

Union Calendar No. 73

110TH CONGRESS
1ST SESSION

H. R. 1294

[Report No. 110-124]

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

MAY 7, 2007

Additional sponsors: Mr. RENZI and Mr. GRIJALVA

MAY 7, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 1, 2007]

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 2007”.*

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

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.

Sec. 102. Definitions.

Sec. 103. Federal recognition.

Sec. 104. Membership; governing documents.

Sec. 105. Governing body.

Sec. 106. Reservation of the Tribe.

Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Federal recognition.

Sec. 204. Membership; governing documents.

Sec. 205. Governing body.

Sec. 206. Reservation of the Tribe.

Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.

Sec. 302. Definitions.

Sec. 303. Federal recognition.

Sec. 304. Membership; governing documents.

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TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.

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

TITLE V—MONACAN INDIAN NATION

- Sec. 501. *Findings.*
 Sec. 502. *Definitions.*
 Sec. 503. *Federal recognition.*
 Sec. 504. *Membership; governing documents.*
 Sec. 505. *Governing body.*
 Sec. 506. *Reservation of the Tribe.*
 Sec. 507. *Hunting, fishing, trapping, gathering, and water rights.*

TITLE VI—NANSEMOND INDIAN TRIBE

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

1 **TITLE I—CHICKAHOMINY INDIAN**
 2 **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 *Indian 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 the*
5 *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 from*
13 *their reservation, which caused the loss of a land base;*

14 (6) *in 1711, the College of William and Mary in*
15 *Williamsburg established a grammar school for Indi-*
16 *ans called Brafferton College;*

17 (7) *a Chickahominy child was 1 of the first Indi-*
18 *ans to attend Brafferton College;*

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

23 (9) *in 1793, a Baptist missionary named*
24 *Bradby took refuge with the Chickahominy and took*
25 *a Chickahominy woman as his wife;*

1 (10) in 1831, the names of the ancestors of the
2 modern-day Chickahominy Indian Tribe began to ap-
3 pear in the Charles City County census records;

4 (11) in 1901, the Chickahominy Indian Tribe
5 formed Samaria Baptist Church;

6 (12) from 1901 to 1935, Chickahominy men were
7 assessed a tribal tax so that their children could re-
8 ceive an education;

9 (13) the Tribe used the proceeds from the tax to
10 build the first Samaria Indian School, buy supplies,
11 and pay a teacher's salary;

12 (14) in 1919, C. Lee Moore, Auditor of Public
13 Accounts for Virginia, told Chickahominy Chief O.W.
14 Adkins that he had instructed the Commissioner of
15 Revenue for Charles City County to record Chicka-
16 hominy tribal members on the county tax rolls as In-
17 dian, and not as white or colored;

18 (15) during the period of 1920 through 1930,
19 various Governors of the Commonwealth of Virginia
20 wrote letters of introduction for Chickahominy Chiefs
21 who had official business with Federal agencies in
22 Washington, DC;

23 (16) in 1934, Chickahominy Chief O.O. Adkins
24 wrote to John Collier, Commissioner of Indian Af-
25 fairs, requesting money to acquire land for the Chick-

1 *ahominy Indian Tribe's use, to build school, medical,*
2 *and library facilities and to buy tractors, implements,*
3 *and seed;*

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

10 (18) *in 1942, Chickahominy Chief O.O. Adkins*
11 *wrote to John Collier, Commissioner of Indian Af-*
12 *airs, asking for help in getting the proper racial des-*
13 *ignation on Selective Service records for Chicka-*
14 *hominy soldiers;*

15 (19) *in 1943, John Collier, Commissioner of In-*
16 *Indian Affairs, asked Douglas S. Freeman, editor of the*
17 *Richmond News-Leader newspaper of Richmond, Vir-*
18 *ginia, to help Virginia Indians obtain proper racial*
19 *designation on birth records;*

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

1 (21) in 1948, the Veterans' Education Committee
2 of the Virginia State Board of Education approved
3 Samaria Indian School to provide training to vet-
4 erans;

5 (22) that school was established and run by the
6 Chickahominy Indian Tribe;

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

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

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

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

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

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

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

17 (30) in 1985, Governor Gerald Baliles was the
18 special guest at an intertribal Thanksgiving Day din-
19 ner hosted by the Chickahominy Indian Tribe.

