

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1385

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## 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 2009”.

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 Commonwealth 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 Commonwealth of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

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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 Commonwealth 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 Commonwealth 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 the existence of a  
3 reservation for the Tribe.

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 New Kent County, James City  
8 County, Charles City County, and Henrico County,  
9 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  
20 accordance with the election procedures specified in  
21 the governing documents of the Tribe.

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

23 (a) IN GENERAL.—Upon the request of the Tribe, the  
24 Secretary of the Interior—

1           (1) shall take into trust for the benefit of the  
2       Tribe any land held in fee by the Tribe that was ac-  
3       quired by the Tribe on or before January 1, 2007,  
4       if such lands are located within the boundaries of  
5       New Kent County, James City County, Charles City  
6       County, or Henrico County, Virginia; and

7           (2) may take into trust for the benefit of the  
8       Tribe any land held in fee by the Tribe, if such  
9       lands are located within the boundaries of New Kent  
10      County, James City County, Charles City County, or  
11      Henrico County, Virginia.

12      (b) DEADLINE FOR DETERMINATION.—The Sec-  
13      retary shall make a final written determination not later  
14      than three years of the date which the Tribe submits a  
15      request for land to be taken into trust under subsection  
16      (a)(2) and shall immediately make that determination  
17      available to the Tribe.

18      (c) RESERVATION STATUS.—Any land taken into  
19      trust for the benefit of the Tribe pursuant to this para-  
20      graph shall, upon request of the Tribe, be considered part  
21      of the reservation of the Tribe.

22      (d) GAMING.—The Tribe may not conduct gaming ac-  
23      tivities as a matter of claimed inherent authority or under  
24      the authority of any Federal law, including the Indian  
25      Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under

1 any regulations thereunder promulgated by the Secretary  
2 or the National Indian Gaming Commission.

3 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
4 **WATER RIGHTS.**

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

8 **SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

9 (a) IN GENERAL.—The Commonwealth of Virginia  
10 shall exercise jurisdiction over—

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

12 and

13 (2) all civil actions that arise on,

14 lands located within the Commonwealth of Virginia that  
15 are owned by, or held in trust by the United States for,  
16 the Tribe.

17 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-  
18 RETARY.—The Secretary of the Interior is authorized to  
19 accept on behalf of the United States, after consulting  
20 with the Attorney General of the United States, all or any  
21 portion of the jurisdiction of the Commonwealth of Vir-  
22 ginia described in subsection (a) upon verification by the  
23 Secretary of a certification by a tribe that it possesses the  
24 capacity to reassume such jurisdiction.

1 **TITLE II—CHICKAHOMINY IN-**  
2 **DIAN TRIBE—EASTERN DIVI-**  
3 **SION**

4 **SEC. 201. FINDINGS.**

5 Congress finds that—

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

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

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

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

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

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

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

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

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

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

13          (9) in 1793, a Baptist missionary named  
14          Bradby took refuge with the Chickahominy and took  
15          a Chickahominy woman as his wife;

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

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

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

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

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

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

9           (16) in 1910, a 1-room school covering grades  
10 1 through 8 was established in New Kent County for  
11 the Chickahominy Indian Tribe—Eastern Division;

12           (17) during the period of 1920 through 1921,  
13 the Chickahominy Indian Tribe—Eastern Division  
14 began forming a tribal government;

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

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

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

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

1           (22) in 1967, the Chickahominy Indian Tribe  
2           and the Chickahominy Indian Tribe—Eastern Divi-  
3           sion lost their schools as a result of the required in-  
4           tegration of students;

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

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

11          (25) in 1985—

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

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

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

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

21 **SEC. 202. DEFINITIONS.**

22          In this title:

23                 (1) SECRETARY.—The term “Secretary” means  
24          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—Eastern Division.

11 **SEC. 203. 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 future services and benefits

1 provided by the Federal Government to federally rec-  
2 ognized Indian tribes without regard to the existence  
3 of a reservation for the Tribe.

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 New Kent County, James City  
8 County, Charles City County, and Henrico County,  
9 Virginia.

