114TH CONGRESS 1ST SESSION

H. R. 872

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

IN THE HOUSE OF REPRESENTATIVES

February 11, 2015

Mr. WITTMAN (for himself, Mr. CONNOLLY, Mr. Scott of Virginia, and Mr. Beyer) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
- 4 (a) Short Title.—This Act may be cited as the
- 5 "Thomasina E. Jordan Indian Tribes of Virginia Federal
- 6 Recognition Act of 2015".

1 (b) Table of Contents of

2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Indian Child Welfare Act of 1978.

TITLE I—CHICKAHOMINY INDIAN TRIBE

- Sec. 101. Findings.
- Sec. 102. Definitions.
- Sec. 103. Federal recognition.
- Sec. 104. Membership; governing documents.
- Sec. 105. Governing body.
- Sec. 106. Reservation of the Tribe.
- Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

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

TITLE III—UPPER MATTAPONI TRIBE

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

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

TITLE V—MONACAN INDIAN NATION

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

TITLE VI—NANSEMOND INDIAN TRIBE

	Sec. 601. Findings. Sec. 602. Definitions. Sec. 603. Federal recognition. Sec. 604. Membership; governing documents. Sec. 605. Governing body. Sec. 606. Reservation of the Tribe. Sec. 607. Hunting, fishing, trapping, gathering, and water rights.
	TITLE VII—EMINENT DOMAIN
	Sec. 701. Limitation.
1	SEC. 2. INDIAN CHILD WELFARE ACT OF 1978.
2	Nothing in this Act affects the application of section
3	109 of the Indian Child Welfare Act of 1978 (25 U.S.C.
4	1919).
5	TITLE I—CHICKAHOMINY
6	INDIAN TRIBE
7	SEC. 101. FINDINGS.
8	Congress finds that—
9	(1) in 1607, when the English settlers set shore
10	along the Virginia coastline, the Chickahominy In-
11	dian Tribe was one of about 30 tribes that received
12	them;
13	(2) in 1614, the Chickahominy Indian Tribe en-
14	tered into a treaty with Sir Thomas Dale, Governor
15	of the Jamestown Colony, under which—
16	(A) the Chickahominy Indian Tribe agreed
17	to provide 2 bushels of corn per man and send
18	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 one of the first
19	Indians 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-

cies in Washington, DC;

1 (16) in 1934, Chickahominy Chief O.O. Adkins 2 wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the 3 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

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

the school to a countywide primary school as a step

- 1 toward full school integration of Indian and non-In-2 dian students; 3 (27) in 1972, the Charles City County school 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 Self-Determination and Education Assistance Act 9 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:
- (1) SECRETARY.—The term "Secretary" means
 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
- of the date of enactment of this Act; or
- 19 (2) any subsequent governing body elected in
- accordance with the election procedures specified in
- 21 the governing documents of the Tribe.
- 22 SEC. 106. RESERVATION OF THE TRIBE.
- (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	TITLE II—CHICKAHOMINY IN-
9	DIAN TRIBE—EASTERN DIVI-
10	SION
11	SEC. 201. FINDINGS.
12	Congress finds that—
13	(1) in 1607, when the English settlers set shore
14	along the Virginia coastline, the Chickahominy In-
15	dian Tribe was one of about 30 tribes that received
16	them;
17	(2) in 1614, the Chickahominy Indian Tribe en-
18	tered into a treaty with Sir Thomas Dale, Governor
19	of the Jamestown Colony, under which—
20	(A) the Chickahominy Indian Tribe agreed
21	to provide 2 bushels of corn per man and send
22	warriors to protect the English; and
23	(B) Sir Thomas Dale agreed in return to
24	allow the Tribe to continue to practice its own
25	tribal governance;

1	(3) in 1646, a treaty was signed which forced
2	the Chickahominy from their homeland to the area
3	around the York River in present-day King William
4	County, leading to the formation of a reservation;
5	(4) in 1677, following Bacon's Rebellion, the
6	Queen of Pamunkey signed the Treaty of Middle
7	Plantation on behalf of the Chickahominy;
8	(5) in 1702, the Chickahominy were forced
9	from their reservation, which caused the loss of a
10	land base;
11	(6) in 1711, the College of William and Mary
12	in Williamsburg established a grammar school for
13	Indians called Brafferton College;
14	(7) a Chickahominy child was one of the first
15	Indians to attend Brafferton College;
16	(8) in 1750, the Chickahominy Indian Tribe
17	began to migrate from King William County back to
18	the area around the Chickahominy River in New
19	Kent and Charles City Counties;
20	(9) in 1793, a Baptist missionary named
21	Bradby took refuge with the Chickahominy and took
22	a Chickahominy woman as his wife;
23	(10) in 1831, the names of the ancestors of the
24	modern-day Chickahominy Indian Tribe began to
25	appear in the Charles City County census records;

1	(11) in 1870, a census revealed an enclave of
2	Indians in New Kent County that is believed to be
3	the beginning of the Chickahominy Indian Tribe—
4	Eastern Division;
5	(12) other records were destroyed when the
6	New Kent County courthouse was burned, leaving a
7	State census as the only record covering that period;
8	(13) in 1901, the Chickahominy Indian Tribe
9	formed Samaria Baptist Church;
10	(14) from 1901 to 1935, Chickahominy men
11	were assessed a tribal tax so that their children
12	could receive an education;
13	(15) the Tribe used the proceeds from the tax
14	to build the first Samaria Indian School, buy sup-
15	plies, and pay a teacher's salary;
16	(16) in 1910, a 1-room school covering grades
17	1 through 8 was established in New Kent County for
18	the Chickahominy Indian Tribe—Eastern Division;
19	(17) during the period of 1920 through 1921,
20	the Chickahominy Indian Tribe—Eastern Division
21	began forming a tribal government;
22	(18) E.P. Bradby, the founder of the Tribe,
23	was elected to be Chief;
24	(19) in 1922, Tsena Commocko Baptist Church
25	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 Commocko 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. (b) Federal Services and Benefits.— (1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members 6 shall be eligible for all future services and benefits 7 8 provided by the Federal Government to federally rec-9 ognized Indian tribes without regard to the existence 10 of a 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 New Kent County, James City 15 County, Charles City County, and Henrico County, 16 Virginia. 17 SEC. 204. 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. 205. 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

- (2) any subsequent governing body elected in 1 2 accordance with the election procedures specified in 3 the governing documents of the Tribe. 4 SEC. 206. 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 New Kent County, James City County, Charles City 12 County, or Henrico 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 New Kent 16 County, James City County, Charles City County, or 17 Henrico County, Virginia. 18 (b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later 19 20 than three years of the date which the Tribe submits a 21 request for land to be taken into trust under subsection

(a)(2) and shall immediately make that determination

23 available to the Tribe.

- 24 (c) Reservation Status.—Any land taken into
- 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. 207. 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	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;
 - (15) during the period of 1853 through 1884,
 King William County marriage records listed Upper
 Mattaponis as "Indians" in marrying people residing
 on the reservation;
 - (16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as "Indians";
 - (17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;
 - (18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;
 - (19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a "colored" designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

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1	(20) during the period of 1942 through 1945—
2	(A) the leadership of the Upper Mattapone
3	Indians, with the help of Frank Speck and oth-
4	ers, fought against the induction of young mer
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 Mattapone
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

I	Indian tribes without regard to the existence of a
2	reservation for the Tribe.
3	(2) Service area.—For the purpose of the de-
4	livery of Federal services to tribal members, the
5	service area of the Tribe shall be considered to be
6	the area within 25 miles of the Sharon Indian
7	School at 13383 King William Road, King William
8	County, Virginia.
9	SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.
10	The membership roll and governing documents of the
11	Tribe shall be the most recent membership roll and gov-
12	erning documents, respectively, submitted by the Tribe to
13	the Secretary before the date of enactment of this Act.
14	SEC. 305. GOVERNING BODY.
15	The governing body of the Tribe shall be—
16	(1) the governing body of the Tribe in place as
17	of the date of enactment of this Act; or
18	(2) any subsequent governing body elected in
19	accordance with the election procedures specified in
20	the governing documents of the Tribe.
21	SEC. 306. RESERVATION OF THE TRIBE.
22	(a) In General.—Upon the request of the Tribe, the
23	Secretary of the Interior—
24	(1) shall take into trust for the benefit of the
25	Tribe any land held in fee by the Tribe that was ac-

