

112TH CONGRESS
1ST SESSION

H. R. 783

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 HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Mr. MORAN introduced the following bill; which was referred to the Committee on Natural Resources

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 “Thomasina E. Jordan Indian Tribes of Virginia Federal
6 Recognition Act of 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Indian Child Welfare Act of 1978.

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.

TITLE VII—EMINENT DOMAIN

- Sec. 701. Limitation.

1 **SEC. 2. INDIAN CHILD WELFARE ACT OF 1978.**

2 Nothing in this Act affects the application of section
 3 109 of the Indian Child Welfare Act of 1978 (25 U.S.C.
 4 1919).

5 **TITLE I—CHICKAHOMINY** 6 **INDIAN TRIBE**

7 **SEC. 101. 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—

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

4 (B) Sir Thomas Dale agreed in return to
5 allow the Tribe to continue to practice its own
6 tribal governance;

7 (3) in 1646, a treaty was signed which forced
8 the Chickahominy from their homeland to the area
9 around the York Mattaponi River in present-day
10 King William County, leading to the formation of a
11 reservation;

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

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

18 (6) in 1711, the College of William and Mary
19 in Williamsburg established a grammar school for
20 Indians called Brafferton College;

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

23 (8) in 1750, the Chickahominy Indian Tribe
24 began to migrate from King William County back to

1 the area around the Chickahominy River in New
2 Kent and Charles City Counties;

3 (9) in 1793, a Baptist missionary named
4 Bradby took refuge with the Chickahominy and took
5 a Chickahominy woman as his wife;

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

9 (11) in 1901, the Chickahominy Indian Tribe
10 formed Samaria Baptist Church;

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

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

17 (14) in 1919, C. Lee Moore, Auditor of Public
18 Accounts for Virginia, told Chickahominy Chief
19 O.W. Adkins that he had instructed the Commis-
20 sioner of Revenue for Charles City County to record
21 Chickahominy tribal members on the county tax rolls
22 as Indian, and not as White or colored;

23 (15) during the period of 1920 through 1930,
24 various Governors of the Commonwealth of Virginia
25 wrote letters of introduction for Chickahominy

1 Chiefs who had official business with Federal agen-
2 cies in Washington, DC;

3 (16) in 1934, Chickahominy Chief O.O. Adkins
4 wrote to John Collier, Commissioner of Indian Af-
5 fairs, requesting money to acquire land for the
6 Chickahominy Indian Tribe's use, to build school,
7 medical, and library facilities and to buy tractors,
8 implements, and seed;

9 (17) in 1934, John Collier, Commissioner of In-
10 dian Affairs, wrote to Chickahominy Chief O.O.
11 Adkins, informing him that Congress had passed the
12 Act of June 18, 1934 (commonly known as the "In-
13 dian Reorganization Act") (25 U.S.C. 461 et seq.),
14 but had not made the appropriation to fund the Act;

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

20 (19) in 1943, John Collier, Commissioner of In-
21 dian Affairs, asked Douglas S. Freeman, editor of
22 the Richmond News-Leader newspaper of Richmond,
23 Virginia, to help Virginia Indians obtain proper ra-
24 cial designation on birth records;

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

6 (21) in 1948, the Veterans’ Education Com-
7 mittee of the Virginia State Board of Education ap-
8 proved Samaria Indian School to provide training to
9 veterans;

10 (22) that school was established and run by the
11 Chickahominy Indian Tribe;

12 (23) in 1950, the Chickahominy Indian Tribe
13 purchased and donated to the Charles City County
14 School Board land to be used to build a modern
15 school for students of the Chickahominy and other
16 Virginia Indian tribes;

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

19 (25) in 1961, Senator Sam Ervin, Chairman of
20 the Subcommittee on Constitutional Rights of the
21 Committee on the Judiciary of the Senate, requested
22 Chickahominy Chief O.O. Adkins to provide assist-
23 ance in analyzing the status of the constitutional
24 rights of Indians “in your area”;

1 (26) in 1967, the Charles City County school
2 board closed Samaria Indian School and converted
3 the school to a countywide primary school as a step
4 toward full school integration of Indian and non-In-
5 dian students;

6 (27) in 1972, the Charles City County school
7 board began receiving funds under the Indian Self-
8 Determination and Education Assistance Act (25
9 U.S.C. 458aa et seq.) on behalf of Chickahominy
10 students, which funding is provided as of the date
11 of enactment of this Act under title V of the Indian
12 Self-Determination and Education Assistance Act
13 (25 U.S.C. 458aaa et seq.);

14 (28) in 1974, the Chickahominy Indian Tribe
15 bought land and built a tribal center using monthly
16 pledges from tribal members to finance the trans-
17 actions;

18 (29) in 1983, the Chickahominy Indian Tribe
19 was granted recognition as an Indian tribe by the
20 Commonwealth of Virginia, along with 5 other In-
21 dian tribes; and

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

1 **SEC. 102. 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.—The term “Tribe” means the
14 Chickahominy Indian Tribe.

15 **SEC. 103. FEDERAL RECOGNITION.**

16 (a) FEDERAL RECOGNITION.—

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

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

26 (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 services and benefits provided
4 by the Federal Government to federally recognized
5 Indian tribes without regard to the existence of a
6 reservation for the Tribe.