20 **SEC. 102. DEFINITIONS.**

21 *In this title:*

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

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

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

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

7 (3) *TRIBE.*—*The term “Tribe” means the Chick-*
8 *ahominy Indian Tribe.*

9 **SEC. 103. FEDERAL RECOGNITION.**

10 (a) *FEDERAL RECOGNITION.*—

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

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

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

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

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

3 (B) *the location of the residence of any trib-*
4 *al member on or near any Indian reservation.*

5 (2) *SERVICE AREA.—For the purpose of the de-*
6 *livery of Federal services to tribal members, the serv-*
7 *ice area of the Tribe shall be considered to be the area*
8 *comprised of New Kent County, James City County,*
9 *Charles City County, and Henrico County, Virginia.*

10 **SEC. 104. 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. 105. 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 ac-*
20 *cordance with the election procedures specified in the*
21 *governing documents of the Tribe.*

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

23 (a) *IN GENERAL.—If, not later than 25 years after the*
24 *date of enactment of this Act, the Tribe transfers to the Sec-*
25 *retary land within the boundaries of New Kent County,*

1 *James City County, Charles City County, or Henrico Coun-*
2 *ty, Virginia, the Secretary shall take the land into trust*
3 *for the benefit of the Tribe. Any land taken into trust for*
4 *the benefit of the Tribe pursuant to this subsection shall*
5 *be considered part of the reservation of the Tribe.*

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

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

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

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 *Indian Tribe was 1 of about 30 tribes that received*
25 *them;*

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

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

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

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

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

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

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

22 (7) *a Chickahominy child was 1 of the first Indians to attend Brafferton College;*

24 (8) *in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to*

1 *the area around the Chickahominy River in New*
2 *Kent and Charles City Counties;*

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

6 (10) *in 1831, the names of the ancestors of the*
7 *modern-day Chickahominy Indian Tribe began to ap-*
8 *pear in the Charles City County census records;*

9 (11) *in 1870, a census revealed an enclave of In-*
10 *dians in New Kent County that is believed to be the*
11 *beginning of the Chickahominy Indian Tribe—East-*
12 *ern Division;*

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

16 (13) *in 1901, the Chickahominy Indian Tribe*
17 *formed Samaria Baptist Church;*

18 (14) *from 1901 to 1935, Chickahominy men were*
19 *assessed a tribal tax so that their children could re-*
20 *ceive an education;*

21 (15) *the Tribe used the proceeds from the tax to*
22 *build the first Samaria Indian School, buy supplies,*
23 *and pay a teacher's salary;*

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

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

7 (18) E.P. Bradby, the founder of the Tribe, was
8 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 inte-
20 gration 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 along*
3 *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 as*
10 *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 Chick-*
2 *ahominy 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 appli-*
9 *cability to Indians or nations, Indian tribes, or bands*
10 *of Indians (including the Act of June 18, 1934 (25*
11 *U.S.C. 461 et seq.)) that are not inconsistent with*
12 *this title shall be applicable to the Tribe and tribal*
13 *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 trib-*
23 *al member on or near any Indian reservation.*

24 (2) *SERVICE AREA*.—*For the purpose of the de-*
25 *livery of Federal services to tribal members, the serv-*

1 *ice area of the Tribe shall be considered to be the area*
2 *comprised of New Kent County, James City County,*
3 *Charles City County, and Henrico County, Virginia.*

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

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

9 **SEC. 205. GOVERNING BODY.**

10 *The governing body of the Tribe shall be—*

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

13 *(2) any subsequent governing body elected in ac-*
14 *cordance with the election procedures specified in the*
15 *governing documents of the Tribe.*

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

17 *(a) IN GENERAL.—If, not later than 25 years after the*
18 *date of enactment of this Act, the Tribe transfers to the Sec-*
19 *retary any land within the boundaries of New Kent County,*
20 *James City County, Charles City County, or Henrico Coun-*
21 *ty, Virginia, the Secretary shall take the land into trust*
22 *for the benefit of the Tribe. Any land taken into trust for*
23 *the benefit of the Tribe pursuant to this subsection shall*
24 *be considered part of the reservation of the Tribe.*

