

106TH CONGRESS  
2D SESSION

# H. R. 5073

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

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

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## A BILL

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

4 This Act may be cited as the “Thomasina E. Jordan  
5 Indian Tribes of Virginia Federal Recognition Act of  
6 2000”.

# TITLE I—CHICKAHOMINY INDIAN TRIBE

## SEC. 101. FINDINGS.

Congress makes the following findings:

(1) In 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes who received them.

(2) In 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, agreeing to provide 2 bushels of corn per man and send warriors to protect the English. Sir Thomas Dale agreed in return to allow the tribe to continue to practice their own tribal governance.

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

(4) In 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy.

(5) In 1702, the Chickahominy were pushed off their reservation, which caused the loss of a land base.

1           (6) In 1723, the College of William and Mary  
2           in Williamsburg established a grammar school for  
3           Indians called Brafferton College. A Chickahominy  
4           child was one of the first Indians to attend.

5           (7) In 1750, the Chickahominy Indian Tribe  
6           started to migrate from King William County back  
7           to the area around the Chickahominy River in New  
8           Kent and Charles City Counties.

9           (8) In 1793, a Baptist missionary named  
10          Bradby took refuge with the Chickahominy and took  
11          a Chickahominy woman as his wife.

12          (9) In 1831, the names of the ancestors of the  
13          modern-day Chickahominy Indian Tribe began to  
14          appear in the Charles City County census records.

15          (10) In 1901, the Chickahominy Indian Tribe  
16          formed Samaria Baptist Church.

17          (11) From 1901 to 1935, Chickahominy men  
18          were assessed a tribal tax so that their children  
19          could receive an education. The Tribe used the pro-  
20          ceeds from this tax to build the first Samaria Indian  
21          School, buy supplies, and pay a teacher's salary.

22          (12) In 1919, C. Lee Moore, Auditor of Public  
23          Accounts for Virginia, told Chickahominy Chief  
24          O.W. Adkins that he had instructed the Commis-  
25          sioner of Revenue for Charles City County to record

1 Chickahominy tribal members on the county tax rolls  
2 as Indian, and not as white or colored.

3 (13) During 1920–1930, various Governors of  
4 the Commonwealth of Virginia wrote letters of intro-  
5 duction for Chickahominy Chiefs who had official  
6 business with Government agencies in Washington,  
7 D.C.

8 (14) In 1934, Chickahominy Chief O.W. Adkins  
9 wrote to John Collier, Commissioner of Indian Af-  
10 fairs, requesting money to acquire land for the  
11 Chickahominy Indian Tribe’s use, to build school,  
12 medical, and library facilities and to buy tractors,  
13 implements, and seed.

14 (15) In 1934, John Collier, Commissioner of  
15 Indian Affairs, wrote to Chickahominy Chief O.W.  
16 Adkins, informing him that Congress had passed the  
17 Indian Reorganization Act of 1934, but had not  
18 made the appropriation to fund the bill.

19 (16) In 1942, Chickahominy Chief O.W. Adkins  
20 wrote to John Collier, Commissioner of Indian Af-  
21 fairs, asking for help in getting the proper racial  
22 designation on Selective Service records for the  
23 Chickahominy soldiers.

24 (17) In 1943, John Collier, Commissioner of  
25 Indian Affairs, asked Douglas S. Freeman, editor of

1 the Richmond (Virginia) News-Leader newspaper, to  
2 help Virginia Indians obtain proper racial designa-  
3 tion on birth records. Collier states that his office  
4 cannot officially intervene because it has no respon-  
5 sibility for the Virginia Indians, “as a matter largely  
6 of historical accident”, but is “interested in them as  
7 descendants of the original inhabitants of the re-  
8 gion”.

9 (18) In 1948, the Veterans’ Education Com-  
10 mittee of the Virginia State Board of Education ap-  
11 proved Samaria Indian School to provide training to  
12 veterans. This school was the one established and  
13 run by the Chickahominy Indian Tribe.

14 (19) In 1950, the Chickahominy Indian Tribe  
15 purchased land and donated it to the Charles City  
16 County School Board, to be used to build a modern  
17 school for students of the Chickahominy and other  
18 Virginia tribes. The Samaria Indian School included  
19 grades 1 through 8.

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

1           (21) In 1967, the Charles City County school  
2 board closed Samaria Indian School and converted it  
3 to a countywide primary school as a step toward full  
4 school integration.

5           (22) In 1972, the Charles City County school  
6 board began receiving funds under title IV of the In-  
7 dian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 450 et seq.) on behalf of Chicka-  
9 hominy students. This continues today under title V  
10 of that Act.

11           (23) In 1974, the Chickahominy Indian Tribe  
12 bought land and built a tribal center using monthly  
13 pledges from tribal members to finance the trans-  
14 actions.

15           (24) In 1983, the Chickahominy Indian Tribe  
16 was granted recognition as an Indian tribe by the  
17 Commonwealth of Virginia, along with 5 other  
18 tribes.

19           (25) In 1985, Virginia Governor Gerald Baliles  
20 was the special guest at an intertribal Thanksgiving  
21 Day dinner hosted by the Chickahominy Indian  
22 Tribe.

23 **SEC. 102. DEFINITIONS.**

24 For the purposes of this title—

1           (1) the term “Tribe” means the Chickahominy  
2 Indian Tribe;

3           (2) the term “Secretary” means the Secretary  
4 of the Interior; and

5           (3) the term “member” means an enrolled  
6 member of the Tribe, as of the date of the enact-  
7 ment of this Act, or an individual who has been  
8 placed on the membership rolls of the Tribe in ac-  
9 cordance with this Act.

10 **SEC. 103. FEDERAL RECOGNITION.**

11           (a) FEDERAL RECOGNITION.—Federal recognition is  
12 hereby extended to the Tribe. All laws and regulations of  
13 the United States of general application to Indians or na-  
14 tions, tribes, or bands of Indians, including the Act of  
15 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
16 consistent with any specific provision of this Act, shall be  
17 applicable to the Tribe and its members.

18           (b) FEDERAL SERVICES AND BENEFITS.—

19           (1) IN GENERAL.—The Tribe and its members  
20 shall be eligible, on and after the date of the enact-  
21 ment of this Act, for all future services and benefits  
22 provided by the Federal Government to federally rec-  
23 ognized Indian tribes without regard to the existence  
24 of a reservation for the Tribe or the location of the

1 residence of any member on or near any Indian res-  
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-  
4 ery of Federal services to enrolled members of the  
5 Tribe, the Tribe’s service area shall be deemed to be  
6 the area comprised of Charles City County, Virginia.

7 **SEC. 104. MEMBERSHIP.**

8 Not later than 18 months after the date of the enact-  
9 ment of this Act, the Tribe shall submit to the Secretary  
10 a membership roll consisting of all individuals currently  
11 enrolled for membership in the Tribe. The qualifications  
12 for inclusion on the membership roll of the Tribe shall be  
13 determined by the membership clauses in the Tribe’s gov-  
14 erning document, in consultation with the Secretary. Upon  
15 completion of the roll, the Secretary shall immediately  
16 publish notice of such in the Federal Register. The Tribe  
17 shall ensure that such roll is maintained and kept current.

18 **SEC. 105. CONSTITUTION AND GOVERNING BODY.**

19 (a) CONSTITUTION.—

20 (1) ADOPTION.—Not later than 24 months  
21 after the date of the enactment of this Act, the  
22 Tribe shall conduct, by secret ballot, an election to  
23 adopt a constitution and bylaws for the Tribe.

24 (2) INTERIM GOVERNING DOCUMENTS.—Until  
25 such time as a new constitution is adopted under

1 paragraph (1), the governing documents in effect on  
2 the date of enactment of this Act shall be the in-  
3 terim governing documents for the Tribe.

4 (b) OFFICIALS.—

5 (1) ELECTION.—Not later than 6 months after  
6 the Tribe adopts a constitution and bylaws pursuant  
7 to subsection (a), the Tribe shall conduct elections  
8 by secret ballot for the purpose of electing officials  
9 for the Tribe as provided in the constitution and by-  
10 laws.

11 (2) INTERIM GOVERNMENT.—Until such time  
12 as the Tribe elects new officials pursuant to para-  
13 graph (1), the governing body of the Tribe shall be  
14 the governing body in place on the date of the enact-  
15 ment of this Act, or any new governing body selected  
16 under the election procedures specified in the in-  
17 terim governing documents of the Tribe.

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

19 Notwithstanding any other provision of law, if, not  
20 later than 25 years after the date of the enactment of this  
21 Act, the Tribe transfers land within the boundaries of the  
22 Virginia counties of Charles City, James City, or Henrico,  
23 to the Secretary, the Secretary shall take such land into  
24 trust for the benefit of the Tribe.

1 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
2 **WATER RIGHTS.**

3 Nothing in this Act shall expand, reduce, or affect  
4 in any manner any hunting, fishing, trapping, gathering,  
5 or water rights of the Tribe and its members.

6 **TITLE II—CHICKAHOMINY IN-**  
7 **DIAN TRIBE—EASTERN DIVI-**  
8 **SION**

9 **SEC. 201. FINDINGS.**

10 Congress makes the following findings:

11 (1) In 1607, when the English settlers set shore  
12 along the Virginia coastline, the Chickahominy were  
13 one of about 30 tribes who received them.

14 (2) In 1614, the Chickahominy Indian Tribe  
15 signed a treaty with Sir Thomas Dale, Governor of  
16 the Jamestown Colony, agreeing to provide 2 bushels  
17 of corn per man and send warriors to protect the  
18 English. Sir Thomas Dale agreed in return to allow  
19 the Tribe to continue to practice their own tribal  
20 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 pushed off  
5 their reservation, which caused the loss of a land  
6 base.

7           (6) In 1723, the College of William and Mary  
8 in Williamsburg established a grammar school for  
9 Indians called Brafferton College. A Chickahominy  
10 child was one of the first Indians to attend.

11           (7) In 1750, the Chickahominy Indian Tribe  
12 started to migrate from King William County back  
13 to the area around the Chickahominy River in New  
14 Kent and Charles City Counties.

15           (8) In 1793, A Baptist missionary named  
16 Bradby took refuge with the Chickahominy and took  
17 a Chickahominy woman as his wife.

18           (9) In 1831, the names of the ancestors of the  
19 modern-day Chickahominy Indian Tribe began to  
20 appear in the Charles City County census records.

21           (10) In 1870, a census showed an enclave of  
22 Indians in New Kent County which is believed to be  
23 the beginning of the Chickahominy Indian Tribe-  
24 Eastern Division. Records were destroyed when the

1 New Kent County courthouse was burned. A State  
2 census was the only record at this time.

3 (11) In 1901, the Chickahominy's formed Sa-  
4 maria Baptist Church. During the first few decades  
5 of the 20th century, Chickahominy men were as-  
6 sessed a tribal tax so that their children could re-  
7 ceive an education. The Tribe used the proceeds  
8 from this tax to build the first Samaria Indian  
9 School, buy supplies, and pay a teacher's salary.

