

107TH CONGRESS
2D SESSION

S. 2694

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2002

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

A BILL

To extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi 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 2002”.

TITLE I—CHICKAHOMINY INDIAN TRIBE

3 SEC. 101. FINDINGS.

4 Congress makes the following findings:

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

9 (2) In 1614, the Chickahominy Indian Tribe
10 entered into a treaty with Sir Thomas Dale, Gov-
11 ernor of the Jamestown Colony, agreeing to provide
12 2 bushels of corn per man and send warriors to pro-
13 tect the English. Sir Thomas Dale agreed in return
14 to allow the tribe to continue to practice their own
15 tribal governance.

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

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

23 (5) In 1702, the Chickahominy were pushed off
24 their reservation, which caused the loss of a land
25 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 (a) IN GENERAL.—Notwithstanding any other provi-
 20 sion of law, if, not later than 25 years after the date of
 21 the enactment of this Act, the Tribe transfers land within
 22 the boundaries of the Virginia counties of Charles City,
 23 James City, or Henrico, to the Secretary, the Secretary
 24 shall take such land into trust for the benefit of the Tribe.

1 (b) CONSTRUCTION.—Nothing in this section shall be
 2 construed to satisfy the terms for an exception under sec-
 3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
 4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 5 lands acquired by the Secretary in trust for the benefit
 6 of an Indian tribe after October 17, 1988, under section
 7 20(a) of such Act (25 U.S.C. 2719(a)).

8 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 9 **WATER RIGHTS.**

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

13 **TITLE II—CHICKAHOMINY IN-**
 14 **DIAN TRIBE—EASTERN DIVI-**
 15 **SION**

16 **SEC. 201. FINDINGS.**

17 Congress makes the following findings:

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

21 (2) In 1614, the Chickahominy Indian Tribe
 22 signed a treaty with Sir Thomas Dale, Governor of
 23 the Jamestown Colony, agreeing to provide 2 bushels
 24 of corn per man and send warriors to protect the
 25 English. Sir Thomas Dale agreed in return to allow

1 the Tribe to continue to practice their own tribal
2 governance.

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

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

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

13 (6) In 1723, the College of William and Mary
14 in Williamsburg established a grammar school for
15 Indians called Brafferton College. A Chickahominy
16 child was one of the first Indians to attend.

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

21 (8) In 1793, A Baptist missionary named
22 Bradby took refuge with the Chickahominy and took
23 a Chickahominy woman as his wife.

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

4 (10) In 1870, a census showed an enclave of
5 Indians in New Kent County which is believed to be
6 the beginning of the Chickahominy Indian Tribe-
7 Eastern Division. Records were destroyed when the
8 New Kent County courthouse was burned. A State
9 census was the only record at this time.

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

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

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

1 (14) In 1922, Tsena Commocko Baptist Church
2 was organized.

3 (15) In 1925, a certificate of incorporation was
4 issued to the Chickahominy Indian Tribe-Eastern
5 Division.

6 (16) In 1950, the Indian school was closed and
7 students were bused to Samaria Indian School in
8 Charles City County.

9 (17) In 1967, both Chickahominy tribes lost
10 their school to integration.

11 (18) In 1982–1984, Tsena Commocko Baptist
12 built a new sanctuary to accommodate church
13 growth.

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

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

21 (21) In 1988, a nonprofit organization known
22 as the United Indians of Virginia was formed. Chief
23 Marvin “Strongoak” Bradby of the Eastern Band of
24 the Chickahominy presently chairs the organization.

1 **SEC. 202. DEFINITIONS.**

2 For the purposes of this title—

3 (1) the term “Tribe” means the Chickahominy
4 Indian Tribe—Eastern Division;

5 (2) the term “Secretary” means the Secretary
6 of the Interior; and

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

12 **SEC. 203. FEDERAL RECOGNITION.**

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

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

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

7 **SEC. 204. 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. 205. 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. 206. RESERVATION OF THE TRIBE.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, if, not later than 25 years after the date of
21 the enactment of this Act, the Tribe transfers any land
22 within the boundaries of New Kent County, James City
23 County, or Henrico County, Virginia, to the Secretary, the
24 Secretary shall take such land into trust for the benefit
25 of the Tribe.