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

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

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

18 **SEC. 105. GOVERNING BODY.**

19 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—Upon the request of the Tribe, the
3 Secretary of the Interior—

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 if such lands are located within the boundaries of
8 New Kent County, James City County, Charles City
9 County, or Henrico County, Virginia; and

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

15 (b) DEADLINE FOR DETERMINATION.—The Sec-
16 retary shall make a final written determination not later
17 than three years of the date which the Tribe submits a
18 request for land to be taken into trust under subsection
19 (a)(2) and shall immediately make that determination
20 available to the Tribe.

21 (c) RESERVATION STATUS.—Any land taken into
22 trust for the benefit of the Tribe pursuant to this para-
23 graph shall, upon request of the Tribe, be considered part
24 of the reservation of the Tribe.

25 (d) GAMING.—The Tribe may not conduct gaming ac-
26 tivities as a matter of claimed inherent authority or under

1 the authority of any Federal law, including the Indian
2 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
3 any regulations thereunder promulgated by the Secretary
4 or the National Indian Gaming Commission.

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

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

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

11 (a) IN GENERAL.—The Commonwealth of Virginia
12 shall exercise jurisdiction over—

13 (1) all criminal offenses that are committed on;

14 and

15 (2) all civil actions that arise on,

16 lands located within the Commonwealth of Virginia that
17 are owned by, or held in trust by the United States for,
18 the Tribe.

19 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
20 RETARY.—The Secretary of the Interior is authorized to
21 accept on behalf of the United States, after consulting
22 with the Attorney General of the United States, all or any
23 portion of the jurisdiction of the Commonwealth of Vir-
24 ginia described in subsection (a) upon verification by the

1 Secretary of a certification by a tribe that it possesses the
2 capacity to reassume such jurisdiction.

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

6 **SEC. 201. FINDINGS.**

7 Congress finds that—

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

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

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

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

21 (3) in 1646, a treaty was signed which forced
22 the Chickahominy from their homeland to the area
23 around the York River in present-day King William
24 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 the existence
6 of a reservation for the Tribe.

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

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

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

18 **SEC. 205. GOVERNING BODY.**

19 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—Upon the request of the Tribe, the
3 Secretary of the Interior—

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 if such lands are located within the boundaries of
8 New Kent County, James City County, Charles City
9 County, or Henrico County, Virginia; and

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

15 (b) DEADLINE FOR DETERMINATION.—The Sec-
16 retary shall make a final written determination not later
17 than three years of the date which the Tribe submits a
18 request for land to be taken into trust under subsection
19 (a)(2) and shall immediately make that determination
20 available to the Tribe.

21 (c) RESERVATION STATUS.—Any land taken into
22 trust for the benefit of the Tribe pursuant to this para-
23 graph shall, upon request of the Tribe, be considered part
24 of the reservation of the Tribe.

25 (d) GAMING.—The Tribe may not conduct gaming ac-
26 tivities as a matter of claimed inherent authority or under

1 the authority of any Federal law, including the Indian
2 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
3 any regulations thereunder promulgated by the Secretary
4 or the National Indian Gaming Commission.

5 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
6 **WATER RIGHTS.**

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

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

11 (a) IN GENERAL.—The Commonwealth of Virginia
12 shall exercise jurisdiction over—

13 (1) all criminal offenses that are committed on;

14 and

15 (2) all civil actions that arise on,

16 lands located within the Commonwealth of Virginia that
17 are owned by, or held in trust by the United States for,
18 the Tribe.

19 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
20 RETARY.—The Secretary of the Interior is authorized to
21 accept on behalf of the United States, after consulting
22 with the Attorney General of the United States, all or any
23 portion of the jurisdiction of the Commonwealth of Vir-
24 ginia described in subsection (a) upon verification by the

1 Secretary of a certification by a tribe that it possesses the
2 capacity to reassume such jurisdiction.

3 **TITLE III—UPPER MATTAPONI**
4 **TRIBE**

5 **SEC. 301. FINDINGS.**

6 Congress finds that—

7 (1) during the period of 1607 through 1646,
8 the Chickahominy Indian Tribes—

9 (A) lived approximately 20 miles from
10 Jamestown; and

11 (B) were significantly involved in English-
12 Indian affairs;

13 (2) Mattaponi Indians, who later joined the
14 Chickahominy Indians, lived a greater distance from
15 Jamestown;

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

18 (4) in 1661, the Chickahominy Indians sold
19 land at a place known as “the cliffs” on the
20 Mattaponi River;

21 (5) in 1669, the Chickahominy Indians—

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

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

1 (6) in 1677, the Chickahominy and Mattaponi
2 Indians were subjects of the Queen of Pamunkey,
3 who was a signatory to the Treaty of 1677 with the
4 King of England;

5 (7) in 1683, after a Mattaponi town was at-
6 tacked by Seneca Indians, the Mattaponi Indians
7 took refuge with the Chickahominy Indians, and the
8 history of the 2 groups was intertwined for many
9 years thereafter;

10 (8) in 1695, the Chickahominy and Mattaponi
11 Indians—

12 (A) were assigned a reservation by the Vir-
13 ginia Colony; and

14 (B) traded land of the reservation for land
15 at the place known as “the cliffs” (which, as of
16 the date of enactment of this Act, is the
17 Mattaponi Indian Reservation), which had been
18 owned by the Mattaponi Indians before 1661;

