

111TH CONGRESS
1ST SESSION

H. R. 1385

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2009

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Thomasina E. Jordan Indian Tribes of Virginia Federal
 4 Recognition Act of 2009”.

5 (b) TABLE OF CONTENTS.—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.
 Sec. 102. Definitions.
 Sec. 103. Federal recognition.
 Sec. 104. Membership; governing documents.
 Sec. 105. Governing body.
 Sec. 106. Reservation of the Tribe.
 Sec. 107. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 108. Jurisdiction of Commonwealth of Virginia.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
 Sec. 202. Definitions.
 Sec. 203. Federal recognition.
 Sec. 204. Membership; governing documents.
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 Sec. 207. Hunting, fishing, trapping, gathering, and water rights.
 Sec. 208. Jurisdiction of Commonwealth of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
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TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.

Sec. 502. Definitions.

Sec. 503. Federal recognition.

Sec. 504. Membership; governing documents.

Sec. 505. Governing body.

Sec. 506. Reservation of the Tribe.

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

Sec. 508. Jurisdiction of Commonwealth of Virginia.

TITLE VI—NANSEMOND INDIAN TRIBE

Sec. 601. Findings.

Sec. 602. Definitions.

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Sec. 604. Membership; governing documents.

Sec. 605. Governing body.

Sec. 606. Reservation of the Tribe.

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

Sec. 608. Jurisdiction of Commonwealth of Virginia.

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

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (14) in 1919, C. Lee Moore, Auditor of Public
16 Accounts for Virginia, told Chickahominy Chief
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-
25 cies in Washington, DC;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 102. DEFINITIONS.**

23 In this title:

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

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

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

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

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

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

12 (a) FEDERAL RECOGNITION.—

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

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

22 (b) FEDERAL SERVICES AND BENEFITS.—

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

1 by the Federal Government to federally recognized
2 Indian tribes without regard to 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
18 of the date of enactment of this Act; or

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

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

23 (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 **SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

9 (a) IN GENERAL.—The Commonwealth of Virginia
10 shall exercise jurisdiction over—

11 (1) all criminal offenses that are committed on;

12 and

13 (2) all civil actions that arise on,

14 lands located within the Commonwealth of Virginia that
15 are owned by, or held in trust by the United States for,
16 the Tribe.

17 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
18 RETARY.—The Secretary of the Interior is authorized to
19 accept on behalf of the United States, after consulting
20 with the Attorney General of the United States, all or any
21 portion of the jurisdiction of the Commonwealth of Vir-
22 ginia described in subsection (a) upon verification by the
23 Secretary of a certification by a tribe that it possesses the
24 capacity to reassume such jurisdiction.

1 **TITLE II—CHICKAHOMINY IN-**
2 **DIAN TRIBE—EASTERN DIVI-**
3 **SION**

4 **SEC. 201. FINDINGS.**

5 Congress finds that—

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

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

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

16 (B) Sir Thomas Dale agreed in return to
17 allow the Tribe to continue to practice its own
18 tribal governance;

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

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

1 (5) in 1702, the Chickahominy were forced
2 from their reservation, which caused the loss of a
3 land base;

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

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

9 (8) in 1750, the Chickahominy Indian Tribe
10 began to migrate from King William County back to
11 the area around the Chickahominy River in New
12 Kent and Charles City Counties;

13 (9) in 1793, a Baptist missionary named
14 Bradby took refuge with the Chickahominy and took
15 a Chickahominy woman as his wife;

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

19 (11) in 1870, a census revealed an enclave of
20 Indians in New Kent County that is believed to be
21 the beginning of the Chickahominy Indian Tribe—
22 Eastern Division;

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

1 (13) in 1901, the Chickahominy Indian Tribe
2 formed Samaria Baptist Church;

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

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

9 (16) in 1910, a 1-room school covering grades
10 1 through 8 was established in New Kent County for
11 the Chickahominy Indian Tribe—Eastern Division;

