

Calendar No. 251111TH CONGRESS
1ST SESSION**S. 1178****[Report No. 111-113]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2009

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

DECEMBER 23, 2009

Reported by Mr. DORGAN, with amendments

[Insert the part printed in italic]

A BILL

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Indian Tribes of Virginia Federal Recognition Act of
 4 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 State of Virginia.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

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

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
 Sec. 302. Definitions.
 Sec. 303. Federal recognition.
 Sec. 304. Membership; governing documents.
 Sec. 305. Governing body.
 Sec. 306. Reservation of the Tribe.
 Sec. 307. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 308. Jurisdiction of State of Virginia.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

Sec. 408. Jurisdiction of State of Virginia.

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.

Sec. 502. Definitions.

Sec. 503. Federal recognition.

Sec. 504. Membership; governing documents.

Sec. 505. Governing body.

Sec. 506. Reservation of the Tribe.

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

Sec. 508. Jurisdiction of State of Virginia.

TITLE VI—NANSEMOND INDIAN TRIBE

Sec. 601. Findings.

Sec. 602. Definitions.

Sec. 603. Federal recognition.

Sec. 604. Membership; governing documents.

Sec. 605. Governing body.

Sec. 606. Reservation of the Tribe.

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

Sec. 608. Jurisdiction of State of Virginia.

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

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 102. DEFINITIONS.**

23 In this title:

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

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

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

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

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

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

12 (a) FEDERAL RECOGNITION.—

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

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

22 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

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

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

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

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

19 **SEC. 105. GOVERNING BODY.**

20 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—On request of the Tribe, the Sec-
3 retary—

4 (1) shall take into trust for the benefit of the
5 Tribe any land held in fee by the Tribe that was ac-
6 quired by the Tribe on or before January 1, 2007;
7 and

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

13 (b) DEADLINE FOR DETERMINATION.—The Sec-
14 retary shall—

15 (1) not later than 3 years after the date of a
16 request of the Tribe under subsection (a), make a
17 final written determination regarding the request;
18 and

19 (2) immediately make that determination avail-
20 able to the Tribe.

21 (c) RESERVATION STATUS.—On request of the Tribe,
22 any land taken into trust for the benefit of the Tribe pur-
23 suant to this section shall be considered to be a part of
24 the reservation of the Tribe.

25 (d) GAMING.—The Tribe may not conduct gaming ac-
26 tivities—

1 Tribe that the Tribe possesses the capacity to reassume
2 that jurisdiction.

3 (c) *EFFECT OF SECTION.*—*Nothing in this section af-*
4 *fects the application of section 109 of the Indian Child Wel-*
5 *fare Act of 1978 (25 U.S.C. 1919).*

6 **TITLE II—CHICKAHOMINY IN-**
7 **DIAN TRIBE—EASTERN DIVI-**
8 **SION**

9 **SEC. 201. FINDINGS.**

10 Congress finds that—

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

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

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

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

24 (3) in 1646, a treaty was signed which forced
25 the Chickahominy from their homeland to the area

1 around the York River in present-day King William
2 County, leading to the formation of a reservation;

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

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

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

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

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

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

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

24 (11) in 1870, a census revealed an enclave of
25 Indians in New Kent County that is believed to be

1 the beginning of the Chickahominy Indian Tribe—
2 Eastern Division;

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

6 (13) in 1901, the Chickahominy Indian Tribe
7 formed Samaria Baptist Church;

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

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

14 (16) in 1910, a 1-room school covering grades
15 1 through 8 was established in New Kent County for
16 the Chickahominy Indian Tribe—Eastern Division;

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

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

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

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

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

7 (22) in 1967, the Chickahominy Indian Tribe
8 and the Chickahominy Indian Tribe—Eastern Divi-
9 sion lost their schools as a result of the required in-
10 tegration of students;

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

14 (24) in 1983 the Chickahominy Indian Tribe—
15 Eastern Division was granted State recognition
16 along with 5 other Virginia Indian tribes;

17 (25) in 1985—

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

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

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

1 (27) Chief Marvin “Strongoak” Bradby of the
2 Eastern Band of the Chickahominy presently chairs
3 the organization.

4 **SEC. 202. 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 Chickahominy Indian Tribe—Eastern Division.

18 **SEC. 203. 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 future services and benefits
8 provided by the Federal Government to federally rec-
9 ognized Indian tribes without regard to—

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

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

15 (2) SERVICE AREA.—For the purpose of the de-
16 livery of Federal services to tribal members, the
17 service area of the Tribe shall be considered to be
18 the area comprised of New Kent County, James City
19 County, Charles City County, and Henrico County,
20 Virginia.

