queen of Pamunkey com-
3 plained to the Virginia Colonial Council “that she
4 was having trouble with Rappahannocks and
5 Chickahominies, supposedly tributaries of hers”;

6 (21) in November 1682, the Virginia Colonial
7 Council established a reservation for the Rappahan-
8 nock Indians of 3,474 acres “about the town where
9 they dwelt”, the land being located in (Old) New
10 Kent County, which was later divided to include the
11 modern counties of Caroline and King & Queen in
12 Virginia;

13 (22) the Rappahannock “town” was the hunt-
14 ing village on the north side of the Mattaponi River,
15 where the Rappahannocks had lived throughout the
16 1670s;

17 (23) the acreage allotment of the reservation
18 was based on the 1658 Indian Land Act, which
19 translates into a bowman population of 70, or an ap-
20 proximate total Rappahannock population of 350;

21 (24) in 1683, following raids by Iroquoian war-
22 riors on Indian and English settlements, the Vir-
23 ginia Colonial Council ordered the Rappahannocks
24 to leave their reservation and unite with the
25 Nanzatico Indians at Nanzatico Indian Town, which

1 was located across and up the Rappahannock River
2 approximately 30 miles in King George County;

3 (25) between 1687 and 1699, the
4 Rappahannocks migrated out of Nanzatico, return-
5 ing to the south side of the Rappahannock River at
6 Portobacco Indian Town;

7 (26)(A) in 1706, by order of Essex County,
8 Lieutenant Richard Covington “escorted” the
9 Portobaccos, Nanzaticos, and Rappahannocks out of
10 Portabacco Indian Town, out of Essex County, and
11 into King and Queen County, where those Indians
12 settled along the ridgeline between the Rappahan-
13 nock and Mattaponi Rivers, the site of their ancient
14 hunting village and 1682 reservation; and

15 (B) that land encompassed the Newtown area
16 on the King & Queen County side of the Mattaponi
17 River and extended into Mangohick, on the King
18 William County side of the Mattaponi River;

19 (27) during the 1760s, 3 Rappahannock girls
20 were raised on Thomas Nelson’s Bleak Hill Planta-
21 tion in King William County;

22 (28) of those girls—

23 (A) 1 married a Saunders man;

24 (B) 1 married a Johnson man; and

1 (C) 1 had 2 children, Edmund and Carter
2 Nelson, fathered by Thomas Cary Nelson;

3 (29)(A) land was gifted by the Nelson family to
4 the Saunders and Johnson families as wedding gifts
5 to the Rappahannock girls in King William County;
6 and

7 (B) in the 19th century, those Saunders, John-
8 son, and Nelson families were among the core Rap-
9 pahannock families from which the modern Rappa-
10 hannock Tribe traces its descent;

11 (30) in 1819 and 1820, Edward Bird, John
12 Bird (and his wife), Carter Nelson, Edmund Nelson,
13 and Carter Spurlock (all Rappahannock ancestors)
14 were listed on the tax roles of King and Queen
15 County and taxed at the county poor rate;

16 (31) Edmund Bird was added to the tax roles
17 in 1821;

18 (32) those tax records are significant docu-
19 mentation because the great majority of pre-1864
20 records for King and Queen County were destroyed
21 by fire;

22 (33) beginning in 1819, and continuing through
23 the 1880s, there was a solid Rappahannock presence
24 in the membership at Upper Essex Baptist Church;

1 (34) that was the first instance of conversion to
2 Christianity by at least some Rappahannock Indians;

3 (35) while 26 identifiable and traceable Rappa-
4 hannock surnames appear on the pre-1863 member-
5 ship list, and 28 were listed on the 1863 member-
6 ship roster, the number of surnames listed had de-
7 clined to 12 in 1878 and had risen only slightly to
8 14 by 1888;