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

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

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

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

14 **SEC. 301. FINDINGS.**

15 *Congress finds that—*

16 (1) *during the period of 1607 through 1646, the*
 17 *Chickahominy Indian Tribes—*

18 (A) *lived approximately 20 miles from*
 19 *Jamestown; and*

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

22 (2) *Mattaponi Indians, who later joined the*
 23 *Chickahominy Indians, lived a greater distance from*
 24 *Jamestown;*

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

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

6 (5) in 1669, the Chickahominy Indians—

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

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

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

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

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

22 (A) were assigned a reservation by the Vir-
23 ginia Colony; and

24 (B) traded land of the reservation for land
25 at the place known as “the cliffs” (which, as of

1 *the date of enactment of this Act, is the*
2 *Mattaponi Indian Reservation), which had been*
3 *owned by the Mattaponi Indians before 1661;*

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

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

9 *(11) James Adams, who served as an interpreter*
10 *to the Indian tribes known as of the date of enactment*
11 *of this Act as the “Upper Mattaponi Indian Tribe”*
12 *and “Chickahominy Indian Tribe”, elected to stay*
13 *with the Upper Mattaponi Indians;*

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

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

22 *(14) in 1850, the census of the United States re-*
23 *vealed a nucleus of approximately 10 families, all an-*
24 *cestral to modern Upper Mattaponi Indians, living in*

1 *central King William County, Virginia, approxi-*
2 *mately 10 miles from the reservation;*

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

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

10 (17) *in 1901, Smithsonian anthropologist James*
11 *Mooney heard about the Upper Mattaponi Indians*
12 *but did not visit them;*

13 (18) *in 1928, University of Pennsylvania an-*
14 *thropologist Frank Speck published a book on modern*
15 *Virginia Indians with a section on the Upper*
16 *Mattaponis;*

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

22 (20) *during the period of 1942 through 1945—*

23 (A) *the leadership of the Upper Mattaponi*
24 *Indians, with the help of Frank Speck and oth-*
25 *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 place*
6 *to admit some of the young people of the Upper*
7 *Mattaponi to high schools for Federal Indians (espe-*
8 *cially at Cherokee) because no high school coursework*
9 *was available for Indians in Virginia schools; and*

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

13 **SEC. 302. DEFINITIONS.**

14 *In this title:*

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

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

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

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

1 (3) *TRIBE*.—*The term “Tribe” means the Upper*
2 *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 appli-*
9 *cability to Indians or nations, Indian tribes, or bands*
10 *of Indians (including the Act of June 18, 1934 (25*
11 *U.S.C. 461 et seq.)) that are not inconsistent with*
12 *this title shall be applicable to the Tribe and tribal*
13 *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 In-*
19 *dian 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 trib-*
23 *al member on or near any Indian reservation.*

24 (2) *SERVICE AREA*.—*For the purpose of the de-*
25 *livery of Federal services to tribal members, the serv-*

1 *ice area of the Tribe shall be considered to be the area*
2 *within 25 miles of the Sharon Indian School at*
3 *13383 King William Road, King William County,*
4 *Virginia.*

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

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

10 **SEC. 305. GOVERNING BODY.**

11 *The governing body of the Tribe shall be—*

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

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

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

18 *(a) IN GENERAL.—If, not later than 25 years after the*
19 *date of enactment of this Act, the Tribe transfers to the Sec-*
20 *retary land within the boundaries of King William County,*
21 *Caroline County, Hanover County, King and Queen Coun-*
22 *ty, and New Kent County, Virginia, the Secretary shall take*
23 *the land into trust for the benefit of the Tribe. Any land*
24 *taken into trust for the benefit of the Tribe pursuant to this*

1 subsection shall be considered part of the reservation of the
2 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. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
10 **WATER RIGHTS.**

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

14 **TITLE IV—RAPPAHANNOCK**
15 **TRIBE, INC.**

16 **SEC. 401. FINDINGS.**

17 Congress finds that—

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

21 (2) the first encounter occurred when the Rappa-
22 hannock weroance (headman)—

