

107TH CONGRESS  
1ST SESSION

# H. R. 2345

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2001

Mr. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. TOM DAVIS of Virginia, Mr. SCOTT, and Mr. SCHROCK) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

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

4       This Act may be cited as the “Thomasina E. Jordan  
5       Indian Tribes of Virginia Federal Recognition Act of  
6       2001”.

# **TITLE I—CHICKAHOMINY INDIAN TRIBE**

## **SEC. 101. FINDINGS.**

Congress makes the following findings:

(1) In 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes who received them.

(2) In 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, agreeing to provide 2 bushels of corn per man and send warriors to protect the English. Sir Thomas Dale agreed in return to allow the tribe to continue to practice their own tribal governance.

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

(4) In 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy.

(5) In 1702, the Chickahominy were pushed off their reservation, which caused the loss of a land base.

1           (6) In 1723, the College of William and Mary  
2           in Williamsburg established a grammar school for  
3           Indians called Brafferton College. A Chickahominy  
4           child was one of the first Indians to attend.

5           (7) In 1750, the Chickahominy Indian Tribe  
6           started to migrate from King William County back  
7           to the area around the Chickahominy River in New  
8           Kent and Charles City Counties.

9           (8) In 1793, a Baptist missionary named  
10          Bradby took refuge with the Chickahominy and took  
11          a Chickahominy woman as his wife.

12          (9) In 1831, the names of the ancestors of the  
13          modern-day Chickahominy Indian Tribe began to  
14          appear in the Charles City County census records.

15          (10) In 1901, the Chickahominy Indian Tribe  
16          formed Samaria Baptist Church.

17          (11) From 1901 to 1935, Chickahominy men  
18          were assessed a tribal tax so that their children  
19          could receive an education. The Tribe used the pro-  
20          ceeds from this tax to build the first Samaria Indian  
21          School, buy supplies, and pay a teacher's salary.

22          (12) In 1919, C. Lee Moore, Auditor of Public  
23          Accounts for Virginia, told Chickahominy Chief  
24          O.W. Adkins that he had instructed the Commis-  
25          sioner of Revenue for Charles City County to record

1 Chickahominy tribal members on the county tax rolls  
2 as Indian, and not as white or colored.

3 (13) During 1920–1930, various Governors of  
4 the Commonwealth of Virginia wrote letters of intro-  
5 duction for Chickahominy Chiefs who had official  
6 business with Government agencies in Washington,  
7 D.C.

8 (14) In 1934, Chickahominy Chief O.W. Adkins  
9 wrote to John Collier, Commissioner of Indian Af-  
10 fairs, requesting money to acquire land for the  
11 Chickahominy Indian Tribe’s use, to build school,  
12 medical, and library facilities and to buy tractors,  
13 implements, and seed.

14 (15) In 1934, John Collier, Commissioner of  
15 Indian Affairs, wrote to Chickahominy Chief O.W.  
16 Adkins, informing him that Congress had passed the  
17 Indian Reorganization Act of 1934, but had not  
18 made the appropriation to fund the bill.

19 (16) In 1942, Chickahominy Chief O.W. Adkins  
20 wrote to John Collier, Commissioner of Indian Af-  
21 fairs, asking for help in getting the proper racial  
22 designation on Selective Service records for the  
23 Chickahominy soldiers.

24 (17) In 1943, John Collier, Commissioner of  
25 Indian Affairs, asked Douglas S. Freeman, editor of

1 the Richmond (Virginia) News-Leader newspaper, to  
2 help Virginia Indians obtain proper racial designa-  
3 tion on birth records. Collier states that his office  
4 cannot officially intervene because it has no respon-  
5 sibility for the Virginia Indians, “as a matter largely  
6 of historical accident”, but is “interested in them as  
7 descendants of the original inhabitants of the re-  
8 gion”.

9 (18) In 1948, the Veterans’ Education Com-  
10 mittee of the Virginia State Board of Education ap-  
11 proved Samaria Indian School to provide training to  
12 veterans. This school was the one established and  
13 run by the Chickahominy Indian Tribe.

14 (19) In 1950, the Chickahominy Indian Tribe  
15 purchased land and donated it to the Charles City  
16 County School Board, to be used to build a modern  
17 school for students of the Chickahominy and other  
18 Virginia tribes. The Samaria Indian School included  
19 grades 1 through 8.

20 (20) In 1961, Senator Sam Ervin, Chairman of  
21 the Subcommittee on Constitutional Rights, Senate  
22 Committee on the Judiciary, requested Chicka-  
23 hominy Chief O.W. Adkins to provide assistance in  
24 analyzing the status of the constitutional rights of  
25 Indians “in your area”.

1           (21) In 1967, the Charles City County school  
2           board closed Samaria Indian School and converted it  
3           to a countywide primary school as a step toward full  
4           school integration.

5           (22) In 1972, the Charles City County school  
6           board began receiving funds under title IV of the In-  
7           dian Self-Determination and Education Assistance  
8           Act (25 U.S.C. 450 et seq.) on behalf of Chicka-  
9           hominy students. This continues today under title V  
10          of that Act.

11          (23) 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          (24) In 1983, the Chickahominy Indian Tribe  
16          was granted recognition as an Indian tribe by the  
17          Commonwealth of Virginia, along with 5 other  
18          tribes.

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

23 **SEC. 102. DEFINITIONS.**

24          For the purposes of this title—

1           (1) the term “Tribe” means the Chickahominy  
2       Indian Tribe;

3           (2) the term “Secretary” means the Secretary  
4       of the Interior; and

5           (3) the term “member” means an enrolled  
6       member of the Tribe, as of the date of the enact-  
7       ment of this Act, or an individual who has been  
8       placed on the membership rolls of the Tribe in ac-  
9       cordance with this Act.

10 **SEC. 103. FEDERAL RECOGNITION.**

11       (a) **FEDERAL RECOGNITION.**—Federal recognition is  
12 hereby extended to the Tribe. All laws and regulations of  
13 the United States of general application to Indians or na-  
14 tions, tribes, or bands of Indians, including the Act of  
15 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
16 consistent with any specific provision of this Act, shall be  
17 applicable to the Tribe and its members.

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

19           (1) **IN GENERAL.**—The Tribe and its members  
20 shall be eligible, on and after the date of the enact-  
21 ment of this Act, for all future services and benefits  
22 provided by the Federal Government to federally rec-  
23 ognized Indian tribes without regard to the existence  
24 of a reservation for the Tribe or the location of the

1 residence of any member on or near any Indian res-  
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-  
4 ery of Federal services to enrolled members of the  
5 Tribe, the Tribe’s service area shall be deemed to be  
6 the area comprised of Charles City County, Virginia.

7 **SEC. 104. MEMBERSHIP.**

8 Not later than 18 months after the date of the enact-  
9 ment of this Act, the Tribe shall submit to the Secretary  
10 a membership roll consisting of all individuals currently  
11 enrolled for membership in the Tribe. The qualifications  
12 for inclusion on the membership roll of the Tribe shall be  
13 determined by the membership clauses in the Tribe’s gov-  
14 erning document, in consultation with the Secretary. Upon  
15 completion of the roll, the Secretary shall immediately  
16 publish notice of such in the Federal Register. The Tribe  
17 shall ensure that such roll is maintained and kept current.