- 1 quired by the Tribe on or before January 1, 2007,
- 2 if such lands are located within the boundaries of
- 3 King William County, Caroline County, Hanover
- 4 County, King and Queen County, and New Kent
- 5 County, Virginia; and
- 6 (2) may take into trust for the benefit of the
- 7 Tribe any land held in fee by the Tribe, if such
- 8 lands are located within the boundaries of King Wil-
- 9 liam County, Caroline County, Hanover County,
- 10 King and Queen County, and New Kent 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. 307. 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	TITLE IV—RAPPAHANNOCK
9	TRIBE, INC.
10	SEC. 401. FINDINGS.
11	Congress finds that—
12	(1) during the initial months after Virginia was
13	settled, the Rappahannock Indians had 3 encounters
14	with Captain John Smith;
15	(2) the first encounter occurred when the Rap-
16	pahannock weroance (headman)—
17	(A) traveled to Quiyocohannock (a prin-
18	cipal town across the James River from James-
19	town), where he met with Smith to determine
20	whether Smith had been the "great man" who
21	had previously sailed into the Rappahannock
22	River, killed a Rappahannock weroance, and
23	kidnapped Rappahannock people; and
24	(B) determined that Smith was too short
25	to be that "great man";

- 1 (3) on a second meeting, during John Smith's 2 captivity (December 16, 1607, to January 8, 1608), 3 Smith was taken to the Rappahannock principal vil-4 lage to show the people that Smith was not the 5 "great man";
 - (4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;
 - (5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;
 - (6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;
 - (7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;
 - (8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and

1	the English wanted to "treat with the
2	Rappahannocks or any other Indians not in amity
3	with Opechancanough, concerning serving the county
4	against the Pamunkeys";
5	(9) in April 1651, the Rappahannocks conveyed
6	a tract of land to an English settler, Colonel Morre
7	Fauntleroy;
8	(10) the deed for the conveyance was signed by
9	Accopatough, weroance of the Rappahannock Indi-
10	ans;
11	(11) in September 1653, Lancaster County
12	signed a treaty with Rappahannock Indians, the
13	terms of which treaty—
14	(A) gave Rappahannocks the rights of
15	Englishmen in the county court; and
16	(B) attempted to make the Rappahannocks
17	more accountable under English law;
18	(12) in September 1653, Lancaster County de-
19	fined and marked the bounds of its Indian settle-
20	ments;
21	(13) according to the Lancaster clerk of court
22	"the tribe called the great Rappahannocks lived on
23	the Rappahannock Creek just across the river above
24	Tappahannock";

1	(14) in September 1656, (Old) Rappahannock
2	County (which, as of the date of enactment of this
3	Act, is comprised of Richmond and Essex Counties,
4	Virginia) signed a treaty with Rappahannock Indi-
5	ans that—
6	(A) mirrored the Lancaster County treaty
7	from 1653; and
8	(B) stated that—
9	(i) Rappahannocks were to be re-
10	warded, in Roanoke, for returning English
11	fugitives; and
12	(ii) the English encouraged the
13	Rappahannocks to send their children to
14	live among the English as servants, who
15	the English promised would be well-treat-
16	$\operatorname{ed};$
17	(15) in 1658, the Virginia Assembly revised a
18	1652 Act stating that "there be no grants of land
19	to any Englishman whatsoever de futuro until the
20	Indians be first served with the proportion of 50
21	acres of land for each bowman";
22	(16) in 1669, the colony conducted a census of
23	Virginia Indians;
24	(17) as of the date of that census—