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

21 (10) in 1726, the Virginia Colony discontinued
22 funding of interpreters for the Chickahominy and
23 Mattaponi Indian Tribes;

24 (11) James Adams, who served as an inter-
25 preter to the Indian tribes known as of the date of

1 enactment of this Act as the “Upper Mattaponi In-
2 dian Tribe” and “Chickahominy Indian Tribe”,
3 elected to stay with the Upper Mattaponi Indians;

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

6 (13) in 1787, Thomas Jefferson, in Notes on
7 the Commonwealth of Virginia, mentioned the
8 Mattaponi Indians on a reservation in King William
9 County and said that Chickahominy Indians were
10 “blended” with the Mattaponi Indians and nearby
11 Pamunkey Indians;

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

17 (15) during the period of 1853 through 1884,
18 King William County marriage records listed Upper
19 Mattaponis as “Indians” in marrying people residing
20 on the reservation;

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

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

4 (18) in 1928, University of Pennsylvania an-
5 thropologist Frank Speck published a book on mod-
6 ern Virginia Indians with a section on the Upper
7 Mattaponis;

8 (19) from 1929 until 1930, the leadership of
9 the Upper Mattaponi Indians opposed the use of a
10 “colored” designation in the 1930 United States
11 census and won a compromise in which the Indian
12 ancestry of the Upper Mattaponis was recorded but
13 questioned;

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

15 (A) the leadership of the Upper Mattaponi
16 Indians, with the help of Frank Speck and oth-
17 ers, fought against the induction of young men
18 of the Tribe into “colored” units in the Armed
19 Forces of the United States; and

20 (B) a tribal roll for the Upper Mattaponi
21 Indians was compiled;

22 (21) from 1945 to 1946, negotiations took
23 place to admit some of the young people of the
24 Upper Mattaponi to high schools for Federal Indians
25 (especially at Cherokee) because no high school

1 coursework was available for Indians in Virginia
2 schools; and

3 (22) in 1983, the Upper Mattaponi Indians ap-
4 plied for and won State recognition as an Indian
5 tribe.

6 **SEC. 302. DEFINITIONS.**

7 In this title:

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

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

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

15 (B) an individual who has been placed on
16 the membership rolls of the Tribe in accordance
17 with this title.

18 (3) TRIBE.—The term “Tribe” means the
19 Upper Mattaponi Tribe.

20 **SEC. 303. FEDERAL RECOGNITION.**

21 (a) FEDERAL RECOGNITION.—

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

24 (2) APPLICABILITY OF LAWS.—All laws (includ-
25 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 the existence of a
12 reservation for the Tribe.

13 (2) SERVICE AREA.—For the purpose of the de-
14 livery of Federal services to tribal members, the
15 service area of the Tribe shall be considered to be
16 the area within 25 miles of the Sharon Indian
17 School at 13383 King William Road, King William
18 County, Virginia.

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

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

24 **SEC. 305. GOVERNING BODY.**

25 The governing body of the Tribe shall be—

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

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

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

7 (a) IN GENERAL.—Upon the request of the Tribe, the
8 Secretary of the Interior—

9 (1) shall take into trust for the benefit of the
10 Tribe any land held in fee by the Tribe that was ac-
11 quired by the Tribe on or before January 1, 2007,
12 if such lands are located within the boundaries of
13 King William County, Caroline County, Hanover
14 County, King and Queen County, and New Kent
15 County, Virginia; and

16 (2) may take into trust for the benefit of the
17 Tribe any land held in fee by the Tribe, if such
18 lands are located within the boundaries of King Wil-
19 liam County, Caroline County, Hanover County,
20 King and Queen County, and New Kent County,
21 Virginia.

22 (b) DEADLINE FOR DETERMINATION.—The Sec-
23 retary shall make a final written determination not later
24 than three years of the date which the Tribe submits a
25 request for land to be taken into trust under subsection

1 (a)(2) and shall immediately make that determination
2 available to the Tribe.

3 (c) RESERVATION STATUS.—Any land taken into
4 trust for the benefit of the Tribe pursuant to this para-
5 graph shall, upon request of the Tribe, be considered part
6 of the reservation of the Tribe.

7 (d) GAMING.—The Tribe may not conduct gaming ac-
8 tivities as a matter of claimed inherent authority or under
9 the authority of any Federal law, including the Indian
10 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
11 any regulations thereunder promulgated by the Secretary
12 or the National Indian Gaming Commission.

13 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
14 **WATER RIGHTS.**

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

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

19 (a) IN GENERAL.—The Commonwealth of Virginia
20 shall exercise jurisdiction over—

21 (1) all criminal offenses that are committed on;

22 and

23 (2) all civil actions that arise on,

1 lands located within the Commonwealth of Virginia that
2 are owned by, or held in trust by the United States for,
3 the Tribe.

4 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
5 RETARY.—The Secretary of the Interior is authorized to
6 accept on behalf of the United States, after consulting
7 with the Attorney General of the United States, all or any
8 portion of the jurisdiction of the Commonwealth of Vir-
9 ginia described in subsection (a) upon verification by the
10 Secretary of a certification by a tribe that it possesses the
11 capacity to reassume such jurisdiction.

