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108TH CONGRESS
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[Report No. 108-259]

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

IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

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

MAY 6, 2004

Reported by Mr. CAMPBELL, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Thomasina E. Jordan Indian Tribes of Virginia Federal
 4 Recognition Act of 2003”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

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

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

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

TITLE III—UPPER MATTAPONI TRIBE

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

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.

- Sec. 502. Definitions.
 Sec. 503. Federal recognition.
 Sec. 504. Membership; governing documents.
 Sec. 505. Governing body.
 Sec. 506. Reservation of the Tribe.
 Sec. 507. Hunting, fishing, trapping, gathering, and water rights.

TITLE VI—NANSEMOND INDIAN TRIBE

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

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

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **SEC. 102. DEFINITIONS.**

16 In this title:

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

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

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

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

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

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

7 (a) FEDERAL RECOGNITION.—

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

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

17 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

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

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

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

13 **SEC. 105. GOVERNING BODY.**

14 The governing body of the Tribe shall be—

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

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

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

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, if, not later than 25 years after the date of
23 enactment of this Act, the Tribe transfers to the Secretary
24 land within the boundaries of the Virginia counties of

1 Charles City, James City, or Henrico, the Secretary shall
2 take the land into trust for the benefit of the Tribe.

3 (b) GAMING.—No reservation or tribal land or land
4 taken into trust for the benefit of the Tribe shall be eligi-
5 ble to satisfy the terms for an exception under section
6 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
7 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
8 land acquired by the Secretary in trust for the benefit of
9 an Indian tribe after October 17, 1988, under section
10 20(a) of that Act (25 U.S.C. 2719(a)).

11 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**
12 **WATER RIGHTS.**

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

16 **TITLE II—CHICKAHOMINY IN-**
17 **DIAN TRIBE—EASTERN DIVI-**
18 **SION**

19 **SEC. 201. FINDINGS.**

20 Congress finds that—

21 (1) in 1607, when the English settlers set shore
22 along the Virginia coastline, the Chickahominy In-
23 dian Tribe was 1 of about 30 tribes that received
24 them;

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

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

7 (B) Sir Thomas Dale agreed in return to
8 allow the Tribe to continue to practice its own
9 tribal governance;

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

14 (4) in 1677, following Bacon’s Rebellion, the
15 Queen of Pamunkey signed the Treaty of Middle
16 Plantation on behalf of the Chickahominy;

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

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

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

1 (8) in 1750, the Chickahominy Indian Tribe
2 began to migrate from King William County back to
3 the area around the Chickahominy River in New
4 Kent and Charles City Counties;

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

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

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

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

18 (13) in 1901, the Chickahominy Indian Tribe
19 formed Samaria Baptist Church;

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

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

1 (16) in 1910, a 1-room school covering grades
2 1 through 8 was established in New Kent County for
3 the Chickahominy Indian Tribe—Eastern Division;

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

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

9 (19) in 1922, Tsena Commocko Baptist Church
10 was organized;

11 (20) in 1925, a certificate of incorporation was
12 issued to the Chickahominy Indian Tribe—Eastern
13 Division;

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

17 (22) in 1967, the Chickahominy Indian Tribe
18 and the Chickahominy Indian Tribe—Eastern Divi-
19 sion lost their schools as a result of the required in-
20 tegration of students;

21 (23) during the period of 1982 through 1984,
22 Tsena Commocko Baptist Church built a new sanc-
23 tuary to accommodate church growth;

1 (24) in 1983 the Chickahominy Indian Tribe—
 2 Eastern Division was granted State recognition
 3 along with 5 other Virginia Indian tribes;

4 (25) in 1985—

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

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

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

11 (27) Chief Marvin “Strongoak” Bradby of the
 12 Eastern Band of the Chickahominy presently chairs
 13 the organization.

14 **SEC. 202. DEFINITIONS.**

15 In this title:

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

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

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

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

1 (3) **TRIBE.**—The term “Tribe” means the
2 Chickahominy Indian Tribe—Eastern Division.

3 **SEC. 203. FEDERAL RECOGNITION.**

4 (a) **FEDERAL RECOGNITION.**—

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

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

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

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

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

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

1 (2) SERVICE AREA.—For the purpose of the de-
2 livery of Federal services to tribal members, the
3 service area of the Tribe shall be considered to be
4 the area comprised of New Kent County, Virginia.