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

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

17 (19) in 1922, Tsena Commocko Baptist Church
18 was organized;

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

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

1 (22) in 1967, the Chickahominy Indian Tribe
2 and the Chickahominy Indian Tribe—Eastern Divi-
3 sion lost their schools as a result of the required in-
4 tegration of students;

5 (23) during the period of 1982 through 1984,
6 Tsena Commocko Baptist Church built a new sanc-
7 tuary to accommodate church growth;

8 (24) in 1983 the Chickahominy Indian Tribe—
9 Eastern Division was granted State recognition
10 along with 5 other Virginia Indian tribes;

11 (25) in 1985—

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

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

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

18 (27) Chief Marvin “Strongoak” Bradby of the
19 Eastern Band of the Chickahominy presently chairs
20 the organization.

21 **SEC. 202. DEFINITIONS.**

22 In this title:

23 (1) SECRETARY.—The term “Secretary” means
24 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—Eastern Division.

11 **SEC. 203. 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 future services and benefits

1 provided by the Federal Government to federally rec-
2 ognized Indian tribes without regard to the existence
3 of a 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. 204. 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. 205. GOVERNING BODY.**

16 The governing body of the Tribe shall be—

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

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

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

23 (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. 207. 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 **SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

9 (a) IN GENERAL.—The Commonwealth of Virginia
10 shall exercise jurisdiction over—

11 (1) all criminal offenses that are committed on;

12 and

13 (2) all civil actions that arise on,

14 lands located within the Commonwealth of Virginia that
15 are owned by, or held in trust by the United States for,
16 the Tribe.

17 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
18 RETARY.—The Secretary of the Interior is authorized to
19 accept on behalf of the United States, after consulting
20 with the Attorney General of the United States, all or any
21 portion of the jurisdiction of the Commonwealth of Vir-
22 ginia described in subsection (a) upon verification by the
23 Secretary of a certification by a tribe that it possesses the
24 capacity to reassume such jurisdiction.

1 **TITLE III—UPPER MATTAPONI**
2 **TRIBE**

3 **SEC. 301. FINDINGS.**

4 Congress finds that—

5 (1) during the period of 1607 through 1646,
6 the Chickahominy Indian Tribes—

7 (A) lived approximately 20 miles from
8 Jamestown; and

9 (B) were significantly involved in English-
10 Indian affairs;

11 (2) Mattaponi Indians, who later joined the
12 Chickahominy Indians, lived a greater distance from
13 Jamestown;

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

16 (4) in 1661, the Chickahominy Indians sold
17 land at a place known as “the cliffs” on the
18 Mattaponi River;

19 (5) in 1669, the Chickahominy Indians—

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

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

24 (6) in 1677, the Chickahominy and Mattaponi
25 Indians were subjects of the Queen of Pamunkey,

1 who was a signatory to the Treaty of 1677 with the
2 King of England;

3 (7) in 1683, after a Mattaponi town was at-
4 tacked by Seneca Indians, the Mattaponi Indians
5 took refuge with the Chickahominy Indians, and the
6 history of the 2 groups was intertwined for many
7 years thereafter;

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

10 (A) were assigned a reservation by the Vir-
11 ginia Colony; and

12 (B) traded land of the reservation for land
13 at the place known as “the cliffs” (which, as of
14 the date of enactment of this Act, is the
15 Mattaponi Indian Reservation), which had been
16 owned by the Mattaponi Indians before 1661;

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

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

22 (11) James Adams, who served as an inter-
23 preter to the Indian tribes known as of the date of
24 enactment of this Act as the “Upper Mattaponi In-

1 dian Tribe” and “Chickahominy Indian Tribe”,
2 elected to stay with the Upper Mattaponi Indians;

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

5 (13) in 1787, Thomas Jefferson, in Notes on
6 the Commonwealth of Virginia, mentioned the
7 Mattaponi Indians on a reservation in King William
8 County and said that Chickahominy Indians were
9 “blended” with the Mattaponi Indians and nearby
10 Pamunkey Indians;