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

23 (a) IN GENERAL.—Upon the request of the Tribe, the  
24 Secretary of the Interior—

1           (1) shall take into trust for the benefit of the  
2       Tribe any land held in fee by the Tribe that was ac-  
3       quired by the Tribe on or before January 1, 2007,  
4       if such lands are located within the boundaries of  
5       New Kent County, James City County, Charles City  
6       County, or Henrico County, Virginia; and

7           (2) may take into trust for the benefit of the  
8       Tribe any land held in fee by the Tribe, if such  
9       lands are located within the boundaries of New Kent  
10      County, James City County, Charles City County, or  
11      Henrico County, Virginia.

12      (b) DEADLINE FOR DETERMINATION.—The Sec-  
13      retary shall make a final written determination not later  
14      than three years of the date which the Tribe submits a  
15      request for land to be taken into trust under subsection  
16      (a)(2) and shall immediately make that determination  
17      available to the Tribe.

18      (c) RESERVATION STATUS.—Any land taken into  
19      trust for the benefit of the Tribe pursuant to this para-  
20      graph shall, upon request of the Tribe, be considered part  
21      of the reservation of the Tribe.

22      (d) GAMING.—The Tribe may not conduct gaming ac-  
23      tivities as a matter of claimed inherent authority or under  
24      the authority of any Federal law, including the Indian  
25      Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under

1 any regulations thereunder promulgated by the Secretary  
2 or the National Indian Gaming Commission.

3 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
4 **WATER RIGHTS.**

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

8 **SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

9 (a) IN GENERAL.—The Commonwealth of Virginia  
10 shall exercise jurisdiction over—

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

12 and

13 (2) all civil actions that arise on,

14 lands located within the Commonwealth of Virginia that  
15 are owned by, or held in trust by the United States for,  
16 the Tribe.

17 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-  
18 RETARY.—The Secretary of the Interior is authorized to  
19 accept on behalf of the United States, after consulting  
20 with the Attorney General of the United States, all or any  
21 portion of the jurisdiction of the Commonwealth of Vir-  
22 ginia described in subsection (a) upon verification by the  
23 Secretary of a certification by a tribe that it possesses the  
24 capacity to reassume such jurisdiction.

1     **TITLE III—UPPER MATTAPONI**  
2                     **TRIBE**

3     **SEC. 301. FINDINGS.**

4         Congress finds that—

5             (1) during the period of 1607 through 1646,  
6         the Chickahominy Indian Tribes—

7                 (A) lived approximately 20 miles from  
8             Jamestown; and

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

11             (2) Mattaponi Indians, who later joined the  
12         Chickahominy Indians, lived a greater distance from  
13         Jamestown;

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

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

19             (5) in 1669, the Chickahominy Indians—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           (19) from 1929 until 1930, the leadership of  
6           the Upper Mattaponi Indians opposed the use of a  
7           “colored” designation in the 1930 United States  
8           census and won a compromise in which the Indian  
9           ancestry of the Upper Mattaponis was recorded but  
10          questioned;

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

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

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

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



1           (22) in 1983, the Upper Mattaponi Indians ap-  
2           plied for and won State recognition as an Indian  
3           tribe.

4 **SEC. 302. 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  
17           Upper Mattaponi Tribe.

18 **SEC. 303. 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 ap-  
24                   plicability to Indians or nations, Indian tribes, or  
25                   bands of Indians (including the Act of June 18,

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

4 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

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

22 **SEC. 305. GOVERNING BODY.**

23 The governing body of the Tribe shall be—

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

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

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

5           (a) IN GENERAL.—Upon the request of the Tribe, the  
6 Secretary of the Interior—

7           (1) shall take into trust for the benefit of the  
8 Tribe any land held in fee by the Tribe that was ac-  
9 quired by the Tribe on or before January 1, 2007,  
10 if such lands are located within the boundaries of  
11 King William County, Caroline County, Hanover  
12 County, King and Queen County, and New Kent  
13 County, Virginia; and

14           (2) may take into trust for the benefit of the  
15 Tribe any land held in fee by the Tribe, if such  
16 lands are located within the boundaries of King Wil-  
17 liam County, Caroline County, Hanover County,  
18 King and Queen County, and New Kent County,  
19 Virginia.