18 **SEC. 105. CONSTITUTION AND GOVERNING BODY.**

19 (a) CONSTITUTION.—

20 (1) ADOPTION.—Not later than 24 months  
21 after the date of the enactment of this Act, the  
22 Tribe shall conduct, by secret ballot, an election to  
23 adopt a constitution and bylaws for the Tribe.

24 (2) INTERIM GOVERNING DOCUMENTS.—Until  
25 such time as a new constitution is adopted under



1 paragraph (1), the governing documents in effect on  
2 the date of enactment of this Act shall be the in-  
3 terim governing documents for the Tribe.

4 (b) OFFICIALS.—

5 (1) ELECTION.—Not later than 6 months after  
6 the Tribe adopts a constitution and bylaws pursuant  
7 to subsection (a), the Tribe shall conduct elections  
8 by secret ballot for the purpose of electing officials  
9 for the Tribe as provided in the constitution and by-  
10 laws.

11 (2) INTERIM GOVERNMENT.—Until such time  
12 as the Tribe elects new officials pursuant to para-  
13 graph (1), the governing body of the Tribe shall be  
14 the governing body in place on the date of the enact-  
15 ment of this Act, or any new governing body selected  
16 under the election procedures specified in the in-  
17 terim governing documents of the Tribe.

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

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of law, if, not later than 25 years after the date of  
21 the enactment of this Act, the Tribe transfers land within  
22 the boundaries of the Virginia counties of Charles City,  
23 James City, or Henrico, to the Secretary, the Secretary  
24 shall take such land into trust for the benefit of the Tribe.

1 (b) CONSTRUCTION.—Nothing in this section shall be  
 2 construed to satisfy the terms for an exception under sec-  
 3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 5 lands acquired by the Secretary in trust for the benefit  
 6 of an Indian tribe after October 17, 1988, under section  
 7 20(a) of such Act (25 U.S.C. 2719(a)).

8 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 9 **WATER RIGHTS.**

10 Nothing in this Act shall expand, reduce, or affect  
 11 in any manner any hunting, fishing, trapping, gathering,  
 12 or water rights of the Tribe and its members.

13 **TITLE II—CHICKAHOMINY IN-**  
 14 **DIAN TRIBE—EASTERN DIVI-**  
 15 **SION**

16 **SEC. 201. FINDINGS.**

17 Congress makes the following findings:

18 (1) In 1607, when the English settlers set shore  
 19 along the Virginia coastline, the Chickahominy were  
 20 one of about 30 tribes who received them.

21 (2) In 1614, the Chickahominy Indian Tribe  
 22 signed a treaty with Sir Thomas Dale, Governor of  
 23 the Jamestown Colony, agreeing to provide 2 bushels  
 24 of corn per man and send warriors to protect the  
 25 English. Sir Thomas Dale agreed in return to allow

1 the Tribe to continue to practice their own tribal  
2 governance.

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

7 (4) In 1677, following Bacon's Rebellion, the  
8 Queen of Pamunkey signed the Treaty of Middle  
9 Plantation on behalf of the Chickahominy.

10 (5) In 1702, the Chickahominy were pushed off  
11 their reservation, which caused the loss of a land  
12 base.

13 (6) In 1723, the College of William and Mary  
14 in Williamsburg established a grammar school for  
15 Indians called Brafferton College. A Chickahominy  
16 child was one of the first Indians to attend.

17 (7) In 1750, the Chickahominy Indian Tribe  
18 started to migrate from King William County back  
19 to the area around the Chickahominy River in New  
20 Kent and Charles City Counties.

21 (8) In 1793, A Baptist missionary named  
22 Bradby took refuge with the Chickahominy and took  
23 a Chickahominy woman as his wife.

1           (9) In 1831, the names of the ancestors of the  
2       modern-day Chickahominy Indian Tribe began to  
3       appear in the Charles City County census records.

4           (10) In 1870, a census showed an enclave of  
5       Indians in New Kent County which is believed to be  
6       the beginning of the Chickahominy Indian Tribe-  
7       Eastern Division. Records were destroyed when the  
8       New Kent County courthouse was burned. A State  
9       census was the only record at this time.

10          (11) In 1901, the Chickahominy's formed Sa-  
11       maria Baptist Church. During the first few decades  
12       of the 20th century, Chickahominy men were as-  
13       sessed a tribal tax so that their children could re-  
14       ceive an education. The Tribe used the proceeds  
15       from this tax to build the first Samaria Indian  
16       School, buy supplies, and pay a teacher's salary.

17          (12) In 1910, a school was started in New Kent  
18       County for the Chickahominy Indian Tribe-Eastern  
19       Division. Grades 1 through 8 were taught in this 1-  
20       room school.

21          (13) In 1920–1921, the Chickahominy Indian  
22       Tribe-Eastern Division began forming their own  
23       tribal government. E.P. Bradby was the founder of  
24       the Tribe and was elected to be Chief.

1           (14) In 1922, Tsena Commocko Baptist Church  
2           was organized.

3           (15) In 1925, a certificate of incorporation was  
4           issued to the Chickahominy Indian Tribe-Eastern  
5           Division.

6           (16) In 1950, the Indian school was closed and  
7           students were bused to Samaria Indian School in  
8           Charles City County.

9           (17) In 1967, both Chickahominy tribes lost  
10          their school to integration.

11          (18) In 1982–1984, Tsena Commocko Baptist  
12          built a new sanctuary to accommodate church  
13          growth.

14          (19) In 1983, the Chickahominy Indian Tribe-  
15          Eastern Division was granted State recognition  
16          along with 5 other Virginia Indian tribes.

17          (20) In 1985, the Virginia Council on Indians  
18          was organized as a State agency and the Chicka-  
19          hominy Indian Tribe-Eastern Division was appointed  
20          to a seat on the Council.

21          (21) In 1988, a nonprofit organization known  
22          as the United Indians of Virginia was formed. Chief  
23          Marvin “Strongoak” Bradby of the Eastern Band of  
24          the Chickahominy presently chairs the organization.

1 **SEC. 202. DEFINITIONS.**

2 For the purposes of this title—

3 (1) the term “Tribe” means the Chickahominy  
4 Indian Tribe—Eastern Division;

5 (2) the term “Secretary” means the Secretary  
6 of the Interior; and

7 (3) the term “member” means an enrolled  
8 member of the Tribe, as of the date of the enact-  
9 ment of this Act, or an individual who has been  
10 placed on the membership rolls of the Tribe in ac-  
11 cordance with this Act.

12 **SEC. 203. FEDERAL RECOGNITION.**

13 (a) FEDERAL RECOGNITION.—Federal recognition is  
14 hereby extended to the Tribe. All laws and regulations of  
15 the United States of general application to Indians or na-  
16 tions, tribes, or bands of Indians, including the Act of  
17 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
18 consistent with any specific provision of this Act, shall be  
19 applicable to the Tribe and its members.

20 (b) FEDERAL SERVICES AND BENEFITS.—

21 (1) IN GENERAL.—The Tribe and its members  
22 shall be eligible, on and after the date of the enact-  
23 ment of this Act, for all future services and benefits  
24 provided by the Federal Government to federally rec-  
25 ognized Indian tribes without regard to the existence  
26 of a reservation for the Tribe or the location of the

1 residence of any member on or near any Indian res-  
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-  
4 ery of Federal services to enrolled members of the  
5 Tribe, the Tribe’s service area shall be deemed to be  
6 the area comprised of New Kent County, Virginia.