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

16 (15) during the period of 1853 through 1884,
17 King William County marriage records listed Upper
18 Mattaponis as “Indians” in marrying people residing
19 on the reservation;

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

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

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

5 (19) from 1929 until 1930, the leadership of
6 the Upper Mattaponi Indians opposed the use of a
7 “colored” designation in the 1930 United States
8 census and won a compromise in which the Indian
9 ancestry of the Upper Mattaponis was recorded but
10 questioned;

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

12 (A) the leadership of the Upper Mattaponi
13 Indians, with the help of Frank Speck and oth-
14 ers, fought against the induction of young men
15 of the Tribe into “colored” units in the Armed
16 Forces of the United States; and

17 (B) a tribal roll for the Upper Mattaponi
18 Indians was compiled;

19 (21) from 1945 to 1946, negotiations took
20 place to admit some of the young people of the
21 Upper Mattaponi to high schools for Federal Indians
22 (especially at Cherokee) because no high school
23 coursework was available for Indians in Virginia
24 schools; and

1 (22) in 1983, the Upper Mattaponi Indians ap-
2 plied for and won State recognition as an Indian
3 tribe.

4 **SEC. 302. 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 Upper Mattaponi Tribe.

18 **SEC. 303. FEDERAL RECOGNITION.**

19 (a) FEDERAL RECOGNITION.—

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

22 (2) APPLICABILITY OF LAWS.—All laws (includ-
23 ing regulations) of the United States of general ap-
24 plicability to Indians or nations, Indian tribes, or
25 bands of Indians (including the Act of June 18,

1 1934 (25 U.S.C. 461 et seq.)) that are not incon-
2 sistent with this title shall be applicable to the Tribe
3 and tribal members.

4 (b) FEDERAL SERVICES AND BENEFITS.—

5 (1) IN GENERAL.—On and after the date of en-
6 actment of this Act, the Tribe and tribal members
7 shall be eligible for all services and benefits provided
8 by the Federal Government to federally recognized
9 Indian tribes without regard to the existence of a
10 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 within 25 miles of the Sharon Indian
15 School at 13383 King William Road, King William
16 County, Virginia.

17 **SEC. 304. 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. 305. 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. 306. 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 King William County, Caroline County, Hanover
12 County, King and Queen County, and New Kent
13 County, Virginia; and

14 (2) may take into trust for the benefit of the
15 Tribe any land held in fee by the Tribe, if such
16 lands are located within the boundaries of King Wil-
17 liam County, Caroline County, Hanover County,
18 King and Queen County, and New Kent County,
19 Virginia.

20 (b) DEADLINE FOR DETERMINATION.—The Sec-
21 retary shall make a final written determination not later
22 than three years of the date which the Tribe submits a
23 request for land to be taken into trust under subsection
24 (a)(2) and shall immediately make that determination
25 available to the Tribe.

1 (c) RESERVATION STATUS.—Any land taken into
 2 trust for the benefit of the Tribe pursuant to this para-
 3 graph shall, upon request of the Tribe, be considered part
 4 of the reservation of the Tribe.

5 (d) GAMING.—The Tribe may not conduct gaming ac-
 6 tivities as a matter of claimed inherent authority or under
 7 the authority of any Federal law, including the Indian
 8 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
 9 any regulations thereunder promulgated by the Secretary
 10 or the National Indian Gaming Commission.

11 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 12 **WATER RIGHTS.**

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

16 **SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

17 (a) IN GENERAL.—The Commonwealth of Virginia
 18 shall exercise jurisdiction over—

19 (1) all criminal offenses that are committed on;
 20 and

21 (2) all civil actions that arise on,
 22 lands located within the Commonwealth of Virginia that
 23 are owned by, or held in trust by the United States for,
 24 the Tribe.