1	(A) the majority of the Rappahannocks
2	were residing at their hunting village on the
3	north side of the Mattaponi River; and
4	(B) at the time of the visit, census-takers
5	were counting only the Indian tribes along the
6	rivers, which explains why only 30 Rappahan-
7	nock bowmen were counted on that river;
8	(18) the Rappahannocks used the hunting vil-
9	lage on the north side of the Mattaponi River as
10	their primary residence until the Rappahannocks
11	were removed in 1684;
12	(19) in May 1677, the Treaty of Middle Planta-
13	tion was signed with England;
14	(20) the Pamunkey Queen Cockacoeske signed
15	on behalf of the Rappahannocks, "who were sup-
16	posed to be her tributaries", but before the treaty
17	could be ratified, the Queen of Pamunkey com-
18	plained to the Virginia Colonial Council "that she
19	was having trouble with Rappahannocks and
20	Chickahominies, supposedly tributaries of hers";
21	(21) in November 1682, the Virginia Colonial
22	Council established a reservation for the Rappahan-
23	nock Indians of 3,474 acres "about the town where
24	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;
 - (23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;
 - (24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;
 - (25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;
 - (26) in 1706, by order of Essex County, Lieutenant Richard Covington "escorted" the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline 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) one married a Saunders man;
8	(B) one married a Johnson man; and
9	(C) one had 2 children, Edmund and Car-
10	ter 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 twenty-six identifiable and traceable
7	Rappahannock surnames appear on the pre-1863
8	membership list, and twenty-eight were listed on the
9	1863 membership roster, the number of surnames
10	listed had declined to twelve in 1878 and had risen
11	only slightly to fourteen 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 in4 structing them on how to formalize their tribal gov5 ernment;
 6 (41) in November 1920. Speck visited the
 - (41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;
 - (42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;
 - (43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;
 - (44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;
 - (45) the letter concerned Indian freedom of speech and assembly nationwide;
- (46) in 1922, the Rappahannocks established a
 formal school at Lloyds, Essex County, Virginia;

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- 1 (47) prior to establishment of the school, Rap-2 pahannock children were taught by a tribal member 3 in Central Point, Caroline County, Virginia; 4 (48) in December 1923, Rappahannock Chief 5 George Nelson testified before Congress appealing 6 for a \$50,000 appropriation to establish an Indian 7 school in Virginia; 8 (49) in 1930, the Rappahannocks were engaged 9 in an ongoing dispute with the Commonwealth of 10 Virginia and the United States Census Bureau 11 about their classification in the 1930 Federal cen-12 sus; 13 (50) in January 1930, Rappahannock Chief 14 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-15 istician of the United States Census Bureau, asking 16 that the 218 enrolled Rappahannocks be listed as 17 Indians; 18 (51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being 19 20 given about classifying Indians;
 - (52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

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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

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

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.

40 SEC. 402. DEFINITIONS. 2 In this title: 3 (1) Secretary.—The term "Secretary" means 4 the Secretary of the Interior. (2) Tribal member.—The term "tribal mem-5 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.— (A) IN GENERAL.—The term 14 "Tribe" 15 means the organization possessing the legal 16 name Rappahannock Tribe, Inc. (B) Exclusions.—The term "Tribe" does 17 18 not include any other Indian tribe, subtribe, 19 band, or splinter group the members of which 20 represent themselves as Rappahannock Indians. SEC. 403. FEDERAL RECOGNITION. 22 (a) Federal Recognition.— 23 (1) In General.—Federal recognition is ex-

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

tended to the Tribe.