7 **SEC. 204. MEMBERSHIP.**

8 Not later than 18 months after the date of the enact-  
9 ment of this Act, the Tribe shall submit to the Secretary  
10 a membership roll consisting of all individuals currently  
11 enrolled for membership in the Tribe. The qualifications  
12 for inclusion on the membership roll of the Tribe shall be  
13 determined by the membership clauses in the Tribe’s gov-  
14 erning document, in consultation with the Secretary. Upon  
15 completion of the roll, the Secretary shall immediately  
16 publish notice of such in the Federal Register. The Tribe  
17 shall ensure that such roll is maintained and kept current.

18 **SEC. 205. CONSTITUTION AND GOVERNING BODY.**

19 (a) CONSTITUTION.—

20 (1) ADOPTION.—Not later than 24 months  
21 after the date of the enactment of this Act, the  
22 Tribe shall conduct, by secret ballot, an election to  
23 adopt a constitution and bylaws for the Tribe.

24 (2) INTERIM GOVERNING DOCUMENTS.—Until  
25 such time as a new constitution is adopted under

1 paragraph (1), the governing documents in effect on  
2 the date of enactment of this Act shall be the in-  
3 terim governing documents for the Tribe.

4 (b) OFFICIALS.—

5 (1) ELECTION.—Not later than 6 months after  
6 the Tribe adopts a constitution and bylaws pursuant  
7 to subsection (a), the Tribe shall conduct elections  
8 by secret ballot for the purpose of electing officials  
9 for the Tribe as provided in the constitution and by-  
10 laws.

11 (2) INTERIM GOVERNMENT.—Until such time  
12 as the Tribe elects new officials pursuant to para-  
13 graph (1), the governing body of the Tribe shall be  
14 the governing body in place on the date of the enact-  
15 ment of this Act, or any new governing body selected  
16 under the election procedures specified in the in-  
17 terim governing documents of the Tribe.

18 **SEC. 206. RESERVATION OF THE TRIBE.**

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of law, if, not later than 25 years after the date of  
21 the enactment of this Act, the Tribe transfers any land  
22 within the boundaries of New Kent County, James City  
23 County, or Henrico County, Virginia, to the Secretary, the  
24 Secretary shall take such land into trust for the benefit  
25 of the Tribe.



1 (b) CONSTRUCTION.—Nothing in this section shall be  
 2 construed to satisfy the terms for an exception under sec-  
 3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 5 lands acquired by the Secretary in trust for the benefit  
 6 of an Indian tribe after October 17, 1988, under section  
 7 20(a) of such Act (25 U.S.C. 2719(a)).

8 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 9 **WATER RIGHTS.**

10 Nothing in this Act shall expand, reduce, or affect  
 11 in any manner any hunting, fishing, trapping, gathering,  
 12 or water rights of the Tribe and its members.

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

15 **SEC. 301. FINDINGS.**

16 Congress makes the following findings:

17 (1) From 1607 until 1646, the Chickahominies  
 18 lived about 20 miles from Jamestown; were major  
 19 players in English-Indian affairs in those years.  
 20 Mattaponis, who joined them later, lived farther  
 21 away. In 1646, the Chickahominies moved to  
 22 Mattaponi River basin, away from the English.

23 (2) In 1661, the Chickahominies sold land at  
 24 “the cliffs” on the Mattaponi River.

1           (3) In 1669, the Chickahominies appeared in  
2           the Virginia Colony’s census of Indian bowmen; lived  
3           then in “New Kent” County, which included the  
4           Mattaponi River basin at that time.

5           (4) In 1677, the Chickahominies and  
6           Mattaponis were subjects of the Queen of  
7           Pamunkey, who was a signatory to the Treaty of  
8           1677 with the King of England.

9           (5) In 1683, the Mattaponi town was attacked  
10          by Senecas; the Mattaponis took refuge with the  
11          Chickahominies, and the history of the 2 groups was  
12          intertwined for many years thereafter.

13          (6) In 1695, the Chickahominies/Mattaponis  
14          were assigned a reservation by the Virginia Colony  
15          and traded it for land at “the cliffs” they had owned  
16          before 1661 (now the Mattaponi Indian Reserva-  
17          tion).

18          (7) In 1711, the Chickahominies had a boy at  
19          the Indian School at the College of William and  
20          Mary.

21          (8) In 1726, the Virginia Colony discontinued  
22          funding of interpreters for the tribes. James Adams,  
23          who served as an interpreter to the tribes know  
24          today as the Upper Mattaponi and Chickahominy,  
25          elected to stay with the Upper Mattaponi. Today, a

1 majority of the Upper Mattaponi have “Adams” as  
2 their surname.

3 (9) In 1787, Thomas Jefferson, in Notes on the  
4 Commonwealth of Virginia, mentioned Mattaponis  
5 on reservation in King William County and said  
6 Chickahominies were “blended” with them and near-  
7 by Pamunkeys.

8 (10) In 1850, the United States census showed  
9 a nucleus of about 10 families, all ancestral to mod-  
10 ern Upper Mattaponis, living in central King Wil-  
11 liam County about 10 miles from the reservation.

12 (11) From 1853 until 1884, King William  
13 County marriage records listed Upper Mattaponis as  
14 “Indian” when marrying reservation people.

15 (12) From 1884 until the present, county mar-  
16 riage records usually call Upper Mattaponis “Indi-  
17 ans”.

18 (13) In 1901, Smithsonian anthropologist  
19 James Mooney heard about the Upper Mattaponis  
20 but did not visit them.

21 (14) In 1928, University of Pennsylvania an-  
22 thropologist Frank Speck published a book on mod-  
23 ern Virginia Indians with a section on the Upper  
24 Mattaponis.

1           (15) From 1929 to 1930, the Tribe’s leadership  
2           fought against a “colored” designation in the 1930  
3           United States Census, and won a compromise in  
4           which their Indian ancestry was recorded but ques-  
5           tioned.

6           (16) From 1942 until 1945, the Tribe’s leader-  
7           ship, with the help of Frank Speck and others,  
8           fought against the Tribe’s young men being inducted  
9           into “colored” units in the Armed Forces. A tribal  
10          roll was compiled.

11          (17) From 1945 to 1946, negotiations to get  
12          some of the Tribe’s young people admitted to high  
13          schools for Federal Indians (especially at Cherokee);  
14          no high school coursework was available for Indians  
15          in Virginia schools.

16          (18) In 1983, the Upper Mattaponi Tribe ap-  
17          plied for and won State recognition.

18 **SEC. 302. DEFINITIONS.**

19          For the purposes of this title—

20               (1) the term “Tribe” means the Upper  
21          Mattaponi Tribe;

22               (2) the term “Secretary” means the Secretary  
23          of the Interior; and

24               (3) the term “member” means an enrolled  
25          member of the Tribe, as of the date of the enact-

1       ment of this Act, or an individual who has been  
2       placed on the membership rolls of the Tribe in ac-  
3       cordance with this Act.

4   **SEC. 303. FEDERAL RECOGNITION.**

5       (a) **FEDERAL RECOGNITION.**—Federal recognition is  
6       hereby extended to the Tribe. All laws and regulations of  
7       the United States of general application to Indians or na-  
8       tions, tribes, or bands of Indians, including the Act of  
9       June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
10      consistent with any specific provision of this Act, shall be  
11      applicable to the Tribe and its members.