23 (A) traveled to Quiyocohannock (a prin-
24 cipal town across the James River from James-
25 town), where he met with Smith to determine

1 *whether Smith had been the “great man” who*
2 *had previously sailed into the Rappahannock*
3 *River, killed a Rappahannock weroance, and*
4 *kidnapped Rappahannock people; and*

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

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

12 *(4) a third meeting took place during Smith’s*
13 *exploration of the Chesapeake Bay (July to September*
14 *1608), when, after the Moraughtacund Indians had*
15 *stolen 3 women from the Rappahannock King, Smith*
16 *was prevailed upon to facilitate a peaceful truce be-*
17 *tween the Rappahannock and the Moraughtacund In-*
18 *dians;*

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

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

24 *(7) the Moraughtacund King was given second*
25 *choice among the 2 remaining women, and Mosco, a*

1 *Wighcocomoco (on the Potomac River) guide, was*
2 *given the third woman;*

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

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

14 (10) *the deed for the conveyance was signed by*
15 *Accopatough, weroance of the Rappahannock Indians;*

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

19 (A) *gave Rappahannocks the rights of Eng-*
20 *lishmen in the county court; and*

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

23 (12) *in September 1653, Lancaster County de-*
24 *finied and marked the bounds of its Indian settle-*
25 *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 the
19 English promised would be well-treated;

20 (15) in 1658, the Virginia Assembly revised a
21 1652 Act stating that “there be no grants of land to
22 any Englishman whatsoever de futuro until the Indi-
23 ans be first served with the proportion of 50 acres of
24 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 village
12 on the north side of the Mattaponi River as their pri-
13 mary residence until the Rappahannocks were re-
14 moved 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 on
18 behalf of the Rappahannocks, “who were supposed to
19 be her tributaries”, but before the treaty could be rati-
20 fied, the Queen of Pamunkey complained to the Vir-
21 ginia Colonial Council “that she was having trouble
22 with Rappahannocks and Chickahominies, supposedly
23 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 hunting*
4 *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 was*
8 *based on the 1658 Indian land act, which translates*
9 *into a bowman population of 70, or an approximate*
10 *total Rappahannock population of 350;*

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

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

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

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

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

7 *(28) of those girls—*

8 *(A) 1 married a Saunders man;*

9 *(B) 1 married a Johnson man; and*

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

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

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

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

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

1 (33) beginning in 1819, and continuing through
2 the 1880s, there was a solid Rappahannock presence
3 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;

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

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

16 (37) Mastin referred to the Rappahannocks dur-
17 ing the period of 1850 to 1870 as “Indians, having
18 a great need for moral and Christian guidance”;

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

22 (39) at both churches, the core Rappahannock
23 family names of Bird, Clarke, Fortune, Johnson, Nel-
24 son, Parker, and Richardson predominate;

1 (40) during the early 1900's, James Mooney,
2 noted anthropologist, maintained correspondence with
3 the Rappahannocks, surveying them and instructing
4 them on how to formalize their tribal government;

5 (41) in November 1920, Speck visited the
6 Rappahannocks and assisted them in organizing the
7 fight for their sovereign rights;

8 (42) in 1921, the Rappahannocks were granted
9 a charter from the Commonwealth of Virginia for-
10 malizing their tribal government;

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

15 (44) in April 1921, Rappahannock Chief George
16 Nelson asked the Governor of Virginia, Westmoreland
17 Davis, to forward a proclamation to the President of
18 the United States, along with an appended list of
19 tribal members and a handwritten copy of the procla-
20 mation itself;

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

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

1 (47) *prior to establishment of the school, Rappa-*
2 *hannock children were taught by a tribal member in*
3 *Central Point, Caroline County, Virginia;*

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

8 (49) *in 1930, the Rappahannocks were engaged*
9 *in an ongoing dispute with the Commonwealth of Vir-*
10 *ginia and the United States Census Bureau about*
11 *their classification in the 1930 Federal census;*

12 (50) *in January 1930, Rappahannock Chief*
13 *Otho S. Nelson wrote to Leon Truesdell, Chief Stat-*
14 *istician of the United States Census Bureau, asking*
15 *that the 218 enrolled Rappahannocks be listed as In-*
16 *dians;*

