

118TH CONGRESS
1ST SESSION

H. R. 5553

To extend Federal recognition to the Patawomeck Indian Tribe of Virginia,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2023

Ms. SPANBERGER (for herself, Mrs. KIGGANS of Virginia, and Ms. WEXTON)
introduced the following bill; which was referred to the Committee on
Natural Resources

A BILL

To extend Federal recognition to the Patawomeck Indian
Tribe of Virginia, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patawomeck Indian
5 Tribe of Virginia Federal Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Patawomeck, or Patawomeke, Tribe,
9 also referred to as the Potomac Tribe, Potomac
10 Band, Patamaeks, and White Oakers was situated in

1 and around Indian Point and Pasapatanzy in what
2 are now Stafford and King George Counties, Vir-
3 ginia, and occupied a prominent place in the docu-
4 mented history of the first half-century of European
5 contact with the Native Virginians.

6 (2) In 1608, Captain John Smith visited the
7 village of Patawomeke between Potomac and
8 Accokeek Creeks. The population of the Tribe was
9 estimated at about 800, with 160 bowmen. Around
10 this same time, Smith also visited and recorded the
11 Patawomeck villages at Passapatanzy, Quiyough,
12 and other small Patawomeck hamlets in the area.

13 (3) In 1610, Japazaw, brother of the
14 Patawomeck weroance, related the Patawomeck cre-
15 ation story to Captain Samuel Argall, the only sur-
16 viving Virginia Algonquian creation story recorded
17 by the English.

18 (4) In 1642, Patawomeck weroance,
19 Wahanganoche, and his family were baptized into
20 the Christian faith by Father Andrew White.

21 (5) In 1662, Wahanganoche was issued a silver
22 badge by the King of England to wear for safety
23 when traveling across English lands and as an ac-
24 knowledgement of Patawomeck sovereignty. The
25 weroance was acquitted of charges of high treason

1 and murder brought against him by Captain Giles
2 Brent at the General Assembly in James City that
3 year, but died on his way home, or shortly after his
4 arrival.

5 (6) In July 1666, the General Council of Vir-
6 ginia declared war on the Patawomecks. Most of the
7 men were killed and most of the women and chil-
8 dren, who were not already living in English fami-
9 lies, were captured as slaves. Others likely joined
10 with nearby existing Indian groups such as the
11 Doegs, Nanzaticos, and Portobagos.

12 (7) In 1680, King Pattanochus signs the Trea-
13 ty of Middle Plantation of behalf of the
14 “Nansatiocoes, Nanzemunds, and Portabacchoes”.
15 By this time, displaced Patawomecks are living
16 among these groups of people.

17 (8) In 1692, A reference to payment for Rang-
18 ers in Stafford County notes the presence of “two
19 Indians belonging to Stafford” in the detachment, il-
20 lustrating the continued presence within the area of
21 Patawomeek ancestors.

22 (9) Through most of the 1700s the
23 Patawomeek community lived in the Northern Neck,
24 moving as necessary. Portions of the community set-

1 tled near the area known as Indian Town in mod-
2 ern-day King George County.

3 (10) In 1789, White Oak church was estab-
4 lished. This church, which still stands, became a sig-
5 nificant space that facilitated the continued inter-
6 action of members of the Patawomeck community
7 who attended well into the 1900s and used the reg-
8 ular meeting opportunities as venues to pass down
9 and maintain Tribal knowledge and traditions, meet
10 suitable Patawomeck marriage partners, and con-
11 duct business in formal and informal ways. Genera-
12 tions of Patawomeck ancestors account for the vast
13 majority of the interments in the cemetery, including
14 members with the surnames of Newton, Green, Cur-
15 tis, Jett, and Monteith.

16 (11) By the early 1800s, the majority of the
17 Patawomeck community had again coalesced in the
18 area of Stafford County known as White Oak, with
19 some members living in nearby Passapatanzy, in
20 King George County, only a few miles from the loca-
21 tions of their ancestral villages, dating back to the
22 1300s.