9 (36) a reason for the decline is that in 1870,
10 a Methodist circuit rider, Joseph Mastin, secured
11 funds to purchase land and construct St. Stephens
12 Baptist Church for the Rappahannocks living nearby
13 in Caroline County;

14 (37) Mastin referred to the Rappahannocks
15 during the period of 1850 to 1870 as “Indians, hav-
16 ing a great need for moral and Christian guidance”;

17 (38) St. Stephens was the dominant tribal
18 church until the Rappahannock Indian Baptist
19 Church was established in 1964;

20 (39) at both churches, the core Rappahannock
21 family names of Bird, Clarke, Fortune, Johnson,
22 Nelson, Parker, and Richardson predominate;

23 (40) during the early 1900s, James Mooney,
24 noted anthropologist, maintained correspondence
25 with the Rappahannocks, surveying them and in-

1 structing them on how to formalize their tribal gov-
2 ernment;

3 (41) in November 1920, Speck visited the
4 Rappahannocks and assisted them in organizing the
5 fight for their sovereign rights;

6 (42) in 1921, the Rappahannocks were granted
7 a charter from the Commonwealth of Virginia for-
8 malizing their tribal government;

9 (43) Speck began a professional relationship
10 with the Tribe that would last more than 30 years
11 and document Rappahannock history and traditions
12 as never before;

13 (44) in April 1921, Rappahannock Chief
14 George Nelson asked the Governor of Virginia,
15 Westmoreland Davis, to forward a proclamation to
16 the President of the United States, along with an
17 appended list of tribal members and a handwritten
18 copy of the proclamation itself;

19 (45) the letter concerned Indian freedom of
20 speech and assembly nationwide;

21 (46) in 1922, the Rappahannocks established a
22 formal school at Lloyds, Essex County, Virginia;

23 (47) prior to establishment of the school, Rap-
24 pahannock children were taught by a tribal member
25 in Central Point, Caroline County, Virginia;

1 (48) in December 1923, Rappahannock Chief
2 George Nelson testified before Congress appealing
3 for a \$50,000 appropriation to establish an Indian
4 school in Virginia;

5 (49) in 1930, the Rappahannocks were engaged
6 in an ongoing dispute with the Commonwealth of
7 Virginia and the United States Census Bureau
8 about their classification in the 1930 Federal cen-
9 sus;

10 (50) in January 1930, Rappahannock Chief
11 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-
12 istician of the United States Census Bureau, asking
13 that the 218 enrolled Rappahannocks be listed as
14 Indians;

15 (51) in February 1930, Truesdell replied to
16 Nelson saying that “special instructions” were being
17 given about classifying Indians;

18 (52) in April 1930, Nelson wrote to William M.
19 Steuart at the Census Bureau asking about the enu-
20 merators’ failure to classify his people as Indians,
21 saying that enumerators had not asked the question
22 about race when they interviewed his people;

23 (53) in a followup letter to Truesdell, Nelson
24 reported that the enumerators were “flatly denying”
25 his people’s request to be listed as Indians and that

1 the race question was completely avoided during
2 interviews;

3 (54) the Rappahannocks had spoken with Caro-
4 line and Essex County enumerators, and with John
5 M.W. Green at that point, without success;

6 (55) Nelson asked Truesdell to list people as
7 Indians if he sent a list of members;

8 (56) the matter was settled by William Steuart,
9 who concluded that the Bureau's rule was that peo-
10 ple of Indian descent could be classified as "Indian"
11 only if Indian "blood" predominated and "Indian"
12 identity was accepted in the local community;

13 (57) the Virginia Vital Statistics Bureau
14 classed all nonreservation Indians as "Negro", and
15 it failed to see why "an exception should be made"
16 for the Rappahannocks;

17 (58) therefore, in 1925, the Indian Rights As-
18 sociation took on the Rappahannock case to assist
19 the Rappahannocks in fighting for their recognition
20 and rights as an Indian tribe;