17 (51) *in February 1930, Truesdell replied to Nel-*
18 *son saying that “special instructions” were being*
19 *given about classifying Indians;*

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

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

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

9 (55) Nelson asked Truesdell to list people as In-
10 dians if he sent a list of members;

11 (56) the matter was settled by William Steuart,
12 who concluded that the Bureau’s rule was that people
13 of Indian descent could be classified as “Indian” only
14 if Indian “blood” predominated and “Indian” iden-
15 tity was accepted in the local community;

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

20 (58) therefore, in 1925, the Indian Rights Asso-
21 ciation took on the Rappahannock case to assist the
22 Rappahannocks in fighting for their recognition and
23 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 re-*
2 *spect 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 were*
12 *approximately 25 communities of Indians left in the*
13 *Eastern United States that were entitled to Indian*
14 *classification, including the Rappahannocks;*

15 *(63) in the 1940s, Leon Truesdell, Chief Statisti-*
16 *cian, of the United States Census Bureau, listed 118*
17 *members in the Rappahannock Tribe in the Indian*
18 *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 by*
22 *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 described*
2 *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 execu-*
11 *utive order of the Governor of Virginia;*

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

15 *(70) in 1979, the Coalition established a pottery*
16 *and artisans company, operating with other Virginia*
17 *tribes;*

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

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

24 **SEC. 402. DEFINITIONS.**

25 *In this title:*

1 (1) *SECRETARY*.—The term “Secretary” means
2 the Secretary of the Interior.

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

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

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

11 (3) *TRIBE*.—

12 (A) *IN GENERAL*.—The term “Tribe” means
13 the organization possessing the legal name Rap-
14 pahannock Tribe, Inc.

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

19 **SEC. 403. FEDERAL RECOGNITION.**

20 (a) *FEDERAL RECOGNITION*.—

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

23 (2) *APPLICABILITY OF LAWS*.—All laws (includ-
24 ing regulations) of the United States of general appli-
25 cability to Indians or nations, Indian tribes, or bands

1 *of Indians (including the Act of June 18, 1934 (25*
2 *U.S.C. 461 et seq.)) that are not inconsistent with*
3 *this title shall be applicable to the Tribe and tribal*
4 *members.*

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

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

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

13 ***(B) the location of the residence of any trib-***
14 ***al member on or near any Indian reservation.***

15 ***(2) SERVICE AREA.—****For the purpose of the de-*
16 *livery of Federal services to tribal members, the serv-*
17 *ice area of the Tribe shall be considered to be the area*
18 *comprised of King and Queen County, Caroline*
19 *County, Essex County, Spotsylvania County, Stafford*
20 *County, and Richmond County, Virginia.*

21 **SEC. 404. 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. 405. 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 ac-*
6 *cordance with the election procedures specified in the*
7 *governing documents of the Tribe.*

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

9 *(a) IN GENERAL.—If, not later than 25 years after the*
10 *date of enactment of this Act, the Tribe transfers to the Sec-*
11 *retary land within the boundaries of King and Queen*
12 *County, Stafford County, Spotsylvania County, Richmond*
13 *County, Essex County, and Caroline County, Virginia, the*
14 *Secretary shall take the land into trust for the benefit of*
15 *the Tribe. Any land taken into trust for the benefit of the*
16 *Tribe pursuant to this subsection shall be considered part*
17 *of the reservation of the Tribe.*

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

1 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

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

6 **TITLE V—MONACAN INDIAN**
7 **NATION**

8 **SEC. 501. FINDINGS.**

9 *Congress finds that—*

10 *(1) In 1677, the Monacan Tribe signed the Trea-*
11 *ty of Middle Plantation between Charles II of Eng-*
12 *land and 12 Indian “Kings and Chief Men”;*

13 *(2) in 1722, in the Treaty of Albany, Governor*
14 *Spotswood negotiated to save the Virginia Indians*
15 *from extinction at the hands of the Iroquois;*

16 *(3) specifically mentioned in the negotiations*
17 *were the Monacan tribes of the Totero (Tutelo),*
18 *Saponi, Ocheneches (Occaneechi), Stengenocks, and*
19 *Meipontskys;*