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

13           (1) **IN GENERAL.**—The Tribe and its members  
14      shall be eligible, on and after the date of the enact-  
15      ment of this Act, for all future services and benefits  
16      provided by the Federal Government to federally rec-  
17      ognized Indian tribes without regard to the existence  
18      of a reservation for the Tribe or the location of the  
19      residence of any member on or near any Indian res-  
20      ervation.

21           (2) **SERVICE AREA.**—For purposes of the deliv-  
22      ery of Federal services to enrolled members of the  
23      Tribe, the Tribe’s service area shall be deemed to be  
24      the area comprised of King William, Richmond,  
25      Henrico, Petersburg, Chesterfield, Newport News,

1       Chesapeake, Hanover, and Hopewell Counties in the  
2       Commonwealth of Virginia.

3   **SEC. 304. MEMBERSHIP.**

4       Not later than 18 months after the date of the enact-  
5   ment of this Act, the Tribe shall submit to the Secretary  
6   a membership roll consisting of all individuals currently  
7   enrolled for membership in the Tribe. The qualifications  
8   for inclusion on the membership roll of the Tribe shall be  
9   determined by the membership clauses in the Tribe's gov-  
10   erning document, in consultation with the Secretary. Upon  
11   completion of the roll, the Secretary shall immediately  
12   publish notice of such in the Federal Register. The Tribe  
13   shall ensure that such roll is maintained and kept current.

14   **SEC. 305. CONSTITUTION AND GOVERNING BODY.**

15       (a) CONSTITUTION.—

16           (1) ADOPTION.—Not later than 24 months  
17   after the date of the enactment of this Act, the  
18   Tribe shall conduct, by secret ballot, an election to  
19   adopt a constitution and bylaws for the Tribe.

20           (2) INTERIM GOVERNING DOCUMENTS.—Until  
21   such time as a new constitution is adopted under  
22   paragraph (1), the governing documents in effect on  
23   the date of enactment of this Act shall be the in-  
24   terim governing documents for the Tribe.

25       (b) OFFICIALS.—

1           (1) ELECTION.—Not later than 6 months after  
2           the Tribe adopts a constitution and bylaws pursuant  
3           to subsection (a), the Tribe shall conduct elections  
4           by secret ballot for the purpose of electing officials  
5           for the Tribe as provided in the constitution and by-  
6           laws.

7           (2) INTERIM GOVERNMENT.—Until such time  
8           as the Tribe elects new officials pursuant to para-  
9           graph (1), the governing body of the Tribe shall be  
10          the governing body in place on the date of the enact-  
11          ment of this Act, or any new governing body selected  
12          under the election procedures specified in the in-  
13          terim governing documents of the Tribe.

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

15          (a) IN GENERAL.—Notwithstanding any other provi-  
16          sion of law, if the Tribe transfers any land within the  
17          boundaries of King William County to the Secretary, the  
18          Secretary shall take such land into trust for the benefit  
19          of the Tribe.

20          (b) CONSTRUCTION.—Nothing in this section shall be  
21          construed to satisfy the terms for an exception under sec-  
22          tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
23          U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
24          lands acquired by the Secretary in trust for the benefit

1 of an Indian tribe after October 17, 1988, under section  
2 20(a) of such Act (25 U.S.C. 2719(a)).

3 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
4 **WATER RIGHTS.**

5 Nothing in this Act shall expand, reduce, or affect  
6 in any manner any hunting, fishing, trapping, gathering,  
7 or water rights of the Tribe and its members.

8 **TITLE IV—RAPPAHANNOCK**  
9 **TRIBE**

10 **SEC. 401. FINDINGS.**

11 Congress makes the following findings:

12 (1) During the initial months after Virginia was  
13 settled, the Rappahannocks had 3 encounters with  
14 Captain John Smith. The first occurred when the  
15 Rappahannock weroance (headman) traveled to  
16 Quiyocohannock (a principal town across the James  
17 River from Jamestown) where he met with the Eng-  
18 lishman to determine if Smith had been the “great  
19 man” who had previously sailed into the Rappahan-  
20 nock River, killed a Rappahannock weroance, and  
21 kidnaped Rappahannock people. He determined that  
22 Smith was too short to be that “great man”. On a  
23 second meeting, during John Smith’s captivity (De-  
24 cember 16, 1607 to January 8, 1608), Smith was  
25 taken to the Rappahannock principal village to show



1 the people that Smith was not the “great man.” A  
2 third meeting took place during Smith’s exploration  
3 of the Chesapeake Bay (July to September 1608),  
4 when Smith was prevailed upon to make peace be-  
5 tween the Rappahannock and the Moraughtacund  
6 Indians. The Moraughtacunds had stolen 3 women  
7 from the Rappahannock King. In the settlement,  
8 Smith had the 2 tribes meet on the spot of their  
9 first fight. When it was established that both sides  
10 wanted peace, Smith told the Rappahannock King to  
11 select which of the 3 women he wanted; the  
12 Moraughtacund King got second choice; Mosco, a  
13 Wighcocomoco (on the Potomac River) guide, was  
14 given the third woman.

15 (2) In 1645, Captain William Claiborne tried  
16 unsuccessfully to establish treaty relations with the  
17 Rappahannocks. The Rappahannocks had not par-  
18 ticipated in the Pamunkey-led uprising in 1644, and  
19 the English wanted to “treat with the  
20 Rappahannocks or any other Indians not in amity  
21 with Opechancanough, concerning serving the county  
22 against the Pamukeys”.

23 (3) In April 1651, the Rappahannocks conveyed  
24 their first tract of land to an English settler, Colonel  
25 Morre Fauntleroy. The deed was signed by

1       Accopatough, weroance of the Rappahannock Indi-  
2       ans.

3           (4) In September 1653, Lancaster County  
4       signed a treaty with Rappahannock Indians. The  
5       terms of the treaty gave Rappahannocks the rights  
6       of Englishmen in the county court, and it tried to  
7       make the Rappahannocks more accountable to  
8       English law.

9           (5) In September 1653, Lancaster County de-  
10      fined and marked the bounds of its Indian settle-  
11      ments. According to the Lancaster clerk of court,  
12      “the tribe called the great Rappahannocks lived on  
13      the Rappahannock Creek just across the river above  
14      Tappahannock”.

15          (6) In September 1656, (Old) Rappahannock  
16      County (modern-day Richmond and Essex Counties)  
17      signed a treaty with Rappahannock Indians. The  
18      treaty mirrored the Lancaster County treaty from  
19      1653 (see above), and added 2 points:  
20      Rappahannocks were to be rewarded, in Roanoke,  
21      for returning English fugitives and the English en-  
22      couraged the Rappahannocks to send their children  
23      to live among the English as servants, who the  
24      English promised would be well treated.

1           (7) In 1658, the Virginia Assembly revised a  
2           1652 Act stating that “there be no grants of land  
3           to any Englishman whatsoever de futuro until the  
4           Indians be first served with the proportion of 50  
5           acres of land for each bowman”.

6           (8) In 1669, the colony conducted a census of  
7           Virginia Indians. At that time, the majority of the  
8           Rappahannocks were residing at their hunting vil-  
9           lage on the north side of the Mattaponi River. At  
10          the time of the visit, census takers were counting  
11          only the tribes along the rivers. This explains the  
12          low number of 30 Rappahannock bowmen counted  
13          on that river. The Rappahannocks used this hunting  
14          village on the north side of the Mattaponi River as  
15          their primary residence until they were removed in  
16          1684.