21 (59) during the Second World War, the
22 Pamunkeys, Mattaponis, Chickahominies, and Rap-
23 pahannocks had to fight the draft boards with re-
24 spect to their racial identities;

1 (60) the Virginia Vital Statistics Bureau in-
2 sisted that certain Indian draftees be inducted into
3 Negro units;

4 (61) finally, 3 Rappahannocks who were con-
5 victed of violating the Federal draft laws because
6 they refused to be inducted unless they could be
7 classified as Indian, after spending time in a Federal
8 prison, were granted conscientious objector status
9 and served out the remainder of the war working in
10 military hospitals;

11 (62) in 1943, Frank Speck noted that there
12 were approximately 25 communities of Indians left
13 in the Eastern United States that were entitled to
14 Indian classification, including the Rappahannocks;

15 (63) in the 1940s, Leon Truesdell, Chief Stat-
16 istician, of the United States Census Bureau, listed
17 118 members in the Rappahannock Tribe in the In-
18 dian population of Virginia;

19 (64) on April 25, 1940, the Office of Indian Af-
20 fairs of the Department of the Interior included the
21 Rappahannocks on a list of Indian tribes classified
22 by State and by agency;

23 (65) in 1948, the Smithsonian Institution An-
24 nual Report included an article by William Harlen
25 Gilbert entitled, "Surviving Indian Groups of the

1 Eastern United States”, which included and de-
2 scribed the Rappahannock Tribe;

3 (66) in the late 1940s and early 1950s, the
4 Rappahannocks operated a school at Indian Neck;

5 (67) the Commonwealth agreed to pay a tribal
6 teacher to teach 10 students bused by King and
7 Queen County to Sharon Indian School in King Wil-
8 liam County, Virginia;

9 (68) in 1965, Rappahannock students entered
10 Marriott High School (a White public school) by ex-
11 ecutive order of the Governor of Virginia;

12 (69) in 1972, the Rappahannocks worked with
13 the Coalition of Eastern Native Americans to fight
14 for Federal recognition;

15 (70) in 1979, the Coalition established a pot-
16 tery and artisans company, operating with other Vir-
17 ginia tribes;

18 (71) in 1980, the Rappahannocks received
19 funding through the Administration for Native
20 Americans of the Department of Health and Human
21 Services to develop an economic program for the
22 Tribe; and

23 (72) in 1983, the Rappahannocks received
24 State recognition as an Indian tribe.

1 **SEC. 402. DEFINITIONS.**

2 In this title:

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

5 (2) TRIBAL MEMBER.—The term “tribal mem-
6 ber” means—

7 (A) an individual who is an enrolled mem-
8 ber of the Tribe as of the date of enactment of
9 this Act; and

10 (B) an individual who has been placed on
11 the membership rolls of the Tribe in accordance
12 with this title.

13 (3) TRIBE.—

14 (A) IN GENERAL.—The term “Tribe”
15 means the organization possessing the legal
16 name Rappahannock Tribe, Inc.

17 (B) EXCLUSIONS.—The term “Tribe” does
18 not include any other Indian tribe, subtribe,
19 band, or splinter group the members of which
20 represent themselves as Rappahannock Indians.

21 **SEC. 403. FEDERAL RECOGNITION.**

22 (a) FEDERAL RECOGNITION.—

23 (1) IN GENERAL.—Federal recognition is ex-
24 tended to the Tribe.

25 (2) APPLICABILITY OF LAWS.—All laws (includ-
26 ing regulations) of the United States of general ap-

1 plicability to Indians or nations, Indian tribes, or
2 bands of Indians (including the Act of June 18,
3 1934 (25 U.S.C. 461 et seq.)), that are not incon-
4 sistent with this title shall be applicable to the Tribe
5 and tribal members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

7 (1) IN GENERAL.—On and after the date of en-
8 actment of this Act, the Tribe and tribal members
9 shall be eligible for all services and benefits provided
10 by the Federal Government to federally recognized
11 Indian tribes without regard to—

12 (A) the existence of a reservation for the
13 Tribe; or

14 (B) the location of the residence of any
15 tribal member on or near any Indian reserva-
16 tion.