12 **TITLE IV—RAPPAHANNOCK**
13 **TRIBE, INC.**

14 **SEC. 401. FINDINGS.**

15 Congress finds that—

16 (1) during the initial months after Virginia was
17 settled, the Rappahannock Indians had 3 encounters
18 with Captain John Smith;

19 (2) the first encounter occurred when the Rap-
20 pahannock weroance (headman)—

21 (A) traveled to Quiyocohannock (a prin-
22 cipal town across the James River from James-
23 town), where he met with Smith to determine
24 whether Smith had been the “great man” who
25 had previously sailed into the Rappahannock

1 River, killed a Rappahannock weroance, and
2 kidnapped Rappahannock people; and

3 (B) determined that Smith was too short
4 to be that “great man”;

5 (3) on a second meeting, during John Smith’s
6 captivity (December 16, 1607 to January 8, 1608),
7 Smith was taken to the Rappahannock principal vil-
8 lage to show the people that Smith was not the
9 “great man”;

10 (4) a third meeting took place during Smith’s
11 exploration of the Chesapeake Bay (July to Sep-
12 tember 1608), when, after the Moraughtacund Indi-
13 ans had stolen 3 women from the Rappahannock
14 King, Smith was prevailed upon to facilitate a peace-
15 ful truce between the Rappahannock and the
16 Moraughtacund Indians;

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

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

22 (7) the Moraughtacund King was given second
23 choice among the 2 remaining women, and Mosco, a
24 Wighecomoco (on the Potomac River) guide, was
25 given the third woman;

1 (8) in 1645, Captain William Claiborne tried
2 unsuccessfully to establish treaty relations with the
3 Rappahannocks, as the Rappahannocks had not par-
4 ticipated in the Pamunkey-led uprising in 1644, and
5 the English wanted to “treat with the
6 Rappahannocks or any other Indians not in amity
7 with Opechancanough, concerning serving the county
8 against the Pamunkeys”;

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

12 (10) the deed for the conveyance was signed by
13 Accopatough, weroance of the Rappahannock Indi-
14 ans;

15 (11) in September 1653, Lancaster County
16 signed a treaty with Rappahannock Indians, the
17 terms of which treaty—

18 (A) gave Rappahannocks the rights of
19 Englishmen in the county court; and

20 (B) attempted to make the Rappahannocks
21 more accountable under English law;

22 (12) in September 1653, Lancaster County de-
23 fined and marked the bounds of its Indian settle-
24 ments;

1 (13) according to the Lancaster clerk of court,
2 “the tribe called the great Rappahannocks lived on
3 the Rappahannock Creek just across the river above
4 Tappahannock”;

5 (14) in September 1656, (Old) Rappahannock
6 County (which, as of the date of enactment of this
7 Act, is comprised of Richmond and Essex Counties,
8 Virginia) signed a treaty with Rappahannock Indi-
9 ans that—

10 (A) mirrored the Lancaster County treaty
11 from 1653; and

12 (B) stated that—

13 (i) Rappahannocks were to be re-
14 warded, in Roanoke, for returning English
15 fugitives; and

16 (ii) the English encouraged the
17 Rappahannocks to send their children to
18 live among the English as servants, who
19 the English promised would be well-treat-
20 ed;

21 (15) in 1658, the Virginia Assembly revised a
22 1652 Act stating that “there be no grants of land
23 to any Englishman whatsoever de futuro until the
24 Indians be first served with the proportion of 50
25 acres of land for each bowman”;

1 (16) in 1669, the colony conducted a census of
2 Virginia Indians;

3 (17) as of the date of that census—

4 (A) the majority of the Rappahannocks
5 were residing at their hunting village on the
6 north side of the Mattaponi River; and

7 (B) at the time of the visit, census-takers
8 were counting only the Indian tribes along the
9 rivers, which explains why only 30 Rappahan-
10 nock bowmen were counted on that river;

11 (18) the Rappahannocks used the hunting vil-
12 lage on the north side of the Mattaponi River as
13 their primary residence until the Rappahannocks
14 were removed in 1684;

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

17 (20) the Pamunkey Queen Cockacoeske signed
18 on behalf of the Rappahannocks, “who were sup-
19 posed to be her tributaries”, but before the treaty
20 could be ratified, the Queen of Pamunkey com-
21 plained to the Virginia Colonial Council “that she
22 was having trouble with Rappahannocks and
23 Chickahominies, supposedly tributaries of hers”;

24 (21) in November 1682, the Virginia Colonial
25 Council established a reservation for the Rappahan-

1 nock Indians of 3,474 acres “about the town where
2 they dwelt”;

3 (22) the Rappahannock “town” was the hunt-
4 ing village on the north side of the Mattaponi River,
5 where the Rappahannocks had lived throughout the
6 1670s;

7 (23) the acreage allotment of the reservation
8 was based on the 1658 Indian land act, which trans-
9 lates into a bowman population of 70, or an approxi-
10 mate total Rappahannock population of 350;