20 *(4) in 1790, the first national census recorded*
21 *Benjamin Evans and Robert Johns, both ancestors of*
22 *the present Monacan community, listed as “white”*
23 *with mulatto children;*

24 *(5) in 1782, tax records also began for those fam-*
25 *ilies;*

1 (6) in 1850, the United States census recorded
2 29 families, mostly large, with Monacan surnames,
3 the members of which are genealogically related to the
4 present community;

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

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

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

13 (10) from 1930 through 1931, numerous letters
14 from Monacans to the Bureau of the Census resulted
15 from the decision of Dr. Walter Plecker, former head
16 of the Bureau of Vital Statistics of the State of Vir-
17 ginia, not to allow Indians to register as Indians for
18 the 1930 census;

19 (11) the Monacans eventually succeeded in being
20 allowed to claim their race, albeit with an asterisk at-
21 tached to a note from Dr. Plecker stating that there
22 were no Indians in Virginia;

23 (12) in 1947, D'Arcy McNickle, a Salish Indian,
24 saw some of the children at the Amherst Mission and

1 *requested that the Cherokee Agency visit them because*
2 *they appeared to be Indian;*

3 *(13) that letter was forwarded to the Department*
4 *of the Interior, Office of Indian Affairs, Chicago, Illi-*
5 *nois;*

6 *(14) Chief Jarrett Blythe of the Eastern Band of*
7 *Cherokee did visit the Mission and wrote that he*
8 *“would be willing to accept these children in the*
9 *Cherokee school”;*

10 *(15) in 1979, a Federal Coalition of Eastern Na-*
11 *tive Americans established the entity known as “Mon-*
12 *acan Co-operative Pottery” at the Amherst Mission;*

13 *(16) some important pieces were produced at*
14 *Monacan Co-operative Pottery, including a piece that*
15 *was sold to the Smithsonian Institution;*

16 *(17) the Mattaponi-Pamunkey-Monacan Consor-*
17 *tium, established in 1981, has since been organized as*
18 *a nonprofit corporation that serves as a vehicle to ob-*
19 *tain funds for those Indian tribes from the Depart-*
20 *ment of Labor under Native American programs;*

21 *(18) in 1989, the Monacan Tribe was recognized*
22 *by the State of Virginia, which enabled the Tribe to*
23 *apply for grants and participate in other programs;*
24 *and*

1 (19) in 1993, the Monacan Tribe received tax-ex-
2 empt status as a nonprofit corporation from the In-
3 ternal Revenue Service.

4 **SEC. 502. DEFINITIONS.**

5 *In this title:*

6 (1) *SECRETARY.*—The term “Secretary” means
7 the Secretary of the Interior.

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

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 Mona-
17 can Indian Nation.

18 **SEC. 503. 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 (includ-
23 ing regulations) of the United States of general appli-
24 cability to Indians or nations, Indian tribes, or bands
25 of Indians (including the Act of June 18, 1934 (25

1 *U.S.C. 461 et seq.) that are not inconsistent with*
2 *this title shall be applicable to the Tribe and tribal*
3 *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 In-*
9 *dian 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 trib-***
13 ***al member on or near any Indian reservation.***

14 ***(2) SERVICE AREA.—****For the purpose of the de-*
15 *livery of Federal services to tribal members, the serv-*
16 *ice area of the Tribe shall be considered to be the area*
17 *comprised of all land within 25 miles from the center*
18 *of Amherst, Virginia.*

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

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

24 **SEC. 505. GOVERNING BODY.**

25 *The governing body of the Tribe shall be—*

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

3 (2) *any subsequent governing body elected in ac-*
4 *cordance with the election procedures specified in the*
5 *governing documents of the Tribe.*

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

7 (a) *IN GENERAL.—If, not later than 25 years after the*
8 *date of enactment of this Act, the Tribe transfers to the Sec-*
9 *retary any land within the boundaries of Amherst County,*
10 *Virginia, the Secretary shall take the land into trust for*
11 *the benefit of the Tribe. Any land taken into trust for the*
12 *benefit of the Tribe pursuant to this subsection shall be con-*
13 *sidered 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. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
21 **WATER RIGHTS.**