1 (b) CONSTRUCTION.—Nothing in this section shall be
 2 construed to satisfy the terms for an exception under sec-
 3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
 4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 5 lands acquired by the Secretary in trust for the benefit
 6 of an Indian tribe after October 17, 1988, under section
 7 20(a) of such Act (25 U.S.C. 2719(a)).

8 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 9 **WATER RIGHTS.**

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

13 **TITLE III—UPPER MATTAPONI**
 14 **TRIBE**

15 **SEC. 301. FINDINGS.**

16 Congress makes the following findings:

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

23 (2) In 1661, the Chickahominies sold land at
 24 “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. 302. 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. 303. 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. 304. 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. 305. 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. 306. RESERVATION OF THE TRIBE.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
 16 sion of law, if the Tribe transfers any land within the
 17 boundaries of King William County to the Secretary, the
 18 Secretary shall take such land into trust for the benefit
 19 of the Tribe.

20 (b) CONSTRUCTION.—Nothing in this section shall be
 21 construed to satisfy the terms for an exception under sec-
 22 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
 23 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 24 lands acquired by the Secretary in trust for the benefit

1 of an Indian tribe after October 17, 1988, under section
 2 20(a) of such Act (25 U.S.C. 2719(a)).

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

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

8 **TITLE IV—RAPPAHANNOCK**
 9 **TRIBE**

10 **SEC. 401. FINDINGS.**

11 Congress makes the following findings:

12 (1) During the initial months after Virginia was
 13 settled, the Rappahannocks had 3 encounters with
 14 Captain John Smith. The first occurred when the
 15 Rappahannock weroance (headman) traveled to
 16 Quiyocohannock (a principal town across the James
 17 River from Jamestown) where he met with the Eng-
 18 lishman to determine if Smith had been the “great
 19 man” who had previously sailed into the Rappahan-
 20 nock River, killed a Rappahannock weroance, and
 21 kidnaped Rappahannock people. He determined that
 22 Smith was too short to be that “great man”. On a
 23 second meeting, during John Smith’s captivity (De-
 24 cember 16, 1607 to January 8, 1608), Smith was
 25 taken to the Rappahannock principal village to show

1 the people that Smith was not the “great man.” A
 2 third meeting took place during Smith’s exploration
 3 of the Chesapeake Bay (July to September 1608),
 4 when Smith was prevailed upon to make peace be-
 5 tween the Rappahannock and the Moraughtacund
 6 Indians. The Moraughtacunds had stolen 3 women
 7 from the Rappahannock King. In the settlement,
 8 Smith had the 2 tribes meet on the spot of their
 9 first fight. When it was established that both sides
 10 wanted peace, Smith told the Rappahannock King to
 11 select which of the 3 women he wanted; the
 12 Moraughtacund King got second choice; Mosco, a
 13 Wighcocomoco (on the Potomac River) guide, was
 14 given the third woman.

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

23 (3) In April 1651, the Rappahannocks conveyed
 24 their first tract of land to an English settler, Colonel
 25 Morre Fauntleroy. The deed was signed by

1 Accopatough, weroance of the Rappahannock Indi-
 2 ans.

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

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

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

1 (7) In 1658, the Virginia Assembly revised a
 2 1652 Act stating that “there be no grants of land
 3 to any Englishman whatsoever de futuro until the
 4 Indians be first served with the proportion of 50
 5 acres of land for each bowman”.

6 (8) In 1669, the colony conducted a census of
 7 Virginia Indians. At that time, the majority of the
 8 Rappahannocks were residing at their hunting vil-
 9 lage on the north side of the Mattaponi River. At
 10 the time of the visit, census takers were counting
 11 only the tribes along the rivers. This explains the
 12 low number of 30 Rappahannock bowmen counted
 13 on that river. The Rappahannocks used this hunting
 14 village on the north side of the Mattaponi River as
 15 their primary residence until they were removed in
 16 1684.