10 (12) In 1910, a school was started in New Kent  
11 County for the Chickahominy Indian Tribe-Eastern  
12 Division. Grades 1 through 8 were taught in this 1-  
13 room school.

14 (13) In 1920–1921, the Chickahominy Indian  
15 Tribe-Eastern Division began forming their own  
16 tribal government. E.P. Bradby was the founder of  
17 the Tribe and was elected to be Chief.

18 (14) In 1922, Tsena Commocko Baptist Church  
19 was organized.

20 (15) In 1925, a certificate of incorporation was  
21 issued to the Chickahominy Indian Tribe-Eastern  
22 Division.

23 (16) In 1950, the Indian school was closed and  
24 students were bused to Samaria Indian School in  
25 Charles City County.

1           (17) In 1967, both Chickahominy tribes lost  
2 their school to integration.

3           (18) In 1982–1984, Tsena Commoeko Baptist  
4 built a new sanctuary to accommodate church  
5 growth.

6           (19) In 1983, the Chickahominy Indian Tribe-  
7 Eastern Division was granted State recognition  
8 along with 5 other Virginia Indian tribes.

9           (20) In 1985, the Virginia Council on Indians  
10 was organized as a State agency and the Chicka-  
11 hominy Indian Tribe-Eastern Division was appointed  
12 to a seat on the Council.

13           (21) In 1988, the United Indians of Virginia  
14 were organized as the Virginia Council on the Indi-  
15 ans, a [none] State agency, the Chickahominy In-  
16 dian Tribe-Eastern Division was granted a seat on  
17 the organization. Chief Marvin “Strongoak” Bradby  
18 is presently serving as the chairperson.

19 **SEC. 202. DEFINITIONS.**

20 For the purposes of this title—

21           (1) the term “Tribe” means the Chickahominy  
22 Indian Tribe—Eastern Division;

23           (2) the term “Secretary” means the Secretary  
24 of the Interior; and

1           (3) the term “member” means an enrolled  
2 member of the Tribe, as of the date of the enact-  
3 ment of this Act, or an individual who has been  
4 placed on the membership rolls of the Tribe in ac-  
5 cordance with this Act.

6 **SEC. 203. FEDERAL RECOGNITION.**

7           (a) FEDERAL RECOGNITION.—Federal recognition is  
8 hereby extended to the Tribe. All laws and regulations of  
9 the United States of general application to Indians or na-  
10 tions, tribes, or bands of Indians, including the Act of  
11 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
12 consistent with any specific provision of this Act, shall be  
13 applicable to the Tribe and its members.

14           (b) FEDERAL SERVICES AND BENEFITS.—

15           (1) IN GENERAL.—The Tribe and its members  
16 shall be eligible, on and after the date of the enact-  
17 ment of this Act, for all future services and benefits  
18 provided by the Federal Government to federally rec-  
19 ognized Indian tribes without regard to the existence  
20 of a reservation for the Tribe or the location of the  
21 residence of any member on or near any Indian res-  
22 ervation.

23           (2) SERVICE AREA.—For purposes of the deliv-  
24 ery of Federal services to enrolled members of the

1 Tribe, the Tribe's service area shall be deemed to be  
2 the area comprised of New Kent County, Virginia.

3 **SEC. 204. MEMBERSHIP.**

4 Not later than 18 months after the date of the enact-  
5 ment of this Act, the Tribe shall submit to the Secretary  
6 a membership roll consisting of all individuals currently  
7 enrolled for membership in the Tribe. The qualifications  
8 for inclusion on the membership roll of the Tribe shall be  
9 determined by the membership clauses in the Tribe's gov-  
10 erning document, in consultation with the Secretary. Upon  
11 completion of the roll, the Secretary shall immediately  
12 publish notice of such in the Federal Register. The Tribe  
13 shall ensure that such roll is maintained and kept current.

14 **SEC. 205. CONSTITUTION AND GOVERNING BODY.**

15 (a) CONSTITUTION.—

16 (1) ADOPTION.—Not later than 24 months  
17 after the date of the enactment of this Act, the  
18 Tribe shall conduct, by secret ballot, an election to  
19 adopt a constitution and bylaws for the Tribe.

20 (2) INTERIM GOVERNING DOCUMENTS.—Until  
21 such time as a new constitution is adopted under  
22 paragraph (1), the governing documents in effect on  
23 the date of enactment of this Act shall be the in-  
24 terim governing documents for the Tribe.

25 (b) OFFICIALS.—

1           (1) ELECTION.—Not later than 6 months after  
2           the Tribe adopts a constitution and bylaws pursuant  
3           to subsection (a), the Tribe shall conduct elections  
4           by secret ballot for the purpose of electing officials  
5           for the Tribe as provided in the constitution and by-  
6           laws.

7           (2) INTERIM GOVERNMENT.—Until such time  
8           as the Tribe elects new officials pursuant to para-  
9           graph (1), the governing body of the Tribe shall be  
10          the governing body in place on the date of the enact-  
11          ment of this Act, or any new governing body selected  
12          under the election procedures specified in the in-  
13          terim governing documents of the Tribe.

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

15          Notwithstanding any other provision of law, if, not  
16          later than 25 years after the date of the enactment of this  
17          Act, the Tribe transfers any land within the boundaries  
18          of New Kent County, James City County, or Henrico  
19          County, Virginia, to the Secretary, the Secretary shall  
20          take such land into trust for the benefit of the Tribe.

21 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
22 **WATER RIGHTS.**

23          Nothing in this Act shall expand, reduce, or affect  
24          in any manner any hunting, fishing, trapping, gathering,  
25          or water rights of the Tribe and its members.

1     **TITLE III—MATTAPONI TRIBE**

2     **SEC. 301. FINDINGS.**

3           Congress makes the following findings:

4           (1) The Mattaponi Indian Tribe and the  
5           Mattaponi Indian people have been identified from  
6           historical times until the present on a substantially  
7           continuous basis as “American Indians” by anthro-  
8           pologists, historians, and other scholars.

9           (2) In 1607, the Mattaponi Indians were identi-  
10          fied by name by the English explorers John Smith,  
11          who noted that they were living along the Mattaponi  
12          River, and William Strachey, who placed the number  
13          of their warriors at 140. The Mattaponi Tribe was  
14          1 of the 6 tribes under the leadership of Chief Pow-  
15          hatan in the late 16th century.

16          (3) During the war of 1644–1646, the  
17          Mattaponi fled their homeland along the Mattaponi  
18          River and took refuge in the highlands along  
19          Piscataway Creek. With the cessation of hostilities,  
20          the tribe gradually returned to its homeland. In  
21          1656–1657, the King and greatmen of the  
22          Mattaponi Tribe signed peace treaties with the  
23          Court of Rappahannock County and the justices of  
24          Old Rappahannock County in which the tribal mem-

1       bers were to be treated as Englishmen as far as  
2       court and civil rights were concerned.

3               (4) During Bacon’s Rebellion, the Mattaponi  
4       and Pamunkey were subjected to attacks by forces  
5       under Nathaniel Bacon. At the end of that conflict,  
6       the Virginia colony signed the Treaty of Middle  
7       Plantation on May 29, 1677. The treaty was signed  
8       on behalf of the Mattaponi Tribe by Cockacoeske,  
9       who was Weroansqua (or “Chief”) of the Powhatan  
10      Chiefdom. Cockacoeske had become the head of the  
11      Powhatan Chiefdom upon the death of her husband  
12      Totopotamoy, in 1656. The Treaty of Middle Plan-  
13      tation required, among other provisions, that the  
14      Powhatan Chiefdom provide an annual tribute to the  
15      Governor of Virginia. The Mattaponi and Pamunkey  
16      Tribes continue to provide that tribute.

17              (5) In 1685, the Mattaponi, along with the  
18      Pamunkey and Chickahominy Tribes, attended a  
19      treaty conference at Albany.

20              (6) The Mattaponi continued to occupy their  
21      reservation throughout the 17th and 18th centuries,  
22      as acknowledged by encroachments on tribal land  
23      during that time period, the presence of a Baptist  
24      missionary who worked with the Tribe beginning in  
25      the second quarter of the eighteenth century, and by

1 the comments of then Governor Thomas Jefferson in  
2 1781. Throughout their history, the Mattaponi had  
3 their own tribal government separate from the Pow-  
4 hatan leadership, although the tribe remained a part  
5 of that Chiefdomship.

6 (7) The same patterns of occupation and inter-  
7 nal political control continued throughout the nine-  
8 teenth century, with the Mattaponi repeatedly de-  
9 fending themselves and their land against efforts by  
10 local officials and individuals to dispose of their  
11 property and deny their existence as a tribe. In  
12 1812, an effort was made to take an acre of land  
13 from the Mattaponi Tribe for a dam, but it was de-  
14 feated, and in 1843, the so-called “Gregory Peti-  
15 tion” alleged that the Pamunkey and Mattaponi  
16 were no longer Indians. This effort to remove the  
17 Mattaponi and Pamunkey from their lands was also  
18 defeated. At about the same time, the historian  
19 Henry Howe reported that there were 2 Indian  
20 groups living in King William County, the  
21 Pamunkey and the Mattaponi. In 1865, the  
22 Pamunkey Baptist Church was formed, which many  
23 Mattaponi attended over the years.

24 (8) Throughout the 19th century, the  
25 Mattaponi Tribe had its own tribal leadership. In

1 1868, the Mattaponi Tribe submitted a list of its  
2 Chiefs, headmen and members to the Governor. The  
3 list identified the Chief as Ellston Major, headmen  
4 as Austin Key and Robert Toopence, and tribal  
5 members as Nancy Franklin, Claiborne Key, Austin  
6 Key, Jno Anderson Key, Henry Major, Ellston  
7 Major, Ellwood Major, Lee Franklin Major, Coley  
8 Major, Mary Major, Parkey Major, John Major,  
9 Park Farley Toopence, Elizabeth Toopence, Robert  
10 Toopence, Emeline Toopence, Laura Toopence,  
11 Mary Catherine Toopence, James C. Toopence, and  
12 Lucy J. Toopence. The list was signed by Hardin  
13 Littlepage and William J. Trimmer, Trustees for the  
14 tribe. Present-day tribal members trace back to the  
15 individuals on that list. In the same year, L.D. Rob-  
16 inson, another trustee for the Tribe, reported on a  
17 road dispute involving access to the reservation. In  
18 an effort to resolve the dispute, the Tribe petitioned  
19 Governor Wells to prevent the blocking of the road.