17 (2) SERVICE AREA.—For the purpose of the de-
18 livery of Federal services to tribal members, the
19 service area of the Tribe shall be considered to be
20 the area comprised of King and Queen County,
21 Caroline County, Essex County, and King William
22 County, Virginia.

23 **SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.**

24 The membership roll and governing documents of the
25 Tribe shall be the most recent membership roll and gov-

1 erning documents, respectively, submitted by the Tribe to
2 the Secretary before the date of enactment of this Act.

3 **SEC. 405. GOVERNING BODY.**

4 The governing body of the Tribe shall be—

5 (1) the governing body of the Tribe in place as
6 of the date of enactment of this Act; or

7 (2) any subsequent governing body elected in
8 accordance with the election procedures specified in
9 the governing documents of the Tribe.

10 **SEC. 406. RESERVATION OF THE TRIBE.**

11 (a) IN GENERAL.—On request of the Tribe, the Sec-
12 retary—

13 (1) shall take into trust for the benefit of the
14 Tribe any land held in fee by the Tribe that was ac-
15 quired by the Tribe on or before January 1, 2007;
16 and

17 (2) may take into trust for the benefit of the
18 Tribe any land held in fee by the Tribe, if the land
19 is located within the boundaries of King and Queen
20 County, Richmond County, Lancaster County, King
21 George County, Essex County, Caroline County,
22 New Kent County, King William County, and James
23 City County, Virginia.

24 (b) DEADLINE FOR DETERMINATION.—The Sec-
25 retary shall—

1 **SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

2 (a) IN GENERAL.—The Commonwealth of Virginia
3 shall exercise jurisdiction over any criminal offense com-
4 mitted, and any civil actions arising, on land located with-
5 in the Commonwealth that is owned by, or held in trust
6 by the United States for, the Tribe.

7 (b) ACCEPTANCE OF COMMONWEALTH JURISDICTION
8 BY SECRETARY.—The Secretary may accept on behalf of
9 the United States, after consultation with the Attorney
10 General of the United States, all or any portion of the
11 jurisdiction of the Commonwealth of Virginia described in
12 subsection (a) on verification by the Secretary of a certifi-
13 cation by the Tribe that the Tribe possesses the capacity
14 to reassume that jurisdiction.

15 (c) EFFECT OF SECTION.—Nothing in this section af-
16 fects the application of section 109 of the Indian Child
17 Welfare Act of 1978 (25 U.S.C. 1919).

18 **TITLE V—MONACAN INDIAN**
19 **NATION**

20 **SEC. 501. FINDINGS.**

21 Congress finds that—

22 (1) in 1677, the Monacan Tribe signed the
23 Treaty of Middle Plantation between Charles II of
24 England and 12 Indian “Kings and Chief Men”;

1 (2) in 1722, in the Treaty of Albany, Governor
2 Spotswood negotiated to save the Virginia Indians
3 from extinction at the hands of the Iroquois;

4 (3) specifically mentioned in the negotiations
5 were the Monacan tribes of the Totero (Tutelo),
6 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
7 Meipontskys;

8 (4) in 1790, the first national census recorded
9 Benjamin Evans and Robert Johns, both ancestors
10 of the present Monacan community, listed as
11 “white” with mulatto children;

12 (5) in 1782, tax records also began for those
13 families;

14 (6) in 1850, the United States census recorded
15 29 families, mostly large, with Monacan surnames,
16 the members of which are genealogically related to
17 the present community;

18 (7) in 1870, a log structure was built at the
19 Bear Mountain Indian Mission;

20 (8) in 1908, the structure became an Episcopal
21 Mission and, as of the date of enactment of this Act,
22 the structure is listed as a landmark on the National
23 Register of Historic Places;

24 (9) in 1920, 304 Amherst Indians were identi-
25 fied in the United States census;

1 (10) from 1930 through 1931, numerous letters
2 from Monacans to the Bureau of the Census re-
3 sulted from the decision of Dr. Walter Plecker,
4 former head of the Bureau of Vital Statistics of the
5 Commonwealth of Virginia, not to allow Indians to
6 register as Indians for the 1930 census;

7 (11) the Monacans eventually succeeded in
8 being allowed to claim their race, albeit with an as-
9 terisk attached to a note from Dr. Plecker stating
10 that there were no Indians in Virginia;

11 (12) in 1947, D'Arcy McNickle, a Salish In-
12 dian, saw some of the children at the Amherst Mis-
13 sion and requested that the Cherokee Agency visit
14 them because they appeared to be Indian;

15 (13) that letter was forwarded to the Depart-
16 ment of the Interior, Office of Indian Affairs, Chi-
17 cago, Illinois;

18 (14) Chief Jarrett Blythe of the Eastern Band
19 of Cherokee did visit the Mission and wrote that he
20 “would be willing to accept these children in the
21 Cherokee school”;

22 (15) in 1979, a Federal Coalition of Eastern
23 Native Americans established the entity known as
24 “Monacan Co-operative Pottery” at the Amherst
25 Mission;

1 (16) some important pieces were produced at
2 Monacan Co-operative Pottery, including a piece
3 that was sold to the Smithsonian Institution;

4 (17) the Mattaponi-Pamunkey-Monacan Con-
5 sortium, established in 1981, has since been orga-
6 nized as a nonprofit corporation that serves as a ve-
7 hicle to obtain funds for those Indian tribes from the
8 Department of Labor under Native American pro-
9 grams;

10 (18) in 1989, the Monacan Tribe was recog-
11 nized by the Commonwealth of Virginia, which en-
12 abled the Tribe to apply for grants and participate
13 in other programs; and

14 (19) in 1993, the Monacan Tribe received tax-
15 exempt status as a nonprofit corporation from the
16 Internal Revenue Service.

17 **SEC. 502. DEFINITIONS.**

18 In this title:

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

21 (2) TRIBAL MEMBER.—The term “tribal mem-
22 ber” means—

23 (A) an individual who is an enrolled mem-
24 ber of the Tribe as of the date of enactment of
25 this Act; and

1 (B) an individual who has been placed on
2 the membership rolls of the Tribe in accordance
3 with this title.

4 (3) TRIBE.—The term “Tribe” means the Mon-
5 acan Indian Nation.

6 **SEC. 503. FEDERAL RECOGNITION.**

7 (a) FEDERAL RECOGNITION.—

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

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

17 (b) FEDERAL SERVICES AND BENEFITS.—

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

23 (A) the existence of a reservation for the
24 Tribe; or

1 (B) the location of the residence of any
 2 tribal member on or near any Indian reserva-
 3 tion.

4 (2) SERVICE AREA.—For the purpose of the de-
 5 livery of Federal services to tribal members, the
 6 service area of the Tribe shall be considered to be
 7 the area comprised of all land within 25 miles from
 8 the center of Amherst, Virginia.

9 **SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.**

10 The membership roll and governing documents of the
 11 Tribe shall be the most recent membership roll and gov-
 12 erning documents, respectively, submitted by the Tribe to
 13 the Secretary before the date of enactment of this Act.

14 **SEC. 505. GOVERNING BODY.**

15 The governing body of the Tribe shall be—

16 (1) the governing body of the Tribe in place as
 17 of the date of enactment of this Act; or

18 (2) any subsequent governing body elected in
 19 accordance with the election procedures specified in
 20 the governing documents of the Tribe.