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

9 (a) **IN GENERAL.**—On request of the Tribe, the Sec-
10 retary—

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 and

15 (2) may take into trust for the benefit of the
16 Tribe any land held in fee by the Tribe, if the land
17 is located within the boundaries of New Kent Coun-
18 ty, James City County, Charles City County, or
19 Henrico County, Virginia.

20 (b) **DEADLINE FOR DETERMINATION.**—The Sec-
21 retary shall—

22 (1) not later than 3 years after the date of a
23 request of the Tribe under subsection (a), make a
24 final written determination regarding the request;
25 and

1 (2) immediately make that determination avail-
2 able to the Tribe.

3 (c) RESERVATION STATUS.—On request of the Tribe,
4 any land taken into trust for the benefit of the Tribe pur-
5 suant to this section shall be considered to be a part of
6 the reservation of the Tribe.

7 (d) GAMING.—The Tribe may not conduct gaming ac-
8 tivities—

9 (1) as a matter of claimed inherent authority;
10 or

11 (2) pursuant to any Federal law, including the
12 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
13 seq.) (including any regulations promulgated pursu-
14 ant to that Act by the Secretary or the National In-
15 dian Gaming Commission).

16 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
17 **WATER RIGHTS.**

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

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

22 (a) IN GENERAL.—The State of Virginia shall exer-
23 cise jurisdiction over any criminal offense committed, and
24 any civil actions arising, on land located within the State

1 that is owned by, or held in trust by the United States
2 for, the Tribe.

3 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
4 RETARY.—The Secretary may accept on behalf of the
5 United States, after consultation with the Attorney Gen-
6 eral of the United States, all or any portion of the jurisdic-
7 tion of the State of Virginia described in subsection (a)
8 on verification by the Secretary of a certification by the
9 Tribe that the Tribe possesses the capacity to reassume
10 that jurisdiction.

11 (c) EFFECT OF SECTION.—*Nothing in this section af-*
12 *fects the application of section 109 of the Indian Child Wel-*
13 *fare Act of 1978 (25 U.S.C. 1919).*

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

16 **SEC. 301. FINDINGS.**

17 Congress finds that—

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

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

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

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

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

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

9 (5) in 1669, the Chickahominy Indians—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 302. DEFINITIONS.**

19 In this title:

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

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

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

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

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

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

10 (a) **FEDERAL RECOGNITION.**—

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

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

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

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

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

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

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

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

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

17 **SEC. 305. GOVERNING BODY.**

18 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—On request of the Tribe, the Sec-
3 retary—

4 (1) shall take into trust for the benefit of the
5 Tribe any land held in fee by the Tribe that was ac-
6 quired by the Tribe on or before January 1, 2007;
7 and

8 (2) may take into trust for the benefit of the
9 Tribe any land held in fee by the Tribe, if the land
10 is located within the boundaries of King William
11 County, Caroline County, Hanover County, King
12 and Queen County, and New Kent County, Virginia.

13 (b) DEADLINE FOR DETERMINATION.—The Sec-
14 retary shall—

15 (1) not later than 3 years after the date of a
16 request of the Tribe under subsection (a), make a
17 final written determination regarding the request;
18 and

19 (2) immediately make that determination avail-
20 able to the Tribe.

21 (c) RESERVATION STATUS.—On request of the Tribe,
22 any land taken into trust for the benefit of the Tribe pur-
23 suant to this section shall be considered to be a part of
24 the reservation of the Tribe.

25 (d) GAMING.—The Tribe may not conduct gaming ac-
26 tivities—

1 (1) as a matter of claimed inherent authority;
2 or

3 (2) pursuant to any Federal law, including the
4 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
5 seq.) (including any regulations promulgated pursu-
6 ant to that Act by the Secretary or the National In-
7 dian Gaming Commission).

8 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
9 **WATER RIGHTS.**

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

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

14 (a) IN GENERAL.—The State of Virginia shall exer-
15 cise jurisdiction over any criminal offense committed, and
16 any civil actions arising, on land located within the State
17 that is owned by, or held in trust by the United States
18 for, the Tribe.

