

110TH CONGRESS
1ST SESSION

H. R. 1294

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2007

Mr. MORAN of Virginia (for himself, Mr. RAHALL, Mrs. JO ANN DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. ABERCROMBIE, Mr. KILDEE, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Thomasina E. Jordan Indian Tribes of Virginia Federal
6 Recognition Act of 2006”.

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

See. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

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

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

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

TITLE III—UPPER MATTAPONI TRIBE

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

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

TITLE V—MONACAN INDIAN NATION

See. 501. Findings.
 See. 502. Definitions.
 See. 503. Federal recognition.
 See. 504. Membership; governing documents.
 See. 505. Governing body.
 See. 506. Reservation of the Tribe.
 See. 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 body.
Sec. 606. Reservation of the Tribe.
Sec. 607. 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;

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

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

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

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

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

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

22 (11) in 1901, the Chickahominy Indian Tribe
23 formed Samaria Baptist Church;

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

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O.

1 Adkins, informing him that Congress had passed the
2 Act of June 18, 1934 (commonly known as the “In-
3 dian Reorganization Act”) (25 U.S.C. 461 et seq.),
4 but had not made the appropriation to fund the Act;

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

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

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

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

24 (22) that school was established and run by the
25 Chickahominy Indian Tribe;

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

(24) the Samaria Indian School included students in grades 1 through 8;

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

1 Self-Determination and Education Assistance Act
2 (25 U.S.C. 458aaa et seq.);

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

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

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

14 **SEC. 102. 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.

3 SEC. 103. FEDERAL RECOGNITION.

4 (a) FEDERAL RECOGNITION.—

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

14 (b) FEDERAL SERVICES AND BENEFITS.—

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.

7 SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

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

12 SEC. 105. GOVERNING BODY.

13 The governing body of the Tribe shall be—

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

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

19 SEC. 106. RESERVATION OF THE TRIBE.

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

1 Virginia, the Secretary shall take the land into trust for
2 the benefit of the Tribe.

3 (b) GAMING.—

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

13 (2) APPROVAL OF COMPACTS.—No compact for
14 class III gaming shall be valid unless approved or
15 ratified by the Virginia General Assembly.

16 **SEC. 107. 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 II—CHICKAHOMINY IN-**
22 **DIAN TRIBE—EASTERN DIVI-**
23 **SION**

24 **SEC. 201. FINDINGS.**

25 Congress finds that—

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

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

11 (B) Sir Thomas Dale agreed in return to
12 allow the Tribe to continue to practice its own
13 tribal governance;

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

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

10 (9) in 1793, a Baptist missionary named
11 Bradby took refuge with the Chickahominy and took
12 a Chickahominy woman as his wife;

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

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

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

23 (13) in 1901, the Chickahominy Indian Tribe
24 formed Samaria Baptist Church;

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

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

10 (17) during the period of 1920 through 1921,
11 the Chickahominy Indian Tribe—Eastern Division
12 began forming a tribal government:

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

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

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Divi-

1 sion lost their schools as a result of the required in-
2 tegration of students;

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

6 (24) in 1983 the Chickahominy Indian Tribe—
7 Eastern Division was granted State recognition
8 along with 5 other Virginia Indian tribes;

9 (25) in 1985—

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

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

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

16 (27) Chief Marvin “Strongoak” Bradby of the
17 Eastern Band of the Chickahominy presently chairs
18 the organization.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

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

23 (2) TRIBAL MEMBER.—The term “tribal mem-
24 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.

9 SEC. 203. FEDERAL RECOGNITION.

10 (a) FEDERAL RECOGNITION.—

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

20 (b) FEDERAL SERVICES AND BENEFITS.—

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

12 SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

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

17 SEC. 205. GOVERNING BODY.

18 The governing body of the Tribe shall be—

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

1 **SEC. 206. 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 any land within the boundaries of New Kent County,
6 James City County, Charles City County, or Henrico
7 County, Virginia, the Secretary shall take the land into
8 trust for the benefit of the Tribe.

9 (b) GAMING.—

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

19 (2) APPROVAL OF COMPACTS.—No compact for
20 class III gaming shall be valid unless approved or
21 ratified by the Virginia General Assembly.

22 **SEC. 207. 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.

TITLE III—UPPER MATTAPONI TRIBE

3 SEC. 301. FINDINGS.

4 Congress finds that—

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

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

16 (4) in 1661, the Chickahominy Indians sold
17 land at a place known as "the cliffs" on the
18 Mattaponi River;

19 (5) in 1669 the Chickahominy Indians—

20 (A) appeared in the Virginia Colony's cen-
21 sus of Indian bowmen; and

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

24 (6) in 1677, the Chickahominy and Mattaponi
25 Indians were subjects of the Queen of Pamunkey.