11 (24) in 1683, following raids by Iroquoian war-
12 riors on both Indian and English settlements, the
13 Virginia Colonial Council ordered the Rappahan-
14 nocks to leave their reservation and unite with the
15 Nanzatico Indians at Nanzatico Indian Town, which
16 was located across and up the Rappahannock River
17 some 30 miles;

18 (25) between 1687 and 1699, the Rappahan-
19 nocks migrated out of Nanzatico, returning to the
20 south side of the Rappahannock River at Portobacco
21 Indian Town;

22 (26) in 1706, by order of Essex County, Lieu-
23 tenant Richard Covington “escorted” the Portobae-
24 cos and Rappahannocks out of Portobacco Indian
25 Town, out of Essex County, and into King and

1 Queen County where they settled along the ridgeline
2 between the Rappahannock and Mattaponi Rivers,
3 the site of their ancient hunting village and 1682
4 reservation;

5 (27) during the 1760s, 3 Rappahannock girls
6 were raised on Thomas Nelson's Bleak Hill Planta-
7 tion in King William County;

8 (28) of those girls—

9 (A) 1 married a Saunders man;

10 (B) 1 married a Johnson man; and

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

13 (29) in the 19th century, those Saunders, John-
14 son, and Nelson families are among the core Rappa-
15 hannock families from which the modern Tribe
16 traces its descent;

17 (30) in 1819 and 1820, Edward Bird, John
18 Bird (and his wife), Carter Nelson, Edmund Nelson,
19 and Carter Spurlock (all Rappahannock ancestors)
20 were listed on the tax roles of King and Queen
21 County and taxed at the county poor rate;

22 (31) Edmund Bird was added to the tax roles
23 in 1821;

24 (32) those tax records are significant docu-
25 mentation because the great majority of pre-1864

1 records for King and Queen County were destroyed
2 by fire;

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

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

8 (35) while 26 identifiable and traceable Rappa-
9 hannock surnames appear on the pre-1863 member-
10 ship list, and 28 were listed on the 1863 member-
11 ship roster, the number of surnames listed had de-
12 clined to 12 in 1878 and had risen only slightly to
13 14 by 1888;

14 (36) a reason for the decline is that in 1870,
15 a Methodist circuit rider, Joseph Mastin, secured
16 funds to purchase land and construct St. Stephens
17 Baptist Church for the Rappahannocks living nearby
18 in Caroline County;

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

22 (38) St. Stephens was the dominant tribal
23 church until the Rappahannock Indian Baptist
24 Church was established in 1964;

1 (39) at both churches, the core Rappahannock
2 family names of Bird, Clarke, Fortune, Johnson,
3 Nelson, Parker, and Richardson predominate;

4 (40) during the early 1900s, James Mooney,
5 noted anthropologist, maintained correspondence
6 with the Rappahannocks, surveying them and in-
7 structing them on how to formalize their tribal gov-
8 ernment;

9 (41) in November 1920, Speck visited the
10 Rappahannocks and assisted them in organizing the
11 fight for their sovereign rights;

12 (42) in 1921, the Rappahannocks were granted
13 a charter from the Commonwealth of Virginia for-
14 malizing their tribal government;

15 (43) Speck began a professional relationship
16 with the Tribe that would last more than 30 years
17 and document Rappahannock history and traditions
18 as never before;

19 (44) in April 1921, Rappahannock Chief
20 George Nelson asked the Governor of Virginia,
21 Westmoreland Davis, to forward a proclamation to
22 the President of the United States, along with an
23 appended list of tribal members and a handwritten
24 copy of the proclamation itself;

1 (45) the letter concerned Indian freedom of
2 speech and assembly nationwide;

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

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

8 (48) in December 1923, Rappahannock Chief
9 George Nelson testified before Congress appealing
10 for a \$50,000 appropriation to establish an Indian
11 school in Virginia;

12 (49) in 1930, the Rappahannocks were engaged
13 in an ongoing dispute with the Commonwealth of
14 Virginia and the United States Census Bureau
15 about their classification in the 1930 Federal cen-
16 sus;

17 (50) in January 1930, Rappahannock Chief
18 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-
19 istician of the United States Census Bureau, asking
20 that the 218 enrolled Rappahannocks be listed as
21 Indians;

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

1 (52) in April 1930, Nelson wrote to William M.
2 Steuart at the Census Bureau asking about the enu-
3 merators' failure to classify his people as Indians,
4 saying that enumerators had not asked the question
5 about race when they interviewed his people;

6 (53) in a followup letter to Truesdell, Nelson
7 reported that the enumerators were "flatly denying"
8 his people's request to be listed as Indians and that
9 the race question was completely avoided during
10 interviews;

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

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

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

21 (57) the Virginia Vital Statistics Bureau
22 classed all nonreservation Indians as "Negro", and
23 it failed to see why "an exception should be made"
24 for the Rappahannocks;

1 (58) therefore, in 1925, the Indian Rights As-
2 sociation took on the Rappahannock case to assist
3 the Rappahannocks in fighting for their recognition
4 and rights as an Indian tribe;

5 (59) during the Second World War, the
6 Pamunkeys, Mattaponis, Chickahominies, and Rap-
7 pahannocks had to fight the draft boards with re-
8 spect to their racial identities;

9 (60) the Virginia Vital Statistics Bureau in-
10 sisted that certain Indian draftees be inducted into
11 Negro units;