1 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
2 RETARY.—The Secretary of the Interior is authorized to
3 accept on behalf of the United States, after consulting
4 with the Attorney General of the United States, all or any
5 portion of the jurisdiction of the Commonwealth of Vir-
6 ginia described in subsection (a) upon verification by the
7 Secretary of a certification by a tribe that it possesses the
8 capacity to reassume such jurisdiction.

9 **TITLE IV—RAPPAHANNOCK**
10 **TRIBE, INC.**

11 **SEC. 401. FINDINGS.**

12 Congress finds that—

13 (1) during the initial months after Virginia was
14 settled, the Rappahannock Indians had 3 encounters
15 with Captain John Smith;

16 (2) the first encounter occurred when the Rap-
17 pahannock weroance (headman)—

18 (A) traveled to Quiyocohannock (a prin-
19 cipal town across the James River from James-
20 town), where he met with Smith to determine
21 whether Smith had been the “great man” who
22 had previously sailed into the Rappahannock
23 River, killed a Rappahannock weroance, and
24 kidnapped Rappahannock people; and

1 (B) determined that Smith was too short
2 to be that “great man”;

3 (3) on a second meeting, during John Smith’s
4 captivity (December 16, 1607 to January 8, 1608),
5 Smith was taken to the Rappahannock principal vil-
6 lage to show the people that Smith was not the
7 “great man”;

8 (4) a third meeting took place during Smith’s
9 exploration of the Chesapeake Bay (July to Sep-
10 tember 1608), when, after the Moraughtacund Indi-
11 ans had stolen 3 women from the Rappahannock
12 King, Smith was prevailed upon to facilitate a peace-
13 ful truce between the Rappahannock and the
14 Moraughtacund Indians;

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

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

20 (7) the Moraughtacund King was given second
21 choice among the 2 remaining women, and Mosco, a
22 Wighcocomoco (on the Potomac River) guide, was
23 given the third woman;

24 (8) in 1645, Captain William Claiborne tried
25 unsuccessfully to establish treaty relations with the

1 Rappahannocks, as the Rappahannocks had not par-
2 ticipated in the Pamunkey-led uprising in 1644, and
3 the English wanted to “treat with the
4 Rappahannocks or any other Indians not in amity
5 with Opechancanough, concerning serving the county
6 against the Pamunkeys”;

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

10 (10) the deed for the conveyance was signed by
11 Accopatough, weroance of the Rappahannock Indi-
12 ans;

13 (11) in September 1653, Lancaster County
14 signed a treaty with Rappahannock Indians, the
15 terms of which treaty—

16 (A) gave Rappahannocks the rights of
17 Englishmen in the county court; and

18 (B) attempted to make the Rappahannocks
19 more accountable under English law;

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

23 (13) according to the Lancaster clerk of court,
24 “the tribe called the great Rappahannocks lived on

1 the Rappahannock Creek just across the river above
2 Tappahannock”;

3 (14) in September 1656, (Old) Rappahannock
4 County (which, as of the date of enactment of this
5 Act, is comprised of Richmond and Essex Counties,
6 Virginia) signed a treaty with Rappahannock Indi-
7 ans that—

8 (A) mirrored the Lancaster County treaty
9 from 1653; and

10 (B) stated that—

11 (i) Rappahannocks were to be re-
12 warded, in Roanoke, for returning English
13 fugitives; and

14 (ii) the English encouraged the
15 Rappahannocks to send their children to
16 live among the English as servants, who
17 the English promised would be well-treat-
18 ed;

19 (15) in 1658, the Virginia Assembly revised a
20 1652 Act stating that “there be no grants of land
21 to any Englishman whatsoever de futuro until the
22 Indians be first served with the proportion of 50
23 acres of land for each bowman”;

24 (16) in 1669, the colony conducted a census of
25 Virginia Indians;

1 (17) as of the date of that census—

2 (A) the majority of the Rappahannocks
3 were residing at their hunting village on the
4 north side of the Mattaponi River; and

5 (B) at the time of the visit, census-takers
6 were counting only the Indian tribes along the
7 rivers, which explains why only 30 Rappahan-
8 nock bowmen were counted on that river;