1 who was a signatory to the Treaty of 1677 with the
2 King of England;

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

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

10 (A) were assigned a reservation by the Vir-
11 ginia Colony; and

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

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

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

22 (11) James Adams, who served as an inter-
23 preter to the Indian tribes known as of the date of
24 enactment of this Act as the “Upper Mattaponi In-

1 dian Tribe" and "Chickahominy Indian Tribe",
2 elected to stay with the Upper Mattaponi Indians;

3 (12) today, a majority of the Upper Mattaponi
4 Indians have "Adams" as their surname;

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

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

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

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

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

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

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

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

17 (B) a tribal roll for the Upper Mattaponi
18 Indians was compiled;

19 (21) from 1945 to 1946, negotiations took
20 place to admit some of the young people of the
21 Upper Mattaponi to high schools for Federal Indians
22 (especially at Cherokee) because no high school
23 coursework was available for Indians in Virginia
24 schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

4 SEC. 302. DEFINITIONS.

5 In this title:

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

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

16 (3) TRIBE.—The term "Tribe" means the
17 Upper Mattaponi Tribe.

18 SEC. 303. FEDERAL RECOGNITION.

19 (a) FEDEBAL RECOGNITION —

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

22 (2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18,

1 1934 (25 U.S.C. 461 et seq.)) that are not incons-
2 istent with this title shall be applicable to the Tribe
3 and tribal members.

4 (b) FEDERAL SERVICES AND BENEFITS.—

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

10 (A) the existence of a reservation for the
11 Tribe; or

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

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

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

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

1 **SEC. 305. GOVERNING BODY.**

2 The governing body of the Tribe shall be—

3 (1) the governing body of the Tribe in place as

4 of the date of enactment of this Act; or

5 (2) any subsequent governing body elected in

6 accordance with the election procedures specified in

7 the governing documents of the Tribe.

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

9 (a) IN GENERAL.—Notwithstanding any other provi-

10 sion of law, if, not later than 25 years after the date of

11 enactment of this Act, the Tribe transfers to the Secretary

12 land within the boundaries of King William County, Caro-

13 line County, Hanover County, King and Queen County,

14 and New Kent County, Virginia, the Secretary shall take

15 the land into trust for the benefit of the Tribe.

16 (b) GAMING.—

17 (1) GAMING.—No reservation or tribal land or

18 land taken into trust for the benefit of the Tribe or

19 a member of the Tribe shall be eligible to satisfy the

20 terms for an exception under section 20(b)(1)(B) of

21 the Indian Gaming Regulatory Act (25 U.S.C.

22 2719(b)(1)(B)) to the prohibition on gaming on land

23 acquired by the Secretary in trust for the benefit of

24 an Indian tribe after October 17, 1988, under sec-

25 tion 20(a) of that Act (25 U.S.C. 2719(a)).

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

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

11 SEC. 401. FINDINGS.

12 Congress finds that—

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

16 (2) the first encounter occurred when the Rap-
17 pahannock weroance (headman)—

18 (A) traveled to Quiyocohannock (a prin-
19 cipal town across the James River from James-
20 town), where he met with Smith to determine
21 whether Smith had been the “great man” who
22 had previously sailed into the Rappahannock
23 River, killed a Rappahannock weroance, and
24 kidnapped Rappahannock people; and

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

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

24 (8) in 1645, Captain William Claiborne tried
25 unsuccessfully to establish treaty relations with the

1 Rappahannocks, as the Rappahannocks had not par-
2 ticipated in the Pamunkey-led uprising in 1644, and
3 the English wanted to “treat with the
4 Rappahannocks or any other Indians not in amity
5 with Opechancanough, concerning serving the county
6 against the Pamunkeys”;

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

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

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

16 (A) gave Rappahannocks the rights of
17 Englishmen in the county court; and

18 (B) attempted to make the Rappahannocks
19 more accountable under English law;

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

23 (13) according to the Lancaster clerk of court,
24 “the tribe called the great Rappahannocks lived on

1 the Rappahannock Creek just across the river above
2 Tappahannock”;

3 (14) in September 1656, (Old) Rappahannock
4 County (which, as of the date of enactment of this
5 Act, is comprised of Richmond and Essex Counties,
6 Virginia) signed a treaty with Rappahannock Indians that—

8 (A) mirrored the Lancaster County treaty
9 from 1653; and

10 (B) stated that—

11 (i) Rappahannocks were to be rewarded, in Roanoke, for returning English
12 fugitives; and