17          (9) In May 1677, the Treaty of Middle Planta-  
18          tion was signed with England. The Pamunkey  
19          Queen Cockacoeske signed on behalf of the  
20          Rappahannocks “who were supposed to be her tribu-  
21          taries”. However, before the treaty could be ratified,  
22          the Queen of Pamunkey complained to the Virginia  
23          Colonial Council “that she was having trouble with  
24          Rappahannocks and Chickahominies, supposedly  
25          tributaries of hers”.

1           (10) In November 1682, the Virginia Colonial  
2       Council established a reservation for the Rappahan-  
3       nock Indians of 3,474 acres “about the town where  
4       they dwelt”. The Rappahannocks “town” was their  
5       hunting village on the north side of the Mattaponi  
6       River, where they had lived throughout the 1670’s.  
7       The acreage allotment was based on the 1658 Indian  
8       land act (seen above), which translates into a bow-  
9       man population of 70, or an approximate total Rap-  
10      pahannock population of 350.

11          (11) In 1683, following raids by Iroquoian war-  
12      riors on both Indian and English settlements, the  
13      Virginia Colonial Council ordered the  
14      Rappahannocks to leave their reservation and unite  
15      with the Nanzatico Indians at Nanzatico Indian  
16      Town, which was located across and up the Rappa-  
17      hannock River some 30 miles.

18          (12) Between 1687 and 1699, the  
19      Rappahannocks migrated out of Nanzatico, return-  
20      ing to the south side of the Rappahannock River at  
21      Portobacco Indian Town.

22          (13) In 1706, by order of Essex County, Lieu-  
23      tenant Richard Covington “escorted” the  
24      Portobaccos and Rappahannocks out of Portobacco  
25      Indian Town, out of Essex County, and into King

1 and Queen County were they settled along the  
2 ridgeline between the Rappahannock and Mattaponi  
3 Rivers, the site of their ancient hunting village and  
4 1682 reservation.

5 (14) During the 1760's, 3 Rappahannock girls  
6 were raised on Thomas Nelson's "Bleak Hill" Plan-  
7 tation in King William County. One girl married a  
8 Saunders man, 1 a Johnson man, and the third had  
9 2 children, Edmund and Carter Nelson, fathered by  
10 Thomas Cary Nelson. In the 19th century, these  
11 Sauders, Johnson, and Nelson families are among  
12 the core Rappahannock families from which the  
13 modern tribe traces its descent.

14 (15) In 1819 and 1820, Edward Bird, John  
15 Bird and his unnamed wife, Carter Nelson, Edmund  
16 Nelson, and Carter Spurlock (all Rappahannock an-  
17 cestors) were listed on the tax roles of King and  
18 Queen County. They are taxed at the county poor  
19 rate. Edmund Bird is added to the list in 1821. This  
20 is significant documentation because the over-  
21 whelming majority of pre-1864 records for King and  
22 Queen County were destroyed by fire.

23 (16) Beginning in 1819, and continuing  
24 through the 1880's, there was a solid Rappahannock  
25 presence in the membership at Upper Essex Baptist

1 Church. This is the first instance of conversion to  
2 Christianity by at least some Rappahannocks. Twen-  
3 ty-six identifiable and traceable Rappahannock sur-  
4 names appear on the pre-1863 membership list; 28  
5 were listed on the 1863 membership roster; that  
6 number had declined to 12 in 1878 and had risen  
7 only slightly to 14 by 1888. One reason for the de-  
8 cline: in 1870, a Methodist circuit rider, Joseph  
9 Mastin, secured funds to purchase land and con-  
10 struct St. Stephens Baptist church for the  
11 Rappahannocks living nearby in Caroline County.  
12 Mastin documented from 1850 to 1870, “These In-  
13 dians, having a great need for moral and Christian  
14 guidance”. St. Stephens was the dominant tribal  
15 church until the Rappahannock Indian Baptist  
16 Church was established in 1964. At both, the core  
17 Rappahannock family names of Bird, Clarke, For-  
18 tune, Johnson, Nelson, Parker, and Richardson pre-  
19 dominate.

20 (17) During the early 1900’s, James Mooney,  
21 noted anthropologist, maintained correspondence  
22 with the Rappahannocks, surveying them and in-  
23 structing them on how to formalize their tribal gov-  
24 ernment.

1           (18) November 1920, Speck visited the  
2       Rappahannocks and assisted them in organizing the  
3       fight for their sovereign rights. In 1921, the  
4       Rappahannocks were granted a charter from the  
5       Commonwealth of Virginia formalizing their tribal  
6       government. Speck began a professional relationship  
7       with the Tribe that would last more than 30 years  
8       and document Rappahannock history and traditions  
9       as never done before.

10          (19) April 1921, Rappahannock Chief George  
11       Nelson asked the Governor of Virginia, Westmore-  
12       land Davis, to forward a proclamation to the Presi-  
13       dent of the United States. A list of tribal members  
14       and a handwritten copy of the proclamation itself  
15       were appended. The letter concerned Indian freedom  
16       of speech and assembly nationwide.

17          (20) In 1922, the Rappahannocks established a  
18       formal school at Lloyds, Essex County, Virginia.  
19       Prior to that time, Rappahannock children were  
20       taught by a tribal member in Central Point, Caroline  
21       County, Virginia.

22          (21) In December 1923, Rappahannock Chief  
23       George Nelson testified before the United States  
24       Congress appealing for a \$50,000 appropriation to  
25       establish an Indian school in Virginia.

1           (22) In 1930, the Rappahannocks were engaged  
2       in an ongoing dispute with the Commonwealth of  
3       Virginia and the United States Census Bureau  
4       about their classification in the 1930 Federal cen-  
5       sus. In January 1930, Rappahannock Chief Otho S.  
6       Nelson wrote to the Chief Statistician of the United  
7       States Census Bureau asking that the 218 enrolled  
8       Rappahannocks be listed as Indians. In February,  
9       Leon Truesdell replied to Nelson saying that “spe-  
10      cial instructions” were being given about classifying  
11      Indians. That April, Nelson wrote to William M.  
12      Steuart at the Census Bureau asking about the enu-  
13      merators’ failure to classify his people as Indians.  
14      Nelson said that enumerators had not asked the  
15      question about race when they interviewed his peo-  
16      ple. In a follow-up letter to Truesdell, Nelson re-  
17      ported that the enumerators were “flatly denying”  
18      his people’s request to be listed as Indians. Further-  
19      more, the race question was completely avoided dur-  
20      ing interviews. The Rappahannocks had talked with  
21      Caroline and Essex County enumerators, and with  
22      John M.W. Green already, without success. Nelson  
23      asked Truesdell to list people as Indian if he sent a  
24      list of members. The matter was settled by William  
25      Steuart who concluded that the Bureau’s rule was



1       that people of Indian descent could only be classified  
2       as “Indian” if Indian “blood” predominated and  
3       “Indian” identity was accepted in the local commu-  
4       nity. The Virginia Vital Statistics Bureau classed all  
5       nonreservation Indians as “negro”, and it failed to  
6       see why “an exception should be made” for the  
7       Rappahannocks. Therefore, in 1925, the Indian  
8       Rights Association took on the Rappahannock case  
9       to assist them in fighting for their recognition and  
10      rights as an Indian Tribe.