12 (61) finally, 3 Rappahannocks were convicted of
13 violating the Federal draft laws and, after spending
14 time in a Federal prison, were granted conscientious
15 objector status and served out the remainder of the
16 war working in military hospitals;

17 (62) in 1943, Frank Speck noted that there
18 were approximately 25 communities of Indians left
19 in the Eastern United States that were entitled to
20 Indian classification, including the Rappahannocks;

21 (63) in the 1940s, Leon Truesdell, Chief Stat-
22 istician, of the United States Census Bureau, listed
23 118 members in the Rappahannock Tribe in the In-
24 dian population of Virginia;

1 (64) on April 25, 1940, the Office of Indian Af-
2 fairs of the Department of the Interior included the
3 Rappahannocks on a list of Indian tribes classified
4 by State and by agency;

5 (65) in 1948, the Smithsonian Institution An-
6 nual Report included an article by William Harlen
7 Gilbert entitled, “Surviving Indian Groups of the
8 Eastern United States”, which included and de-
9 scribed the Rappahannock Tribe;

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

12 (67) the State agreed to pay a tribal teacher to
13 teach 10 students bused by King and Queen County
14 to Sharon Indian School in King William County,
15 Virginia;

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

19 (69) in 1972, the Rappahannocks worked with
20 the Coalition of Eastern Native Americans to fight
21 for Federal recognition;

22 (70) in 1979, the Coalition established a pot-
23 tery and artisans company, operating with other Vir-
24 ginia tribes;

1 (71) in 1980, the Rappahannocks received
2 funding through the Administration for Native
3 Americans of the Department of Health and Human
4 Services to develop an economic program for the
5 Tribe; and

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

8 **SEC. 402. DEFINITIONS.**

9 In this title:

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

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

14 (A) an individual who is an enrolled mem-
15 ber of the Tribe as of the date of enactment of
16 this Act; and

17 (B) an individual who has been placed on
18 the membership rolls of the Tribe in accordance
19 with this title.

20 (3) TRIBE.—

21 (A) IN GENERAL.—The term “Tribe”
22 means the organization possessing the legal
23 name Rappahannock Tribe, Inc.

24 (B) EXCLUSIONS.—The term “Tribe” does
25 not include any other Indian tribe, subtribe,

1 band, or splinter group the members of which
2 represent themselves as Rappahannock Indians.

3 **SEC. 403. 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 the existence of a
20 reservation for the Tribe.

21 (2) SERVICE AREA.—For the purpose of the de-
22 livery of Federal services to tribal members, the
23 service area of the Tribe shall be considered to be
24 the area comprised of King and Queen County,

1 Caroline County, Essex County, and King William
2 County, Virginia.

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

4 The membership roll and governing documents of the
5 Tribe shall be the most recent membership roll and gov-
6 erning documents, respectively, submitted by the Tribe to
7 the Secretary before the date of enactment of this Act.

8 **SEC. 405. GOVERNING BODY.**

9 The governing body of the Tribe shall be—

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

12 (2) any subsequent governing body elected in
13 accordance with the election procedures specified in
14 the governing documents of the Tribe.

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

16 (a) IN GENERAL.—Upon the request of the Tribe, the
17 Secretary of the Interior—

18 (1) shall take into trust for the benefit of the
19 Tribe any land held in fee by the Tribe that was ac-
20 quired by the Tribe on or before January 1, 2007,
21 if such lands are located within the boundaries of
22 King and Queen County, Stafford County, Spotsyl-
23 vania County, Richmond County, Essex County, and
24 Caroline County, Virginia; and

1 (2) may take into trust for the benefit of the
2 Tribe any land held in fee by the Tribe, if such
3 lands are located within the boundaries of King and
4 Queen County, Richmond County, Lancaster Coun-
5 ty, King George County, Essex County, Caroline
6 County, New Kent County, King William County,
7 and James City County, Virginia.

8 (b) DEADLINE FOR DETERMINATION.—The Sec-
9 retary shall make a final written determination not later
10 than three years of the date which the Tribe submits a
11 request for land to be taken into trust under subsection
12 (a)(2) and shall immediately make that determination
13 available to the Tribe.

14 (c) RESERVATION STATUS.—Any land taken into
15 trust for the benefit of the Tribe pursuant to this para-
16 graph shall, upon request of the Tribe, be considered part
17 of the reservation of the Tribe.

18 (d) GAMING.—The Tribe may not conduct gaming ac-
19 tivities as a matter of claimed inherent authority or under
20 the authority of any Federal law, including the Indian
21 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
22 any regulations thereunder promulgated by the Secretary
23 or the National Indian Gaming Commission.

1 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

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

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

7 (a) IN GENERAL.—The Commonwealth of Virginia
8 shall exercise jurisdiction over—

9 (1) all criminal offenses that are committed on;

10 and

11 (2) all civil actions that arise on,

12 lands located within the Commonwealth of Virginia that
13 are owned by, or held in trust by the United States for,
14 the Tribe.

15 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
16 RETARY.—The Secretary of the Interior is authorized to
17 accept on behalf of the United States, after consulting
18 with the Attorney General of the United States, all or any
19 portion of the jurisdiction of the Commonwealth of Vir-
20 ginia described in subsection (a) upon verification by the
21 Secretary of a certification by a tribe that it possesses the
22 capacity to reassume such jurisdiction.