20           (b) DEADLINE FOR DETERMINATION.—The Sec-  
21 retary shall make a final written determination not later  
22 than three years of the date which the Tribe submits a  
23 request for land to be taken into trust under subsection  
24 (a)(2) and shall immediately make that determination  
25 available to the Tribe.

1 (c) RESERVATION STATUS.—Any land taken into  
2 trust for the benefit of the Tribe pursuant to this para-  
3 graph shall, upon request of the Tribe, be considered part  
4 of the reservation of the Tribe.

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

11 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
12 **WATER RIGHTS.**

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

16 **SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

17 (a) IN GENERAL.—The Commonwealth of Virginia  
18 shall exercise jurisdiction over—

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

20 and

21 (2) all civil actions that arise on,

22 lands located within the Commonwealth of Virginia that  
23 are owned by, or held in trust by the United States for,  
24 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 Commonwealth of Vir-  
6 ginia described in subsection (a) upon verification by the  
7 Secretary of a certification by a tribe that it possesses the  
8 capacity to reassume such jurisdiction.

9 **TITLE IV—RAPPAHANNOCK**  
10 **TRIBE, INC.**

11 **SEC. 401. FINDINGS.**

12 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (B) stated that—

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

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

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

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



1 (17) as of the date of that census—

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

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

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

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

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

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

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

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

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

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

20          (26) in 1706, by order of Essex County, Lieu-  
21          tenant Richard Covington “escorted” the Portobac-  
22          cos and Rappahannocks out of Portobacco Indian  
23          Town, out of Essex County, and into King and  
24          Queen County where they settled along the ridgeline  
25          between the Rappahannock and Mattaponi Rivers,

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

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

6 (28) of those girls—

7 (A) 1 married a Saunders man;

8 (B) 1 married a Johnson man; and

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

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

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

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

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

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 member-  
9           ship roster, the number of surnames listed had de-  
10          clined to 12 in 1878 and had risen only slightly to  
11          14 by 1888;

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (49) in 1930, the Rappahannocks were engaged  
8           in an ongoing dispute with the Commonwealth of  
9           Virginia and the United States Census Bureau  
10          about their classification in the 1930 Federal cen-  
11          sus;

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  
16          Indians;

17          (51) in February 1930, Truesdell replied to  
18          Nelson 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;  
25

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

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  
10 Indians 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 peo-  
13 ple of Indian descent could be classified as “Indian”  
14 only if Indian “blood” predominated and “Indian”  
15 identity was accepted in the local community;

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

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

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

1 pahannocks 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  
12 were approximately 25 communities of Indians left  
13 in the Eastern United States that were entitled to  
14 Indian classification, including the Rappahannocks;

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

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

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



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

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

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

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

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

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

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

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

1 **SEC. 402. DEFINITIONS.**

2 In this title:

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

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

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

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

13 (3) TRIBE.—

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

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

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

22 (a) FEDERAL RECOGNITION.—

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

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

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

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

21 The membership roll and governing documents of the  
22 Tribe shall be the most recent membership roll and gov-  
23 erning documents, respectively, submitted by the Tribe to  
24 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  
6 accordance with the election procedures specified in  
7 the governing documents of the Tribe.

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

9 (a) **IN GENERAL.**—Upon the request of the Tribe, the  
10 Secretary of the Interior—

11 (1) shall take into trust for the benefit of the  
12 Tribe any land held in fee by the Tribe that was ac-  
13 quired by the Tribe on or before January 1, 2007,  
14 if such lands are located within the boundaries of  
15 King and Queen County, Stafford County, Spotsyl-  
16 vania County, Richmond County, Essex County, and  
17 Caroline County, Virginia; and

18 (2) may take into trust for the benefit of the  
19 Tribe any land held in fee by the Tribe, if such  
20 lands are located within the boundaries of King and  
21 Queen County, Stafford County, Spotsylvania Coun-  
22 ty, Richmond County, Essex County, and Caroline  
23 County, Virginia.

