

118TH CONGRESS  
2D SESSION

# H. R. 9630

To extend Federal recognition to the Cheroenhaka (Nottoway) Indian Tribe of Virginia, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2024

Mrs. KIGGANS of Virginia introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To extend Federal recognition to the Cheroenhaka (Nottoway) 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 “Cheroenhaka  
5 (Nottoway) Indian Tribe of Virginia Federal Recognition  
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds as follows:

9 (1) The Cheroenhaka-Nottoway has more than  
10 300 Tribal citizens on its rolls, all of whom, via a

1 paper trail, can document their genealogical line to  
2 an ethno-historic surname of the Cheroenhaka  
3 (Nottoway) Tribe.

4 (2) The Tribe owns 263 acres of “Tribal” land  
5 in Southampton County, Virginia, which is a part of  
6 its originally granted 41,000 acres by the Virginia  
7 House of Burgesses in 1705.

8 (3) The Virginia, the Racial Integrity Act of  
9 1924, under the direction of the Virginia Bureau of  
10 Vital Statistics, reclassified American Indians to  
11 “colored” or “mulatto” This reclassification has cre-  
12 ated genealogical gaps, making it nearly impossible  
13 for Virginia Tribes to gain Federal recognition via  
14 the Bureau of Indian Affairs process.

15 (4) The Cheroenhaka (Nottoway) signed a  
16 stand alone treaty with Virginia’s Provincial Lieu-  
17 tenant Governor Alexander Spotswood on April 23,  
18 1713, that required a “Peace Tribute” be delivered  
19 to the Governor of the Virginia on April 23rd annu-  
20 ally.

21 (5) The Tribe has presented this tribute to the  
22 governor on the 299th, 300th, 301st, 302nd, 303rd,  
23 304th, 305th, 306th, 307th, 308th, 309th, 310th,  
24 and 311th anniversaries of the treaty.

1           (6) The Cheroenhaka (Nottoway) were the only  
2 Tribe in the Commonwealth of Virginia to have a re-  
3 corded Gubernatorially Mandated Special Census  
4 that took place on the Tribal reservation in 1808.

5           (7) The Cheroenhaka (Nottoway) are an offi-  
6 cially recognized Tribe by the Commonwealth of Vir-  
7 ginia.

8           (8) The Hand Site Excavation (44SN22)—in  
9 Southampton County carbon dates the ancestors of  
10 the Cheroenhaka (Nottoway) Indian Tribe of South-  
11 ampton County, Virginia to around 1580. It is be-  
12 lieved this site existed in 700 AD.

13           (9) The Cheroenhaka (Nottoway) Indian Tribe  
14 made first ethno-historic contact with the English in  
15 1607–1608 in what is now Nottoway County, Vir-  
16 ginia. The English were looking for information ger-  
17 mane to Roanoke Island . . . the “Lost Colony”.

18           (10) In the Seventeenth Century, the Iroquoian  
19 Speaking Tribes occupied lands east of the Fall Line  
20 on the inner Coastal Plains of Southeastern Vir-  
21 ginia. These tribes were the Cheroenhaka  
22 (Nottoway), the Meherrin and the Tuscarora.

23           (11) The Cheroenhaka (Nottoway) Indian  
24 Tribe’s King and Great Men/Chief Men signed three

1 treaties: The Treaty of 1646; 1677 in addition to  
2 the above mentioned 1713, Spotswood Treaty.

3 (12) In 1705, the House of Burgess granted  
4 two tracks of “Reservation Land” to the  
5 Cheroenhaka (Nottoway) Indian Tribe—the Circle  
6 Track (18,000 acres) and Square Track (23,000  
7 acres) totaling some 41,000 acres of Reservation  
8 Land. The two tracks of land fell within the confines  
9 of what was then Isle of Wight County—now South-  
10 ampton and Sussex Counties.

11 (13) In July of 1808, the Governor of the Com-  
12 monwealth of Virginia mandated a “Special”  
13 Cheroenhaka (Nottoway) Indian Census be taken of  
14 those Indians living on the remaining reservation  
15 lands (approx. 7,000 + acres) of the Cheroenhaka  
16 (Nottoway) Indian Reservation in what is now  
17 Courtland, Virginia, formerly named “Jerusalem”.

18 (14) In 1816, new trustees were appointed for  
19 the Cheroenhaka (Nottoway) Indians. These Trust-  
20 ees were empowered to make reasonable rules and  
21 regulations for the government of the tribe and for  
22 the expenditure of the money held in trust for them,  
23 which was to continue so long as any number of the  
24 tribe were living. Any funds remaining on hand were  
25 then to be paid into the public treasury.

1           (15) On December 7, 2002, the Cheroenhaka  
2           (Nottoway) Indian Tribe filed a letter of intent with  
3           the Bureau of Indian Affairs (BIA), Office of Fed-  
4           eral Acknowledgement (OFA) announcing that it  
5           would be filing for Federal Recognition via the OFA.

6 **SEC. 3. DEFINITIONS.**

7           In this Act:

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

10          (2) TRIBAL CITIZEN.—The term “Tribal cit-  
11          izen” means—

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

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

18          (3) TRIBE.—The term “Tribe” means the  
19          Cheroenhaka (Nottoway) Indian Tribe of Virginia.

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. 461 et seq.)) that are not incon-  
4        sistent with this Act shall be applicable to the Tribe  
5        and Tribal citizens.

6        (b) FEDERAL SERVICES AND BENEFITS.—

7            (1) IN GENERAL.—The Tribe and Tribal citi-  
8        zens shall be eligible for all services and benefits  
9        provided by the Federal Government to federally rec-  
10       ognized Indian Tribes without regard to the exist-  
11       ence of a reservation for the Tribe.

12           (2) SERVICE AREA.—The service area for the  
13       purpose of the delivery of Federal services to Tribal  
14       citizens shall be determined in coordination and con-  
15       sultation with the Secretary not later than 120 days  
16       after the date of the enactment of this Act.

17       **SEC. 5. 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 the enactment of this Act.

22       **SEC. 6. GOVERNING BODY.**

23       The governing body of the Tribe shall be—

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

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

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

5           (a) IN GENERAL.—Upon the request of the Tribe, the  
6 Secretary of the Interior shall take into trust for the ben-  
7 efit of the Tribe any land held in fee by the Tribe that  
8 was acquired by the Tribe on or before January 1, 2007,  
9 if such lands are located within the boundaries of South-  
10 ampton County, Virginia.

11          (b) DEADLINE FOR DETERMINATION.—The Sec-  
12 retary shall make a final written determination not later  
13 than 3 years of the date which the Tribe submits a request  
14 for land to be taken into trust under subsection (a) and  
15 shall immediately make that determination available to the  
16 Tribe.

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

21          (d) GAMING.—The Tribe may not conduct gaming ac-  
22 tivities as a matter of claimed inherent authority or under  
23 the authority of any Federal law, including the Indian  
24 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. GAMING.**

4 The Tribe may not conduct gaming activities as a  
5 matter of claimed inherent authority or under the author-  
6 ity of any Federal law, including the Indian Gaming Regu-  
7 latory Act (25 U.S.C. 2701 et seq.) or under any regula-  
8 tions thereunder promulgated by the Secretary or the Na-  
9 tional Indian Gaming Commission.

10 **SEC. 9. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
11 **WATER RIGHTS.**

12 Nothing in this Act expands, reduces, or affects in  
13 any manner any hunting, fishing, trapping, gathering, or  
14 water rights of the Tribe and Tribal citizens.

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