14 (ii) the English encouraged the Rappahannocks to send their children to
15 live among the English as servants, who the English promised would be well-treated;
16
17
18

19 (15) in 1658, the Virginia Assembly revised a
20 1652 Act stating that “there be no grants of land
21 to any Englishman whatsoever de futuro until the
22 Indians be first served with the proportion of 50
23 acres of land for each Bowman”;

24 (16) in 1669, the colony conducted a census of
25 Virginia Indians;

1 (17) as of the date of that census—

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

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

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

22 (21) in November 1682, the Virginia Colonial
23 Council established a reservation for the Rappahan-
24 nock Indians of 3,474 acres “about the town where
25 they dwelt”;

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

16 (25) between 1687 and 1699, the
17 Rappahannocks migrated out of Nanzatico, return-
18 ing to the south side of the Rappahannock River at
19 Portobacco Indian Town;

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

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

6 (28) of those girls—

7 (A) 1 married a Saunders man;

8 (B) 1 married a Johnson man; and

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

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

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

20 (31) Edmund Bird was added to the tax roles
21 in 1821;

22 (32) those tax records are significant docu-
23 mentation because the great majority of pre-1864
24 records for King and Queen County were destroyed
25 by fire;

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

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

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

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

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

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

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

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

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

22 (45) the letter concerned Indian freedom of
23 speech and assembly nationwide;

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

(47) prior to establishment of the school, Rapahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

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

18 (51) in February 1930, Truesdell replied to
19 Nelson saying that "special instructions" were being
20 given about classifying Indians;

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

1 (53) in a followup letter to Truesdell, Nelson
2 reported that the enumerators were “flatly denying”
3 his people’s request to be listed as Indians and that
4 the race question was completely avoided during
5 interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

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

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

24 (59) during the Second World War, the
25 Pamunkeys, Mattaponis, Chickahominies, and

1 Rappahannocks had to fight the draft boards with
2 respect to their racial identities;

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

6 (61) finally, 3 Rappahannocks were convicted of
7 violating the Federal draft laws and, after spending
8 time in a Federal prison, were granted conscientious
9 objector status and served out the remainder of the
10 war working in military hospitals;

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 402. DEFINITIONS.**

2 In this title:

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

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

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

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

13 (3) TRIBE.—

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

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

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

22 (a) FEDERAL RECOGNITION.—

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

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

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

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

17 (2) SERVICE AREA.—For the purpose of the de-
18 livery of Federal services to tribal members, the
19 service area of the Tribe shall be considered to be
20 the area comprised of King and Queen County,
21 Caroline County, Essex County, Spotsylvania Coun-
22 ty, Stafford County, and Richmond County, Vir-
23 ginia.

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

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

6 **SEC. 405. 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. 406. RESERVATION OF THE TRIBE.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-
15 sion of law, if, not later than 25 years after the date of
16 enactment of this Act, the Tribe transfers to the Secretary
17 land within the boundaries of King and Queen County,
18 Stafford County, Spotsylvania County, Richmond County,
19 Essex County, and Caroline County, Virginia, the Sec-
20 retary shall take the land into trust for the benefit of the
21 Tribe.

22 (b) **GAMING.**—

23 (1) **GAMING.**—No reservation or tribal land or
24 land taken into trust for the benefit of the Tribe or
25 a member of the Tribe shall be eligible to satisfy the
26 terms for an exception under section 20(b)(1)(B) of

1 the Indian Gaming Regulatory Act (25 U.S.C.
2 2719(b)(1)(B)) to the prohibition on gaming on land
3 acquired by the Secretary in trust for the benefit of
4 an Indian tribe after October 17, 1988, under sec-
5 tion 20(a) of that Act (25 U.S.C. 2719(a)).

6 (2) APPROVAL OF COMPACTS.—No compact for
7 class III gaming shall be valid unless approved or
8 ratified by the Virginia General Assembly.