23 (12) In 1832, Wahanganoche's badge was
24 found at Camden, in Caroline County, a well-known
25 location of coalescent Indian communities and the

1 likely location of a portion of the Patawomeck com-
2 munity in the late 1600s.

3 (13) During the United States Civil War, van-
4 dalism, courthouse fires, and other disasters destroy
5 many of the records within the Stafford and King
6 George County courthouses, serving to reduce the
7 archival footprint of the Patawomecks within their
8 historic areas of habitation.

9 (14) In the late 1910s and 1920s, the anthro-
10 pologist Frank Speck, visited the Patawomeck com-
11 munity to take photographs, conduct interviews, and
12 collect objects related to Indigenous heritage, noting
13 that the “northern divisions of the [Powhatan] Con-
14 federacy are represented by descendants on Potomac
15 Creek in King George county . . .”. Since this time,
16 partnerships have existed between the Tribe and re-
17 searchers from institutions such as the Smithsonian
18 Institution, the University of Pennsylvania, the Col-
19 lege of William and Mary, American University, the
20 University of Mary Washington, and Santa Clara
21 University.

22 (15) In 1924, Virginia passed the Racial Integ-
23 rity Act which removed the category of Indian iden-
24 tity from official records. Instead, all people were re-
25 quired to be identified as White or colored. This law,

1 in addition to other aspects of the racialized society
2 that existed in Virginia starting in the late 1600s,
3 effectively erased Virginia Indians from the official
4 records of the Commonwealth until the middle of the
5 1900s, amounting to a paper genocide.

6 (16) In the 1930s and 1940s, at least 722
7 Patawomeck ancestors were taken from their graves
8 under the guise of archaeological research. Many of
9 these ancestors were discarded by the excavators.
10 The remainder, numbering well over 200 individuals,
11 are currently held by the Smithsonian Institution.

12 (17) In 1954, Elizabeth Newton of the
13 Patawomecks married O.T. Custalow, Chief of the
14 Mattaponis.

15 (18) In 1996, the contemporary and formal re-
16 organization of the Patawomeck Tribe took place
17 with the adoption of a written constitution.

18 (19) In 2006, in partnership with linguists the
19 Patawomecks began to work on reconstructing their
20 native Algonquin language and sharing it with other
21 Tribes and fellow Virginians. Since that time the
22 Patawomecks have taught, transcribed, greatly en-
23 hanced the common Algonquin dictionary, and edu-
24 cated hundreds of Virginians in classroom settings.

1 (20) In February 2010, The Patawomecks re-
2 ceived official recognition from the Commonwealth
3 of Virginia after years of hard work by Tribal mem-
4 bers and anthropologists at the College of William
5 and Mary.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (2) TRIBAL MEMBER.—The term “Tribal mem-
11 ber” means—

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

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

18 (3) TRIBE.—The term “Tribe” means the
19 Patawomeck Indian Tribe.

20 **SEC. 4. FEDERAL RECOGNITION.**

21 (a) FEDERAL RECOGNITION.—

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

24 (2) APPLICABILITY OF LAWS.—All laws (includ-
25 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. 5101 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 to the existence of a reserva-
12 tion 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 Stafford and King George
17 counties.

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

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

23 **SEC. 6. GOVERNING BODY.**

24 The governing body of the Tribe shall be—

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

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

6 **SEC. 7. RESERVATION OF THE TRIBE.**

7 (a) **IN GENERAL.**—Upon the request of the Tribe, the
8 Secretary of the Interior may take into trust for the ben-
9 efit of the Tribe any land held in fee by the Tribe, if such
10 lands are located within the boundaries of King George
11 County or Stafford County, Virginia.

12 (b) **DEADLINE FOR DETERMINATION.**—The Sec-
13 retary shall make a final written determination not later
14 than 3 years of the date which the Tribe submits a request
15 for land to be taken into trust under subsection (a)(1) and
16 shall immediately make that determination available to the
17 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. 8. HUNTING, FISHING, TRAPPING, GATHERING, AND**
4 **WATER RIGHTS.**

5 Nothing in this Act 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. 9. EMINENT DOMAIN.**

9 Eminent domain may not be used to acquire lands
10 for a Tribe recognized under this Act.

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