21 **SEC. 506. RESERVATION OF THE TRIBE.**

22 (a) IN GENERAL.—On request of the Tribe, the Sec-
 23 retary—

24 (1) shall take into trust for the benefit of the
 25 Tribe any land held in fee by the Tribe that was ac-

1 quired by the Tribe on or before January 1, 2007,
2 if the land is located within the boundaries of Am-
3 herst County, Virginia; and

4 (2) may take into trust for the benefit of the
5 Tribe—

6 (A) any land held in fee by the Tribe, if
7 the land is located within the boundaries of
8 Amherst County, Virginia; and

9 (B) the parcels of land located in
10 Rockbridge County, Virginia (subject to the
11 consent of the local unit of government), owned
12 by Mr. J. Poole, described as East 731
13 Sandbridge (encompassing approximately 4.74
14 acres) and East 731 (encompassing approxi-
15 mately 5.12 acres).

16 (b) DEADLINE FOR DETERMINATION.—The Sec-
17 retary shall—

18 (1) not later than 3 years after the date of a
19 request of the Tribe under subsection (a)(2), make
20 a final written determination regarding the request;
21 and

22 (2) immediately make that determination avail-
23 able to the Tribe.

24 (c) RESERVATION STATUS.—On request of the Tribe,
25 any land taken into trust for the benefit of the Tribe pur-

1 suant to this section shall be considered to be a part of
 2 the reservation of the Tribe.

3 (d) GAMING.—The Tribe may not conduct gaming ac-
 4 tivities—

5 (1) as a matter of claimed inherent authority;
 6 or

7 (2) pursuant to any Federal law, including the
 8 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
 9 seq.) (including any regulations promulgated pursu-
 10 ant to that Act by the Secretary or the National In-
 11 dian Gaming Commission).

12 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 13 **WATER RIGHTS.**

14 Nothing in this title expands, reduces, or affects in
 15 any manner any hunting, fishing, trapping, gathering, or
 16 water rights of the Tribe and members of the Tribe.

17 **SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

18 (a) IN GENERAL.—The Commonwealth of Virginia
 19 shall exercise jurisdiction over any criminal offense com-
 20 mitted, and any civil actions arising, on land located with-
 21 in the Commonwealth that is owned by, or held in trust
 22 by the United States for, the Tribe.

23 (b) ACCEPTANCE OF COMMONWEALTH JURISDICTION
 24 BY SECRETARY.—The Secretary may accept on behalf of
 25 the United States, after consultation with the Attorney

1 General of the United States, all or any portion of the
 2 jurisdiction of the Commonwealth of Virginia described in
 3 subsection (a) on verification by the Secretary of a certifi-
 4 cation by the Tribe that the Tribe possesses the capacity
 5 to reassume that jurisdiction.

6 (c) EFFECT OF SECTION.—Nothing in this section af-
 7 fects the application of section 109 of the Indian Child
 8 Welfare Act of 1978 (25 U.S.C. 1919).

9 **TITLE VI—NANSEMOND INDIAN**
 10 **TRIBE**

11 **SEC. 601. FINDINGS.**

12 Congress finds that—

13 (1) from 1607 until 1646, Nansemond Indi-
 14 ans—

15 (A) lived approximately 30 miles from
 16 Jamestown; and

17 (B) were significantly involved in English-
 18 Indian affairs;

19 (2) after 1646, there were 2 sections of
 20 Nansemonds in communication with each other, the
 21 Christianized Nansemonds in Norfolk County, who
 22 lived as citizens, and the traditionalist Nansemonds,
 23 who lived further west;

24 (3) in 1638, according to an entry in a 17th
 25 century sermon book still owned by the Chief's fam-

1 ily, a Norfolk County Englishman married a Nanse-
2 mond woman;

3 (4) that man and woman are lineal ancestors of
4 all of members of the Nansemond Indian tribe alive
5 as of the date of enactment of this Act, as are some
6 of the traditionalist Nansemonds;

7 (5) in 1669, the 2 Nansemond sections ap-
8 peared in Virginia Colony's census of Indian bow-
9 men;

10 (6) in 1677, Nansemond Indians were signato-
11 ries to the Treaty of 1677 with the King of Eng-
12 land;

13 (7) in 1700 and 1704, the Nansemonds and
14 other Virginia Indian tribes were prevented by Vir-
15 ginia Colony from making a separate peace with the
16 Iroquois;

17 (8) Virginia represented those Indian tribes in
18 the final Treaty of Albany, 1722;

19 (9) in 1711, a Nansemond boy attended the In-
20 dian School at the College of William and Mary;

21 (10) in 1727, Norfolk County granted William
22 Bass and his kinsmen the "Indian privileges" of
23 clearing swamp land and bearing arms (which privi-
24 leges were forbidden to other non-Whites) because of
25 their Nansemond ancestry, which meant that Bass

1 and his kinsmen were original inhabitants of that
2 land;

3 (11) in 1742, Norfolk County issued a certifi-
4 cate of Nansemond descent to William Bass;

5 (12) from the 1740s to the 1790s, the tradi-
6 tionalist section of the Nansemond tribe, 40 miles
7 west of the Christianized Nansemonds, was dealing
8 with reservation land;

9 (13) the last surviving members of that section
10 sold out in 1792 with the permission of the Com-
11 monwealth of Virginia;

12 (14) in 1797, Norfolk County issued a certifi-
13 cate stating that William Bass was of Indian and
14 English descent, and that his Indian line of ancestry
15 ran directly back to the early 18th century elder in
16 a traditionalist section of Nansemonds on the res-
17 ervation;

18 (15) in 1833, Virginia enacted a law enabling
19 people of European and Indian descent to obtain a
20 special certificate of ancestry;

21 (16) the law originated from the county in
22 which Nansemonds lived, and mostly Nansemonds,
23 with a few people from other counties, took advan-
24 tage of the new law;

1 (17) a Methodist mission established around
2 1850 for Nansemonds is currently a standard Meth-
3 odist congregation with Nansemond members;

4 (18) in 1901, Smithsonian anthropologist
5 James Mooney—

6 (A) visited the Nansemonds; and

7 (B) completed a tribal census that counted
8 61 households and was later published;

9 (19) in 1922, Nansemonds were given a special
10 Indian school in the segregated school system of
11 Norfolk County;

12 (20) the school survived only a few years;

13 (21) in 1928, University of Pennsylvania an-
14 thropologist Frank Speck published a book on mod-
15 ern Virginia Indians that included a section on the
16 Nansemonds; and

17 (22) the Nansemonds were organized formally,
18 with elected officers, in 1984, and later applied for
19 and received State recognition.

20 **SEC. 602. DEFINITIONS.**

21 In this title:

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

24 (2) TRIBAL MEMBER.—The term “tribal mem-
25 ber” means—

1 (A) an individual who is an enrolled mem-
2 ber of the Tribe as of the date of enactment of
3 this Act; and

4 (B) an individual who has been placed on
5 the membership rolls of the Tribe in accordance
6 with this title.

7 (3) **TRIBE.**—The term “Tribe” means the
8 Nansemond Indian Tribe.

9 **SEC. 603. FEDERAL RECOGNITION.**

10 (a) **FEDERAL RECOGNITION.**—

11 (1) **IN GENERAL.**—Federal recognition is ex-
12 tended to the Tribe.

13 (2) **APPLICABILITY OF LAWS.**—All laws (includ-
14 ing regulations) of the United States of general ap-
15 plicability to Indians or nations, Indian tribes, or
16 bands of Indians (including the Act of June 18,
17 1934 (25 U.S.C. 461 et seq.)), that are not incon-
18 sistent with this title shall be applicable to the Tribe
19 and tribal members.