20 (9) As the last two tribes to function as part  
21 of the Powhatan Chiefdom, the Pamunkey and  
22 Mattaponi Tribes were treated by the Common-  
23 wealth of Virginia as a single administrative entity  
24 until 1894, when the Mattaponi formally separated  
25 from the Pamunkey-led Powhatan Chiefdom. The

1 Commonwealth's general assembly responded in  
2 1894 by appointing five trustees to the Mattaponi  
3 Tribe. The Mattaponi, like the Pamunkey Tribe,  
4 were declared exempt from certain local and county  
5 taxes. For its part, the Mattaponi Tribe adopted by-  
6 laws for its governance and established a school on  
7 its reservation.

8 (10) During the 20th century, the Mattaponi  
9 Tribe and its reservation have been repeatedly ac-  
10 knowledged by the Commonwealth's Governors and  
11 Attorneys General. The Mattaponi Tribe has been  
12 repeatedly identified in scholarly publications and  
13 newspaper articles.

14 (11) The Mattaponi Tribal Council continues to  
15 exercise its autonomous control over the affairs of  
16 the reservation. It assigns land for its members' use,  
17 settles internal disputes, maintains tribal property,  
18 and protects the interests of the Mattaponi Tribe in  
19 its relationships with local, State, and Federal Gov-  
20 ernments. It continues to maintain its obligations  
21 under the Treaty of Middle Plantation of 1677 by  
22 giving to the Governor of the Commonwealth of Vir-  
23 ginia the annual tribute.

24 **SEC. 302. DEFINITIONS.**

25 For the purposes of this title—

1           (1) the term “Tribe” means the Mattaponi  
2 Tribe;

3           (2) the term “Secretary” means the Secretary  
4 of the Interior; and

5           (3) the term “member” means an enrolled  
6 member of the Tribe, as of the date of the enact-  
7 ment of this Act, or an individual who has been  
8 placed on the membership rolls of the Tribe in ac-  
9 cordance with this Act.

10 **SEC. 303. FEDERAL RECOGNITION.**

11       (a) **FEDERAL RECOGNITION.**—Federal recognition is  
12 hereby extended to the Tribe. All laws and regulations of  
13 the United States of general application to Indians or na-  
14 tions, tribes, or bands of Indians, including the Act of  
15 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
16 consistent with any specific provision of this Act, shall be  
17 applicable to the Tribe and its members.

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

19           (1) **IN GENERAL.**—The Tribe and its members  
20 shall be eligible, on and after the date of the enact-  
21 ment of this Act, for all future services and benefits  
22 provided by the Federal Government to federally rec-  
23 ognized Indian tribes without regard to the existence  
24 of a reservation for the Tribe or the location of the

1 residence of any member on or near any Indian res-  
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-  
4 ery of Federal services to enrolled members of the  
5 Tribe, the Tribe’s service area shall be deemed to be  
6 the area comprised of the Counties of King William,  
7 King and Queen, Hanover, Henrico, and Chester-  
8 field, and the cities of Richmond and Virginia Beach  
9 in Virginia.

10 **SEC. 304. MEMBERSHIP.**

11 Not later than 18 months after the date of the enact-  
12 ment of this Act, the Tribe shall submit to the Secretary  
13 a membership roll consisting of all individuals currently  
14 enrolled for membership in the Tribe. The qualifications  
15 for inclusion on the membership roll of the Tribe shall be  
16 determined by the membership clauses in the Tribe’s gov-  
17 erning document, in consultation with the Secretary. Upon  
18 completion of the roll, the Secretary shall immediately  
19 publish notice of such in the Federal Register. The Tribe  
20 shall ensure that such roll is maintained and kept current.

21 **SEC. 305. CONSTITUTION AND GOVERNING BODY.**

22 (a) CONSTITUTION.—

23 (1) ADOPTION.—Not later than 24 months  
24 after the date of the enactment of this Act, the

1 Tribe shall conduct, by secret ballot, an election to  
2 adopt a constitution and bylaws for the Tribe.

3 (2) INTERIM GOVERNING DOCUMENTS.—Until  
4 such time as a new constitution is adopted under  
5 paragraph (1), the governing documents in effect on  
6 the date of enactment of this Act shall be the in-  
7 terim governing documents for the Tribe.

8 (b) OFFICIALS.—

9 (1) ELECTION.—Not later than 6 months after  
10 the Tribe adopts a constitution and bylaws pursuant  
11 to subsection (a), the Tribe shall conduct elections  
12 by secret ballot for the purpose of electing officials  
13 for the Tribe as provided in the constitution and by-  
14 laws.

15 (2) INTERIM GOVERNMENT.—Until such time  
16 as the Tribe elects new officials pursuant to para-  
17 graph (1), the governing body of the Tribe shall be  
18 the governing body in place on the date of the enact-  
19 ment of this Act, or any new governing body selected  
20 under the election procedures specified in the in-  
21 terim governing documents of the Tribe.

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

23 (a) LAND HELD IN TRUST BY STATE.—Notwith-  
24 standing any other provision of law, if the Commonwealth  
25 of Virginia transfers to the Secretary any land which is

1 held in trust by that State for the benefit of the Tribe  
2 on the date of the enactment of this Act, the Secretary  
3 shall take such land into trust for the benefit of the Tribe.

4 (b) OTHER LAND.—Notwithstanding any other provi-  
5 sion of law, if the Tribe transfers any land within the  
6 boundaries of King William County, Virginia, to the Sec-  
7 retary, the Secretary shall take such land into trust for  
8 the benefit of the Tribe.

9 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
10 **WATER RIGHTS.**

11 Nothing in this Act shall expand, reduce, or affect  
12 in any manner any hunting, fishing, trapping, gathering,  
13 or water rights of the Tribe and its members.

14 **TITLE IV—UPPER MATTAPONI**  
15 **TRIBE**

16 **SEC. 401. FINDINGS.**

17 Congress makes the following findings:

18 (1) From 1607 until 1646, the Chickahominies  
19 lived about 20 miles from Jamestown; were major  
20 players in English-Indian affairs in those years.  
21 Mattaponis, who joined them later, lived farther  
22 away. In 1646, the Chickahominies moved to  
23 Mattaponi River basin, away from the English.

24 (2) In 1661, the Chickahominies sold land at  
25 “the cliffs” on the Mattaponi River.

1           (3) In 1669, the Chickahominies appeared in  
2           the Virginia Colony’s census of Indian bowmen; lived  
3           then in “New Kent” County, which included the  
4           Mattaponi River basin at that time.

5           (4) In 1677, the Chickahominies and  
6           Mattaponis were subjects of the Queen of  
7           Pamunkey, who was a signatory to the Treaty of  
8           1677 with the King of England.

9           (5) In 1683, the Mattaponi town was attacked  
10          by Senecas; the Mattaponis took refuge with the  
11          Chickahominies, and the history of the 2 groups was  
12          intertwined for many years thereafter.

13          (6) In 1695, the Chickahominies/Mattaponis  
14          were assigned a reservation by the Virginia Colony  
15          and traded it for land at “the cliffs” they had owned  
16          before 1661 (now the Mattaponi Indian Reserva-  
17          tion).

18          (7) In 1711, the Chickahominies had a boy at  
19          the Indian School at the College of William and  
20          Mary.

21          (8) In 1726, the Virginia Colony discontinued  
22          funding of interpreters for the tribes. James Adams,  
23          who served as an interpreter to the tribes know  
24          today as the Upper Mattaponi and Chickahominy,  
25          elected to stay with the Upper Mattaponi. Today, a

1 majority of the Upper Mattaponi have “Adams” as  
2 their surname.

3 (9) In 1787, Thomas Jefferson, in Notes on the  
4 Commonwealth of Virginia, mentioned Mattaponis  
5 on reservation in King William County and said  
6 Chickahominies were “blended” with them and near-  
7 by Pamunkeys.

8 (10) In 1850, the United States census showed  
9 a nucleus of about 10 families, all ancestral to mod-  
10 ern Upper Mattaponis, living in central King Wil-  
11 liam County about 10 miles from the reservation.

12 (11) From 1853 until 1884, King William  
13 County marriage records listed Upper Mattaponis as  
14 “Indian” when marrying reservation people.

15 (12) From 1884 until the present, county mar-  
16 riage records usually call Upper Mattaponis “Indi-  
17 ans”.

18 (13) In 1901, Smithsonian anthropologist  
19 James Mooney heard about the Upper Mattaponis  
20 but did not visit them.

21 (14) In 1928, University of Pennsylvania an-  
22 thropologist Frank Speck published a book on mod-  
23 ern Virginia Indians with a section on the Upper  
24 Mattaponis.

1           (15) From 1929 to 1930, the Tribe’s leadership  
2 fought against a “colored” designation in the 1930  
3 United States Census, and won a compromise in  
4 which their Indian ancestry was recorded but ques-  
5 tioned.

6           (16) From 1942 until 1945, the Tribe’s leader-  
7 ship, with the help of Frank Speck and others,  
8 fought against the Tribe’s young men being inducted  
9 into “colored” units in the Armed Forces. A tribal  
10 roll was compiled.

11           (17) From 1945 to 1946, negotiations to get  
12 some of the Tribe’s young people admitted to high  
13 schools for Federal Indians (especially at Cherokee);  
14 no high school coursework was available for Indians  
15 in Virginia schools.

16           (18) In 1983, the Upper Mattaponi Tribe ap-  
17 plied for and won State recognition.

18 **SEC. 402. DEFINITIONS.**

19 For the purposes of this title—

20           (1) the term “Tribe” means the Upper  
21 Mattaponi Tribe;

22           (2) the term “Secretary” means the Secretary  
23 of the Interior; and

24           (3) the term “member” means an enrolled  
25 member of the Tribe, as of the date of the enact-

1       ment of this Act, or an individual who has been  
2       placed on the membership rolls of the Tribe in ac-  
3       cordance with this Act.

4   **SEC. 403. FEDERAL RECOGNITION.**

5       (a) FEDERAL RECOGNITION.—Federal recognition is  
6       hereby extended to the Tribe. All laws and regulations of  
7       the United States of general application to Indians or na-  
8       tions, tribes, or bands of Indians, including the Act of  
9       June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
10      consistent with any specific provision of this Act, shall be  
11      applicable to the Tribe and its members.

12      (b) FEDERAL SERVICES AND BENEFITS.—

13           (1) IN GENERAL.—The Tribe and its members  
14      shall be eligible, on and after the date of the enact-  
15      ment of this Act, for all future services and benefits  
16      provided by the Federal Government to federally rec-  
17      ognized Indian tribes without regard to the existence  
18      of a reservation for the Tribe or the location of the  
19      residence of any member on or near any Indian res-  
20      ervation.