9 (18) the Rappahannocks used the hunting vil-
10 lage on the north side of the Mattaponi River as
11 their primary residence until the Rappahannocks
12 were removed in 1684;

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

15 (20) the Pamunkey Queen Cockacoeske signed
16 on behalf of the Rappahannocks, “who were sup-
17 posed to be her tributaries”, but before the treaty
18 could be ratified, the Queen of Pamunkey com-
19 plained to the Virginia Colonial Council “that she
20 was having trouble with Rappahannocks and
21 Chickahominies, supposedly tributaries of hers”;

22 (21) in November 1682, the Virginia Colonial
23 Council established a reservation for the Rappahan-
24 nock Indians of 3,474 acres “about the town where
25 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;

5 (23) the acreage allotment of the reservation
6 was based on the 1658 Indian land act, which trans-
7 lates into a bowman population of 70, or an approxi-
8 mate total Rappahannock population of 350;

9 (24) in 1683, following raids by Iroquoian war-
10 riors on both Indian and English settlements, the
11 Virginia Colonial Council ordered the Rappahan-
12 nocks to leave their reservation and unite with the
13 Nanzatico Indians at Nanzatico Indian Town, which
14 was located across and up the Rappahannock River
15 some 30 miles;

16 (25) between 1687 and 1699, the Rappahan-
17 nocks migrated out of Nanzatico, returning to the
18 south side of the Rappahannock River at Portobacco
19 Indian Town;

20 (26) in 1706, by order of Essex County, Lieu-
21 tenant Richard Covington “escorted” the Portobac-
22 cos and Rappahannocks out of Portobacco Indian
23 Town, out of Essex County, and into King and
24 Queen County where they settled along the ridgeline
25 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) 1 married a Saunders man;

8 (B) 1 married a Johnson man; and

9 (C) 1 had 2 children, Edmund and Carter
10 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 26 identifiable and traceable Rappa-
7 hannock surnames appear on the pre-1863 member-
8 ship list, and 28 were listed on the 1863 member-
9 ship roster, the number of surnames listed had de-
10 clined to 12 in 1878 and had risen only slightly to
11 14 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 in-
4 structing them on how to formalize their tribal gov-
5 ernment;

6 (41) in November 1920, Speck visited the
7 Rappahannocks and assisted them in organizing the
8 fight for their sovereign rights;

9 (42) in 1921, the Rappahannocks were granted
10 a charter from the Commonwealth of Virginia for-
11 malizing their tribal government;

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

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

22 (45) the letter concerned Indian freedom of
23 speech and assembly nationwide;

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

1 (47) prior to establishment of the school, Rappahannock children were taught by a tribal member
2 in Central Point, Caroline County, Virginia;

3 (48) in December 1923, Rappahannock Chief
4 George Nelson testified before Congress appealing
5 for a \$50,000 appropriation to establish an Indian
6 school in Virginia;

7 (49) in 1930, the Rappahannocks were engaged
8 in an ongoing dispute with the Commonwealth of
9 Virginia and the United States Census Bureau
10 about their classification in the 1930 Federal cen-
11 sus;

12 (50) in January 1930, Rappahannock Chief
13 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-
14 istician of the United States Census Bureau, asking
15 that the 218 enrolled Rappahannocks be listed as
16 Indians;

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

20 (52) in April 1930, Nelson wrote to William M.
21 Steuart at the Census Bureau asking about the enu-
22 merators’ failure to classify his people as Indians,
23 saying that enumerators had not asked the question
24 about race when they interviewed his people;
25

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
25 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
25 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.

1 **SEC. 402. DEFINITIONS.**

2 In this title:

3 (1) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (2) TRIBAL MEMBER.—The term “tribal mem-
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.—

14 (A) IN GENERAL.—The term “Tribe”
15 means the organization possessing the legal
16 name Rappahannock Tribe, Inc.