11           (23) During the Second World War, the  
12      Pamunkeys, Mattaponis, Chickahominies, and  
13      Rappahannocks had to fight the draft boards about  
14      their racial identity. The Virginia Vital Statistics  
15      Bureau insisted that certain Indian draftees be in-  
16      ducted into Negro units. In the end, 3  
17      Rappahannocks were convicted of violating the Fed-  
18      eral draft laws. After spending time in a Federal  
19      prison, they were granted conscientious objector sta-  
20      tus and served out the remainder of the war working  
21      in military hospitals.

22           (24) In 1943, Frank Speck noted that there  
23      were approximately 25 communities of Indians left  
24      in the Eastern United States that were entitled to

1 Indian classification. The Rappahannocks were in-  
2 cluded in this grouping.

3 (25) In the 1940's, Leon Truesdell, Chief Stat-  
4 istician, United States Bureau of the Census, listed  
5 118 members in the Rappahannock tribe in the In-  
6 dian population of Virginia.

7 (26) April 25, 1940, the United States Depart-  
8 ment of the Interior, Office of Indian Affairs in-  
9 cludes the Rappahannocks in their list of Tribes by  
10 State and Agency.

11 (27) In 1948, the Smithsonian Institution An-  
12 nual Report included an article by William Harlen  
13 Gilbert entitled, "Surviving Indian Groups of the  
14 Eastern United States". The Rappahannock Tribe  
15 was included and described in this article.

16 (28) In the late 1940's and early 1950's, the  
17 Rappahannocks operated a school at Indian Neck.  
18 The State agreed to pay a tribal teacher to teach 10  
19 students bused by King and Queen County to Shar-  
20 on Indian School in King William County, Virginia.  
21 In 1965, Rappahannock students entered Marriott  
22 High School (a white public school) by Executive  
23 order of the Governor of Virginia. In 1972, the  
24 Rappahannocks worked with the Coalition of East-  
25 ern Native Americans to fight for Federal recogni-

1       tion. In 1979, the Coalition established a pottery  
2       and artisans company, operating with other Virginia  
3       tribes. In 1980, the Rappahannocks received funding  
4       through the Administration for Native Americans, to  
5       develop an economic program for the Tribe.

6           (29) In 1983, the Rappahannocks received  
7       State recognition.

8       **SEC. 402. DEFINITIONS.**

9       For the purposes of this title—

10           (1) the term “Tribe” means the organization  
11       possessing the legal name Rappahannock Tribe, Inc.,  
12       only and no other tribe, subtribe, band, or splinter  
13       groups representing themselves as Rappahannocks;

14           (2) the term “Secretary” means the Secretary  
15       of the Interior; and

16           (3) the term “member” means an enrolled  
17       member of the Tribe, as of the date of the enact-  
18       ment of this Act, or an individual who has been  
19       placed on the membership rolls of the Tribe in ac-  
20       cordance with this Act.

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

22       (a) **FEDERAL RECOGNITION.**—Federal recognition is  
23       hereby extended to the Tribe, which entitles the  
24       Rappahannocks to all sovereign powers and rights as au-  
25       tonomous Native American Nations. All laws and regula-

1 tions of the United States of general application to Indi-  
2 ans or nations, tribes, or bands of Indians, including the  
3 Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are  
4 not inconsistent with any specific provision of this Act,  
5 shall be applicable to the Tribe and its members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

7 (1) IN GENERAL.—The Tribe and its members  
8 shall be eligible, on and after the date of the enact-  
9 ment of this Act, for all future services and benefits  
10 provided by the Federal Government to federally rec-  
11 ognized Indian tribes without regard to the existence  
12 of a reservation for the Tribe or the location of the  
13 residence of any member on or near any Indian res-  
14 ervation.

15 (2) SERVICE AREA.—For purposes of the deliv-  
16 ery of Federal services to enrolled members of the  
17 Tribe, the Tribe's service area shall be deemed to be  
18 the area comprised of King and Queen, Caroline,  
19 and Essex Counties, Virginia.

20 **SEC. 404. MEMBERSHIP.**

21 Not later than 18 months after the date of the enact-  
22 ment of this Act, the Tribe shall submit to the Secretary  
23 a membership roll consisting of all individuals currently  
24 enrolled for membership in the Tribe. The qualifications  
25 for inclusion on the membership roll of the Tribe shall be

1 determined by the membership clauses in the Tribe's gov-  
2 erning document, in consultation with the Secretary. Upon  
3 completion of the roll, the Secretary shall immediately  
4 publish notice of such in the Federal Register. The Tribe  
5 shall ensure that such roll is maintained and kept current.

6 **SEC. 405. CONSTITUTION AND GOVERNING BODY.**

7 (a) CONSTITUTION.—

8 (1) ADOPTION.—Not later than 24 months  
9 after the date of the enactment of this Act, the  
10 Tribe shall conduct, by secret ballot, an election to  
11 adopt a constitution and bylaws for the Tribe.

12 (2) INTERIM GOVERNING DOCUMENTS.—Until  
13 such time as a new constitution is adopted under  
14 paragraph (1), the governing documents in effect on  
15 the date of enactment of this Act shall be the in-  
16 terim governing documents for the Tribe.

17 (b) OFFICIALS.—

18 (1) ELECTION.—Not later than 6 months after  
19 the Tribe adopts a constitution and bylaws pursuant  
20 to subsection (a), the Tribe shall conduct elections  
21 by secret ballot for the purpose of electing officials  
22 for the Tribe as provided in the constitution and by-  
23 laws.

24 (2) INTERIM GOVERNMENT.—Until such time  
25 as the Tribe elects new officials pursuant to para-

1 graph (1), the governing body of the Tribe shall be  
2 the governing body in place on the date of the enact-  
3 ment of this Act, or any new governing body selected  
4 under the election procedures specified in the in-  
5 terim governing documents of the Tribe.

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

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, if the Tribe transfers the land described in  
9 subsection (b) and any other land within the boundaries  
10 of King and Queen County, Essex County, and Caroline  
11 County, Virginia, to the Secretary, the Secretary shall  
12 take such land into trust for the benefit of the Tribe.

13 (b) CONSTRUCTION.—Nothing in this section shall be  
14 construed to satisfy the terms for an exception under sec-  
15 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
16 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
17 lands acquired by the Secretary in trust for the benefit  
18 of an Indian tribe after October 17, 1988, under section  
19 20(a) of such Act (25 U.S.C. 2719(a)).

20 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
21 **WATER RIGHTS.**

22 Nothing in this Act shall expand, reduce, or affect  
23 in any manner any hunting, fishing, trapping, gathering,  
24 or water rights of the Tribe and its members.

1       **TITLE V—MONACAN TRIBE**

2   **SEC. 501. FINDINGS.**

3       Congress makes the following findings:

4           (1) In 1677, the Monacan Tribe signed the  
5       Treaty of Middle Plantation between Charles II of  
6       England and 12 Indian “Kings and Chief Men”.

7           (2) In 1722, in the Treaty of Albany, Governor  
8       Spotswood negotiated to save the Virginia Indians  
9       from extinction at the hands of the Iroquois. Specifi-  
10      cally mentioned are the Monacan tribes of the  
11      Totero (Tutelo), Saponi, Ocheneeches (Occaneechi),  
12      Stengenocks, and Meipontskys.