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

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

10 **SEC. 205. GOVERNING BODY.**

11 The governing body of the Tribe shall be—

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

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

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

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

1 (b) GAMING.—No reservation or tribal land or land
 2 taken into trust for the benefit of the Tribe shall be eligi-
 3 ble to satisfy the terms for an exception under section
 4 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
 5 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 6 land acquired by the Secretary in trust for the benefit of
 7 an Indian tribe after October 17, 1988, under section
 8 20(a) of that Act (25 U.S.C. 2719(a)).

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

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

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

16 **SEC. 301. FINDINGS.**

17 Congress finds that—

18 (1) during the period of 1607 through 1646,
 19 the Chickahominy Indian Tribes—

20 (A) lived approximately 20 miles from
 21 Jamestown; and

22 (B) were significantly involved in English-
 23 Indian affairs;

1 (2) Mattaponi Indians, who later joined the
2 Chickahominy Indians, lived a greater distance from
3 Jamestown;

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

6 (4) in 1661, the Chickahominy Indians sold
7 land at a place known as “the cliffs” on the
8 Mattaponi River;

9 (5) in 1669, the Chickahominy Indians—

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

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

14 (6) in 1677, the Chickahominy and Mattaponi
15 Indians were subjects of the Queen of Pamunkey,
16 who was a signatory to the Treaty of 1677 with the
17 King of England;

18 (7) in 1683, after a Mattaponi town was at-
19 tacked by Seneca Indians, the Mattaponi Indians
20 took refuge with the Chickahominy Indians, and the
21 history of the 2 groups was intertwined for many
22 years thereafter;

23 (8) in 1695, the Chickahominy and Mattaponi
24 Indians—

1 (A) were assigned a reservation by the Vir-
2 ginia Colony; and

3 (B) traded land of the reservation for land
4 at the place known as “the cliffs” (which, as of
5 the date of enactment of this Act, is the
6 Mattaponi Indian Reservation), which had been
7 owned by the Mattaponi Indians before 1661;

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

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

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

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

20 (13) in 1787, Thomas Jefferson, in Notes on
21 the Commonwealth of Virginia, mentioned the
22 Mattaponi Indians on a reservation in King William
23 County and said that Chickahominy Indians were
24 “blended” with the Mattaponi Indians and nearby
25 Pamunkey Indians;

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

6 (15) during the period of 1853 through 1884,
7 King William County marriage records listed Upper
8 Mattaponis as “Indians” in marrying people residing
9 on the reservation;

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

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

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

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

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

2 (A) the leadership of the Upper Mattaponi
3 Indians, with the help of Frank Speck and oth-
4 ers, fought against the induction of young men
5 of the Tribe into “colored” units in the Armed
6 Forces of the United States; and

7 (B) a tribal roll for the Upper Mattaponi
8 Indians was compiled;

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

15 (22) in 1983, the Upper Mattaponi Indians ap-
16 plied for and won State recognition as an Indian
17 tribe.

18 **SEC. 302. DEFINITIONS.**

19 In this title:

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

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

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

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

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

9 **SEC. 303. FEDERAL RECOGNITION.**

10 (a) **FEDERAL RECOGNITION.**—

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

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

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

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

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

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

6 (2) SERVICE AREA.—For the purpose of the de-
7 livery of Federal services to tribal members, the
8 service area of the Tribe shall be considered to be
9 ~~the area within 25 miles of the tribal center of the~~
10 ~~Tribe in King William County, Virginia~~ *the area*
11 *within 25 miles of the Sharon Indian School at*
12 *13383 King William Road, King William, Virginia.*

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

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

18 **SEC. 305. GOVERNING BODY.**

19 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, if, not later than 25 years after the date of
4 enactment of this Act, the Tribe transfers to the Secretary
5 land within the boundaries of King William County, Vir-
6 ginia, the Secretary shall take the land into trust for the
7 benefit of the Tribe.

8 (b) GAMING.—No reservation or tribal land or land
9 taken into trust for the benefit of the Tribe shall be eligi-
10 ble to satisfy the terms for an exception under section
11 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
12 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
13 land acquired by the Secretary in trust for the benefit of
14 an Indian tribe after October 17, 1988, under section
15 20(a) of that Act (25 U.S.C. 2719(a)).

16 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
17 **WATER RIGHTS.**

18 Nothing in this title expands, reduces, or affects in
19 any manner any hunting, fishing, trapping, gathering, or
20 water rights of the Tribe and members of the Tribe.