- 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
- by the Federal Government to federally recognized
- Indian tribes without regard to the existence of a
- reservation for the Tribe.
- 13 (2) Service area.—For the purpose of the de-
- livery of Federal services to tribal members, the
- service area of the Tribe shall be considered to be
- the area comprised of King and Queen County,
- 17 Caroline County, Essex County, and King William
- 18 County, Virginia.
- 19 SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.
- The membership roll and governing documents of the
- 21 Tribe shall be the most recent membership roll and gov-
- 22 erning documents, respectively, submitted by the Tribe to
- 23 the Secretary before the date of enactment of this Act.
- 24 SEC. 405. GOVERNING BODY.
- 25 The governing body of the Tribe shall be—

- 1 (1) the governing body of the Tribe in place as 2 of the date of enactment of this Act; or 3 (2) any subsequent governing body elected in 4 accordance with the election procedures specified in 5 the governing documents of the Tribe. 6 SEC. 406. RESERVATION OF THE TRIBE. 7 (a) IN GENERAL.—Upon the request of the Tribe, the 8 Secretary of the Interior— 9 (1) shall take into trust for the benefit of the 10 Tribe any land held in fee by the Tribe that was ac-11 quired by the Tribe on or before January 1, 2007, 12 if such lands are located within the boundaries of 13 King and Queen County, Stafford County, Spotsyl-14 vania County, Richmond County, Essex County, and 15 Caroline County, Virginia; and 16 (2) may take into trust for the benefit of the 17 Tribe any land held in fee by the Tribe, if such 18 lands are located within the boundaries of King and 19 Queen County, Richmond County, Lancaster Coun-20 ty, King George County, Essex County, Caroline 21 County, New Kent County, King William County, 22 and James City County, Virginia. 23 (b) DEADLINE FOR DETERMINATION.—The Sec-
- 24 retary shall make a final written determination not later 25 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	TITLE V—MONACAN INDIAN
20	NATION
21	SEC. 501. FINDINGS.
22	Congress finds that—
23	(1) in 1677, the Monacan Tribe signed the
24	Treaty of Middle Plantation between Charles II of

1	(2) in 1722, in the Treaty of Albany, Governor
2	Spotswood negotiated to save the Virginia Indians
3	from extinction at the hands of the Iroquois;
4	(3) specifically mentioned in the negotiations
5	were the Monacan tribes of the Totero (Tutelo),
6	Saponi, Ocheneeches (Occaneechi), Stengenocks, and
7	Meipontskys;
8	(4) in 1790, the first national census recorded
9	Benjamin Evans and Robert Johns, both ancestors
10	of the present Monacan community, listed as
11	"white" with mulatto children;
12	(5) in 1782, tax records also began for those
13	families;
14	(6) in 1850, the United States census recorded
15	29 families, mostly large, with Monacan surnames,
16	the members of which are genealogically related to
17	the present community;
18	(7) in 1870, a log structure was built at the
19	Bear Mountain Indian Mission;
20	(8) in 1908, the structure became an Episcopal
21	Mission and, as of the date of enactment of this Act,
22	the structure is listed as a landmark on the National
23	Register of Historic Places;
24	(9) in 1920, 304 Amherst Indians were identi-
25	fied in the United States census;

- 1 (10) from 1930 through 1931, numerous letters 2 from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, 3 former head of the Bureau of Vital Statistics of the 5 Commonwealth of Virginia, not to allow Indians to 6 register as Indians for the 1930 census; 7 (11) the Monacans eventually succeeded in 8 being allowed to claim their race, albeit with an as-9 terisk attached to a note from Dr. Plecker stating 10 that there were no Indians in Virginia; 11 (12) in 1947, D'Arcy McNickle, a Salish In-12 dian, saw some of the children at the Amherst Mis-13 sion and requested that the Cherokee Agency visit them because they appeared to be Indian; 14 15 (13) that letter was forwarded to the Depart-16 ment of the Interior, Office of Indian Affairs, Chi-17 cago, Illinois; 18 (14) Chief Jarrett Blythe of the Eastern Band
 - (14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he "would be willing to accept these children in the Cherokee school";
 - (15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as "Monacan Co-operative Pottery" at the Amherst Mission;