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

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

22 (a) FEDERAL RECOGNITION.—

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

25 (2) APPLICABILITY OF LAWS.—All laws (includ-
26 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 title shall be applicable to the Tribe
5 and tribal members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

13 (2) SERVICE AREA.—For the purpose of the de-
14 livery of Federal services to tribal members, the
15 service area of the Tribe shall be considered to be
16 the area comprised of King and Queen County,
17 Caroline County, Essex County, Spotsylvania Coun-
18 ty, Stafford County, and Richmond County, Vir-
19 ginia.

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

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

1 **SEC. 405. GOVERNING BODY.**

2 The governing body of the Tribe shall be—

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

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

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

9 (a) IN GENERAL.—Upon the request of the Tribe, the
10 Secretary of the Interior—

11 (1) shall take into trust for the benefit of the
12 Tribe any land held in fee by the Tribe that was ac-
13 quired by the Tribe on or before January 1, 2007,
14 if such lands are located within the boundaries of
15 King and Queen County, Stafford County, Spotsyl-
16 vania County, Richmond County, Essex County, and
17 Caroline County, Virginia; and

18 (2) may take into trust for the benefit of the
19 Tribe any land held in fee by the Tribe, if such
20 lands are located within the boundaries of King and
21 Queen County, Stafford County, Spotsylvania Coun-
22 ty, Richmond County, Essex County, and Caroline
23 County, Virginia.

24 (b) DEADLINE FOR DETERMINATION.—The Sec-
25 retary shall make a final written determination not later
26 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 **SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

20 (a) IN GENERAL.—The Commonwealth of Virginia
 21 shall exercise jurisdiction over—

- 22 (1) all criminal offenses that are committed on;
 23 and
 24 (2) all civil actions that arise on,

1 lands located within the Commonwealth of Virginia that
 2 are owned by, or held in trust by the United States for,
 3 the Tribe.

4 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
 5 RETARY.—The Secretary of the Interior is authorized to
 6 accept on behalf of the United States, after consulting
 7 with the Attorney General of the United States, all or any
 8 portion of the jurisdiction of the Commonwealth of Vir-
 9 ginia described in subsection (a) upon verification by the
 10 Secretary of a certification by a tribe that it possesses the
 11 capacity to reassume such jurisdiction.

12 **TITLE V—MONACAN INDIAN** 13 **NATION**

14 **SEC. 501. FINDINGS.**

15 Congress finds that—

16 (1) in 1677, the Monacan Tribe signed the
 17 Treaty of Middle Plantation between Charles II of
 18 England and 12 Indian “Kings and Chief Men”;

19 (2) in 1722, in the Treaty of Albany, Governor
 20 Spotswood negotiated to save the Virginia Indians
 21 from extinction at the hands of the Iroquois;

22 (3) specifically mentioned in the negotiations
 23 were the Monacan tribes of the Totero (Tutelo),
 24 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
 25 Meipontskys;

1 (4) in 1790, the first national census recorded
2 Benjamin Evans and Robert Johns, both ancestors
3 of the present Monacan community, listed as
4 “white” with mulatto children;

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

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

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

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

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

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

1 (11) the Monacans eventually succeeded in
2 being allowed to claim their race, albeit with an as-
3 terisk attached to a note from Dr. Plecker stating
4 that there were no Indians in Virginia;

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

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

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

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

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

23 (17) the Mattaponi-Pamunkey-Monacan Con-
24 sortium, established in 1981, has since been orga-
25 nized as a nonprofit corporation that serves as a ve-

1 hicle to obtain funds for those Indian tribes from the
2 Department of Labor under Native American pro-
3 grams;

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

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

11 **SEC. 502. DEFINITIONS.**

12 In this title:

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

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

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

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

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

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

2 (a) FEDERAL RECOGNITION.—

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

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

12 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

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

25 The membership roll and governing documents of the
26 Tribe shall be the most recent membership roll and gov-

1 erning documents, respectively, submitted by the Tribe to
2 the Secretary before the date of enactment of this Act.