21 **TITLE IV—RAPPAHANNOCK**
22 **TRIBE, INC.**

23 **SEC. 401. FINDINGS.**

24 Congress finds that—

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

4 (2) the first encounter occurred when the Rap-
5 pahannock weroance (headman)—

6 (A) traveled to Quiyocohannock (a prin-
7 cipal town across the James River from James-
8 town), where he met with Smith to determine
9 whether Smith had been the “great man” who
10 had previously sailed into the Rappahannock
11 River, killed a Rappahannock weroance, and
12 kidnapped Rappahannock people; and

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

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

20 (4) a third meeting took place during Smith’s
21 exploration of the Chesapeake Bay (July to Sep-
22 tember 1608), when, after the Moraughtacund Indi-
23 ans had stolen 3 women from the Rappahannock
24 King, Smith was prevailed upon to facilitate a peace-

1 ful truce between the Rappahannock and the
2 Moraughtacund Indians;

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

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

8 (7) the Moraughtacund King was given second
9 choice among the 2 remaining women, and Mosco, a
10 Wighcocomoco (on the Potomac River) guide, was
11 given the third woman;

12 (8) in 1645, Captain William Claiborne tried
13 unsuccessfully to establish treaty relations with the
14 Rappahannocks, as 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 Pamunkeys”;

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

23 (10) the deed for the conveyance was signed by
24 Accopatough, weroance of the Rappahannock Indi-
25 ans;

1 (11) in September 1653, Lancaster County
2 signed a treaty with Rappahannock Indians, the
3 terms of which treaty—

4 (A) gave Rappahannocks the rights of
5 Englishmen in the county court; and

6 (B) attempted to make the Rappahannocks
7 more accountable under English law;

8 (12) in September 1653, Lancaster County de-
9 fined and marked the bounds of its Indian settle-
10 ments;

11 (13) 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 (14) in September 1656, (Old) Rappahannock
16 County (which, as of the date of enactment of this
17 Act, is comprised of Richmond and Essex Counties,
18 Virginia) signed a treaty with Rappahannock Indi-
19 ans that—

20 (A) mirrored the Lancaster County treaty
21 from 1653; and

22 (B) stated that—

23 (i) Rappahannocks were to be re-
24 warded, in Roanoke, for returning English
25 fugitives; and

1 (ii) the English encouraged the
2 Rappahannocks to send their children to
3 live among the English as servants, who
4 the English promised would be well-treat-
5 ed;

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

11 (16) in 1669, the colony conducted a census of
12 Virginia Indians;

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

14 (A) the majority of the Rappahannocks
15 were residing at their hunting village on the
16 north side of the Mattaponi River; and

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

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

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

3 (20) the Pamunkey Queen Cockacoeske signed
4 on behalf of the Rappahannocks, “who were sup-
5 posed to be her tributaries”, but before the treaty
6 could be ratified, the Queen of Pamunkey com-
7 plained to the Virginia Colonial Council “that she
8 was having trouble with Rappahannocks and
9 Chickahominies, supposedly tributaries of hers”;

10 (21) in November 1682, the Virginia Colonial
11 Council established a reservation for the Rappahan-
12 nock Indians of 3,474 acres “about the town where
13 they dwelt”;

14 (22) the Rappahannock “town” was the hunt-
15 ing village on the north side of the Mattaponi River,
16 where the Rappahannocks had lived throughout the
17 1670s;

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

22 (24) in 1683, following raids by Iroquoian war-
23 riors on both Indian and English settlements, the
24 Virginia Colonial Council ordered the
25 Rappahannocks to leave their reservation and unite

1 with the Nanzatico Indians at Nanzatico Indian
2 Town, which was located across and up the Rappa-
3 hannock River some 30 miles;

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

8 (26) in 1706, by order of Essex County, Lieu-
9 tenant Richard Covington “escorted” the
10 Portobaccos and Rappahannocks out of Portobacco
11 Indian Town, out of Essex County, and into King
12 and Queen County where they settled along the
13 ridgeline between the Rappahannock and Mattaponi
14 Rivers, the site of their ancient hunting village and
15 1682 reservation;

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

19 (28) of those girls—

20 (A) 1 married a Saunders man;

21 (B) 1 married a Johnson man; and

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

24 (29) in the 19th century, those Saunders, John-
25 son, and Nelson families are among the core Rappa-

1 hancock families from which the modern Tribe
2 traces its descent;

3 (30) in 1819 and 1820, Edward Bird, John
4 Bird (and his wife), Carter Nelson, Edmund Nelson,
5 and Carter Spurlock (all Rappahannock ancestors)
6 were listed on the tax roles of King and Queen
7 County and taxed at the county poor rate;