21           (2) SERVICE AREA.—For purposes of the deliv-  
22      ery of Federal services to enrolled members of the  
23      Tribe, the Tribe’s service area shall be deemed to be  
24      the area comprised of King William, Richmond,  
25      Henrico, Petersburg, Chesterfield, Newport News,

1 Chesapeake, Hanover, and Hopewell Counties in the  
2 Commonwealth of Virginia.

3 **SEC. 404. MEMBERSHIP.**

4 Not later than 18 months after the date of the enact-  
5 ment of this Act, the Tribe shall submit to the Secretary  
6 a membership roll consisting of all individuals currently  
7 enrolled for membership in the Tribe. The qualifications  
8 for inclusion on the membership roll of the Tribe shall be  
9 determined by the membership clauses in the Tribe's gov-  
10 erning document, in consultation with the Secretary. Upon  
11 completion of the roll, the Secretary shall immediately  
12 publish notice of such in the Federal Register. The Tribe  
13 shall ensure that such roll is maintained and kept current.

14 **SEC. 405. CONSTITUTION AND GOVERNING BODY.**

15 (a) CONSTITUTION.—

16 (1) ADOPTION.—Not later than 24 months  
17 after the date of the enactment of this Act, the  
18 Tribe shall conduct, by secret ballot, an election to  
19 adopt a constitution and bylaws for the Tribe.

20 (2) INTERIM GOVERNING DOCUMENTS.—Until  
21 such time as a new constitution is adopted under  
22 paragraph (1), the governing documents in effect on  
23 the date of enactment of this Act shall be the in-  
24 terim governing documents for the Tribe.

25 (b) OFFICIALS.—

1           (1) ELECTION.—Not later than 6 months after  
2           the Tribe adopts a constitution and bylaws pursuant  
3           to subsection (a), the Tribe shall conduct elections  
4           by secret ballot for the purpose of electing officials  
5           for the Tribe as provided in the constitution and by-  
6           laws.

7           (2) INTERIM GOVERNMENT.—Until such time  
8           as the Tribe elects new officials pursuant to para-  
9           graph (1), the governing body of the Tribe shall be  
10          the governing body in place on the date of the enact-  
11          ment of this Act, or any new governing body selected  
12          under the election procedures specified in the in-  
13          terim governing documents of the Tribe.

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

15          Notwithstanding any other provision of law, if the  
16          Tribe transfers any land within the boundaries of King  
17          William County to the Secretary, the Secretary shall take  
18          such land into trust for the benefit of the Tribe.

19 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
20 **WATER RIGHTS.**

21          Nothing in this Act shall expand, reduce, or affect  
22          in any manner any hunting, fishing, trapping, gathering,  
23          or water rights of the Tribe and its members.

1       **TITLE V—PAMUNKEY TRIBE**

2       **SEC. 501. FINDINGS.**

3       Congress makes the following findings:

4               (1) The Pamunkey Indian Tribe and the  
5       Pamunkey Indian people have been identified from  
6       historical times until the present on a substantially  
7       continuous basis as “American Indians,” by anthro-  
8       pologists, historians, and other scholars.

9               (2) The data show that the Pamunkey Tribe  
10       has been continuously identified as an American In-  
11       dian tribe since earliest contact. The Federal Gov-  
12       ernment has repeatedly recognized the Tribe and its  
13       members in Federal censuses, reports, memos and  
14       letters, and legislation. The Colony and Common-  
15       wealth of Virginia have identified the Tribe since the  
16       early 1600’s.

17              (3) The Tribe maintained a close relationship  
18       with the Colony, which provided land for the Tribe  
19       and its trustees, and sought to protect the Tribe  
20       from settlers. The Commonwealth of Virginia took  
21       over the same responsibility and repeatedly recog-  
22       nized the independence of the Pamunkey Tribe, its  
23       rights and sovereignty on its land, and sought  
24       through legislation to continue the protection of that  
25       land base.

1           (4) The year 1646 was a major turning point  
2           in the political and social history of the Pamunkey  
3           Tribe. In that year the Powhatan signed a treaty  
4           with the English. The treaty made with the  
5           Pamunkey Chief and other Powhatan subjects re-  
6           quired the payment of an annual tribute of 20 bea-  
7           ver skins by the Tribe to the English.

8           (5) Throughout the struggles of the Powhatan  
9           Indians with the English in the 17th century, the  
10          Pamunkeys were never dislodged from their aborigi-  
11          nal territories. In 1649, their Chief Tottopottomoy  
12          received title to 5,000 acres for the Tribe as a result  
13          of the treaty of 1646. Problems with settlers on the  
14          Pamunkey lands led the Virginia Assembly to act on  
15          their removal in 1653.

16          (6) In 1658, the Tribe was again secured in the  
17          land it had and “. . . those English which are lately  
18          gone to seat near the Pamunkies, and Chicominyes,  
19          on the north side of the Pamunkie river, shall be  
20          recalled . . .” (Laws of the Colonial and State Gov-  
21          ernment 1832). The same law protected the rights  
22          of the Tribes to hunt, but limited their range.

23          (7) The Pamunkey Tribe suffered grievously  
24          during Bacon’s Rebellion, although it was in no way  
25          involved in the events which gave excuse for the at-

1 tacks. Early in 1676, Bacon and his supporters  
2 threatened the Pamunkeys, causing them to flee  
3 their village; their deserted lands were then declared  
4 available for settlement. In June of the same year  
5 the tribal leader Cockacoeske was called to Rich-  
6 mond and ordered to provide guides for the militia.  
7 Rountree describes the meeting with the Governor's  
8 council: (Available upon request.)

9 (8) On May 29, 1677, the tribes, including  
10 Pamunkey, which had not warred against the  
11 English, signed the Treaty of Middle Plantation.  
12 Signing for the Pamunkey, Cockacoeske and her  
13 son, Captain John West. According to the treaty,  
14 the signers acknowledged that they were subjects of  
15 the King. The Tribe continued possession of its res-  
16 ervation, but was required to pay an annual tribute  
17 of 20 beaver skins and 3 arrows. The Pamunkey  
18 leader was to act as the responsible authority for all,  
19 and the English were prohibited from settling within  
20 3 miles of the reservation.

21 (9) In 1792, the Pamunkey Tribe took its  
22 claims to Pamunkey Neck to the House of Bur-  
23 gesses, where the claims were examined by Robert  
24 Beverley. No action was taken on the claim. The  
25 land ownership system of Virginia was a confusion

1 of conflicting claims that lead the colony, in 1662,  
2 to impose a system of land processioning. This re-  
3 quired that every 4 years the property boundaries of  
4 every parcel be remarked. The law was modified in  
5 1705 and 1710 to make its enforcement easier. The  
6 Pamunkey were well aware of the law and its im-  
7 port.

8 (10) In 1715, Queen Ann of the Pamunkeys, in  
9 behalf of herself and her nation, protested to Gov-  
10 ernor Spotswood against the settlers going beyond  
11 the bounds of land the Pamunkey had sold. The pe-  
12 tition stated that no notice of survey had been given  
13 to them. This seemed to them manifestly unjust,  
14 “since when other people possession (sic) their  
15 bound (as we are informed is customary once in four  
16 years) yor Petitioners never had no notice of the  
17 same, or ever was warned to any possessioning.”

18 (11) Rountree sums up the Tribe’s problems  
19 and efforts as follows: “Pamunkey land holdings  
20 were still considerable in 1706, though not all  
21 English claims had been cleared as yet. English  
22 claimants kept appearing, and in spite of Pamunkey  
23 protests about encroachments, many of the claims  
24 exhibited in Williamsburg were often found to be  
25 good, since they dated from 1702–1704, a period in

1 which many legal land transfers were made in  
2 Pamunkey Neck.”.

3 (12) By 1715, when Queen Ann complained of  
4 English buyers not notifying the Tribe of surveys to  
5 be made, and of surveying more land than they had  
6 bought, the Tribe made up its collective mind to sell  
7 no more land to anyone; it would only make leases.  
8 But problems continued with Englishmen claiming  
9 land and clearing too much. In 1718, the matter was  
10 finally turned over to the King William County  
11 court, whose records are no longer extant. In 1723,  
12 1 last purchase of land, originally made in 1687,  
13 was ratified by the Assembly at the Pamunkeys’ re-  
14 quest. Meanwhile, the Pamunkeys had more trouble  
15 with an English neighbor who hindered their hunt-  
16 ing; in 1717, the colonial council ordered him to de-  
17 sist. (Rountree 199:163–164).

18 (13) In 1748, the Virginia assembly appointed  
19 3 whites to act as tribal trustees to handle a sale of  
20 land necessitated by expenses for food, clothing, and  
21 medical care. The tribal request was made by 7 men  
22 of the Tribe. In 1759, the General Assembly, at the  
23 request of the Tribe, put a small tract of land in the  
24 control of the trustees, the land to be leased for the  
25 benefit of the Tribe.

1           (14) In 1792, the General Assembly passed leg-  
2           islation making it illegal for whites to purchase In-  
3           dian land, setting the penalty as a fine and loss of  
4           the land, and defending and securing “. . . their  
5           persons, goods and properties; and whosoever shall  
6           defraud or take from their goods, or do hurt or in-  
7           jury to their persons, shall make satisfaction, and be  
8           punished for the same according to law, as if the In-  
9           dian sufferer had been a citizen of this Common-  
10          wealth.”.

11           (15) Throughout the 18th century and into the  
12          19th century the tribal government of the Pamunkey  
13          consisted of an “informal council”. As early as 1798,  
14          this council established rules for the management of  
15          the reservation.

16           (16) In 1812, the Pamunkey tribal structure  
17          had solidified. A petition of that year regarding the  
18          leasing of land begins as follows: “We the under-  
19          signed headmen and Chiefs of the Pamunkey Tribe  
20          of Indian . . .” It is signed by the following individ-  
21          uals: Willis Langston, William Cooper, James  
22          Langston, Thomas Cooke, Archibal Langston, Louis  
23          Gunn, William Gunn, Gideon Langston, John Samp-  
24          son, William Sampson, John Mursh, Louis  
25          Langston, and Henry Sampson (Petition 1812). An

1 article in a local newspaper, dated September 5,  
2 1818, provides further detail on the political struc-  
3 ture of the Tribe.

4 (17) The government of the Indian town is sin-  
5 gular and truly republican. They elect 9 gentlemen  
6 of their neighborhood, who act as trustees and at-  
7 tend at the passing of any of their laws. These trust-  
8 ees are not vested with the power of proposing or  
9 making laws for the Indian, but only of recording  
10 their laws in a book, and objecting to such as seem  
11 injurious to the Commonwealth of Virginia. Every  
12 Indian, male or female, of the age of 18, has a vote  
13 in the election of trustees, and in passing of laws.  
14 Like their ancestors, they are governed by a Chief.  
15 The name of the present Chief is Willis Langston,  
16 a man of a respectable and decent character, and a  
17 member of the Baptist Church. (Virginia Herald  
18 1818.)

19 (18) The laws of the Pamunkey Indian Town  
20 written here is September 25, 1887. The following  
21 laws made and approved by the Chief and council  
22 men, February 18, 1886, for the ruling of the  
23 Pamunkey Tribe of Indian. (Available upon request.)

24 (19) The Indian school on the Pamunkey Res-  
25 ervation was taught during the session of 1909–

1 1910 by Miss Agnes Lumsden and during 1910–  
2 1911 by Mrs. Lucie B. Dudley. A good 1-room  
3 schoolhouse was erected on the reservation during  
4 the fall of 1909, the Indians themselves furnishing  
5 the rough lumber and much of the labor. The house  
6 is neatly painted, is provided with the latest ap-  
7 proved system of heat and ventilation, and has slate  
8 blackboards and good furniture. Two acres of  
9 ground were secured and the sanitary conveniences  
10 were carefully provided for. This school, as well as  
11 the schools at the 2 State reformatories are under  
12 immediate control and management of the State  
13 Board of Education and are supervised by the sec-  
14 retary of the Board. (Virginia School Report  
15 1913:30.)

16 (20) The Attorney General was asked whether  
17 or not the Pamunkey and Mattaponi were exempt  
18 from all taxes. He replied: “I acknowledge reference  
19 to this office of your letter of June 23, 1917, to Mr.  
20 H.W. Neale, Commissioner of Revenue of King Wil-  
21 liam County, in which you express opinion that the  
22 Tribes of Pamunkey and Mattaponi Indians, were  
23 exempt from all taxes, State, local, and otherwise,  
24 and requesting me to advise you as to the correct-  
25 ness of your opinion. I am of the opinion that you

1 have correctly construed the law as to these Tribes  
2 of Indians, for so long as they follow up their pur-  
3 suits upon the reservation, they are governed by  
4 their own Tribal laws and are subject to taxes by the  
5 laws of the Commonwealth of Virginia. As far back  
6 as 1658 these Indians' lands were confirmed to them  
7 by the Governor, the Council, and the Grand  
8 Assemblie of Virginia. (See Indian Colonial and  
9 State laws, being E-93, U-58 in the State library.)  
10 Upon examination, I find that the legislature of Vir-  
11 ginia has frequently appointed trustees to lease the  
12 surplus lands of these Tribes and empowered the  
13 trustees to prosecute actions against persons tres-  
14 passing thereon . . . I think it is fair to assume  
15 from all of these various acts that the Pamunkey  
16 and Mattaponi Indians of Virginia are wards of the  
17 State, just as the Indians under guardianship of the  
18 United States are wards of the nation. It has been  
19 the policy of both State and nation not to subject  
20 their wards to taxation.”

21 (21) The Tribe continues to maintain close ties  
22 with the county and State officials. The county sher-  
23 iff will not come on to the reservation to make an  
24 arrest or serve a warrant without first contacting

1 the Chief. The Tribe continues to take the annual  
2 tribute to the Governor.

3 (22) At the Federal level, the Congress passed  
4 legislation ratifying the agreement settling the land  
5 dispute between the Pamunkey Tribe and the South-  
6 ern Railway Company. While the legislation is neu-  
7 tral on the status of the Tribe, a House committee  
8 did find the claims of the Tribe are based in part  
9 on the doctrine of aboriginal title and in part on sec-  
10 tion 2116 of the Revised Statutes of the United  
11 States (25 U.S.C. 177), and approved and ratified  
12 the settlement (H.R. Report 1980:1-2).

13 (23) In 1985, the Tribe sought and received  
14 from the Internal Revenue Service recognition of its  
15 status as a State for the purposes of the Internal  
16 Revenue Code of 1986. This is the same status ac-  
17 corded federally recognized tribes. In a letter from  
18 E.L. Kennedy, Chief, Specialty Tax Branch of the  
19 Internal Revenue Service, to Chief William H. Miles,  
20 Kennedy stated the criteria for granting State status  
21 to the Pamunkey Tribe based on the facts submitted  
22 by the Pamunkey Tribe. The Tribe is now des-  
23 igned as a State for purposes of section 787(a) of  
24 the Internal Revenue Code of 1986, under the In-  
25 dian Tribal Government Tax Statute Act of 1982

1 (title II of Public Law 97–473, 96 Stat. 2605,  
2 2607–11, as amended by Public Law 98–21, 97  
3 Stat. 65, 87 (1983–1C.B. 510, 511)).

4 (24) As of July 1998, the Pamunkey tribal  
5 council consisted of 8 members, Chief William P.  
6 Miles and 7 council members. The council members  
7 were Warren Cook (Vice Chief), Ivy Bradley, Walter  
8 Hill, Bobby Gray, Terry Langston, Morton  
9 Langston, and Ray Bush. Each is elected for a 4-  
10 year term. The election process is a traditional one.  
11 The Chief appoints a 3-member nominating com-  
12 mittee that has the responsibility of polling all eligi-  
13 ble voters to determine who wishes to run for either  
14 Chief or councilman. Once the list is readied it is  
15 presented at a general tribal council meeting. Each  
16 candidate is voted upon separately, and each voter  
17 present casts a “yes” or “no” vote. Prior to each  
18 vote a member of the Tribe passes out to each voter  
19 a kernel of corn and a pea. As an individual’s name  
20 is presented, each voter deposits either a kernel of  
21 corn (yes) or a pea (no) in a hat. The unused seeds  
22 are then collected and those cast are counted. The  
23 process continues until everybody on the nominating  
24 list has been voted upon.

1           (25) The tribal council continues to exercise  
2 control over the reservation, as it has for the past  
3 300 years. The Chief and council members continue  
4 to assign land for individual tribal members' use,  
5 maintain the tribal properties, communicate the  
6 Tribe's interests and concerns to State officials, par-  
7 ticularly the Governor, and settle disputes among  
8 tribal members when it becomes necessary and is ap-  
9 propriate.

10           (26) In 1865, a new and modern church was  
11 erected by tribal members. The church was and still  
12 is affiliated with the Southern Baptist Conference.  
13 This is the oldest Indian church in the Common-  
14 wealth of Virginia.

15 **SEC. 502. DEFINITIONS.**

16 For the purposes of this title—

17           (1) the term “Tribe” means the Pamunkey  
18 Tribe;

19           (2) the term “Secretary” means the Secretary  
20 of the Interior; and

21           (3) the term “member” means an enrolled  
22 member of the Tribe, as of the date of the enact-  
23 ment of this Act, or an individual who has been  
24 placed on the membership rolls of the Tribe in ac-  
25 cordance with this Act.

1 **SEC. 503. FEDERAL RECOGNITION.**

2 (a) FEDERAL RECOGNITION.—Federal recognition is  
3 hereby extended to the Tribe. All laws and regulations of  
4 the United States of general application to Indians or na-  
5 tions, tribes, or bands of Indians, including the Act of  
6 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
7 consistent with any specific provision of this Act, shall be  
8 applicable to the Tribe and its members.

9 (b) FEDERAL SERVICES AND BENEFITS.—

10 (1) IN GENERAL.—The Tribe and its members  
11 shall be eligible, on and after the date of the enact-  
12 ment of this Act, for all future services and benefits  
13 provided by the Federal Government to federally rec-  
14 ognized Indian tribes without regard to the existence  
15 of a reservation for the Tribe or the location of the  
16 residence of any member on or near any Indian res-  
17 ervation.

18 (2) SERVICE AREA.—For purposes of the deliv-  
19 ery of Federal services to enrolled members of the  
20 Tribe, the Tribe’s service area shall be deemed to be  
21 the area comprised of 1,200 acres on the Pamunkey  
22 River located in King William County, Virginia, and  
23 surrounded by the Pamunkey River.

24 **SEC. 504. MEMBERSHIP.**

25 Not later than 18 months after the date of the enact-  
26 ment of this Act, the Tribe shall submit to the Secretary

1 a membership roll consisting of all individuals currently  
2 enrolled for membership in the Tribe. The qualifications  
3 for inclusion on the membership roll of the Tribe shall be  
4 determined by the membership clauses in the Tribe's gov-  
5 erning document, in consultation with the Secretary. Upon  
6 completion of the roll, the Secretary shall immediately  
7 publish notice of such in the Federal Register. The Tribe  
8 shall ensure that such roll is maintained and kept current.

9 **SEC. 505. CONSTITUTION AND GOVERNING BODY.**

10 (a) CONSTITUTION.—

11 (1) ADOPTION.—Not later than 24 months  
12 after the date of the enactment of this Act, the  
13 Tribe shall conduct, by secret ballot, an election to  
14 adopt a constitution and bylaws for the Tribe.

15 (2) INTERIM GOVERNING DOCUMENTS.—Until  
16 such time as a new constitution is adopted under  
17 paragraph (1), the governing documents in effect on  
18 the date of enactment of this Act shall be the in-  
19 terim governing documents for the Tribe.

20 (b) OFFICIALS.—

21 (1) ELECTION.—Not later than 6 months after  
22 the Tribe adopts a constitution and bylaws pursuant  
23 to subsection (a), the Tribe shall conduct elections  
24 by secret ballot for the purpose of electing officials

1 for the Tribe as provided in the constitution and by-  
2 laws.

3 (2) INTERIM GOVERNMENT.—Until such time  
4 as the Tribe elects new officials pursuant to para-  
5 graph (1), the governing body of the Tribe shall be  
6 the governing body in place on the date of the enact-  
7 ment of this Act, or any new governing body selected  
8 under the election procedures specified in the in-  
9 terim governing documents of the Tribe.

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

11 (a) LAND HELD IN TRUST BY STATE.—Notwith-  
12 standing any other provision of law, if the Commonwealth  
13 of Virginia transfers to the Secretary any land which is  
14 held in trust by that State for the benefit of the Tribe  
15 on the date of the enactment of this Act, the Secretary  
16 shall take such land into trust for the benefit of the Tribe.

17 (b) OTHER LAND.—Notwithstanding any other provi-  
18 sion of law, if the Tribe transfers any land within the  
19 boundaries of King William County, Virginia, to the Sec-  
20 retary, the Secretary shall take such land into trust for  
21 the benefit of the Tribe.

1 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
2 **WATER RIGHTS.**

3 Nothing in this Act shall expand, reduce, or affect  
4 in any manner any hunting, fishing, trapping, gathering,  
5 or water rights of the Tribe and its members.

6 **TITLE VI—RAPPAHANNOCK**  
7 **TRIBE**

8 **SEC. 601. FINDINGS.**

9 Congress makes the following findings:

10 (1) During the initial months after Virginia was  
11 settled, the Rappahannocks had 3 encounters with  
12 Captain John Smith. The first occurred when the  
13 Rappahannock weroance (headman) traveled to  
14 Quiyocohannock (a principal town across the James  
15 River from Jamestown) where he met with the Eng-  
16 lishman to determine if Smith had been the “great  
17 man” who had previously sailed into the Rappahan-  
18 nock River, killed a Rappahannock weroance, and  
19 kidnaped Rappahannock people. He determined that  
20 Smith was too short to be that “great man”. On a  
21 second meeting, during John Smith’s captivity (De-  
22 cember 16, 1607 to January 8, 1608), Smith was  
23 taken to the Rappahannock principal village to show  
24 the people that Smith was not the “great man.” A  
25 third meeting took place during Smith’s exploration  
26 of the Chesapeake Bay (July to September 1608),

1 when Smith was prevailed upon to make peace be-  
2 tween the Rappahannock and the Moraughtacund  
3 Indians. The Moraughtacunds had stolen 3 women  
4 from the Rappahannock King. In the settlement,  
5 Smith had the 2 tribes meet on the spot of their  
6 first fight. When it was established that both sides  
7 wanted peace, Smith told the Rappahannock King to  
8 select which of the 3 women he wanted; the  
9 Moraughtacund King got second choice; Mosco, a  
10 Wighcocomoco (on the Potomac River) guide, was  
11 given the third woman.

12 (2) In 1645, Captain William Claiborne tried  
13 unsuccessfully to establish treaty relations with the  
14 Rappahannocks. The Rappahannocks had not par-  
15 ticipated in the Pamunkey-led uprising in 1644, and  
16 the English wanted to “treat with the  
17 Rappahannocks or any other Indians not in amity  
18 with Opechancanough, concerning serving the county  
19 against the Pamukeys”.

20 (3) In April 1651, the Rappahannocks conveyed  
21 their first tract of land to an English settler, Colonel  
22 Morre Fauntleroy. The deed was signed by  
23 Accopatough, weroance of the Rappahannock Indi-  
24 ans.

1           (4) In September 1653, Lancaster County  
2 signed a treaty with Rappahannock Indians. The  
3 terms of the treaty gave Rappahannocks the rights  
4 of Englishmen in the county court, and it tried to  
5 make the Rappahannocks more accountable to  
6 English law.

7           (5) In September 1653, Lancaster County de-  
8 fined and marked the bounds of its Indian settle-  
9 ments. According to the Lancaster clerk of court,  
10 “the tribe called the great Rappahannocks lived on  
11 the Rappahannock Creek just across the river above  
12 Tappahannock”.

13           (6) In September 1656, (Old) Rappahannock  
14 County (modern-day Richmond and Essex Counties)  
15 signed a treaty with Rappahannock Indians. The  
16 treaty mirrored the Lancaster County treaty from  
17 1653 (see above), and added 2 points:  
18 Rappahannocks were to be rewarded, in Roanoke,  
19 for returning English fugitives and the English en-  
20 couraged the Rappahannocks to send their children  
21 to live among the English as servants, who the  
22 English promised would be well treated.

23           (7) In 1658, the Virginia Assembly revised a  
24 1652 Act stating that “there be no grants of land  
25 to any Englishman whatsoever de futuro until the

1 Indians be first served with the proportion of 50  
2 acres of land for each bowman”.

3 (8) In 1669, the colony conducted a census of  
4 Virginia Indians. At that time, the majority of the  
5 Rappahannocks were residing at their hunting vil-  
6 lage on the north side of the Mattaponi River. At  
7 the time of the visit, census takers were counting  
8 only the tribes along the rivers. This explains the  
9 low number of 30 Rappahannock bowmen counted  
10 on that river. The Rappahannocks used this hunting  
11 village on the north side of the Mattaponi River as  
12 their primary residence until they were removed in  
13 1684.

14 (9) In May 1677, the Treaty of Middle Planta-  
15 tion was signed with England. The Pamunkey  
16 Queen Cockacoeske signed on behalf of the  
17 Rappahannocks “who were supposed to be her tribu-  
18 taries”. However, before the treaty could be ratified,  
19 the Queen of Pamunkey complained to the Virginia  
20 Colonial Council “that she was having trouble with  
21 Rappahannocks and Chickahominies, supposedly  
22 tributaries of hers”.

23 (10) In November 1682, the Virginia Colonial  
24 Council established a reservation for the Rappahan-  
25 nock Indians of 3,474 acres “about the town where

1 they dwelt”. The Rappahannocks “town” was their  
2 hunting village on the north side of the Mattaponi  
3 River, where they had lived throughout the 1670’s.  
4 The acreage allotment was based on the 1658 Indian  
5 land act (seen above), which translates into a bow-  
6 man population of 70, or an approximate total Rap-  
7 pahannock population of 350.

8 (11) In 1683, following raids by Iroquoian war-  
9 riors on both Indian and English settlements, the  
10 Virginia Colonial Council ordered the  
11 Rappahannocks to leave their reservation and unite  
12 with the Nanzatico Indians at Nanzatico Indian  
13 Town, which was located across and up the Rappa-  
14 hannock River some 30 miles.

15 (12) Between 1687 and 1699, the  
16 Rappahannocks migrated out of Nanzatico, return-  
17 ing to the south side of the Rappahannock River at  
18 Portobacco Indian Town.

19 (13) In 1706, by order of Essex County, Lieu-  
20 tenant Richard Covington “escorted” the  
21 Portobaccos and Rappahannocks out of Portobacco  
22 Indian Town, out of Essex County, and into King  
23 and Queen County where they settled along the  
24 ridgeline between the Rappahannock and Mattaponi

1 Rivers, the site of their ancient hunting village and  
2 1682 reservation.

3 (14) During the 1760's, 3 Rappahannock girls  
4 were raised on Thomas Nelson's "Bleak Hill" Plan-  
5 tation in King William County. One girl married a  
6 Saunders man, 1 a Johnson man, and the third had  
7 2 children, Edmund and Carter Nelson, fathered by  
8 Thomas Cary Nelson. In the 19th century, these  
9 Sauders, Johnson, and Nelson families are among  
10 the core Rappahannock families from which the  
11 modern tribe traces its descent.

12 (15) In 1819 and 1820, Edward Bird, John  
13 Bird and his unnamed wife, Carter Nelson, Edmund  
14 Nelson, and Carter Spurlock (all Rappahannock an-  
15 cestors) were listed on the tax roles of King and  
16 Queen County. They are taxed at the county poor  
17 rate. Edmund Bird is added to the list in 1821. This  
18 is significant documentation because the over-  
19 whelming majority of pre-1864 records for King and  
20 Queen County were destroyed by fire.

21 (16) Beginning in 1819, and continuing  
22 through the 1880's, there was a solid Rappahannock  
23 presence in the membership at Upper Essex Baptist  
24 Church. This is the first instance of conversion to  
25 Christianity by at least some Rappahannocks. Twen-

1 ty-six identifiable and traceable Rappahannock sur-  
2 names appear on the pre-1863 membership list; 28  
3 were listed on the 1863 membership roster; that  
4 number had declined to 12 in 1878 and had risen  
5 only slightly to 14 by 1888. One reason for the de-  
6 cline: in 1870, a Methodist circuit rider, Joseph  
7 Mastin, secured funds to purchase land and con-  
8 struct St. Stephens Baptist church for the  
9 Rappahannocks living nearby in Caroline County.  
10 Mastin documented from 1850 to 1870, “These In-  
11 dians, having a great need for moral and Christian  
12 guidance”. St. Stephens was the dominant tribal  
13 church until the Rappahannock Indian Baptist  
14 Church was established in 1964. At both, the core  
15 Rappahannock family names of Bird, Clarke, For-  
16 tune, Johnson, Nelson, Parker, and Richardson pre-  
17 dominate.

18 (17) During the early 1900’s, James Mooney,  
19 noted anthropologist, maintained correspondence  
20 with the Rappahannocks, surveying them and in-  
21 structing them on how to formalize their tribal gov-  
22 ernment.

23 (18) November 1920, Speck visited the  
24 Rappahannocks and assisted them in organizing the  
25 fight for their sovereign rights. In 1921, the

1 Rappahannocks were granted a charter from the  
2 Commonwealth of Virginia formalizing their tribal  
3 government. Speck began a professional relationship  
4 with the Tribe that would last more than 30 years  
5 and document Rappahannock history and traditions  
6 as never done before.

7 (19) April 1921, Rappahannock Chief George  
8 Nelson asked the Governor of Virginia, Westmore-  
9 land Davis, to forward a proclamation to the Presi-  
10 dent of the United States. A list of tribal members  
11 and a handwritten copy of the proclamation itself  
12 were appended. The letter concerned Indian freedom  
13 of speech and assembly nationwide.

14 (20) In 1922, the Rappahannocks established a  
15 formal school at Lloyds, Essex County, Virginia.  
16 Prior to that time, Rappahannock children were  
17 taught by a tribal member in Central Point, Caroline  
18 County, Virginia.

19 (21) In December 1923, Rappahannock Chief  
20 George Nelson testified before the United States  
21 Congress appealing for a \$50,000 appropriation to  
22 establish an Indian school in Virginia.

23 (22) In 1930, the Rappahannocks were engaged  
24 in an ongoing dispute with the Commonwealth of  
25 Virginia and the United States Census Bureau

1 about their classification in the 1930 Federal cen-  
2 sus. In January 1930, Rappahannock Chief Otho S.  
3 Nelson wrote to the Chief Statistician of the United  
4 States Census Bureau asking that the 218 enrolled  
5 Rappahannocks be listed as Indians. In February,  
6 Leon Truesdell replied to Nelson saying that “spe-  
7 cial instructions” were being given about classifying  
8 Indians. That April, Nelson wrote to William M.  
9 Steuart at the Census Bureau asking about the enu-  
10 merators’ failure to classify his people as Indians.  
11 Nelson said that enumerators had not asked the  
12 question about race when they interviewed his peo-  
13 ple. In a follow-up letter to Truesdell, Nelson re-  
14 ported that the enumerators were “flatly denying”  
15 his people’s request to be listed as Indians. Further-  
16 more, the race question was completely avoided dur-  
17 ing interviews. The Rappahannocks had talked with  
18 Caroline and Essex County enumerators, and with  
19 John M.W. Green already, without success. Nelson  
20 asked Truesdell to list people as Indian if he sent a  
21 list of members. The matter was settled by William  
22 Steuart who concluded that the Bureau’s rule was  
23 that people of Indian descent could only be classified  
24 as “Indian” if Indian “blood” predominated and  
25 “Indian” identity was accepted in the local commu-

1 nity. The Virginia Vital Statistics Bureau classed all  
2 nonreservation Indians as “negro”, and it failed to  
3 see why “an exception should be made” for the  
4 Rappahannocks. Therefore, in 1925, the Indian  
5 Rights Association took on the Rappahannock case  
6 to assist them in fighting for their recognition and  
7 rights as an Indian Tribe.

8 (23) During the Second World War, the  
9 Pamunkeys, Mattaponis, Chickahominies, and  
10 Rappahannocks had to fight the draft boards about  
11 their racial identity. The Virginia Vital Statistics  
12 Bureau insisted that certain Indian draftees be in-  
13 ducted into Negro units. In the end, 3  
14 Rappahannocks were convicted of violating the Fed-  
15 eral draft laws. After spending time in a Federal  
16 prison, they were granted conscientious objector sta-  
17 tus and served out the remainder of the war working  
18 in military hospitals.

19 (24) In 1943, Frank Speck noted that there  
20 were approximately 25 communities of Indians left  
21 in the Eastern United States that were entitled to  
22 Indian classification. The Rappahannocks were in-  
23 cluded in this grouping.

24 (25) In the 1940’s, Leon Truesdell, Chief Stat-  
25 istician, United States Bureau of the Census, listed

1 118 members in the Rappahannock tribe in the In-  
2 dian population of Virginia.

3 (26) April 25, 1940, the United States Depart-  
4 ment of the Interior, Office of Indian Affairs in-  
5 cludes the Rappahannocks in their list of Tribes by  
6 State and Agency.

7 (27) In 1948, the Smithsonian Institution An-  
8 nual Report included an article by William Harlen  
9 Gilbert entitled, “Surviving Indian Groups of the  
10 Eastern United States”. The Rappahannock Tribe  
11 was included and described in this article.

12 (28) In the late 1940’s and early 1950’s, the  
13 Rappahannocks operated a school at Indian Neck.  
14 The State agreed to pay a tribal teacher to teach 10  
15 students bused by King and Queen County to Shar-  
16 on Indian School in King William County, Virginia.  
17 In 1965, Rappahannock students entered Marriott  
18 High School (a white public school) by Executive  
19 order of the Governor of Virginia. In 1972, the  
20 Rappahannocks worked with the Coalition of East-  
21 ern Native Americans to fight for Federal recogni-  
22 tion. In 1979, the Coalition established a pottery  
23 and artisans company, operating with other Virginia  
24 tribes. In 1980, the Rappahannocks received funding

1 through the Administration for Native Americans, to  
2 develop an economic program for the Tribe.

3 (29) In 1983, the Rappahannocks received  
4 State recognition.

5 **SEC. 602. DEFINITIONS.**

6 For the purposes of this title—

7 (1) the term “Tribe” means the organization  
8 possessing the legal name Rappahannock Tribe, Inc.,  
9 only and no other tribe, subtribe, band, or splinter  
10 groups representing themselves as Rappahannocks;

11 (2) the term “Secretary” means the Secretary  
12 of the Interior; and

13 (3) the term “member” means an enrolled  
14 member of the Tribe, as of the date of the enact-  
15 ment of this Act, or an individual who has been  
16 placed on the membership rolls of the Tribe in ac-  
17 cordance with this Act.

18 **SEC. 603. FEDERAL RECOGNITION.**

19 (a) FEDERAL RECOGNITION.—Federal recognition is  
20 hereby extended to the Tribe, which entitles the  
21 Rappahannocks to all sovereign powers and rights as au-  
22 tonomous Native American Nations. All laws and regula-  
23 tions of the United States of general application to Indi-  
24 ans or nations, tribes, or bands of Indians, including the  
25 Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are

1 not inconsistent with any specific provision of this Act,  
2 shall be applicable to the Tribe and its members.

3 (b) FEDERAL SERVICES AND BENEFITS.—

4 (1) IN GENERAL.—The Tribe and its members  
5 shall be eligible, on and after the date of the enact-  
6 ment of this Act, for all future services and benefits  
7 provided by the Federal Government to federally rec-  
8 ognized Indian tribes without regard to the existence  
9 of a reservation for the Tribe or the location of the  
10 residence of any member on or near any Indian res-  
11 ervation.

12 (2) SERVICE AREA.—For purposes of the deliv-  
13 ery of Federal services to enrolled members of the  
14 Tribe, the Tribe's service area shall be deemed to be  
15 the area comprised of King and Queen, Caroline,  
16 and Essex Counties, Virginia.

17 **SEC. 604. MEMBERSHIP.**

18 Not later than 18 months after the date of the enact-  
19 ment of this Act, the Tribe shall submit to the Secretary  
20 a membership roll consisting of all individuals currently  
21 enrolled for membership in the Tribe. The qualifications  
22 for inclusion on the membership roll of the Tribe shall be  
23 determined by the membership clauses in the Tribe's gov-  
24 erning document, in consultation with the Secretary. Upon  
25 completion of the roll, the Secretary shall immediately

1 publish notice of such in the Federal Register. The Tribe  
2 shall ensure that such roll is maintained and kept current.

3 **SEC. 605. CONSTITUTION AND GOVERNING BODY.**

4 (a) CONSTITUTION.—

5 (1) ADOPTION.—Not later than 24 months  
6 after the date of the enactment of this Act, the  
7 Tribe shall conduct, by secret ballot, an election to  
8 adopt a constitution and bylaws for the Tribe.

9 (2) INTERIM GOVERNING DOCUMENTS.—Until  
10 such time as a new constitution is adopted under  
11 paragraph (1), the governing documents in effect on  
12 the date of enactment of this Act shall be the in-  
13 terim governing documents for the Tribe.

14 (b) OFFICIALS.—

15 (1) ELECTION.—Not later than 6 months after  
16 the Tribe adopts a constitution and bylaws pursuant  
17 to subsection (a), the Tribe shall conduct elections  
18 by secret ballot for the purpose of electing officials  
19 for the Tribe as provided in the constitution and by-  
20 laws.

21 (2) INTERIM GOVERNMENT.—Until such time  
22 as the Tribe elects new officials pursuant to para-  
23 graph (1), the governing body of the Tribe shall be  
24 the governing body in place on the date of the enact-  
25 ment of this Act, or any new governing body selected

1 under the election procedures specified in the in-  
2 terim governing documents of the Tribe.

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

4 Notwithstanding any other provision of law, if the  
5 Tribe transfers the land described in subsection (b) and  
6 any other land within the boundaries of King and Queen  
7 County, Essex County, and Caroline County, Virginia, to  
8 the Secretary, the Secretary shall take such land into trust  
9 for the benefit of the Tribe.

10 **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
11 **WATER RIGHTS.**

12 Nothing in this Act shall expand, reduce, or affect  
13 in any manner any hunting, fishing, trapping, gathering,  
14 or water rights of the Tribe and its members.

15 **TITLE VII—MONACAN TRIBE**

16 **SEC. 701. FINDINGS.**

17 Congress makes the following findings:

18 (1) In 1677, the Monacan Tribe signed the  
19 Treaty of Middle Plantation between Charles II of  
20 England and 12 Indian “Kings and Chief Men”.

21 (2) In 1722, in the Treaty of Albany, Governor  
22 Spotswood negotiated to save the Virginia Indians  
23 from extinction at the hands of the Iroquois. Specifi-  
24 cally mentioned are the Monacan tribes of the

1 Toteró (Tutelo), Saponi, Ocheneeches (Occaneechi),  
2 Stengenocks, and Meipontskys.

3 (3) In 1782, the First National Census records  
4 Benjamin Evans and Robert Johns, both ancestors  
5 of the present Monacan community. They are listed  
6 as white with mulatto children. Tax records also  
7 begin for these families.

8 (4) In 1850, the Census records 29 families,  
9 mostly large, with Monacan surnames, who are gene-  
10 alogically related to the present community.

11 (5) In 1870, a log structure at the Bear Moun-  
12 tain Indian Mission was built. In 1908, this struc-  
13 ture became an Episcopal Mission and is now listed  
14 as a National Historic Landmark.

15 (6) In 1920, 304 Amherst Indians are listed on  
16 the Census.

17 (7) From 1930 through 1931, a flurry of letters  
18 from Monacans to the United States Bureau of the  
19 Census results from Dr. Walter Plecker's (head of  
20 State Bureau of Vital Statistics) decision not to  
21 allow Indians to register as such for the 1930 cen-  
22 sus. The Monacans succeed in being allowed to claim  
23 their race, albeit with an asterisk attached to a note  
24 from Dr. Plecker stating that there are no Indians  
25 in Virginia.

1           (8) In 1947, D’Arcy McNickle, a Salish Indian,  
2 saw some of the children at the Amherst Mission  
3 and requested that the Cherokee Agency visit them  
4 because they appeared to be Indian. This letter was  
5 forwarded to the Department of the Interior, Office  
6 of Indian Affairs, Chicago, Illinois. Chief Jarrett  
7 Blythe of the Eastern Band of Cherokee did visit the  
8 Mission and wrote that he “would be willing to ac-  
9 cept these children in the Cherokee school”.

10           (9) In 1979, a Federal Coalition of Eastern Na-  
11 tive Americans grant established the Monacan Co-  
12 operative Pottery at the Mission. Some important  
13 pieces are produced, including one that was sold to  
14 the Smithsonian.

15           (10) In 1981, the Mattaponi-Pamunkey-Mona-  
16 can Consortium was created and since organized as  
17 a nonprofit corporation that serves as a vehicle to  
18 obtain funds for the tribes through the Native Amer-  
19 ican Program of the Job Training Partnership Act  
20 (Department of Labor).

21           (11) In 1989, the Monacan Tribe is officially  
22 recognized by the Commonwealth of Virginia, which  
23 enables the Tribe to apply for grants and other pro-  
24 grams. In 1993, the Tribe received tax-exempt sta-

1       tus as a nonprofit corporation from the Internal  
2       Revenue Service.

3 **SEC. 702. DEFINITIONS.**

4       For the purposes of this title—

5           (1) the term “Tribe” means the Monacan  
6       Tribe;

7           (2) the term “Secretary” means the Secretary  
8       of the Interior; and

9           (3) the term “member” means an enrolled  
10       member of the Tribe, as of the date of the enact-  
11       ment of this Act, or an individual who has been  
12       placed on the membership rolls of the Tribe in ac-  
13       cordance with this Act.

14 **SEC. 703. FEDERAL RECOGNITION.**

15       (a) FEDERAL RECOGNITION.—Federal recognition is  
16       hereby extended to the Tribe. All laws and regulations of  
17       the United States of general application to Indians or na-  
18       tions, tribes, or Tribes of Indians, including the Act of  
19       June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
20       consistent with any specific provision of this Act, shall be  
21       applicable to the Tribe and its members.