13          (3) In 1782, the First National Census records  
14      Benjamin Evans and Robert Johns, both ancestors  
15      of the present Monacan community. They are listed  
16      as white with mulatto children. Tax records also  
17      begin for these families.

18          (4) In 1850, the Census records 29 families,  
19      mostly large, with Monacan surnames, who are gene-  
20      alogically related to the present community.

21          (5) In 1870, a log structure at the Bear Moun-  
22      tain Indian Mission was built. In 1908, this struc-  
23      ture became an Episcopal Mission and is now listed  
24      as a National Historic Landmark.

1           (6) In 1920, 304 Amherst Indians are listed on  
2           the Census.

3           (7) From 1930 through 1931, a flurry of letters  
4           from Monacans to the United States Bureau of the  
5           Census results from Dr. Walter Plecker's (head of  
6           State Bureau of Vital Statistics) decision not to  
7           allow Indians to register as such for the 1930 cen-  
8           sus. The Monacans succeed in being allowed to claim  
9           their race, albeit with an asterisk attached to a note  
10          from Dr. Plecker stating that there are no Indians  
11          in Virginia.

12          (8) In 1947, D'Arcy McNickle, a Salish Indian,  
13          saw some of the children at the Amherst Mission  
14          and requested that the Cherokee Agency visit them  
15          because they appeared to be Indian. This letter was  
16          forwarded to the Department of the Interior, Office  
17          of Indian Affairs, Chicago, Illinois. Chief Jarrett  
18          Blythe of the Eastern Band of Cherokee did visit the  
19          Mission and wrote that he "would be willing to ac-  
20          cept these children in the Cherokee school".

21          (9) In 1979, a Federal Coalition of Eastern Na-  
22          tive Americans grant established the Monacan Co-  
23          operative Pottery at the Mission. Some important  
24          pieces are produced, including one that was sold to  
25          the Smithsonian.



1           (10) In 1981, the Mattaponi-Pamunkey-Mona-  
2           can Consortium was created and since organized as  
3           a nonprofit corporation that serves as a vehicle to  
4           obtain funds for the tribes through the Native Amer-  
5           ican Program of the Job Training Partnership Act  
6           (Department of Labor).

7           (11) In 1989, the Monacan Tribe is officially  
8           recognized by the Commonwealth of Virginia, which  
9           enables the Tribe to apply for grants and other pro-  
10          grams. In 1993, the Tribe received tax-exempt sta-  
11          tus as a nonprofit corporation from the Internal  
12          Revenue Service.

13 **SEC. 502. DEFINITIONS.**

14          For the purposes of this title—

15               (1) the term “Tribe” means the Monacan  
16          Tribe;

17               (2) the term “Secretary” means the Secretary  
18          of the Interior; and

19               (3) the term “member” means an enrolled  
20          member of the Tribe, as of the date of the enact-  
21          ment of this Act, or an individual who has been  
22          placed on the membership rolls of the Tribe in ac-  
23          cordance with this Act.

1 **SEC. 503. FEDERAL RECOGNITION.**

2 (a) FEDERAL RECOGNITION.—Federal recognition is  
3 hereby extended to the Tribe. All laws and regulations of  
4 the United States of general application to Indians or na-  
5 tions, tribes, or Tribes of Indians, including the Act of  
6 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
7 consistent with any specific provision of this Act, shall be  
8 applicable to the Tribe and its members.

9 (b) FEDERAL SERVICES AND BENEFITS.—

10 (1) IN GENERAL.—The Tribe and its members  
11 shall be eligible, on and after the date of the enact-  
12 ment of this Act, for all future services and benefits  
13 provided by the Federal Government to federally rec-  
14 ognized Indian tribes without regard to the existence  
15 of a reservation for the Tribe or the location of the  
16 residence of any member on or near any Indian res-  
17 ervation.

18 (2) SERVICE AREA.—For purposes of the deliv-  
19 ery of Federal services to enrolled members of the  
20 Tribe, the Tribe’s service area shall be deemed to be  
21 the area comprised of all lands within 150 miles of  
22 the center of Amherst, Virginia.

23 **SEC. 504. MEMBERSHIP.**

24 Not later than 18 months after the date of the enact-  
25 ment of this Act, the Tribe shall submit to the Secretary  
26 a membership roll consisting of all individuals currently

1 enrolled for membership in the Tribe. The qualifications  
2 for inclusion on the membership roll of the Tribe shall be  
3 determined by the membership clauses in the Tribe's gov-  
4 erning document, in consultation with the Secretary. Upon  
5 completion of the roll, the Secretary shall immediately  
6 publish notice of such in the Federal Register. The Tribe  
7 shall ensure that such roll is maintained and kept current.

8 **SEC. 505. CONSTITUTION AND GOVERNING BODY.**

9 (a) CONSTITUTION.—

10 (1) ADOPTION.—Not later than 24 months  
11 after the date of the enactment of this Act, the  
12 Tribe shall conduct, by secret ballot, an election to  
13 adopt a constitution and bylaws for the Tribe.

14 (2) INTERIM GOVERNING DOCUMENTS.—Until  
15 such time as a new constitution is adopted under  
16 paragraph (1), the governing documents in effect on  
17 the date of enactment of this Act shall be the in-  
18 terim governing documents for the Tribe.

19 (b) OFFICIALS.—

20 (1) ELECTION.—Not later than 6 months after  
21 the Tribe adopts a constitution and bylaws pursuant  
22 to subsection (a), the Tribe shall conduct elections  
23 by secret ballot for the purpose of electing officials  
24 for the Tribe as provided in the constitution and by-  
25 laws.

1           (2) INTERIM GOVERNMENT.—Until such time  
2       as the Tribe elects new officials pursuant to para-  
3       graph (1), the governing body of the Tribe shall be  
4       the governing body in place on the date of the enact-  
5       ment of this Act, or any new governing body selected  
6       under the election procedures specified in the in-  
7       terim governing documents of the Tribe.

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

9       (a) IN GENERAL.—Notwithstanding any other provi-  
10     sion of law, if the Tribe transfers to the Secretary a parcel  
11     consisting of approximately 10 acres located on Kenmore  
12     Road in Amherst County, Virginia, and a parcel of land  
13     consisting of approximately 165 acres located at the foot  
14     of Bear Mountain in Amherst County, Virginia, the Sec-  
15     retary shall take such land into trust for the benefit of  
16     the Tribe.

17     (b) CONSTRUCTION.—Nothing in this section shall be  
18     construed to satisfy the terms for an exception under sec-  
19     tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
20     U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
21     lands acquired by the Secretary in trust for the benefit  
22     of an Indian tribe after October 17, 1988, under section  
23     20(a) of such Act (25 U.S.C. 2719(a)).

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

3 Nothing in this Act shall expand, reduce, or affect  
4 in any manner any hunting, fishing, trapping, gathering,  
5 or water rights of the Tribe and its members.

6 **TITLE VI—NANSEMOND TRIBE**

7 **SEC. 601. FINDINGS.**

8 Congress makes the following findings:

9 (1) From 1607 until 1646, Nansemonds lived  
10 about 30 miles from Jamestown; were major players  
11 in English-Indian affairs in those years. After 1646,  
12 there were 2 sections of the tribe, in communication  
13 with each other: the Christianized Nansemonds in  
14 Norfolk County lived as citizens, while the tradition-  
15 alist Nansemonds farther west (various counties)  
16 had a reservation.