24 (b) **DEADLINE FOR DETERMINATION.**—The Sec-  
25 retary shall make a final written determination not later  
26 than three years of the date which the Tribe submits a

1 request for land to be taken into trust under subsection  
2 (a)(2) and shall immediately make that determination  
3 available to the Tribe.

4 (c) RESERVATION STATUS.—Any land taken into  
5 trust for the benefit of the Tribe pursuant to this para-  
6 graph shall, upon request of the Tribe, be considered part  
7 of the reservation of the Tribe.

8 (d) 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. 407. 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. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

20 (a) IN GENERAL.—The Commonwealth of Virginia  
21 shall exercise 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 Commonwealth of Virginia that  
2 are owned by, or held in trust by the United States for,  
3 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 Commonwealth of Vir-  
9 ginia described in subsection (a) upon verification by the  
10 Secretary of a certification by a tribe that it possesses the  
11 capacity to reassume such jurisdiction.

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

14 **SEC. 501. FINDINGS.**

15 Congress finds that—

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

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

22 (3) specifically mentioned in the negotiations  
23 were the Monacan tribes of the Totero (Tutelo),  
24 Saponi, Ocheneeches (Occaneechi), Stengenocks, and  
25 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 Commonwealth of Virginia, not to allow Indians to  
24 register as 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 Commonwealth of Virginia, which en-  
6 abled the Tribe to apply for grants and participate  
7 in other 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 the existence of a  
18 reservation for the Tribe.

19 (2) SERVICE AREA.—For the purpose of the de-  
20 livery of Federal services to tribal members, the  
21 service area of the Tribe shall be considered to be  
22 the area comprised of all land within 25 miles from  
23 the center of Amherst, Virginia.

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

25 The membership roll and governing documents of the  
26 Tribe shall be the most recent membership roll and gov-

1 erning documents, respectively, submitted by the Tribe to  
2 the Secretary before the date of enactment of this Act.

3 **SEC. 505. GOVERNING BODY.**

4 The governing body of the Tribe shall be—

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

7 (2) any subsequent governing body elected in  
8 accordance with the election procedures specified in  
9 the governing documents of the Tribe.

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

11 (a) IN GENERAL.—Upon the request of the Tribe, the  
12 Secretary of the Interior—

13 (1) shall take into trust for the benefit of the  
14 Tribe any land held in fee by the Tribe that was ac-  
15 quired by the Tribe on or before January 1, 2007,  
16 if such lands are located within the boundaries of  
17 Amherst County, Virginia; and

18 (2) may take into trust for the benefit of the  
19 Tribe any land held in fee by the Tribe, if such  
20 lands are located within the boundaries of Amherst  
21 County, Virginia, and those parcels in Rockbridge  
22 County, Virginia (subject to the consent of the local  
23 unit of government), owned by Mr. J. Poole, de-  
24 scribed as East 731 Sandbridge (encompassing ap-

1       proximately 4.74 acres) and East 731 (encom-  
2       passing approximately 5.12 acres)).

3       (b) DEADLINE FOR DETERMINATION.—The Sec-  
4       retary shall make a final written determination not later  
5       than three years of the date which the Tribe submits a  
6       request for land to be taken into trust under subsection  
7       (a)(2) and shall immediately make that determination  
8       available to the Tribe.

9       (c) RESERVATION STATUS.—Any land taken into  
10      trust for the benefit of the Tribe pursuant to this para-  
11      graph shall, upon request of the Tribe, be considered part  
12      of the reservation of the Tribe.

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

19      **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
20                                      **WATER RIGHTS.**

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

1 **SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

2 (a) IN GENERAL.—The Commonwealth of Virginia  
3 shall exercise 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 Commonwealth of Virginia that

8 are owned by, or held in trust by the United States for,

9 the Tribe.