20 (b) **FEDERAL SERVICES AND BENEFITS.**—

21 (1) **IN GENERAL.**—On and after the date of en-
22 actment of this Act, the Tribe and tribal members
23 shall be eligible for all services and benefits provided
24 by the Federal Government to federally recognized
25 Indian tribes without regard to—

1 (A) the existence of a reservation for the
2 Tribe; or

3 (B) the location of the residence of any
4 tribal member on or near any Indian reserva-
5 tion.

6 (2) SERVICE AREA.—For the purpose of the de-
7 livery of Federal services to tribal members, the
8 service area of the Tribe shall be considered to be
9 the area comprised of the cities of Chesapeake,
10 Hampton, Newport News, Norfolk, Portsmouth, Suf-
11 folk, and Virginia Beach, Virginia.

12 **SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.**

13 The membership roll and governing documents of the
14 Tribe shall be the most recent membership roll and gov-
15 erning documents, respectively, submitted by the Tribe to
16 the Secretary before the date of enactment of this Act.

17 **SEC. 605. GOVERNING BODY.**

18 The governing body of the Tribe shall be—

19 (1) the governing body of the Tribe in place as
20 of the date of enactment of this Act; or

21 (2) any subsequent governing body elected in
22 accordance with the election procedures specified in
23 the governing documents of the Tribe.

1 **SEC. 606. RESERVATION OF THE TRIBE.**

2 (a) IN GENERAL.—On request of the Tribe, the Sec-
3 retary—

4 (1) shall take into trust for the benefit of the
5 Tribe any land held in fee by the Tribe that was ac-
6 quired by the Tribe on or before January 1, 2007;
7 and

8 (2) may take into trust for the benefit of the
9 Tribe any land held in fee by the Tribe, if the land
10 is located within the boundaries of the city of Suf-
11 folk, the city of Chesapeake, or Isle of Wight Coun-
12 ty, Virginia.

13 (b) DEADLINE FOR DETERMINATION.—The Sec-
14 retary shall—

15 (1) not later than 3 years after the date of a
16 request of the Tribe under subsection (a), make a
17 final written determination regarding the request;
18 and

19 (2) immediately make that determination avail-
20 able to the Tribe.

21 (c) RESERVATION STATUS.—On request of the Tribe,
22 any land taken into trust for the benefit of the Tribe pur-
23 suant to this section shall be considered to be a part of
24 the reservation of the Tribe.

25 (d) GAMING.—The Tribe may not conduct gaming ac-
26 tivities—

1 (1) as a matter of claimed inherent authority;

2 or

3 (2) pursuant to any Federal law, including the
4 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
5 seq.) (including any regulations promulgated pursu-
6 ant to that Act by the Secretary or the National In-
7 dian Gaming Commission).

8 **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**
9 **WATER RIGHTS.**

10 Nothing in this title expands, reduces, or affects in
11 any manner any hunting, fishing, trapping, gathering, or
12 water rights of the Tribe and members of the Tribe.

13 **SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

14 (a) **IN GENERAL.**—The Commonwealth of Virginia
15 shall exercise jurisdiction over any criminal offense com-
16 mitted, and any civil actions arising, on land located with-
17 in the Commonwealth that is owned by, or held in trust
18 by the United States for, the Tribe.

19 (b) **ACCEPTANCE OF COMMONWEALTH JURISDICTION**
20 **BY SECRETARY.**—The Secretary may accept on behalf of
21 the United States, after consultation with the Attorney
22 General of the United States, all or any portion of the
23 jurisdiction of the Commonwealth of Virginia described in
24 subsection (a) on verification by the Secretary of a certifi-

1 cation by the Tribe that the Tribe possesses the capacity
2 to reassume that jurisdiction.

3 (c) EFFECT OF SECTION.—Nothing in this section af-
4 fects the application of section 109 of the Indian Child
5 Welfare Act of 1978 (25 U.S.C. 1919).

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