17 (2) In 1638, a Norfolk County Englishman  
18 married a Nansemond woman, according to an entry  
19 in a 17th century sermon book still owned by the  
20 Chief's family. The couple are lineal ancestors of all  
21 of the present Nansemond tribe (so are some of the  
22 traditionalists).

23 (3) In 1669, the Tribe's 2 sections appeared in  
24 Virginia Colony's census of Indian bowmen.

25 (4) In 1677, Nansemonds were signatories to  
26 the Treaty of 1677 with the King of England.

1           (5) In 1700 and 1704, the Nansemonds and  
2           other Virginia tribes were prevented by Virginia Col-  
3           ony from making a separate peace with the Iroquois.  
4           Virginia represented them in the final Treaty of Al-  
5           bany, 1722.

6           (6) In 1711, the Nansemonds had a boy at the  
7           Indian School at the College of William and Mary.

8           (7) In 1727, Norfolk County allowed to William  
9           Bass and kinsmen the “Indian privileges” of clear-  
10          ing swamp land and bearing arms (forbidden to  
11          other nonwhites) because of their Nansemond de-  
12          scend, which meant they were original inhabitants of  
13          said land.

14          (8) In 1742, Norfolk County issued a certificate  
15          of Nansemond descent to William Bass.

16          (9) From the 1740’s to the 1790’s, the tradi-  
17          tionalist section of the Nansemond tribe, 40 miles  
18          west, was dealing with reservation lands. The last  
19          surviving members of that section sold out in 1792,  
20          with permission of the Commonwealth of Virginia.

21          (10) In 1797, Norfolk County issued a certifi-  
22          cate stating that William Bass was of Indian and  
23          English descent; the Indian line of ancestry ran di-  
24          rectly back to the early 18th century elder in a tra-  
25          ditionalist section of Nansemonds on the reservation.

1           (11) In 1833, a State law passed enabling Eu-  
2       ropean and Indian descended people to get a special  
3       certificate of ancestry; a bill originated from the  
4       county where Nansemonds lived, and mostly  
5       Nansemonds took advantage of the law (few people  
6       in other counties).

7           (12) Around 1850, a Methodist mission was es-  
8       tablished for Nansemonds which is now a standard  
9       Methodist congregation and still with Nansemond  
10      members.

11          (13) In 1901, Smithsonian anthropologist  
12      James Mooney visited the Nansemonds and took a  
13      tribal census counting 61 households. The census  
14      was later published.

15          (14) In 1922, Nansemonds got a special Indian  
16      school in Norfolk County's segregated school system.  
17      The school survived only a few years.

18          (15) In 1928, University of Pennsylvania an-  
19      thropologist Frank Speck published a book on mod-  
20      ern Virginia Indians with a section on the  
21      Nansemonds.

22          (16) In 1984, the Nansemonds were organized  
23      formally, with elected officers; then applied for and  
24      won State recognition.

1 **SEC. 602. DEFINITIONS.**

2 For the purposes of this title—

3 (1) the term “Tribe” means the Nansemond  
4 Tribe;

5 (2) the term “Secretary” means the Secretary  
6 of the Interior; and

7 (3) the term “member” means an enrolled  
8 member of the Tribe, as of the date of the enact-  
9 ment of this Act, or an individual who has been  
10 placed on the membership rolls of the Tribe in ac-  
11 cordance with this Act.

12 **SEC. 603. FEDERAL RECOGNITION.**

13 (a) FEDERAL RECOGNITION.—Federal recognition is  
14 hereby extended to the Tribe. All laws and regulations of  
15 the United States of general application to Indians or na-  
16 tions, tribes, or bands of Indians, including the Act of  
17 June 18, 1934 (25 U.S.C. 461 et seq.) which are not in-  
18 consistent with any specific provision of this Act, shall be  
19 applicable to the Tribe and its members.

20 (b) FEDERAL SERVICES AND BENEFITS.—

21 (1) IN GENERAL.—The Tribe and its members  
22 shall be eligible, on and after the date of the enact-  
23 ment of this Act, for all future services and benefits  
24 provided by the Federal Government to federally rec-  
25 ognized Indian tribes without regard to the existence  
26 of a reservation for the Tribe or the location of the



1 residence of any member on or near any Indian res-  
2 ervation.

3 (2) SERVICE AREA.—For purposes of the deliv-  
4 ery of Federal services to enrolled members of the  
5 Tribe, the Tribe’s service area shall be deemed to be  
6 the area comprised of the cities of Chesapeake,  
7 Hampton, Newport News, Norfolk, Portsmouth, Suf-  
8 folk, and Virginia Beach, Virginia.

9 **SEC. 604. MEMBERSHIP.**

10 Not later than 18 months after the date of the enact-  
11 ment of this Act, the Tribe shall submit to the Secretary  
12 a membership roll consisting of all individuals currently  
13 enrolled for membership in the Tribe. The qualifications  
14 for inclusion on the membership roll of the Tribe shall be  
15 determined by the membership clauses in the Tribe’s gov-  
16 erning document, in consultation with the Secretary. Upon  
17 completion of the roll, the Secretary shall immediately  
18 publish notice of such in the Federal Register. The Tribe  
19 shall ensure that such roll is maintained and kept current.

20 **SEC. 605. CONSTITUTION AND GOVERNING BODY.**

21 (a) CONSTITUTION.—

22 (1) ADOPTION.—Not later than 24 months  
23 after the date of the enactment of this Act, the  
24 Tribe shall conduct, by secret ballot, an election to  
25 adopt a constitution and bylaws for the Tribe.

1           (2) INTERIM GOVERNING DOCUMENTS.—Until  
2       such time as a new constitution is adopted under  
3       paragraph (1), the governing documents in effect on  
4       the date of enactment of this Act shall be the in-  
5       terim governing documents for the Tribe.

6       (b) OFFICIALS.—

7           (1) ELECTION.—Not later than 6 months after  
8       the Tribe adopts a constitution and bylaws pursuant  
9       to subsection (a), the Tribe shall conduct elections  
10      by secret ballot for the purpose of electing officials  
11      for the Tribe as provided in the constitution and by-  
12      laws.

13          (2) INTERIM GOVERNMENT.—Until such time  
14      as the Tribe elects new officials pursuant to para-  
15      graph (1), the governing body of the Tribe shall be  
16      the governing body in place on the date of the enact-  
17      ment of this Act, or any new governing body selected  
18      under the election procedures specified in the in-  
19      terim governing documents of the Tribe.

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

21          (a) IN GENERAL.—Notwithstanding any other provi-  
22      sion of law, if the Tribe transfers any land it acquires to  
23      the Secretary, the Secretary may take such land into trust  
24      for the benefit of the Tribe.

1       (b) CONSTRUCTION.—Nothing in this section shall be  
2 construed to satisfy the terms for an exception under sec-  
3 tion 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
4 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
5 lands acquired by the Secretary in trust for the benefit  
6 of an Indian tribe after October 17, 1988, under section  
7 20(a) of such Act (25 U.S.C. 2719(a)).

8       **SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
9                               **WATER RIGHTS.**

10       Nothing in this Act shall expand, reduce, or affect  
11 in any manner any hunting, fishing, trapping, gathering,  
12 or water rights of the Tribe and its members.

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