19 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
20 RETARY.—The Secretary may accept on behalf of the
21 United States, after consultation with the Attorney Gen-
22 eral of the United States, all or any portion of the jurisdic-
23 tion of the State of Virginia described in subsection (a)
24 on verification by the Secretary of a certification by the

1 Tribe that the Tribe possesses the capacity to reassume
2 that jurisdiction.

3 (c) *EFFECT OF SECTION.*—*Nothing in this section af-*
4 *fects the application of section 109 of the Indian Child Wel-*
5 *fare Act of 1978 (25 U.S.C. 1919).*

6 **TITLE IV—RAPPAHANNOCK**
7 **TRIBE, INC.**

8 **SEC. 401. FINDINGS.**

9 Congress finds that—

10 (1)(A) the first encounter with the English
11 colonists was chronicled by George Percy on May 5,
12 1607, when the Rappahannock werowance,
13 Pipiscumah or Pipisco, sent a messenger to Captain
14 Christopher Newport bidding the English to come to
15 him.

16 (B) Percy wrote, “When we came to
17 Rappahanna’s town, he entertained us in good hu-
18 manity.”;

19 (C) the meeting took place approximately 10
20 miles from Jamestown, at the principal town of the
21 Rappahannocks on the James River,
22 Quioughcohanock (also called “Tapahanauk”);

23 (D) Quioughcohanock was a part of the Pow-
24 hatan chiefdom as well as a later town named after
25 the werowance, Pipisco;

1 (E) those towns were located in (Old) James
2 City County, which later became Surry County, Vir-
3 ginia; and

4 (F) there are numerous interactions between
5 those Rappahannock towns and the English recorded
6 in the Jamestown Narratives during the period of
7 1607 through 1617;

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

11 (3)(A) a meeting occurred during the time
12 when Powhatan held Smith captive (December 1607
13 through January 8, 1608);

14 (B) Smith was taken to the Rappahannock
15 principal town on the Rappahannock River to see if
16 he was the “great man” that had previously sailed
17 into the Rappahannock River, killed their king and
18 kidnaped their people; and

19 (C) it was determined that Smith was too short
20 to be that “great man”;

21 (4) a second meeting took place during Smith’s
22 exploration of the Chesapeake Bay (July 1608 to
23 September 1608), when, after the Moraughtacund
24 Indians had stolen 3 women from the Rappahannock
25 King, Smith was prevailed on to facilitate a peaceful

1 truce between the Rappahannock and the
2 Moraughtacund Indians;

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

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

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

12 (8) in 1645, Captain William Claiborne tried
13 unsuccessfully to establish treaty relations with the
14 Rappahannocks, because the Rappahannock towns
15 on the Rappahannock River had not participated in
16 the Pamunkey-led uprising in 1644, and the English
17 wanted to “treat with the Rappahannocks or any
18 other Indians not in amity with Opechancanough,
19 concerning serving the County against the
20 Pamunkey’s”;

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

1 (10) the deed for the conveyance was signed by
2 Accopatough, weroance of the Rappahannock Indi-
3 ans;

4 (11) in September 1653, Lancaster County
5 signed a treaty with Rappahannock Indians, the
6 terms of which treaty—

7 (A) gave Rappahannocks the rights of
8 Englishmen in the county court; and

9 (B) attempted to make the Rappahannocks
10 more accountable under English law;

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

14 (13) according to the Lancaster clerk of court,
15 “the tribe called the great Rappahannocks lived on
16 the Rappahannock Creek just across the river above
17 Tappahannock”;

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

23 (A) mirrored the Lancaster County treaty
24 from 1653; and

25 (B) stated that—

1 (i) Rappahannocks were to be re-
2 warded, in Roanoke, for returning English
3 fugitives; and

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

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

14 (16) in 1669, the colony conducted a census of
15 Virginia Indians;

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

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

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

24 (18) the Rappahannocks used the hunting vil-
25 lage on the north side of the Mattaponi River as

1 their primary residence until the Rappahannocks
2 were removed in 1684;

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

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

12 (21) in November 1682, the Virginia Colonial
13 Council established a reservation for the Rappahan-
14 nock Indians of 3,474 acres “about the town where
15 they dwelt”, the land being located in (Old) New
16 Kent County, which was later divided to include the
17 modern counties of Caroline and King & Queen in
18 Virginia;

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

23 (23) the acreage allotment of the reservation
24 was based on the 1658 Indian land act, which trans-

1 lates into a bowman population of 70, or an approxi-
2 mate total Rappahannock population of 350;