8 (31) Edmund Bird was added to the tax roles
9 in 1821;

10 (32) those tax records are significant docu-
11 mentation because the great majority of pre-1864
12 records for King and Queen County were destroyed
13 by fire;

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

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

19 (35) while 26 identifiable and traceable Rappa-
20 hannock surnames appear on the pre-1863 member-
21 ship list, and 28 were listed on the 1863 member-
22 ship roster, the number of surnames listed had de-
23 clined to 12 in 1878 and had risen only slightly to
24 14 by 1888;

1 (36) a reason for the decline is that in 1870,
2 a Methodist circuit rider, Joseph Mastin, secured
3 funds to purchase land and construct St. Stephens
4 Baptist church for the Rappahannocks living nearby
5 in Caroline County;

6 (37) Mastin referred to the Rappahannock dur-
7 ing the period of 1850 to 1870 as “Indians, having
8 a great need for moral and Christian guidance”;

9 (38) St. Stephens was the dominant tribal
10 church until the Rappahannock Indian Baptist
11 Church was established in 1964;

12 (39) at both churches, the core Rappahannock
13 family names of Bird, Clarke, Fortune, Johnson,
14 Nelson, Parker, and Richardson predominate;

15 (40) during the early 1900’s, James Mooney,
16 noted anthropologist, maintained correspondence
17 with the Rappahannocks, surveying them and in-
18 structing them on how to formalize their tribal gov-
19 ernment;

20 (41) in November 1920, Speck visited the
21 Rappahannocks and assisted them in organizing the
22 fight for their sovereign rights;

23 (42) in 1921, the Rappahannocks were granted
24 a charter from the Commonwealth of Virginia for-
25 malizing their tribal government;

1 (43) Speck began a professional relationship
2 with the Tribe that would last more than 30 years
3 and document Rappahannock history and traditions
4 as never before;

5 (44) in April 1921, Rappahannock Chief
6 George Nelson asked the Governor of Virginia,
7 Westmoreland Davis, to forward a proclamation to
8 the President of the United States, along with an
9 appended list of tribal members and a handwritten
10 copy of the proclamation itself;

11 (45) the letter concerned Indian freedom of
12 speech and assembly nationwide;

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

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

18 (48) in December 1923, Rappahannock Chief
19 George Nelson testified before Congress appealing
20 for a \$50,000 appropriation to establish an Indian
21 school in Virginia;

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

1 about their classification in the 1930 Federal cen-
2 sus;

3 (50) in January 1930, Rappahannock Chief
4 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-
5 istician of the United States Census Bureau, asking
6 that the 218 enrolled Rappahannocks be listed as
7 Indians;

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

11 (52) in April 1930, 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 saying that enumerators had not asked the question
15 about race when they interviewed his people;

16 (53) in a followup letter to Truesdell, Nelson
17 reported that the enumerators were “flatly denying”
18 his people’s request to be listed as Indians and that
19 the race question was completely avoided during
20 interviews;

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

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

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

6 (57) the Virginia Vital Statistics Bureau
7 classed all nonreservation Indians as "Negro", and
8 it failed to see why "an exception should be made"
9 for the Rappahannocks;

10 (58) therefore, in 1925, the Indian Rights As-
11 sociation took on the Rappahannock case to assist
12 the Rappahannocks in fighting for their recognition
13 and rights as an Indian tribe;

14 (59) during the Second World War, the
15 Pamunkeys, Mattaponis, Chickahominies, and
16 Rappahannocks had to fight the draft boards with
17 respect to their racial identities;

18 (60) the Virginia Vital Statistics Bureau in-
19 sisted that certain Indian draftees be inducted into
20 Negro units;

21 (61) finally, 3 Rappahannocks were convicted of
22 violating the Federal draft laws and, after spending
23 time in a Federal prison, were granted conscientious
24 objector status and served out the remainder of the
25 war working in military hospitals;

1 (62) in 1943, Frank Speck noted that there
2 were approximately 25 communities of Indians left
3 in the Eastern United States that were entitled to
4 Indian classification, including the Rappahannocks;

5 (63) in the 1940s, Leon Truesdell, Chief Stat-
6 istician, of the United States Census Bureau, listed
7 118 members in the Rappahannock Tribe in the In-
8 dian population of Virginia;