3 **SEC. 505. GOVERNING BODY.**

4 The governing body of the Tribe shall be—

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

7 (2) any subsequent governing body elected in
8 accordance with the election procedures specified in
9 the governing documents of the Tribe.

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

11 (a) IN GENERAL.—Upon the request of the Tribe, the
12 Secretary of the Interior—

13 (1) shall take into trust for the benefit of the
14 Tribe any land held in fee by the Tribe that was ac-
15 quired by the Tribe on or before January 1, 2007,
16 if such lands are located within the boundaries of
17 Amherst County, Virginia; and

18 (2) may take into trust for the benefit of the
19 Tribe any land held in fee by the Tribe, if such
20 lands are located within the boundaries of Amherst
21 County, Virginia, and those parcels in Rockbridge
22 County, Virginia (subject to the consent of the local
23 unit of government), owned by Mr. J. Poole, de-
24 scribed as East 731 Sandbridge (encompassing ap-

1 proximately 4.74 acres) and East 731 (encom-
2 passing approximately 5.12 acres)).

3 (b) DEADLINE FOR DETERMINATION.—The Sec-
4 retary shall make a final written determination not later
5 than three years of the date which the Tribe submits a
6 request for land to be taken into trust under subsection
7 (a)(2) and shall immediately make that determination
8 available to the Tribe.

9 (c) RESERVATION STATUS.—Any land taken into
10 trust for the benefit of the Tribe pursuant to this para-
11 graph shall, upon request of the Tribe, be considered part
12 of the reservation of the Tribe.

13 (d) GAMING.—The Tribe may not conduct gaming ac-
14 tivities as a matter of claimed inherent authority or under
15 the authority of any Federal law, including the Indian
16 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
17 any regulations thereunder promulgated by the Secretary
18 or the National Indian Gaming Commission.

19 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
20 **WATER RIGHTS.**

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

1 **SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

2 (a) IN GENERAL.—The Commonwealth of Virginia
3 shall exercise jurisdiction over—

4 (1) all criminal offenses that are committed on;
5 and

6 (2) all civil actions that arise on,
7 lands located within the Commonwealth of Virginia that
8 are owned by, or held in trust by the United States for,
9 the Tribe.

10 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
11 RETARY.—The Secretary of the Interior is authorized to
12 accept on behalf of the United States, after consulting
13 with the Attorney General of the United States, all or any
14 portion of the jurisdiction of the Commonwealth of Vir-
15 ginia described in subsection (a) upon verification by the
16 Secretary of a certification by a tribe that it possesses the
17 capacity to reassume such jurisdiction.

18 **TITLE VI—NANSEMOND INDIAN**
19 **TRIBE**

20 **SEC. 601. FINDINGS.**

21 Congress finds that—

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

24 (A) lived approximately 30 miles from
25 Jamestown; and

1 (B) were significantly involved in English-
2 Indian affairs;

3 (2) after 1646, there were 2 sections of
4 Nansemonds in communication with each other, the
5 Christianized Nansemonds in Norfolk County, who
6 lived as citizens, and the traditionalist Nansemonds,
7 who lived further west;

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

12 (4) that man and woman are lineal ancestors of
13 all of members of the Nansemond Indian tribe alive
14 as of the date of enactment of this Act, as are some
15 of the traditionalist Nansemonds;

16 (5) in 1669, the 2 Nansemond sections ap-
17 peared in Virginia Colony's census of Indian bow-
18 men;

19 (6) in 1677, Nansemond Indians were signato-
20 ries to the Treaty of 1677 with the King of Eng-
21 land;

22 (7) in 1700 and 1704, the Nansemonds and
23 other Virginia Indian tribes were prevented by Vir-
24 ginia Colony from making a separate peace with the
25 Iroquois;

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

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

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

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

14 (12) from the 1740s to the 1790s, the tradi-
15 tionalist section of the Nansemond tribe, 40 miles
16 west of the Christianized Nansemonds, was dealing
17 with reservation land;