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

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

3 **SEC. 601. FINDINGS.**

4 *Congress finds that—*

5 (1) *from 1607 until 1646, Nansemond Indians—*

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

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

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

15 (3) *in 1638, according to an entry in a 17th cen-*
16 *tury sermon book still owned by the Chief's family, a*
17 *Norfolk County Englishman married a Nansemond*
18 *woman;*

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

23 (5) *in 1669, the 2 Nansemond sections appeared*
24 *in Virginia Colony's census of Indian bowmen;*

1 (6) in 1677, Nansemond Indians were signato-
2 ries to the Treaty of 1677 with the King of England;

3 (7) in 1700 and 1704, the Nansemonds and other
4 Virginia Indian tribes were prevented by Virginia
5 Colony from making a separate peace with the Iro-
6 quois;

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

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

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

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

20 (12) from the 1740s to the 1790s, the tradition-
21 alist section of the Nansemond tribe, 40 miles west of
22 the Christianized Nansemonds, was dealing with res-
23 ervation land;

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

4 (14) *in 1797, Norfolk County issued a certificate*
5 *stating that William Bass was of Indian and English*
6 *descent, and that his Indian line of ancestry ran di-*
7 *rectly back to the early 18th century elder in a tradi-*
8 *tionalist section of Nansemonds on the reservation;*

9 (15) *in 1833, Virginia enacted a law enabling*
10 *people of European and Indian descent to obtain a*
11 *special certificate of ancestry;*

12 (16) *the law originated from the county in which*
13 *Nansemonds lived, and mostly Nansemonds, with a*
14 *few people from other counties, took advantage of the*
15 *new law;*

16 (17) *a Methodist mission established around*
17 *1850 for Nansemonds is currently a standard Meth-*
18 *odist congregation with Nansemond members;*

19 (18) *in 1901, Smithsonian anthropologist James*
20 *Mooney—*

21 (A) *visited the Nansemonds; and*

22 (B) *completed a tribal census that counted*
23 *61 households and was later published;*

1 (19) in 1922, Nansemonds were given a special
2 Indian school in the segregated school system of Nor-
3 folk County;

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

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

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

12 **SEC. 602. DEFINITIONS.**

13 *In this title:*

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

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

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

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

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

1 **SEC. 603. 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 appli-*
7 *cability to Indians or nations, Indian tribes, or bands*
8 *of Indians (including the Act of June 18, 1934 (25*
9 *U.S.C. 461 et seq.)) that are not inconsistent with*
10 *this title shall be applicable to the Tribe and tribal*
11 *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 In-*
17 *dian 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 trib-*
21 *al member on or near any Indian reservation.*

22 (2) *SERVICE AREA.*—*For the purpose of the de-*
23 *livery of Federal services to tribal members, the serv-*
24 *ice area of the Tribe shall be considered to be the area*
25 *comprised of the cities of Chesapeake, Hampton, New-*

1 *port News, Norfolk, Portsmouth, Suffolk, and Virginia*
2 *Beach, Virginia.*

3 **SEC. 604. 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. 605. 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 ac-*
13 *cordance with the election procedures specified in the*
14 *governing documents of the Tribe.*

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

16 *(a) IN GENERAL.—If, not later than 25 years after the*
17 *date of enactment of this Act, the Tribe transfers any land*
18 *within the boundaries of the city of Suffolk, the city of*
19 *Chesapeake, or Isle of Wight County, Virginia, the Sec-*
20 *retary shall take the land into trust for the benefit of the*
21 *Tribe. Any land taken into trust for the benefit of the Tribe*
22 *pursuant to this subsection shall be considered part of the*
23 *reservation of the Tribe.*

24 *(b) GAMING.—The Tribe may not conduct gaming ac-*
25 *tivities as a matter of claimed inherent authority or under*

1 *the authority of any Federal law, including the Indian*
2 *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under*
3 *any regulations thereunder promulgated by the Secretary*
4 *or the National Indian Gaming Commission.*

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

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

Union Calendar No. 73

110TH CONGRESS
1ST Session

H. R. 1294

[Report No. 110-124]

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 Nansmond Indian Tribe.

MAY 7, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed