

110TH CONGRESS
1ST SESSION

H. R. 1294

IN THE SENATE OF THE UNITED STATES

MAY 9, 2007

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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 2007”.

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.
 Sec. 108. Jurisdiction of State of Virginia.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
 Sec. 202. Definitions.
 Sec. 203. Federal recognition.
 Sec. 204. Membership; governing documents.
 Sec. 205. Governing body.
 Sec. 206. Reservation of the Tribe.
 Sec. 207. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 208. Jurisdiction of State of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
 Sec. 302. Definitions.
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 Sec. 304. Membership; governing documents.
 Sec. 305. Governing body.
 Sec. 306. Reservation of the Tribe.
 Sec. 307. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 308. Jurisdiction of State of Virginia.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

Sec. 408. Jurisdiction of State of Virginia.

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.

Sec. 502. Definitions.

Sec. 503. Federal recognition.

Sec. 504. Membership; governing documents.

Sec. 505. Governing body.

Sec. 506. Reservation of the Tribe.

Sec. 507. Hunting, fishing, trapping, gathering, and water rights.

Sec. 508. Jurisdiction of State of Virginia.

TITLE VI—NANSEMOND INDIAN TRIBE

Sec. 601. Findings.

Sec. 602. Definitions.

Sec. 603. Federal recognition.

Sec. 604. Membership; governing documents.

Sec. 605. Governing body.

Sec. 606. Reservation of the Tribe.

Sec. 607. Hunting, fishing, trapping, gathering, and water rights.

Sec. 608. Jurisdiction of State of Virginia.

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

1 (B) Sir Thomas Dale agreed in return to
2 allow the Tribe to continue to practice its own
3 tribal governance;

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

9 (4) in 1677, following Bacon's Rebellion, the
10 Queen of Pamunkey signed the Treaty of Middle
11 Plantation on behalf of the Chickahominy;

12 (5) in 1702, the Chickahominy were forced
13 from their reservation, which caused the loss of a
14 land base;

15 (6) in 1711, the College of William and Mary
16 in Williamsburg established a grammar school for
17 Indians called Brafferton College;

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

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

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

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

7 (11) in 1901, the Chickahominy Indian Tribe
8 formed Samaria Baptist Church;

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

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

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

21 (15) during the period of 1920 through 1930,
22 various Governors of the Commonwealth of Virginia
23 wrote letters of introduction for Chickahominy
24 Chiefs who had official business with Federal agen-
25 cies in Washington, DC;

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

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

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

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

23 (20) Collier stated that his office could not offi-
24 cially intervene because it had no responsibility for
25 the Virginia Indians, “as a matter largely of histor-

1 ical accident”, but was “interested in them as de-
2 scendants of the original inhabitants of the region”;

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

7 (22) that school was established and run by the
8 Chickahominy Indian Tribe;

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

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

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

22 (26) in 1967, the Charles City County school
23 board closed Samaria Indian School and converted
24 the school to a countywide primary school as a step

1 toward full school integration of Indian and non-Indian students;
2

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

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

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

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

22 **SEC. 102. DEFINITIONS.**

23 In this title:

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

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

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

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

9 (3) TRIBE.—The term “Tribe” means the
10 Chickahominy Indian Tribe.

11 **SEC. 103. FEDERAL RECOGNITION.**

12 (a) FEDERAL RECOGNITION.—

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

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

22 (b) FEDERAL SERVICES AND BENEFITS.—

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

1 by the Federal Government to federally recognized
2 Indian tribes without regard to—

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

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

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

14 **SEC. 104. 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. 105. 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. 106. RESERVATION OF THE TRIBE.**

2 (a) IN GENERAL.—Fee lands which the Tribe seeks
3 to convey to the United States to be held in trust shall
4 be considered by the Secretary of the Interior under part
5 151 of title 25 of the Code of Federal Regulations (or a
6 successor regulation) if such lands are located within the
7 boundaries of New Kent County, James City County,
8 Charles City County, or Henrico County, Virginia. The
9 Secretary shall make a final determination within three
10 years of the date which the tribe submits a request for
11 land to be taken into trust. Any land taken into trust for
12 the benefit of the Tribe pursuant to this paragraph shall
13 be considered part of the reservation of the Tribe.

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

20 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**
21 **WATER RIGHTS.**

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

1 **SEC. 108. JURISDICTION OF STATE OF VIRGINIA.**

2 (a) IN GENERAL.—The State of Virginia shall exer-
3 cise jurisdiction over—

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

5 and

6 (2) all civil actions that arise on,

7 lands located within the State of Virginia that are owned
8 by, or held in trust by the United States for, the Tribe.

9 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
10 RETARY.—The Secretary of the Interior is authorized to
11 accept on behalf of the United States, after consulting
12 with the Attorney General of the United States, all or any
13 portion of the jurisdiction of the State of Virginia de-
14 scribed in subsection (a) upon verification by the Secretary
15 of a certification by a tribe that it possesses the capacity
16 to reassume such jurisdiction.

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

20 **SEC. 201. FINDINGS.**

21 Congress finds that—

22 (1) in 1607, when the English settlers set shore
23 along the Virginia coastline, the Chickahominy In-
24 dian Tribe was 1 of about 30 tribes that received
25 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, James City
5 County, Charles City County, and Henrico County,
6 Virginia.

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

20 (a) IN GENERAL.—Fee lands which the Tribe seeks
21 to convey to the United States to be held in trust shall
22 be considered by the Secretary of the Interior under part
23 151 of title 25 of the Code of Federal Regulations (or a
24 successor regulation) if such lands are located within the
25 boundaries of New Kent County, James City County,

1 Charles City County, or Henrico County, Virginia. The
2 Secretary shall make a final determination within three
3 years of the date which the tribe submits a request for
4 land to be taken into trust. Any land taken into trust for
5 the benefit of the Tribe pursuant to this paragraph shall
6 be considered part of the reservation of the Tribe.

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

13 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
14 **WATER RIGHTS.**

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

18 **SEC. 208. JURISDICTION OF STATE OF VIRGINIA.**

19 (a) IN GENERAL.—The State of Virginia shall exer-
20 cise jurisdiction over—

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

22 and

23 (2) all civil actions that arise on,

24 lands located within the State of Virginia that are owned
25 by, or held in trust by the United States for, the Tribe.

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

9 **TITLE III—UPPER MATTAPONI**
10 **TRIBE**

11 **SEC. 301. FINDINGS.**

12 Congress finds that—

13 (1) during the period of 1607 through 1646,
14 the Chickahominy Indian Tribes—

15 (A) lived approximately 20 miles from
16 Jamestown; and

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

19 (2) Mattaponi Indians, who later joined the
20 Chickahominy Indians, lived a greater distance from
21 Jamestown;

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

1 (4) in 1661, the Chickahominy Indians sold
2 land at a place known as “the cliffs” on the
3 Mattaponi River;

4 (5) in 1669, the Chickahominy Indians—

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

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

9 (6) in 1677, the Chickahominy and Mattaponi
10 Indians were subjects of the Queen of Pamunkey,
11 who was a signatory to the Treaty of 1677 with the
12 King of England;

13 (7) in 1683, after a Mattaponi town was at-
14 tacked by Seneca Indians, the Mattaponi Indians
15 took refuge with the Chickahominy Indians, and the
16 history of the 2 groups was intertwined for many
17 years thereafter;

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

20 (A) were assigned a reservation by the Vir-
21 ginia Colony; and

22 (B) traded land of the reservation for land
23 at the place known as “the cliffs” (which, as of
24 the date of enactment of this Act, is the

1 Mattaponi Indian Reservation), which had been
2 owned by the Mattaponi Indians before 1661;

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

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

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

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

15 (13) in 1787, Thomas Jefferson, in Notes on
16 the Commonwealth of Virginia, mentioned the
17 Mattaponi Indians on a reservation in King William
18 County and said that Chickahominy Indians were
19 “blended” with the Mattaponi Indians and nearby
20 Pamunkey Indians;

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

1 (15) during the period of 1853 through 1884,
2 King William County marriage records listed Upper
3 Mattaponis as “Indians” in marrying people residing
4 on the reservation;

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

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

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

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

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

22 (A) the leadership of the Upper Mattaponi
23 Indians, with the help of Frank Speck and oth-
24 ers, fought against the induction of young men

1 of the Tribe into “colored” units in the Armed
2 Forces of the United States; and

3 (B) a tribal roll for the Upper Mattaponi
4 Indians was compiled;

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

11 (22) in 1983, the Upper Mattaponi Indians ap-
12 plied for and won State recognition as an Indian
13 tribe.

14 **SEC. 302. 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 Upper Mattaponi Tribe.

3 **SEC. 303. 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 within 25 miles of the Sharon Indian
5 School at 13383 King William Road, King William
6 County, Virginia.