18 (13) the last surviving members of that section
19 sold out in 1792 with the permission of the Com-
20 monwealth of Virginia;

21 (14) in 1797, Norfolk County issued a certifi-
22 cate stating that William Bass was of Indian and
23 English descent, and that his Indian line of ancestry
24 ran directly back to the early 18th century elder in

1 a traditionalist section of Nansemonds on the res-
2 ervation;

3 (15) in 1833, Virginia enacted a law enabling
4 people of European and Indian descent to obtain a
5 special certificate of ancestry;

6 (16) the law originated from the county in
7 which Nansemonds lived, and mostly Nansemonds,
8 with a few people from other counties, took advan-
9 tage of the new law;

10 (17) a Methodist mission established around
11 1850 for Nansemonds is currently a standard Meth-
12 odist congregation with Nansemond members;

13 (18) in 1901, Smithsonian anthropologist
14 James Mooney—

15 (A) visited the Nansemonds; and

16 (B) completed a tribal census that counted
17 61 households and was later published;

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

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

22 (21) in 1928, University of Pennsylvania an-
23 thropologist Frank Speck published a book on mod-
24 ern Virginia Indians that included a section on the
25 Nansemonds; and

1 (22) the Nansemonds were organized formally,
2 with elected officers, in 1984, and later applied for
3 and received State recognition.

4 **SEC. 602. 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 Nansemond Indian Tribe.

18 **SEC. 603. FEDERAL RECOGNITION.**

19 (a) FEDERAL RECOGNITION.—

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

22 (2) APPLICABILITY OF LAWS.—All laws (includ-
23 ing regulations) of the United States of general ap-
24 plicability to Indians or nations, Indian tribes, or
25 bands of Indians (including the Act of June 18,

1 1934 (25 U.S.C. 461 et seq.)) that are not incon-
2 sistent with this title shall be applicable to the Tribe
3 and tribal members.

4 (b) FEDERAL SERVICES AND BENEFITS.—

5 (1) IN GENERAL.—On and after the date of en-
6 actment of this Act, the Tribe and tribal members
7 shall be eligible for all services and benefits provided
8 by the Federal Government to federally recognized
9 Indian tribes without regard to the existence of a
10 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 the cities of Chesapeake,
15 Hampton, Newport News, Norfolk, Portsmouth, Suf-
16 folk, and Virginia Beach, Virginia.

17 **SEC. 604. 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. 605. 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. 606. 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 the city of Suffolk, the city of Chesapeake, or Isle
12 of Wight 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 the city
16 of Suffolk, the city of Chesapeake, or Isle of Wight
17 County, Virginia.

18 (b) DEADLINE FOR DETERMINATION.—The Sec-
19 retary shall make a final written determination not later
20 than three years of the date which the Tribe submits a
21 request for land to be taken into trust under subsection
22 (a)(2) and shall immediately make that determination
23 available to the Tribe.

24 (c) RESERVATION STATUS.—Any land taken into
25 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. 607. 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 **SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.**

15 (a) IN GENERAL.—The Commonwealth of Virginia
16 shall exercise jurisdiction over—

17 (1) all criminal offenses that are committed on;
18 and

19 (2) all civil actions that arise on,
20 lands located within the Commonwealth of Virginia that
21 are owned by, or held in trust by the United States for,
22 the Tribe.

23 (b) ACCEPTANCE OF STATE JURISDICTION BY SEC-
24 RETARY.—The Secretary of the Interior is authorized to
25 accept on behalf of the United States, after consulting

1 with the Attorney General of the United States, all or any
2 portion of the jurisdiction of the Commonwealth of Vir-
3 ginia described in subsection (a) upon verification by the
4 Secretary of a certification by a tribe that it possesses the
5 capacity to reassume such jurisdiction.

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.

Passed the House of Representatives June 3, 2009.

Attest: LORRAINE C. MILLER,
Clerk.