3 (24) in 1683, following raids by Iroquoian war-
4 riors on Indian and English settlements, the Vir-
5 ginia Colonial Council ordered the Rappahannocks
6 to leave their reservation and unite with the
7 Nanzatico Indians at Nanzatico Indian Town, which
8 was located across and up the Rappahannock River
9 approximately 30 miles in King George County;

10 (25) between 1687 and 1699, the
11 Rappahannocks migrated out of Nanzatico, return-
12 ing to the south side of the Rappahannock River at
13 Portobacco Indian Town;

14 (26)(A) in 1706, by order of Essex County,
15 Lieutenant Richard Covington “escorted” the
16 Portobaccos, Nanzaticos, and Rappahannocks out of
17 Portabacco Indian Town, out of Essex County, and
18 into King and Queen County, where those Indians
19 settled along the ridgeline between the Rappahan-
20 nock and Mattaponi Rivers, the site of their ancient
21 hunting village and 1682 reservation; and

22 (B) that land encompassed the Newtown area
23 on the King & Queen County side of the Mattaponi
24 River and extended into Mangohick, on the King
25 William County side of the Mattaponi River;

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

4 (28) of those girls—

5 (A) 1 married a Saunders man;

6 (B) 1 married a Johnson man; and

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

9 (29)(A) land was gifted by the Nelson family to
10 the Saunders and Johnson families as wedding gifts
11 to the Rappahannock girls in King William County;
12 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (59) during the Second World War, the
6 Pamunkeys, Mattaponis, Chickahominies, and Rap-
7 pahannocks had to fight the draft boards with re-
8 spect to their racial identities;

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

12 (61) finally, 3 Rappahannocks who were con-
13 victed of violating the Federal draft laws because
14 they refused to be inducted unless they could be
15 classified as Indian, after spending time in a Federal
16 prison, were granted conscientious objector status
17 and served out the remainder of the war working in
18 military hospitals;

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

23 (63) in the 1940s, Leon Truesdell, Chief Stat-
24 istician, of the United States Census Bureau, listed

1 118 members in the Rappahannock Tribe in the In-
2 dian population of Virginia;

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

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

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

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

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

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

1 (70) in 1979, the Coalition established a pot-
2 tery and artisans company, operating with other Vir-
3 ginia tribes;

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

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

11 **SEC. 402. 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.—

1 (A) IN GENERAL.—The term “Tribe”
2 means the organization possessing the legal
3 name Rappahannock Tribe, Inc.

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

8 **SEC. 403. FEDERAL RECOGNITION.**

9 (a) FEDERAL RECOGNITION.—

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

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

19 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

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

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

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

17 **SEC. 405. GOVERNING BODY.**

18 The governing body of the Tribe shall be—

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

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

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

2 (a) IN GENERAL.—On request of the Tribe, the Sec-
3 retary—

4 (1) shall take into trust for the benefit of the
5 Tribe any land held in fee by the Tribe that was ac-
6 quired by the Tribe on or before January 1, 2007;
7 and

8 (2) may take into trust for the benefit of the
9 Tribe any land held in fee by the Tribe, if the land
10 is located within the boundaries of King and Queen
11 County, Spotsylvania County, Richmond County,
12 Lancaster County, King George County, Essex
13 County, Caroline County, New Kent County, King
14 William County, James City County, and Surry
15 County, Virginia.

16 (b) DEADLINE FOR DETERMINATION.—The Sec-
17 retary shall—

18 (1) not later than 3 years after the date of a
19 request of the Tribe under subsection (a), make a
20 final written determination regarding the request;
21 and

22 (2) immediately make that determination avail-
23 able to the Tribe.

24 (c) RESERVATION STATUS.—On request of the Tribe,
25 any land taken into trust for the benefit of the Tribe pur-

1 suant to this section shall be considered to be a part of
 2 the reservation of the Tribe.

3 (d) GAMING.—The Tribe may not conduct gaming ac-
 4 tivities—

5 (1) as a matter of claimed inherent authority;
 6 or

7 (2) pursuant to any Federal law, including the
 8 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
 9 seq.) (including any regulations promulgated pursu-
 10 ant to that Act by the Secretary or the National In-
 11 dian Gaming Commission).

12 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 13 **WATER RIGHTS.**

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

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

18 (a) IN GENERAL.—The State of Virginia shall exer-
 19 cise jurisdiction over any criminal offense committed, and
 20 any civil actions arising, on land located within the State
 21 that is owned by, or held in trust by the United States
 22 for, the Tribe.