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1	(16) some important pieces were produced at
2	Monacan Co-operative Pottery, including a piece
3	that was sold to the Smithsonian Institution;
4	(17) the Mattaponi-Pamunkey-Monacan Con-
5	sortium, established in 1981, has since been orga-
6	nized as a nonprofit corporation that serves as a ve-
7	hicle to obtain funds for those Indian tribes from the
8	Department of Labor under Native American pro-
9	grams;
10	(18) in 1989, the Monacan Tribe was recog-
11	nized by the Commonwealth of Virginia, which en-
12	abled the Tribe to apply for grants and participate
13	in other programs; and
14	(19) in 1993, the Monacan Tribe received tax-
15	exempt status as a nonprofit corporation from the
16	Internal Revenue Service.
17	SEC. 502. DEFINITIONS.
18	In this title:
19	(1) Secretary.—The term "Secretary" means
20	the Secretary of the Interior.
21	(2) Tribal member.—The term "tribal mem-
22	ber" means—
23	(A) an individual who is an enrolled mem-
24	ber of the Tribe as of the date of enactment of
25	this Act; and

1	(B) an individual who has been placed or
2	the membership rolls of the Tribe in accordance
3	with this title.
4	(3) TRIBE.—The term "Tribe" means the Mon-
5	acan Indian Nation.
6	SEC. 503. FEDERAL RECOGNITION.
7	(a) Federal Recognition.—
8	(1) In general.—Federal recognition is ex-
9	tended to the Tribe.
10	(2) Applicability of laws.—All laws (includ-
11	ing regulations) of the United States of general ap-
12	plicability to Indians or nations, Indian tribes, or
13	bands of Indians (including the Act of June 18
14	1934 (25 U.S.C. 461 et seq.)) that are not incon-
15	sistent with this title shall be applicable to the Tribe
16	and tribal members.
17	(b) Federal Services and Benefits.—
18	(1) IN GENERAL.—On and after the date of en-
19	actment of this Act, the Tribe and tribal members
20	shall be eligible for all services and benefits provided
21	by the Federal Government to federally recognized
22	Indian tribes without regard to the existence of a
23	reservation for the Tribe.
24	(2) Service area.—For the purpose of the de-
25	livery of Federal services to tribal members, the

1	service area of the Tribe shall be considered to be
2	the area comprised of all land within 25 miles from
3	the center of Amherst, Virginia.
4	SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.
5	The membership roll and governing documents of the
6	Tribe shall be the most recent membership roll and gov-
7	erning documents, respectively, submitted by the Tribe to
8	the Secretary before the date of enactment of this Act.
9	SEC. 505. GOVERNING BODY.
10	The governing body of the Tribe shall be—
11	(1) the governing body of the Tribe in place as
12	of the date of enactment of this Act; or
13	(2) any subsequent governing body elected in
14	accordance with the election procedures specified in
15	the governing documents of the Tribe.
16	SEC. 506. RESERVATION OF THE TRIBE.
17	(a) In General.—Upon the request of the Tribe, the
18	Secretary of the Interior—
19	(1) shall take into trust for the benefit of the
20	Tribe any land held in fee by the Tribe that was ac-
21	quired by the Tribe on or before January 1, 2007,
22	if such lands are located within the boundaries of
23	Amherst County, Virginia; and
24	(2) may take into trust for the benefit of the
25	Tribe any land held in fee by the Tribe, if such

- lands are located within the boundaries of Amherst
- 2 County, Virginia, and those parcels in Rockbridge
- 3 County, Virginia (subject to the consent of the local
- 4 unit of government), owned by Mr. J. Poole, de-
- 5 scribed as East 731 Sandbridge (encompassing ap-
- 6 proximately 4.74 acres) and East 731 (encom-
- passing approximately 5.12 acres).
- 8 (b) Deadline for Determination.—The Sec-
- 9 retary shall make a final written determination not later
- 10 than three years of the date which the Tribe submits a
- 11 request for land to be taken into trust under subsection
- 12 (a)(2) and shall immediately make that determination
- 13 available to the Tribe.
- 14 (c) RESERVATION STATUS.—Any land taken into
- 15 trust for the benefit of the Tribe pursuant to this para-
- 16 graph shall, upon request of the Tribe, be considered part
- 17 of the reservation of the Tribe.
- 18 (d) Gaming.—The Tribe may not conduct gaming ac-
- 19 tivities as a matter of claimed inherent authority or under
- 20 the authority of any Federal law, including the Indian
- 21 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
- 22 any regulations thereunder promulgated by the Secretary
- 23 or the National Indian Gaming Commission.