22       (b) FEDERAL SERVICES AND BENEFITS.—

23           (1) IN GENERAL.—The Tribe and its members  
24       shall be eligible, on and after the date of the enact-  
25       ment of this Act, for all future services and benefits

1 provided by the Federal Government to federally rec-  
2 ognized Indian tribes without regard to the existence  
3 of a reservation for the Tribe or the location of the  
4 residence of any member on or near any Indian res-  
5 ervation.

6 (2) SERVICE AREA.—For purposes of the deliv-  
7 ery of Federal services to enrolled members of the  
8 Tribe, the Tribe’s service area shall be deemed to be  
9 the area comprised of all lands within 150 miles of  
10 the center of Amherst, Virginia.

11 **SEC. 704. MEMBERSHIP.**

12 Not later than 18 months after the date of the enact-  
13 ment of this Act, the Tribe shall submit to the Secretary  
14 a membership roll consisting of all individuals currently  
15 enrolled for membership in the Tribe. The qualifications  
16 for inclusion on the membership roll of the Tribe shall be  
17 determined by the membership clauses in the Tribe’s gov-  
18 erning document, in consultation with the Secretary. Upon  
19 completion of the roll, the Secretary shall immediately  
20 publish notice of such in the Federal Register. The Tribe  
21 shall ensure that such roll is maintained and kept current.

22 **SEC. 705. CONSTITUTION AND GOVERNING BODY.**

23 (a) CONSTITUTION.—

24 (1) ADOPTION.—Not later than 24 months  
25 after the date of the enactment of this Act, the

1 Tribe shall conduct, by secret ballot, an election to  
2 adopt a constitution and bylaws for the Tribe.

3 (2) INTERIM GOVERNING DOCUMENTS.—Until  
4 such time as a new constitution is adopted under  
5 paragraph (1), the governing documents in effect on  
6 the date of enactment of this Act shall be the in-  
7 terim governing documents for the Tribe.

8 (b) OFFICIALS.—

9 (1) ELECTION.—Not later than 6 months after  
10 the Tribe adopts a constitution and bylaws pursuant  
11 to subsection (a), the Tribe shall conduct elections  
12 by secret ballot for the purpose of electing officials  
13 for the Tribe as provided in the constitution and by-  
14 laws.

15 (2) INTERIM GOVERNMENT.—Until such time  
16 as the Tribe elects new officials pursuant to para-  
17 graph (1), the governing body of the Tribe shall be  
18 the governing body in place on the date of the enact-  
19 ment of this Act, or any new governing body selected  
20 under the election procedures specified in the in-  
21 terim governing documents of the Tribe.

22 **SEC. 706. RESERVATION OF THE TRIBE.**

23 Notwithstanding any other provision of law, if the  
24 Tribe transfers to the Secretary a parcel consisting of ap-  
25 proximately 10 acres located on Kenmore Road in Am-

1 herst County, Virginia, and a parcel of land consisting of  
2 approximately 110 acres located at the foot of Bear Moun-  
3 tain in Amherst County, Virginia, the Secretary shall take  
4 such land into trust for the benefit of the Tribe.

5 **SEC. 707. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
6 **WATER RIGHTS.**

7 Nothing in this Act shall expand, reduce, or affect  
8 in any manner any hunting, fishing, trapping, gathering,  
9 or water rights of the Tribe and its members.

10 **TITLE VIII—NANSEMOND TRIBE**

11 **SEC. 801. FINDINGS.**

12 Congress makes the following findings:

13 (1) From 1607 until 1646, Nansemonds lived  
14 about 30 miles from Jamestown; were major players  
15 in English-Indian affairs in those years. After 1646,  
16 there were 2 sections of the tribe, in communication  
17 with each other: the Christianized Nansemonds in  
18 Norfolk County lived as citizens, while the tradition-  
19 alist Nansemonds farther west (various counties)  
20 had a reservation.

21 (2) In 1638, a Norfolk County Englishman  
22 married a Nansemond woman, according to an entry  
23 in a 17th century sermon book still owned by the  
24 Chief's family. The couple are lineal ancestors of all

1 of the present Nansemond tribe (so are some of the  
2 traditionalists).

3 (3) In 1669, the Tribe's 2 sections appeared in  
4 Virginia Colony's census of Indian bowmen.

5 (4) In 1677, Nansemonds were signatories to  
6 the Treaty of 1677 with the King of England.

7 (5) In 1700 and 1704, the Nansemonds and  
8 other Virginia tribes were prevented by Virginia Col-  
9 ony from making a separate peace with the Iroquois.  
10 Virginia represented them in the final Treaty of Al-  
11 bany, 1722.

12 (6) In 1711, the Nansemonds had a boy at the  
13 Indian School at the College of William and Mary.

14 (7) In 1727, Norfolk County allowed to William  
15 Bass and kinsmen the "Indian privileges" of clear-  
16 ing swamp land and bearing arms (forbidden to  
17 other nonwhites) because of their Nansemond de-  
18 scent, which meant they were original inhabitants of  
19 said land.

20 (8) In 1742, Norfolk County issued a certificate  
21 of Nansemond descent to William Bass.

22 (9) From the 1740's to the 1790's, the tradi-  
23 tionalist section of the Nansemond tribe, 40 miles  
24 west, was dealing with reservation lands. The last

1 surviving members of that section sold out in 1792,  
2 with permission of the Commonwealth of Virginia.

3 (10) In 1797, Norfolk County issued a certifi-  
4 cate stating that William Bass was of Indian and  
5 English descent; the Indian line of ancestry ran di-  
6 rectly back to the early 18th century elder in a tra-  
7 ditionalist section of Nansemonds on the reservation.

8 (11) In 1833, a State law passed enabling Eu-  
9 ropean and Indian descended people to get a special  
10 certificate of ancestry; a bill originated from the  
11 county where Nansemonds lived, and mostly  
12 Nansemonds took advantage of the law (few people  
13 in other counties).

14 (12) Around 1850, a Methodist mission was es-  
15 tablished for Nansemonds which is now a standard  
16 Methodist congregation and still with Nansemond  
17 members.

18 (13) In 1901, Smithsonian anthropologist  
19 James Mooney visited the Nansemonds and took a  
20 tribal census counting 61 households. The census  
21 was later published.

22 (14) In 1922, Nansemonds got a special Indian  
23 school in Norfolk County's segregated school system.  
24 The school survived only a few years.

1           (15) In 1928, University of Pennsylvania an-  
2           thropologist Frank Speck published a book on mod-  
3           ern Virginia Indians with a section on the  
4           Nansemonds.

5           (16) In 1984, the Nansemonds were organized  
6           formally, with elected officers; then applied for and  
7           won State recognition.

8 **SEC. 802. DEFINITIONS.**

9           For the purposes of this title—

10           (1) the term “Tribe” means the Nansemond  
11           Tribe;

12           (2) the term “Secretary” means the Secretary  
13           of the Interior; and

14           (3) the term “member” means an enrolled  
15           member of the Tribe, as of the date of the enact-  
16           ment of this Act, or an individual who has been  
17           placed on the membership rolls of the Tribe in ac-  
18           cordance with this Act.

19 **SEC. 803. FEDERAL RECOGNITION.**

20           (a) **FEDERAL RECOGNITION.**—Federal recognition is  
21 hereby extended to the Tribe. All laws and regulations of  
22 the United States of general application to Indians or na-  
23 tions, tribes, or bands of Indians, including the Act of  
24 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-

1 consistent with any specific provision of this Act, shall be  
2 applicable to the Tribe and its members.

3 (b) FEDERAL SERVICES AND BENEFITS.—

4 (1) IN GENERAL.—The Tribe and its members  
5 shall be eligible, on and after the date of the enact-  
6 ment of this Act, for all future services and benefits  
7 provided by the Federal Government to federally rec-  
8 ognized Indian tribes without regard to the existence  
9 of a reservation for the Tribe or the location of the  
10 residence of any member on or near any Indian res-  
11 ervation.

12 (2) SERVICE AREA.—For purposes of the deliv-  
13 ery of Federal services to enrolled members of the  
14 Tribe, the Tribe’s service area shall be deemed to be  
15 the area comprised of the cities of Chesapeake,  
16 Hampton, Newport News, Norfolk, Portsmouth, Suf-  
17 folk, and Virginia Beach, Virginia.

18 **SEC. 804. MEMBERSHIP.**

19 Not later than 18 months after the date of the enact-  
20 ment of this Act, the Tribe shall submit to the Secretary  
21 a membership roll consisting of all individuals currently  
22 enrolled for membership in the Tribe. The qualifications  
23 for inclusion on the membership roll of the Tribe shall be  
24 determined by the membership clauses in the Tribe’s gov-  
25 erning document, in consultation with the Secretary. Upon

1 completion of the roll, the Secretary shall immediately  
2 publish notice of such in the Federal Register. The Tribe  
3 shall ensure that such roll is maintained and kept current.

4 **SEC. 805. CONSTITUTION AND GOVERNING BODY.**

5 (a) CONSTITUTION.—

6 (1) ADOPTION.—Not later than 24 months  
7 after the date of the enactment of this Act, the  
8 Tribe shall conduct, by secret ballot, an election to  
9 adopt a constitution and bylaws for the Tribe.

10 (2) INTERIM GOVERNING DOCUMENTS.—Until  
11 such time as a new constitution is adopted under  
12 paragraph (1), the governing documents in effect on  
13 the date of enactment of this Act shall be the in-  
14 terim governing documents for the Tribe.

15 (b) OFFICIALS.—

16 (1) ELECTION.—Not later than 6 months after  
17 the Tribe adopts a constitution and bylaws pursuant  
18 to subsection (a), the Tribe shall conduct elections  
19 by secret ballot for the purpose of electing officials  
20 for the Tribe as provided in the constitution and by-  
21 laws.

22 (2) INTERIM GOVERNMENT.—Until such time  
23 as the Tribe elects new officials pursuant to para-  
24 graph (1), the governing body of the Tribe shall be  
25 the governing body in place on the date of the enact-

1       ment of this Act, or any new governing body selected  
2       under the election procedures specified in the in-  
3       terim governing documents of the Tribe.

4   **SEC. 806. RESERVATION OF THE TRIBE.**

5       Notwithstanding any other provision of law, if the  
6   Tribe transfers any land within the boundaries of the cit-  
7   ies of Chesapeake, Hampton, Newport News, Norfolk,  
8   Portsmouth, Suffolk, and Virginia Beach, Virginia, to the  
9   Secretary, the Secretary shall take such land into trust  
10  for the benefit of the Tribe.

11  **SEC. 807. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
12                                   **WATER RIGHTS.**

13       Nothing in this Act shall expand, reduce, or affect  
14  in any manner any hunting, fishing, trapping, gathering,  
15  or water rights of the Tribe and its members.

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