23 **TITLE V—MONACAN INDIAN**
24 **NATION**

25 **SEC. 501. FINDINGS.**

26 Congress finds that—

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

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

7 (3) specifically mentioned in the negotiations
8 were the Monacan tribes of the Totero (Tutelo),
9 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
10 Meipontskys;

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

15 (5) in 1782, tax records also began for those
16 families;

17 (6) in 1850, the United States census recorded
18 29 families, mostly large, with Monacan surnames,
19 the members of which are genealogically related to
20 the present community;

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

23 (8) in 1908, the structure became an Episcopal
24 Mission and, as of the date of enactment of this Act,

1 the structure is listed as a landmark on the National
2 Register of Historic Places;

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

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

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

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

19 (13) that letter was forwarded to the Depart-
20 ment of the Interior, Office of Indian Affairs, Chi-
21 cago, Illinois;

22 (14) Chief Jarrett Blythe of the Eastern Band
23 of Cherokee did visit the Mission and wrote that he
24 “would be willing to accept these children in the
25 Cherokee school”;

1 (15) in 1979, a Federal Coalition of Eastern
2 Native Americans established the entity known as
3 “Monacan Co-operative Pottery” at the Amherst
4 Mission;

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

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

14 (18) in 1989, the Monacan Tribe was recog-
15 nized by the Commonwealth of Virginia, which en-
16 abled the Tribe to apply for grants and participate
17 in other programs; and

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

21 **SEC. 502. DEFINITIONS.**

22 In this title:

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

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

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

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

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

11 **SEC. 503. FEDERAL RECOGNITION.**

12 (a) FEDERAL RECOGNITION.—

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

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

22 (b) FEDERAL SERVICES AND BENEFITS.—

23 (1) IN GENERAL.—On and after the date of en-
24 actment of this Act, the Tribe and tribal members
25 shall be eligible for all services and benefits provided

1 by the Federal Government to federally recognized
2 Indian tribes without regard to the existence of a
3 reservation for the Tribe.

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.—Upon the request of the Tribe, the
23 Secretary of the Interior—

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 such lands are located within the boundaries of
3 Amherst County, Virginia; and

4 (2) may take into trust for the benefit of the
5 Tribe any land held in fee by the Tribe, if such
6 lands are located within the boundaries of Amherst
7 County, Virginia, and those parcels in Rockbridge
8 County, Virginia (subject to the consent of the local
9 unit of government), owned by Mr. J. Poole, de-
10 scribed as East 731 Sandbridge (encompassing ap-
11 proximately 4.74 acres) and East 731 (encom-
12 passing approximately 5.12 acres).

13 (b) DEADLINE FOR DETERMINATION.—The Sec-
14 retary shall make a final written determination not later
15 than three years of the date which the Tribe submits a
16 request for land to be taken into trust under subsection
17 (a)(2) and shall immediately make that determination
18 available to the Tribe.

19 (c) RESERVATION STATUS.—Any land taken into
20 trust for the benefit of the Tribe pursuant to this para-
21 graph shall, upon request of the Tribe, be considered part
22 of the reservation of the Tribe.

23 (d) GAMING.—The Tribe may not conduct gaming ac-
24 tivities as a matter of claimed inherent authority or under
25 the authority of any Federal law, including the Indian

1 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
2 any regulations thereunder promulgated by the Secretary
3 or the National Indian Gaming Commission.

4 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
5 **WATER RIGHTS.**

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

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

10 (a) IN GENERAL.—The Commonwealth of Virginia
11 shall exercise jurisdiction over—

12 (1) all criminal offenses that are committed on;

13 and

14 (2) all civil actions that arise on,

15 lands located within the Commonwealth of Virginia that
16 are owned by, or held in trust by the United States for,
17 the Tribe.

18 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
19 RETARY.—The Secretary of the Interior is authorized to
20 accept on behalf of the United States, after consulting
21 with the Attorney General of the United States, all or any
22 portion of the jurisdiction of the Commonwealth of Vir-
23 ginia described in subsection (a) upon verification by the
24 Secretary of a certification by a tribe that it possesses the
25 capacity to reassume such jurisdiction.

1 **TITLE VI—NANSEMOND INDIAN**
2 **TRIBE**

3 **SEC. 601. FINDINGS.**

4 Congress finds that—

5 (1) from 1607 until 1646, Nansemond Indi-
6 ans—

7 (A) lived approximately 30 miles from
8 Jamestown; and

9 (B) were significantly involved in English-
10 Indian affairs;

11 (2) after 1646, there were 2 sections of
12 Nansemonds in communication with each other, the
13 Christianized Nansemonds in Norfolk County, who
14 lived as citizens, and the traditionalist Nansemonds,
15 who lived further west;

16 (3) in 1638, according to an entry in a 17th
17 century sermon book still owned by the Chief's fam-
18 ily, a Norfolk County Englishman married a Nanse-
19 mond woman;

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

1 (5) in 1669, the 2 Nansemond sections ap-
2 peared in Virginia Colony’s census of Indian bow-
3 men;