7 **SEC. 304. 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. 305. 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. 306. RESERVATION OF THE TRIBE.**

20 (a) IN GENERAL.—Fee lands which the Tribe seeks
21 to convey to the United States to be held in trust shall
22 be considered by the Secretary of the Interior under part
23 151 of title 25 of the Code of Federal Regulations (or a
24 successor regulation) if such lands are located within the
25 boundaries of King William County, Caroline County,

1 Hanover County, King and Queen County, and New Kent
2 County, Virginia. The Secretary shall make a final deter-
3 mination within three years of the date which the tribe
4 submits a request for land to be taken into trust. Any
5 land taken into trust for the benefit of the Tribe pursuant
6 to this paragraph shall be considered part of the reserva-
7 tion of the Tribe.

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

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

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

19 **SEC. 308. JURISDICTION OF STATE OF VIRGINIA.**

20 (a) IN GENERAL.—The State of Virginia shall exer-
21 cise jurisdiction over—

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

23 and

24 (2) all civil actions that arise on,

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

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

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

13 **SEC. 401. FINDINGS.**

14 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (B) stated that—

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

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

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

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

3 (17) as of the date of that census—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (28) of those girls—

9 (A) 1 married a Saunders man;

10 (B) 1 married a Johnson man; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (59) during the Second World War, the
6 Pamunkeys, Mattaponis, Chickahominies, and
7 Rappahannocks had to fight the draft boards with
8 respect to their racial identities;

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 402. DEFINITIONS.**

9 In this title:

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

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

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

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

20 (3) TRIBE.—

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

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

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

3 **SEC. 403. FEDERAL RECOGNITION.**

4 (a) FEDERAL RECOGNITION.—

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

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

14 (b) FEDERAL SERVICES AND BENEFITS.—

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

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 King and Queen County,
5 Caroline County, Essex County, Spotsylvania Coun-
6 ty, Stafford County, and Richmond County, Vir-
7 ginia.

8 **SEC. 404. 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. 405. 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. 406. RESERVATION OF THE TRIBE.**

21 (a) IN GENERAL.—Fee lands which the Tribe seeks
22 to convey to the United States to be held in trust shall
23 be considered by the Secretary of the Interior under part
24 151 of title 25 of the Code of Federal Regulations (or a
25 successor regulation) if such lands are located within the

1 boundaries of King and Queen County, Stafford County,
2 Spotsylvania County, Richmond County, Essex County,
3 and Caroline County, Virginia. The Secretary shall make
4 a final determination within three years of the date which
5 the tribe submits a request for land to be taken into trust.
6 Any land taken into trust for the benefit of the Tribe pur-
7 suant to this paragraph shall be considered part of the
8 reservation of the Tribe.

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

15 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
16 **WATER RIGHTS.**

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

20 **SEC. 408. JURISDICTION OF STATE OF VIRGINIA.**

21 (a) IN GENERAL.—The State of Virginia shall exer-
22 cise jurisdiction over—

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

24 and

25 (2) all civil actions that arise on,

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

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

11 **TITLE V—MONACAN INDIAN** 12 **NATION**

13 **SEC. 501. FINDINGS.**

14 Congress finds that—

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

18 (2) in 1722, in the Treaty of Albany, Governor
19 Spotswood negotiated to save the Virginia Indians
20 from extinction at the hands of the Iroquois;

21 (3) specifically mentioned in the negotiations
22 were the Monacan tribes of the Totero (Tutelo),
23 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
24 Meipontskys;

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

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

7 (6) in 1850, the United States census recorded
8 29 families, mostly large, with Monacan surnames,
9 the members of which are genealogically related to
10 the present community;

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

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

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

19 (10) from 1930 through 1931, numerous letters
20 from Monacans to the Bureau of the Census re-
21 sulted from the decision of Dr. Walter Plecker,
22 former head of the Bureau of Vital Statistics of the
23 State of Virginia, not to allow Indians to register as
24 Indians for the 1930 census;

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

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

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

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

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

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

23 (17) the Mattaponi-Pamunkey-Monacan Con-
24 sortium, established in 1981, has since been orga-
25 nized as a nonprofit corporation that serves as a ve-

1 hicle to obtain funds for those Indian tribes from the
2 Department of Labor under Native American pro-
3 grams;

4 (18) in 1989, the Monacan Tribe was recog-
5 nized by the State of Virginia, which enabled the
6 Tribe to apply for grants and participate in other
7 programs; and

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

11 **SEC. 502. DEFINITIONS.**

12 In this title:

13 (1) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

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

17 (A) an individual who is an enrolled mem-
18 ber of the Tribe as of the date of enactment of
19 this Act; and

20 (B) an individual who has been placed on
21 the membership rolls of the Tribe in accordance
22 with this title.