23 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
 24 RETARY.—The Secretary may accept on behalf of the
 25 United States, after consultation with the Attorney Gen-

1 eral of the United States, all or any portion of the jurisdic-
 2 tion of the State of Virginia described in subsection (a)
 3 on verification by the Secretary of a certification by the
 4 Tribe that the Tribe possesses the capacity to reassume
 5 that jurisdiction.

6 *(c) EFFECT OF SECTION.—Nothing in this section af-*
 7 *fects the application of section 109 of the Indian Child Wel-*
 8 *fare Act of 1978 (25 U.S.C. 1919).*

9 **TITLE V—MONACAN INDIAN** 10 **NATION**

11 **SEC. 501. FINDINGS.**

12 Congress finds that—

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

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

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

23 (4) in 1790, the first national census recorded
 24 Benjamin Evans and Robert Johns, both ancestors

1 of the present Monacan community, listed as
2 “white” with mulatto children;

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

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

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

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

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

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

23 (11) the Monacans eventually succeeded in
24 being allowed to claim their race, albeit with an as-

1 terisk attached to a note from Dr. Plecker stating
2 that there were no Indians in Virginia;

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

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

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

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

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

21 (17) the Mattaponi-Pamunkey-Monacan Con-
22 sortium, established in 1981, has since been orga-
23 nized as a nonprofit corporation that serves as a ve-
24 hicle to obtain funds for those Indian tribes from the

1 Department of Labor under Native American pro-
2 grams;

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

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

10 **SEC. 502. DEFINITIONS.**

11 In this title:

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

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

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

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

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

24 **SEC. 503. FEDERAL RECOGNITION.**

25 (a) FEDERAL RECOGNITION.—

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

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

10 (b) FEDERAL SERVICES AND BENEFITS.—

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

16 (A) the existence of a reservation for the
17 Tribe; or

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

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

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

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

6 **SEC. 505. GOVERNING BODY.**

7 The governing body of the Tribe shall be—

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

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

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

14 (a) IN GENERAL.—On request of the Tribe, the Sec-
15 retary—

16 (1) shall take into trust for the benefit of the
17 Tribe any land held in fee by the Tribe that was ac-
18 quired by the Tribe on or before January 1, 2007;
19 and

20 (2) may take into trust for the benefit of the
21 Tribe any land held in fee by the Tribe, if the land
22 is located within the boundaries of Albemarle Coun-
23 ty, Alleghany County, Amherst County, Augusta
24 County, Campbell County, Nelson County, and
25 Rockbridge County, Virginia.

1 (b) DEADLINE FOR DETERMINATION.—The Sec-
2 retary shall—

3 (1) not later than 3 years after the date of a
4 request of the Tribe under subsection (a), make a
5 final written determination regarding the request;
6 and

7 (2) immediately make that determination avail-
8 able to the Tribe.

9 (c) RESERVATION STATUS.—On request of the Tribe,
10 any land taken into trust for the benefit of the Tribe pur-
11 suant to this section shall be considered to be a part of
12 the reservation of the Tribe.

13 (d) GAMING.—The Tribe may not conduct gaming ac-
14 tivities—

15 (1) as a matter of claimed inherent authority;
16 or

17 (2) pursuant to any Federal law, including the
18 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
19 seq.) (including any regulations promulgated pursu-
20 ant to that Act by the Secretary or the National In-
21 dian Gaming Commission).

1 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 2 **WATER RIGHTS.**

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

6 **SEC. 508. JURISDICTION OF STATE OF VIRGINIA.**

7 (a) **IN GENERAL.**—The State of Virginia shall exer-
 8 cise jurisdiction over any criminal offense committed, and
 9 any civil actions arising, on land located within the State
 10 that is owned by, or held in trust by the United States
 11 for, the Tribe.

12 (b) **ACCEPTANCE OF STATE JURISDICTION BY SEC-**
 13 **RETARY.**—The Secretary may accept on behalf of the
 14 United States, after consultation with the Attorney Gen-
 15 eral of the United States, all or any portion of the jurisdic-
 16 tion of the State of Virginia described in subsection (a)
 17 on verification by the Secretary of a certification by the
 18 Tribe that the Tribe possesses the capacity to reassume
 19 that jurisdiction.