10 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-

11 RETARY.—The Secretary of the Interior is authorized to

12 accept on behalf of the United States, after consulting

13 with the Attorney General of the United States, all or any

14 portion of the jurisdiction of the Commonwealth of Vir-

15 ginia described in subsection (a) upon verification by the

16 Secretary of a certification by a tribe that it possesses the

17 capacity to reassume such jurisdiction.

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

20 **SEC. 601. FINDINGS.**

21 Congress finds that—

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

24 (A) lived approximately 30 miles from

25 Jamestown; and

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

3 (2) after 1646, there were 2 sections of  
4 Nansemonds in communication with each other, the  
5 Christianized Nansemonds in Norfolk County, who  
6 lived as citizens, and the traditionalist Nansemonds,  
7 who lived further west;

8 (3) in 1638, according to an entry in a 17th  
9 century sermon book still owned by the Chief's fam-  
10 ily, a Norfolk County Englishman married a Nanse-  
11 mond woman;

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

16 (5) in 1669, the 2 Nansemond sections ap-  
17 peared in Virginia Colony's census of Indian bow-  
18 men;

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

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

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

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

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

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

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

18           (13) the last surviving members of that section  
19 sold out in 1792 with the permission of the Com-  
20 monwealth of Virginia;

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

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

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

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

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

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

15 (A) visited the Nansemonds; and

16 (B) completed a tribal census that counted  
17 61 households and was later published;

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

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

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



1           (22) the Nansemonds were organized formally,  
2           with elected officers, in 1984, and later applied for  
3           and received State recognition.

4 **SEC. 602. 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  
17           Nansemond Indian Tribe.

18 **SEC. 603. FEDERAL RECOGNITION.**

19           (a) FEDERAL RECOGNITION.—

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

22                   (2) APPLICABILITY OF LAWS.—All laws (includ-  
23                   ing regulations) of the United States of general ap-  
24                   plicability to Indians or nations, Indian tribes, or  
25                   bands of Indians (including the Act of June 18,

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

4 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

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

22 **SEC. 605. GOVERNING BODY.**

23 The governing body of the Tribe shall be—

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

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

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

5           (a) IN GENERAL.—Upon the request of the Tribe, the  
6 Secretary of the Interior—

7           (1) shall take into trust for the benefit of the  
8 Tribe any land held in fee by the Tribe that was ac-  
9 quired by the Tribe on or before January 1, 2007,  
10 if such lands are located within the boundaries of  
11 the city of Suffolk, the city of Chesapeake, or Isle  
12 of Wight County, Virginia; and

13           (2) may take into trust for the benefit of the  
14 Tribe any land held in fee by the Tribe, if such  
15 lands are located within the boundaries of the city  
16 of Suffolk, the city of Chesapeake, or Isle of Wight  
17 County, Virginia.

18           (b) DEADLINE FOR DETERMINATION.—The Sec-  
19 retary shall make a final written determination not later  
20 than three years of the date which the Tribe submits a  
21 request for land to be taken into trust under subsection  
22 (a)(2) and shall immediately make that determination  
23 available to the Tribe.

24           (c) RESERVATION STATUS.—Any land taken into  
25 trust for the benefit of the Tribe pursuant to this para-

1 graph shall, upon request of the Tribe, be considered part  
2 of the reservation of the Tribe.

3 (d) 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. 607. 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. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

15 (a) IN GENERAL.—The Commonwealth of Virginia  
16 shall exercise 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 Commonwealth of Virginia that  
21 are owned by, or held in trust by the United States for,  
22 the Tribe.

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

1 with the Attorney General of the United States, all or any  
2 portion of the jurisdiction of the Commonwealth of Vir-  
3 ginia described in subsection (a) upon verification by the  
4 Secretary of a certification by a tribe that it possesses the  
5 capacity to reassume such jurisdiction.

6 **TITLE VII—EMINENT DOMAIN**

7 **SEC. 701. LIMITATION.**

8 Eminent domain may not be used to acquire lands  
9 in fee or in trust for an Indian tribe recognized under this  
10 Act.

Passed the House of Representatives June 3, 2009.

Attest:

*Clerk.*

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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**H. R. 1385**

**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.