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

1 (10) In November 1682, the Virginia Colonial
 2 Council established a reservation for the Rappahan-
 3 nock Indians of 3,474 acres “about the town where
 4 they dwelt”. The Rappahannocks “town” was their
 5 hunting village on the north side of the Mattaponi
 6 River, where they had lived throughout the 1670’s.
 7 The acreage allotment was based on the 1658 Indian
 8 land act (seen above), which translates into a bow-
 9 man population of 70, or an approximate total Rap-
 10 pahannock population of 350.

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

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

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

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

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

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

23 (16) Beginning in 1819, and continuing
 24 through the 1880's, there was a solid Rappahannock
 25 presence in the membership at Upper Essex Baptist

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

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

1 (18) November 1920, Speck visited the
2 Rappahannocks and assisted them in organizing the
3 fight for their sovereign rights. In 1921, the
4 Rappahannocks were granted a charter from the
5 Commonwealth of Virginia formalizing their tribal
6 government. Speck began a professional relationship
7 with the Tribe that would last more than 30 years
8 and document Rappahannock history and traditions
9 as never done before.

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

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

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

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

1 that people of Indian descent could only be classified
2 as “Indian” if Indian “blood” predominated and
3 “Indian” identity was accepted in the local commu-
4 nity. The Virginia Vital Statistics Bureau classed all
5 nonreservation Indians as “negro”, and it failed to
6 see why “an exception should be made” for the
7 Rappahannocks. Therefore, in 1925, the Indian
8 Rights Association took on the Rappahannock case
9 to assist them in fighting for their recognition and
10 rights as an Indian Tribe.

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

22 (24) In 1943, Frank Speck noted that there
23 were approximately 25 communities of Indians left
24 in the Eastern United States that were entitled to

1 Indian classification. The Rappahannocks were in-
2 cluded in this grouping.

3 (25) In the 1940's, Leon Truesdell, Chief Stat-
4 istician, United States Bureau of the Census, listed
5 118 members in the Rappahannock tribe in the In-
6 dian population of Virginia.

7 (26) April 25, 1940, the United States Depart-
8 ment of the Interior, Office of Indian Affairs in-
9 cludes the Rappahannocks in their list of Tribes by
10 State and Agency.

11 (27) In 1948, the Smithsonian Institution An-
12 nual Report included an article by William Harlen
13 Gilbert entitled, "Surviving Indian Groups of the
14 Eastern United States". The Rappahannock Tribe
15 was included and described in this article.

16 (28) In the late 1940's and early 1950's, the
17 Rappahannocks operated a school at Indian Neck.
18 The State agreed to pay a tribal teacher to teach 10
19 students bused by King and Queen County to Shar-
20 on Indian School in King William County, Virginia.
21 In 1965, Rappahannock students entered Marriott
22 High School (a white public school) by Executive
23 order of the Governor of Virginia. In 1972, the
24 Rappahannocks worked with the Coalition of East-
25 ern Native Americans to fight for Federal recogni-

1 tion. In 1979, the Coalition established a pottery
2 and artisans company, operating with other Virginia
3 tribes. In 1980, the Rappahannocks received funding
4 through the Administration for Native Americans, to
5 develop an economic program for the Tribe.

6 (29) In 1983, the Rappahannocks received
7 State recognition.

8 **SEC. 402. DEFINITIONS.**

9 For the purposes of this title—

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

14 (2) the term “Secretary” means the Secretary
15 of the Interior; and

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

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

22 (a) **FEDERAL RECOGNITION.**—Federal recognition is
23 hereby extended to the Tribe, which entitles the
24 Rappahannocks to all sovereign powers and rights as au-
25 tonomous Native American Nations. All laws and regula-

1 tions of the United States of general application to Indi-
 2 ans or nations, tribes, or bands of Indians, including the
 3 Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are
 4 not inconsistent with any specific provision of this Act,
 5 shall be applicable to the Tribe and its members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

20 **SEC. 404. MEMBERSHIP.**

21 Not later than 18 months after the date of the enact-
 22 ment of this Act, the Tribe shall submit to the Secretary
 23 a membership roll consisting of all individuals currently
 24 enrolled for membership in the Tribe. The qualifications
 25 for inclusion on the membership roll of the Tribe shall be

1 determined by the membership clauses in the Tribe's gov-
 2 erning document, in consultation with the Secretary. Upon
 3 completion of the roll, the Secretary shall immediately
 4 publish notice of such in the Federal Register. The Tribe
 5 shall ensure that such roll is maintained and kept current.

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

7 (a) CONSTITUTION.—

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

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

17 (b) OFFICIALS.—

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

24 (2) INTERIM GOVERNMENT.—Until such time
 25 as the Tribe elects new officials pursuant to para-

graph (1), the governing body of the Tribe shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Tribe.

6 SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Tribe transfers the land described in subsection (b) and any other land within the boundaries of King and Queen County, Essex County, and Caroline County, Virginia, to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) CONSTRUCTION.—Nothing in this section shall be construed to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on lands acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of such Act (25 U.S.C. 2719(a)).

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

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

1 **TITLE V—MONACAN TRIBE**

2 **SEC. 501. FINDINGS.**

3 Congress makes the following findings:

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

7 (2) In 1722, in the Treaty of Albany, Governor
8 Spotswood negotiated to save the Virginia Indians
9 from extinction at the hands of the Iroquois. Specifi-
10 cally mentioned are the Monacan tribes of the
11 Totero (Tutelo), Saponi, Ocheneeches (Occaneechi),
12 Stengenocks, and Meipontskys.

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

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

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

1 (6) In 1920, 304 Amherst Indians are listed on
2 the Census.

3 (7) From 1930 through 1931, a flurry of letters
4 from Monacans to the United States Bureau of the
5 Census results from Dr. Walter Plecker's (head of
6 State Bureau of Vital Statistics) decision not to
7 allow Indians to register as such for the 1930 cen-
8 sus. The Monacans succeed in being allowed to claim
9 their race, albeit with an asterisk attached to a note
10 from Dr. Plecker stating that there are no Indians
11 in Virginia.

12 (8) In 1947, D'Arcy McNickle, a Salish Indian,
13 saw some of the children at the Amherst Mission
14 and requested that the Cherokee Agency visit them
15 because they appeared to be Indian. This letter was
16 forwarded to the Department of the Interior, Office
17 of Indian Affairs, Chicago, Illinois. Chief Jarrett
18 Blythe of the Eastern Band of Cherokee did visit the
19 Mission and wrote that he "would be willing to ac-
20 cept these children in the Cherokee school".

21 (9) In 1979, a Federal Coalition of Eastern Na-
22 tive Americans grant established the Monacan Co-
23 operative Pottery at the Mission. Some important
24 pieces are produced, including one that was sold to
25 the Smithsonian.

1 (10) In 1981, the Mattaponi-Pamunkey-Mona-
2 can Consortium was created and since organized as
3 a nonprofit corporation that serves as a vehicle to
4 obtain funds for the tribes through the Native Amer-
5 ican Program of the Job Training Partnership Act
6 (Department of Labor).

7 (11) In 1989, the Monacan Tribe is officially
8 recognized by the Commonwealth of Virginia, which
9 enables the Tribe to apply for grants and other pro-
10 grams. In 1993, the Tribe received tax-exempt sta-
11 tus as a nonprofit corporation from the Internal
12 Revenue Service.

13 **SEC. 502. DEFINITIONS.**

14 For the purposes of this title—

15 (1) the term “Tribe” means the Monacan
16 Tribe;

17 (2) the term “Secretary” means the Secretary
18 of the Interior; and

19 (3) the term “member” means an enrolled
20 member of the Tribe, as of the date of the enact-
21 ment of this Act, or an individual who has been
22 placed on the membership rolls of the Tribe in ac-
23 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 Tribes 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 all lands within 150 miles of
22 the center of Amherst, Virginia.