9 **SEC. 407. 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 V—MONACAN INDIAN**
15 **NATION**

16 **SEC. 501. FINDINGS.**

17 Congress finds that—

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

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

24 (3) specifically mentioned in the negotiations
25 were the Monacan tribes of the Totero (Tutelo),

1 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
2 Meipontskys;

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

7 (5) in 1782, tax records also began for those
8 families;

9 (6) in 1850, the United States census recorded
10 29 families, mostly large, with Monacan surnames,
11 the members of which are genealogically related to
12 the present community;

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

15 (8) in 1908, the structure became an Episcopal
16 Mission and, as of the date of enactment of this Act,
17 the structure is listed as a landmark on the National
18 Register of Historic Places;

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

21 (10) from 1930 through 1931, numerous letters
22 from Monacans to the Bureau of the Census re-
23 sulted from the decision of Dr. Walter Plecker,
24 former head of the Bureau of Vital Statistics of the

1 State of Virginia, not to allow Indians to register as
2 Indians for the 1930 census;

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

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

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

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

18 (15) in 1979, a Federal Coalition of Eastern
19 Native Americans established the entity known as
20 “Monacan Co-operative Pottery” at the Amherst
21 Mission;

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

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

14 SEC. 502. DEFINITIONS.

15 In this title:

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

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.

3 SEC. 503. FEDERAL RECOGNITION.

4 (a) FEDERAL RECOGNITION.—

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

14 (b) FEDERAL SERVICES AND BENEFITS —

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

(B) the location of the residence of any tribal member on or near any Indian reservation.

6 SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

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

11 SEC. 505. GOVERNING BODY.

12 The governing body of the Tribe shall be—

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

18 SEC. 506. 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 enactment of this Act, the Tribe transfers to the Secretary
22 any land within the boundaries of Amherst County, Vir-
23 ginia, the Secretary shall take the land into trust for the
24 benefit of the Tribe.

25 (b) GAMING.—

10 (2) APPROVAL OF COMPACTS.—No compact for
11 class III gaming shall be valid unless approved or
12 ratified by the Virginia General Assembly.

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

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

18 **TITLE VI—NANSEMOND INDIAN**
19 **TRIBE**

20 SEC. 601. FINDINGS.

21 Congress finds that—

22 (1) from 1607 until 1646, Nansemond Indi-
23 ans—

24 (A) lived approximately 30 miles from
25 Jamestown; and

1 (B) were significantly involved in English-
2 Indian affairs;

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

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

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

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

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

14 (12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles
15 west of the Christianized Nansemonds, was dealing
16 with reservation land;

21 (14) in 1797, Norfolk County issued a certifi-
22 cate stating that William Bass was of Indian and
23 English descent, and that his Indian line of ancestry
24 ran directly back to the early 18th century elder in

1 a traditionalist section of Nansemonds on the res-
2 ervation;

3 (15) in 1833, Virginia enacted a law enabling
4 people of European and Indian descent to obtain a
5 special certificate of ancestry;

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

10 (17) a Methodist mission established around
11 1850 for Nansemonds is currently a standard Meth-
12 odist congregation with Nansemond members;

13 (18) in 1901, Smithsonian anthropologist
14 James Mooney—

15 (A) visited the Nansemonds; and
16 (B) completed a tribal census that counted
17 61 households and was later published;

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

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

22 (21) in 1928, University of Pennsylvania an-
23 thropologist Frank Speck published a book on mod-
24 ern Virginia Indians that included a section on the
25 Nansemonds; and

4 SEC. 602. DEFINITIONS.

5 In this title:

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

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

16 (3) TRIBE.—The term "Tribe" means the
17 Nansemond Indian Tribe.

18 SEC. 603. FEDERAL RECOGNITION.

19 (a) FEDERAL RECOGNITION.—

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

22 (2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18,

1 1934 (25 U.S.C. 461 et seq.)) that are not incons-
2 istent with this title shall be applicable to the Tribe
3 and tribal members.

4 (b) FEDERAL SERVICES AND BENEFITS.—

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

10 (A) the existence of a reservation for the
11 Tribe; or

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

15 (2) SERVICE AREA.—For the purpose of the de-
16 livery of Federal services to tribal members, the
17 service area of the Tribe shall be considered to be
18 the area comprised of the cities of Chesapeake,
19 Hampton, Newport News, Norfolk, Portsmouth, Suf-
20 folk, and Virginia Beach, Virginia.

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

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

1 **SEC. 605. GOVERNING BODY.**

2 The governing body of the Tribe shall be—

3 (1) the governing body of the Tribe in place as

4 of the date of enactment of this Act; or

5 (2) any subsequent governing body elected in

6 accordance with the election procedures specified in

7 the governing documents of the Tribe.

8 **SEC. 606. RESERVATION OF THE TRIBE.**9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, if, not later than 25 years after the date of
11 enactment of this Act, the Tribe transfers any land within
12 the boundaries of the city of Suffolk, the city of Chesa-
13 peake, or Isle of Wight County, Virginia, the Secretary
14 shall take the land into trust for the benefit of the Tribe.

15 (b) GAMING.—

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

4 SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND
5 WATER RIGHTS.

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