1	SEC. 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	TITLE VI—NANSEMOND INDIAN
7	TRIBE
8	SEC. 601. FINDINGS.
9	Congress finds that—
10	(1) from 1607 until 1646, Nansemond Indi-
11	ans—
12	(A) lived approximately 30 miles from
13	Jamestown; and
14	(B) were significantly involved in English-
15	Indian affairs;
16	(2) after 1646, there were 2 sections of
17	Nansemonds in communication with each other, the
18	Christianized Nansemonds in Norfolk County, who
19	lived as citizens, and the traditionalist Nansemonds,
20	who lived further west;
21	(3) in 1638, according to an entry in a 17th
22	century sermon book still owned by the Chief's fam-
23	ily, a Norfolk County Englishman married a Nanse-
24	mond woman;
25	(4) that man and woman are lineal ancestors of
26	all of members of the Nansemond Indian tribe alive

1	as of the date of enactment of this Act, as are some
2	of the traditionalist Nansemonds;
3	(5) in 1669, the 2 Nansemond sections ap-
4	peared in Virginia Colony's census of Indian bow-
5	men;
6	(6) in 1677, Nansemond Indians were signato-
7	ries to the Treaty of 1677 with the King of Eng-
8	land;
9	(7) in 1700 and 1704, the Nansemonds and
10	other Virginia Indian tribes were prevented by Vir-
11	ginia Colony from making a separate peace with the
12	Iroquois;
13	(8) Virginia represented those Indian tribes in
14	the final Treaty of Albany, 1722;
15	(9) in 1711, a Nansemond boy attended the In-
16	dian School at the College of William and Mary;
17	(10) in 1727, Norfolk County granted William
18	Bass and his kinsmen the "Indian privileges" of
19	clearing swamp land and bearing arms (which privi-
20	leges were forbidden to other non-Whites) because of
21	their Nansemond ancestry, which meant that Bass
22	and his kinsmen were original inhabitants of that
23	land;
24	(11) in 1742, Norfolk County issued a certifi-
25	cate of Nansemond descent to William Bass;

1	(12) from the 1740s to the 1790s, the tradi-
2	tionalist section of the Nansemond tribe, 40 miles
3	west of the Christianized Nansemonds, was dealing
4	with reservation land;
5	(13) the last surviving members of that section
6	sold out in 1792 with the permission of the Com-
7	monwealth of Virginia;
8	(14) in 1797, Norfolk County issued a certifi-
9	cate stating that William Bass was of Indian and
10	English descent, and that his Indian line of ancestry
11	ran directly back to the early 18th century elder in
12	a traditionalist section of Nansemonds on the res-
13	ervation;
14	(15) in 1833, Virginia enacted a law enabling
15	people of European and Indian descent to obtain a
16	special certificate of ancestry;
17	(16) the law originated from the county in
18	which Nansemonds lived, and mostly Nansemonds,
19	with a few people from other counties, took advan-
20	tage of the new law;
21	(17) a Methodist mission established around
22	1850 for Nansemonds is currently a standard Meth-
23	odist congregation with Nansemond members;
24	(18) in 1901, Smithsonian anthropologist
25	James Mooney—