23 **SEC. 504. MEMBERSHIP.**

24 Not later than 18 months after the date of the enact-
25 ment of this Act, the Tribe shall submit to the Secretary
26 a membership roll consisting of all individuals currently

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

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

9 (a) CONSTITUTION.—

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

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

19 (b) OFFICIALS.—

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

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

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

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, if the Tribe transfers to the Secretary a parcel
11 consisting of approximately 10 acres located on Kenmore
12 Road in Amherst County, Virginia, and a parcel of land
13 consisting of approximately 165 acres located at the foot
14 of Bear Mountain in Amherst County, Virginia, the Sec-
15 retary shall take such land into trust for the benefit of
16 the Tribe.

17 (b) CONSTRUCTION.—Nothing in this section shall be
18 construed to satisfy the terms for an exception under sec-
19 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
20 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
21 lands acquired by the Secretary in trust for the benefit
22 of an Indian tribe after October 17, 1988, under section
23 20(a) of such Act (25 U.S.C. 2719(a)).

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—NANSEMOND TRIBE**

7 **SEC. 601. FINDINGS.**

8 Congress makes the following findings:

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

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

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

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

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

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

8 (7) In 1727, Norfolk County allowed to William
9 Bass and kinsmen the “Indian privileges” of clear-
10 ing swamp land and bearing arms (forbidden to
11 other nonwhites) because of their Nansemond de-
12 scend, which meant they were original inhabitants of
13 said land.

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

16 (9) From the 1740’s to the 1790’s, the tradi-
17 tionalist section of the Nansemond tribe, 40 miles
18 west, was dealing with reservation lands. The last
19 surviving members of that section sold out in 1792,
20 with permission of the Commonwealth of Virginia.

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

1 (11) In 1833, a State law passed enabling Eu-
2 ropean and Indian descended people to get a special
3 certificate of ancestry; a bill originated from the
4 county where Nansemonds lived, and mostly
5 Nansemonds took advantage of the law (few people
6 in other counties).

7 (12) Around 1850, a Methodist mission was es-
8 tablished for Nansemonds which is now a standard
9 Methodist congregation and still with Nansemond
10 members.

11 (13) In 1901, Smithsonian anthropologist
12 James Mooney visited the Nansemonds and took a
13 tribal census counting 61 households. The census
14 was later published.

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

18 (15) In 1928, University of Pennsylvania an-
19 thropologist Frank Speck published a book on mod-
20 ern Virginia Indians with a section on the
21 Nansemonds.

22 (16) In 1984, the Nansemonds were organized
23 formally, with elected officers; then applied for and
24 won State recognition.

1 **SEC. 602. DEFINITIONS.**

2 For the purposes of this title—

3 (1) the term “Tribe” means the Nansemond
4 Tribe;

5 (2) the term “Secretary” means the Secretary
6 of the Interior; and

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

12 **SEC. 603. FEDERAL RECOGNITION.**

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

20 (b) FEDERAL SERVICES AND BENEFITS.—

21 (1) IN GENERAL.—The Tribe and its members
22 shall be eligible, on and after the date of the enact-
23 ment of this Act, for all future services and benefits
24 provided by the Federal Government to federally rec-
25 ognized Indian tribes without regard to the existence
26 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 cities of Chesapeake,
 7 Hampton, Newport News, Norfolk, Portsmouth, Suf-
 8 folk, and Virginia Beach, Virginia.

9 **SEC. 604. MEMBERSHIP.**

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

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

21 (a) CONSTITUTION.—

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

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

6 (b) OFFICIALS.—

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

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

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

21 (a) IN GENERAL.—Notwithstanding any other provi-
 22 sion of law, if the Tribe transfers any land it acquires to
 23 the Secretary, the Secretary may take such land into trust
 24 for the benefit of the Tribe.

1 (b) CONSTRUCTION.—Nothing in this section shall be
2 construed to satisfy the terms for an exception under sec-
3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
5 lands acquired by the Secretary in trust for the benefit
6 of an Indian tribe after October 17, 1988, under section
7 20(a) of such Act (25 U.S.C. 2719(a)).

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

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

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