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

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

2 (a) FEDERAL RECOGNITION.—

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

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

12 (b) FEDERAL SERVICES AND BENEFITS.—

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

18 (A) the existence of a reservation for the
19 Tribe; or

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

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

1 the area comprised of all land within 25 miles from
2 the center of Amherst, Virginia.

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

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

8 **SEC. 505. GOVERNING BODY.**

9 The governing body of the Tribe shall be—

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

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

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

16 (a) IN GENERAL.—Fee lands which the Tribe seeks
17 to convey to the United States to be held in trust shall
18 be considered by the Secretary of the Interior under part
19 151 of title 25 of the Code of Federal Regulations (or a
20 successor regulation) if such lands are located within the
21 boundaries of Amherst County, Virginia. The Secretary
22 shall make a final determination within three years of the
23 date which the tribe submits a request for land to be taken
24 into trust. Any land taken into trust for the benefit of

1 the Tribe pursuant to this paragraph shall be considered
2 part of the reservation of the Tribe.

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

9 **SEC. 507. 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 **SEC. 508. JURISDICTION OF STATE OF VIRGINIA.**

15 (a) IN GENERAL.—The State of Virginia shall exer-
16 cise jurisdiction over—

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

18 and

19 (2) all civil actions that arise on,

20 lands located within the State of Virginia that are owned
21 by, or held in trust by the United States for, the Tribe.

22 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
23 RETARY.—The Secretary of the Interior is authorized to
24 accept on behalf of the United States, after consulting
25 with the Attorney General of the United States, all or any

1 portion of the jurisdiction of the State of Virginia de-
2 scribed in subsection (a) upon verification by the Secretary
3 of a certification by a tribe that it possesses the capacity
4 to reassume such jurisdiction.

5 **TITLE VI—NANSEMOND INDIAN**
6 **TRIBE**

7 **SEC. 601. FINDINGS.**

8 Congress finds that—

9 (1) from 1607 until 1646, Nansemond Indi-
10 ans—

11 (A) lived approximately 30 miles from
12 Jamestown; and

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

15 (2) after 1646, there were 2 sections of
16 Nansemonds in communication with each other, the
17 Christianized Nansemonds in Norfolk County, who
18 lived as citizens, and the traditionalist Nansemonds,
19 who lived further west;

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

24 (4) that man and woman are lineal ancestors of
25 all of members of the Nansemond Indian tribe alive

1 as of the date of enactment of this Act, as are some
2 of the traditionalist Nansemonds;

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

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

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

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

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

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

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

1 (12) from the 1740s to the 1790s, the tradi-
2 tionalist section of the Nansemond tribe, 40 miles
3 west of the Christianized Nansemonds, was dealing
4 with reservation land;

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

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

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

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

21 (17) a Methodist mission established around
22 1850 for Nansemonds is currently a standard Meth-
23 odist congregation with Nansemond members;

24 (18) in 1901, Smithsonian anthropologist
25 James Mooney—

1 (A) visited the Nansemonds; and

2 (B) completed a tribal census that counted
3 61 households and was later published;

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

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

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

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

15 **SEC. 602. 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 Nansemond Indian Tribe.

6 **SEC. 603. 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 the cities of Chesapeake,
8 Hampton, Newport News, Norfolk, Portsmouth, Suf-
9 folk, and Virginia Beach, Virginia.

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

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

15 **SEC. 605. GOVERNING BODY.**

16 The governing body of the Tribe shall be—

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

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

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

23 (a) IN GENERAL.—Fee lands which the Tribe seeks
24 to convey to the United States to be held in trust shall
25 be considered by the Secretary of the Interior under part

1 151 of title 25 of the Code of Federal Regulations (or a
2 successor regulation) if such lands are located within the
3 boundaries of the city of Suffolk, the city of Chesapeake,
4 or Isle of Wight County, Virginia. The Secretary shall
5 make a final determination within three years of the date
6 which the tribe submits a request for land to be taken
7 into trust. Any land taken into trust for the benefit of
8 the Tribe pursuant to this paragraph shall be considered
9 part of the reservation of the Tribe.

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

16 **SEC. 607. 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 **SEC. 608. JURISDICTION OF STATE OF VIRGINIA.**

22 (a) IN GENERAL.—The State of Virginia shall exer-
23 cise jurisdiction over—

24 (1) all criminal offenses that are committed on;
25 and

1 (2) all civil actions that arise on,
2 lands located within the State of Virginia that are owned
3 by, or held in trust by the United States for, the Tribe.

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

Passed the House of Representatives May 8, 2007.

Attest: LORRAINE C. MILLER,
Clerk.