9 (64) on April 25, 1940, the Office of Indian Af-
10 fairs of the Department of the Interior included the
11 Rappahannocks on a list of Indian tribes classified
12 by State and by agency;

13 (65) in 1948, the Smithsonian Institution An-
14 nual Report included an article by William Harlen
15 Gilbert entitled, “Surviving Indian Groups of the
16 Eastern United States”, which included and de-
17 scribed the Rappahannock Tribe;

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

20 (67) the State agreed to pay a tribal teacher to
21 teach 10 students bused by King and Queen County
22 to Sharon Indian School in King William County,
23 Virginia;

1 (68) in 1965, Rappahannock students entered
2 Marriott High School (a white public school) by ex-
3 ecutive order of the Governor of Virginia;

4 (69) in 1972, the Rappahannocks worked with
5 the Coalition of Eastern Native Americans to fight
6 for Federal recognition;

7 (70) in 1979, the Coalition established a pot-
8 tery and artisans company, operating with other Vir-
9 ginia tribes;

10 (71) in 1980, the Rappahannocks received
11 funding through the Administration for Native
12 Americans of the State of Virginia to develop an
13 economic program for the Tribe; and

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

16 **SEC. 402. DEFINITIONS.**

17 In this title:

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

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

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

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

4 (3) TRIBE.—

5 (A) IN GENERAL.—The term “Tribe”
6 means the organization possessing the legal
7 name Rappahannock Tribe, Inc.

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

12 **SEC. 403. FEDERAL RECOGNITION.**

13 (a) FEDERAL RECOGNITION.—

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

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

23 (b) FEDERAL SERVICES AND BENEFITS.—

24 (1) IN GENERAL.—On and after the date of en-
25 actment of this Act, the Tribe and tribal members

1 shall be eligible for all services and benefits provided
2 by the Federal Government to federally recognized
3 Indian tribes without regard to—

4 (A) the existence of a reservation for the
5 Tribe; or

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

9 (2) SERVICE AREA.—For the purpose of the de-
10 livery of Federal services to tribal members, the
11 service area of the Tribe shall be considered to be
12 the area comprised of King and Queen, Caroline,
13 and Essex Counties, Virginia.

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

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

19 **SEC. 405. GOVERNING BODY.**

20 The governing body of the Tribe shall be—

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

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

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

2 (a) ~~IN GENERAL.~~—Notwithstanding any other provi-
3 sion of law, if, not later than 25 years after the date of
4 enactment of this Act, the Tribe transfers to the Secretary
5 land within the boundaries of the Virginia counties of
6 Charles City, James City, or Henrico, the Secretary shall
7 take the land into trust for the benefit of the Tribe.

8 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
9 *sion of law, if the Tribe transfers the land described in sub-*
10 *section (b) and any other land within the boundaries of*
11 *King and Queen County, Essex County, and Caroline*
12 *County, Virginia, to the Secretary, the Secretary shall take*
13 *such land into trust for the benefit of the Tribe.*

14 (b) ~~GAMING.~~—No reservation or tribal land or land
15 taken into trust for the benefit of the Tribe shall be eligi-
16 ble to satisfy the terms for an exception under section
17 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
18 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
19 land acquired by the Secretary in trust for the benefit of
20 an Indian tribe after October 17, 1988, under section
21 20(a) of that Act (25 U.S.C. 2719(a)).

22 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
23 **WATER RIGHTS.**

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

1 **TITLE V—MONACAN INDIAN**
2 **NATION**

3 **SEC. 501. FINDINGS.**

4 Congress finds that—

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

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

11 (3) specifically mentioned in the negotiations
12 were the Monacan tribes of the Totero (Tutelo),
13 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
14 Meipontskys;

15 (4) in 1790, the first national census recorded
16 Benjamin Evans and Robert Johns, both ancestors
17 of the present Monacan community, listed as
18 “white” with mulatto children;

19 (5) in 1782, tax records also began for those
20 families;

21 (6) in 1850, the United States census recorded
22 29 families, mostly large, with Monacan surnames,
23 the members of which are genealogically related to
24 the present community;

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

3 (8) in 1908, the structure became an Episcopal
4 Mission and, as of the date of enactment of this Act,
5 the structure is listed as a landmark on the National
6 Register of Historic Places;

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

9 (10) from 1930 through 1931, numerous letters
10 from Monacans to the Bureau of the Census re-
11 sulted from the decision of Dr. Walter Plecker,
12 former head of the Bureau of Vital Statistics of the
13 State of Virginia, not to allow Indians to register as
14 Indians for the 1930 census;