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

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

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

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

15 (10) in 1727, Norfolk County granted William
16 Bass and his kinsmen the “Indian privileges” of
17 clearing swamp land and bearing arms (which privi-
18 leges were forbidden to other non-Whites) because of
19 their Nansemond ancestry, which meant that Bass
20 and his kinsmen were original inhabitants of that
21 land;

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

24 (12) from the 1740s to the 1790s, the tradi-
25 tionalist section of the Nansemond tribe, 40 miles

1 west of the Christianized Nansemonds, was dealing
2 with reservation land;

3 (13) the last surviving members of that section
4 sold out in 1792 with the permission of the Com-
5 monwealth of Virginia;

6 (14) in 1797, Norfolk County issued a certifi-
7 cate stating that William Bass was of Indian and
8 English descent, and that his Indian line of ancestry
9 ran directly back to the early 18th century elder in
10 a traditionalist section of Nansemonds on the res-
11 ervation;

12 (15) in 1833, Virginia enacted a law enabling
13 people of European and Indian descent to obtain a
14 special certificate of ancestry;

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

19 (17) a Methodist mission established around
20 1850 for Nansemonds is currently a standard Meth-
21 odist congregation with Nansemond members;

22 (18) in 1901, Smithsonian anthropologist
23 James Mooney—

24 (A) visited the Nansemonds; and

1 (B) completed a tribal census that counted
2 61 households and was later published;

3 (19) in 1922, Nansemonds were given a special
4 Indian school in the segregated school system of
5 Norfolk County;

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

7 (21) in 1928, University of Pennsylvania an-
8 thropologist Frank Speck published a book on mod-
9 ern Virginia Indians that included a section on the
10 Nansemonds; and

11 (22) the Nansemonds were organized formally,
12 with elected officers, in 1984, and later applied for
13 and received State recognition.

14 **SEC. 602. 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 Nansemond Indian Tribe.

3 **SEC. 603. 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 the existence of a
20 reservation for the Tribe.

21 (2) **SERVICE AREA.**—For the purpose of the de-
22 livery of Federal services to tribal members, the
23 service area of the Tribe shall be considered to be
24 the area comprised of the cities of Chesapeake,

1 Hampton, Newport News, Norfolk, Portsmouth, Suf-
2 folk, and Virginia Beach, Virginia.

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

4 The membership roll and governing documents of the
5 Tribe shall be the most recent membership roll and gov-
6 erning documents, respectively, submitted by the Tribe to
7 the Secretary before the date of enactment of this Act.

8 **SEC. 605. GOVERNING BODY.**

9 The governing body of the Tribe shall be—

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

12 (2) any subsequent governing body elected in
13 accordance with the election procedures specified in
14 the governing documents of the Tribe.

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

16 (a) IN GENERAL.—Upon the request of the Tribe, the
17 Secretary of the Interior—

18 (1) shall take into trust for the benefit of the
19 Tribe any land held in fee by the Tribe that was ac-
20 quired by the Tribe on or before January 1, 2007,
21 if such lands are located within the boundaries of
22 the city of Suffolk, the city of Chesapeake, or Isle
23 of Wight County, Virginia; and

24 (2) may take into trust for the benefit of the
25 Tribe any land held in fee by the Tribe, if such

1 lands are located within the boundaries of the city
2 of Suffolk, the city of Chesapeake, or Isle of Wight
3 County, Virginia.

4 (b) DEADLINE FOR DETERMINATION.—The Sec-
5 retary shall make a final written determination not later
6 than three years of the date which the Tribe submits a
7 request for land to be taken into trust under subsection
8 (a)(2) and shall immediately make that determination
9 available to the Tribe.

10 (c) RESERVATION STATUS.—Any land taken into
11 trust for the benefit of the Tribe pursuant to this para-
12 graph shall, upon request of the Tribe, be considered part
13 of the reservation of the Tribe.

14 (d) GAMING.—The Tribe may not conduct gaming ac-
15 tivities as a matter of claimed inherent authority or under
16 the authority of any Federal law, including the Indian
17 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
18 any regulations thereunder promulgated by the Secretary
19 or the National Indian Gaming Commission.

20 **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**
21 **WATER RIGHTS.**

22 Nothing in this title expands, reduces, or affects in
23 any manner any hunting, fishing, trapping, gathering, or
24 water rights of the Tribe and members of the Tribe.

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

2 (a) IN GENERAL.—The Commonwealth of Virginia
3 shall exercise jurisdiction over—

4 (1) all criminal offenses that are committed on;

5 and

6 (2) all civil actions that arise on,

7 lands located within the Commonwealth of Virginia that

8 are owned by, or held in trust by the United States for,

9 the Tribe.

10 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-

11 RETARY.—The Secretary of the Interior is authorized to

12 accept on behalf of the United States, after consulting

13 with the Attorney General of the United States, all or any

14 portion of the jurisdiction of the Commonwealth of Vir-

15 ginia described in subsection (a) upon verification by the

16 Secretary of a certification by a tribe that it possesses the

17 capacity to reassume such jurisdiction.

18 **TITLE VII—EMINENT DOMAIN**

19 **SEC. 701. LIMITATION.**

20 Eminent domain may not be used to acquire lands

21 in fee or in trust for an Indian tribe recognized under this

22 Act.

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