20 (c) *EFFECT OF SECTION.*—*Nothing in this section af-*
 21 *fects the application of section 109 of the Indian Child Wel-*
 22 *fare Act of 1978 (25 U.S.C. 1919).*

23 **TITLE VI—NANSEMOND INDIAN**
 24 **TRIBE**

25 **SEC. 601. FINDINGS.**

26 Congress finds that—

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

3 (A) lived approximately 30 miles from
4 Jamestown; and

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

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

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

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

20 (5) in 1669, the 2 Nansemond sections ap-
21 peared in Virginia Colony's census of Indian bow-
22 men;

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

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

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

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

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

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

18 (12) from the 1740s to the 1790s, the tradi-
19 tionalist section of the Nansemond tribe, 40 miles
20 west of the Christianized Nansemonds, was dealing
21 with reservation land;

22 (13) the last surviving members of that section
23 sold out in 1792 with the permission of the State of
24 Virginia;

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

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

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

14 (17) a Methodist mission established around
15 1850 for Nansemonds is currently a standard Meth-
16 odist congregation with Nansemond members;

17 (18) in 1901, Smithsonian anthropologist
18 James Mooney—

19 (A) visited the Nansemonds; and

20 (B) completed a tribal census that counted
21 61 households and was later published;

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

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

1 (21) in 1928, University of Pennsylvania an-
2 thropologist Frank Speck published a book on mod-
3 ern Virginia Indians that included a section on the
4 Nansemonds; and

5 (22) the Nansemonds were organized formally,
6 with elected officers, in 1984, and later applied for
7 and received State recognition.

8 **SEC. 602. DEFINITIONS.**

9 In this title:

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

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

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

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

20 (3) TRIBE.—The term “Tribe” means the
21 Nansemond Indian Tribe.

22 **SEC. 603. FEDERAL RECOGNITION.**

23 (a) FEDERAL RECOGNITION.—

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

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

8 (b) FEDERAL SERVICES AND BENEFITS.—

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

14 (A) the existence of a reservation for the
15 Tribe; or

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

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 the cities of Chesapeake,
23 Hampton, Newport News, Norfolk, Portsmouth, Suf-
24 folk, and Virginia Beach, Virginia.

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

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

6 **SEC. 605. GOVERNING BODY.**

7 The governing body of the Tribe shall be—

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

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

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

14 (a) IN GENERAL.—On request of the Tribe, the Sec-
15 retary—

16 (1) shall take into trust for the benefit of the
17 Tribe any land held in fee by the Tribe that was ac-
18 quired by the Tribe on or before January 1, 2007;
19 and

20 (2) may take into trust for the benefit of the
21 Tribe any land held in fee by the Tribe, if the land
22 is located within the boundaries of the city of Suf-
23 folk, the city of Chesapeake, or Isle of Wight Coun-
24 ty, Virginia.

25 (b) DEADLINE FOR DETERMINATION.—The Sec-
26 retary shall—

1 (1) not later than 3 years after the date of a
 2 request of the Tribe under subsection (a), make a
 3 final written determination regarding the request;
 4 and

5 (2) immediately make that determination avail-
 6 able to the Tribe.

7 (c) RESERVATION STATUS.—On request of the Tribe,
 8 any land taken into trust for the benefit of the Tribe pur-
 9 suant to this section shall be considered to be a part of
 10 the reservation of the Tribe.

11 (d) GAMING.—The Tribe may not conduct gaming ac-
 12 tivities—

13 (1) as a matter of claimed inherent authority;
 14 or

15 (2) pursuant to any Federal law, including the
 16 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
 17 seq.) (including any regulations promulgated pursu-
 18 ant to that Act by the Secretary or the National In-
 19 dian Gaming Commission).

20 **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 21 **WATER RIGHTS.**

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

1 **SEC. 608. JURISDICTION OF STATE OF VIRGINIA.**

2 (a) IN GENERAL.—The State of Virginia shall exer-
3 cise jurisdiction over any criminal offense committed, and
4 any civil actions arising, on land located within the State
5 that is owned by, or held in trust by the United States
6 for, the Tribe.

7 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
8 RETARY.—The Secretary may accept on behalf of the
9 United States, after consultation with the Attorney Gen-
10 eral of the United States, all or any portion of the jurisdic-
11 tion of the State of Virginia described in subsection (a)
12 on verification by the Secretary of a certification by the
13 Tribe that the Tribe possesses the capacity to reassume
14 that jurisdiction.

15 (c) *EFFECT OF SECTION.*—*Nothing in this section af-*
16 *fects the application of section 109 of the Indian Child Wel-*
17 *fare Act of 1978 (25 U.S.C. 1919).*

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1ST Session

S. 1178

[Report No. 111-113]

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.

DECEMBER 23, 2009

Reported with amendments