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

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

23 (13) that letter was forwarded to the Depart-
24 ment of the Interior, Office of Indian Affairs, Chi-
25 cago, Illinois;

1 (14) Chief Jarrett Blythe of the Eastern Band
2 of Cherokee did visit the Mission and wrote that he
3 “would be willing to accept these children in the
4 Cherokee school”;

5 (15) in 1979, a Federal Coalition of Eastern
6 Native Americans established the entity known as
7 “Monacan Co-operative Pottery” at the Amherst
8 Mission;

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

12 (17) the Mattaponi-Pamunkey-Monacan Con-
13 sortium, established in 1981, has since been orga-
14 nized as a nonprofit corporation that serves as a ve-
15 hicle to obtain funds for those Indian tribes from the
16 Department of Labor under Native American pro-
17 grams under the Job Training Partnership Act (29
18 U.S.C. 1501 et seq.);

19 (18) in 1989, the Monacan Tribe was recog-
20 nized by the State of Virginia, which enabled the
21 Tribe to apply for grants and participate in other
22 programs; and

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

1 **SEC. 502. DEFINITIONS.**

2 In this title:

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

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

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

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

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

15 **SEC. 503. FEDERAL RECOGNITION.**

16 (a) FEDERAL RECOGNITION.—

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

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

26 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

11 (2) SERVICE AREA.—For the purpose of the de-
12 livery of Federal services to tribal members, the
13 service area of the Tribe shall be considered to be
14 the area comprised of all land within 25 miles from
15 the center of Amherst, Virginia.

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

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

21 **SEC. 505. GOVERNING BODY.**

22 The governing body of the Tribe shall be—

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

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

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

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

13 (b) GAMING.—No reservation or tribal land or land
14 taken into trust for the benefit of the Tribe shall be eligi-
15 ble to satisfy the terms for an exception under section
16 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
17 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
18 land acquired by the Secretary in trust for the benefit of
19 an Indian tribe after October 17, 1988, under section
20 20(a) of that Act (25 U.S.C. 2719(a)).

21 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
22 **WATER RIGHTS.**

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

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

3 **SEC. 601. FINDINGS.**

4 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) visited the Nansemonds; and

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

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

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

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

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

14 **SEC. 602. DEFINITIONS.**

15 In this title:

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

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

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

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

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

3 **SEC. 603. FEDERAL RECOGNITION.**

4 (a) **FEDERAL RECOGNITION.**—

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

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

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

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

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

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

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

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

8 (a) IN GENERAL.—Not later than 18 months after
9 the date of enactment of this Act, the Tribe shall submit
10 to the Secretary a membership roll consisting of all indi-
11 viduals currently enrolled for membership in the Tribe.

12 (b) QUALIFICATIONS.—The qualifications for inclu-
13 sion on the membership roll of the Tribe shall be deter-
14 mined by the Tribe in accordance with the membership
15 clauses in the governing document of the Tribe and in con-
16 sultation with the Secretary.

17 (c) PUBLICATION.—Not later than 90 days after the
18 date of enactment of this Act, the Secretary shall publish
19 in the Federal Register notice of the membership roll of
20 the Tribe.

21 (d) MAINTENANCE OF MEMBERSHIP ROLL.—The
22 Tribe shall ensure that the membership roll of the Tribe
23 is maintained and kept current.

1 **SEC. 605. GOVERNING DOCUMENTS.**

2 The governing documents of the Tribe in effect on
3 the date of enactment of this Act shall be the interim gov-
4 erning documents for the Tribe until those documents are
5 modified in accordance with the documents.

6 **SEC. 606. GOVERNING BODY.**

7 The governing body of the Tribe shall be—

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

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

13 **SEC. 607. RESERVATION OF THE TRIBE.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, if the Tribe transfers any land acquired by
16 the Tribe to the Secretary, the Secretary may take the
17 land into trust for the benefit of the Tribe.

18 (b) GAMING.—No reservation or tribal land or land
19 taken into trust for the benefit of the Tribe shall be eligi-
20 ble to satisfy the terms for an exception under section
21 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
22 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
23 land acquired by the Secretary in trust for the benefit of
24 an Indian tribe after October 17, 1988, under section
25 20(a) of that Act (25 U.S.C. 2719(a)).

1 **SEC. 608. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

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

Calendar No. 500

108TH CONGRESS
2^D SESSION

S. 1423

[Report No. 108-259]

A BILL

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

MAY 6, 2004

Reported with amendments