1	(A) visited the Nansemonds; and
2	(B) completed a tribal census that counted
3	61 households and was later published;
4	(19) in 1922, Nansemonds were given a special
5	Indian school in the segregated school system of
6	Norfolk County;
7	(20) the school survived only a few years;
8	(21) in 1928, University of Pennsylvania an-
9	thropologist Frank Speck published a book on mod-
10	ern Virginia Indians that included a section on the
11	Nansemonds; and
12	(22) the Nansemonds were organized formally,
13	with elected officers, in 1984, and later applied for
14	and received State recognition.
15	SEC. 602. DEFINITIONS.
16	In this title:
17	(1) Secretary.—The term "Secretary" means
18	the Secretary of the Interior.
19	(2) Tribal member.—The term "tribal mem-
20	ber" means—
21	(A) an individual who is an enrolled mem-
22	ber of the Tribe as of the date of enactment of
23	this Act; and

1	(B) an individual who has been placed on
2	the membership rolls of the Tribe in accordance
3	with this title.
4	(3) TRIBE.—The term "Tribe" means the
5	Nansemond Indian Tribe.
6	SEC. 603. FEDERAL RECOGNITION.
7	(a) Federal Recognition.—
8	(1) In General.—Federal recognition is ex-
9	tended to the Tribe.
10	(2) Applicability of laws.—All laws (includ-
11	ing regulations) of the United States of general ap-
12	plicability to Indians or nations, Indian tribes, or
13	bands of Indians (including the Act of June 18,
14	1934 (25 U.S.C. 461 et seq.)) that are not incon-
15	sistent with this title shall be applicable to the Tribe
16	and tribal members.
17	(b) Federal Services and Benefits.—
18	(1) IN GENERAL.—On and after the date of en-
19	actment of this Act, the Tribe and tribal members
20	shall be eligible for all services and benefits provided
21	by the Federal Government to federally recognized
22	Indian tribes without regard to the existence of a
23	reservation for the Tribe.
24	(2) Service area.—For the purpose of the de-
25	livery of Federal services to tribal members, the

1 service area of the Tribe shall be considered to be 2 the area comprised of the cities of Chesapeake, 3 Hampton, Newport News, Norfolk, Portsmouth, Suf-4 folk, and Virginia Beach, Virginia. 5 SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS. 6 The membership roll and governing documents of the 7 Tribe shall be the most recent membership roll and gov-8 erning documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act. 10 SEC. 605. GOVERNING BODY. 11 The governing body of the Tribe shall be— 12 (1) the governing body of the Tribe in place as 13 of the date of enactment of this Act; or 14 (2) any subsequent governing body elected in 15 accordance with the election procedures specified in 16 the governing documents of the Tribe. 17 SEC. 606. RESERVATION OF THE TRIBE. 18 (a) IN GENERAL.—Upon the request of the Tribe, the 19 Secretary of the Interior— 20 (1) shall take into trust for the benefit of the 21 Tribe any land held in fee by the Tribe that was ac-22 quired by the Tribe on or before January 1, 2007, 23 if such lands are located within the boundaries of 24 the city of Suffolk, the city of Chesapeake, or Isle 25 of Wight County, Virginia; and

- 1 (2) may take into trust for the benefit of the
- 2 Tribe any land held in fee by the Tribe, if such
- 3 lands are located within the boundaries of the city
- 4 of Suffolk, the city of Chesapeake, or Isle of Wight
- 5 County, Virginia.
- 6 (b) Deadline for Determination.—The Sec-
- 7 retary shall make a final written determination not later
- 8 than three years of the date which the Tribe submits a
- 9 request for land to be taken into trust under subsection
- 10 (a)(2) and shall immediately make that determination
- 11 available to the Tribe.
- 12 (c) RESERVATION STATUS.—Any land taken into
- 13 trust for the benefit of the Tribe pursuant to this para-
- 14 graph shall, upon request of the Tribe, be considered part
- 15 of the reservation of the Tribe.
- 16 (d) Gaming.—The Tribe may not conduct gaming ac-
- 17 tivities as a matter of claimed inherent authority or under
- 18 the authority of any Federal law, including the Indian
- 19 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
- 20 any regulations thereunder promulgated by the Secretary
- 21 or the National Indian Gaming Commission.

1 SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND

- 2 **WATER RIGHTS.**
- 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 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.

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