

Cleaver	Kanjorski	Perriello	LaTourette	Neugebauer	Shadegg
Clyburn	Kaptur	Peters	Latta	Nunes	Shimkus
Cohen	Kildee	Peterson	Lee (NY)	Olson	Shuler
Connolly (VA)	Kilpatrick (MI)	Polis (CO)	Lewis (CA)	Paul	Shuster
Conyers	Kilroy	Pomeroy	Linder	Paulsen	Simpson
Cooper	Kind	Price (NC)	LoBiondo	Petri	Smith (NE)
Costa	Kirkpatrick (AZ)	Quigley	Lucas	Pitts	Smith (NJ)
Costello	Kissell	Rahall	Luetkemeyer	Platts	Smith (TX)
Courtney	Klein (FL)	Rangel	Lummis	Poe (TX)	Souder
Crowley	Kosmas	Reyes	Lungren, Daniel	Posey	Stearns
Cuellar	Kratovil	Richardson	E.	Price (GA)	Stupak
Cummings	Kucinich	Rodriguez	Mack	Putnam	Tanner
Dahlkemper	Langevin	Ross	Manzullo	Radanovich	Terry
Davis (AL)	Larsen (WA)	Rothman (NJ)	McCarthy (CA)	Rehberg	Thompson (PA)
Davis (CA)	Larson (CT)	Royal-Allard	McCaull	Reichert	Thornberry
DeFazio	Lee (CA)	Rush	McClintock	Roe (TN)	Tiaht
DeGette	Levin	Ryan (OH)	McCotter	Rogers (AL)	Tiberi
Delahunt	Lewis (GA)	Salazar	McHenry	Rogers (KY)	Turner
DeLauro	Lipinski	Sarbanes	McHugh	Rogers (MI)	Upton
Dicks	Loebssack	Schakowsky	McKeon	Rohrabacher	Walden
Doggett	Lofgren, Zoe	Schauer	Mica	Rooney	Wamp
Donnelly (IN)	Luján	Schiff	Miller (FL)	Roskam	Whitfield
Doyle	Lynch	Schrader	Miller (MI)	Royce	Wilson (SC)
Driehaus	Maffei	Schwartz	Miller, Gary	Ryan (WI)	Wittman
Edwards (MD)	Maloney	Scott (GA)	Minnick	Scalise	
Edwards (TX)	Marchant	Scott (VA)	Moran (KS)	Schmidt	Wolf
Ellison	Markey (CO)	Serrano	Murphy, Tim	Sensenbrenner	Young (AK)
Eshoo	Markey (MA)	Sestak	Myrick	Sessions	Young (FL)
Etheridge	Marshall	Shea-Porter			
Farr	Massa	Sherman			
Fattah	Matheson	Sires			
Filner	Matsui	Skelton			
Foster	McCarthy (NY)	Slaughter			
Frank (MA)	McCollum	Smith (WA)			
Fudge	McDermott	Snyder			
Giffords	McGovern	Space			
Gonzalez	McIntyre	Speier			
Gordon (TN)	McMahon	Spratt			
Green, Al	McNerney	Stark			
Green, Gene	Meek (FL)	Sutton			
Grijalva	Meeks (NY)	Tauscher			
Hall (NY)	Michaud	Taylor			
Halvorsen	Miller (NC)	Teague			
Hare	Miller, George	Thompson (CA)			
Harman	Mitchell	Thompson (MS)			
Hastings (FL)	Mollohan	Tierney			
Heinrich	Moore (KS)	Titus			
Herseth Sandlin	Moore (WI)	Tonko			
Higgins	Moran (VA)	Towns			
Himes	Murphy (CT)	Tsangas			
Hinchey	Murphy (NY)	Van Hollen			
Hinojosa	Murphy, Patrick	Velázquez			
Hirono	Murtha	Visclosky			
Hodes	Nadler (NY)	Walz			
Holden	Napolitano	Wasserman			
Holt	Neal (MA)	Schultz			
Honda	Nye	Waters			
Hoyer	Oberstar	Watson			
Inslee	Obey	Watt			
Israel	Olver	Waxman			
Jackson (IL)	Ortiz	Weiner			
Jackson-Lee (TX)	Pallone	Wexler			
Johnson (GA)	Pascrill	Woolsey			
Johnson, E. B.	Pastor (AZ)	Payne			
Kagen	Perlmutter	Wu			
		Yarmuth			

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Akin	Capito	Gerlach			
Alexander	Carter	Gingrey (GA)			
Altmore	Cassidy	Gohmert			
Austria	Castle	Goodlatte			
Bachmann	Chaffetz	Granger			
Barrett (SC)	Coffman (CO)	Graves			
Bartlett	Cole	Griffith			
Barton (TX)	Conaway	Guthrie			
Biggert	Crenshaw	Hall (TX)			
Bilbray	Culberson	Harper			
Bilirakis	Davis (KY)	Hastings (WA)			
Blackburn	Deal (GA)	Heller			
Boehner	Dent	Hensarling			
Bonner	Diaz-Balart, L.	Herger			
Bono Mack	Diaz-Balart, M.	Hill			
Boozman	Dreier	Hoekstra			
Boustany	Duncan	Hunter			
Brady (TX)	Ehlers	Ingelis			
Brown (SC)	Ellsworth	Issa			
Brown-Waite, Ginny	Emerson	Jenkins			
Buchanan	Fallin	Johnson (IL)			
Burgess	Flake	Jones			
Burton (IN)	Fleming	Jordan (OH)			
Buyer	Forbes	King (IA)			
Calvert	Fortenberry	King (NY)			
Camp	Foxx	Kingston			
Campbell	Franks (AZ)	Kirk			
Cantor	Frelinghuysen	Kline (MN)			
Cao	Gallegher	Lamborn			
	Garrett (NJ)	Lance			
		Latham			

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1385.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 490 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1385.

□ 1311

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1385) 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, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, we are here today, over 400 years after the first English settlers landed in what became Jamestown, Virginia, to finally acknowledge a government-to-government relationship with some of the Indian tribes who met those early settlers.

While the House passed a prior version of this legislation last Congress, the bill was not considered in the Senate, so we are here again.

H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, extends Federal recognition to the Virginia tribes that have lived in Virginia since before the settlers of Jamestown first arrived.

This bill is sponsored by our colleague, Representative JIM MORAN of Virginia, and enjoys bipartisan support, including from other Virginia colleagues, Congressman ROB WITTMAN, BOBBY SCOTT, THOMAS PERRIELLO, and GERRY CONNOLLY. I, too, am a cosponsor of H.R. 1385.

The bill is named for Thomasina "Red Hawk Woman" Jordan, whose lifelong pursuit of advancing Native American rights encompassed the promise of education for all Indians and securing Federal recognition of Virginia Indian tribes. Ms. Jordan also served as chairperson of the Virginia Council of Indians.

H.R. 1385 would extend Federal recognition status to six Indian tribes of Virginia. All six tribes have obtained State recognition by the State of Virginia. Former Virginia Governors George Allen and Mark Warner, as well as current Governor Tim Kaine have endorsed the tribes' recognition as sovereign governments.

During his recent trip to England, President Obama presented Queen Elizabeth with an iPod. Included on the iPod was a copy of the 400th anniversary ceremony commemorating the establishment of Jamestown, Virginia, that she attended last year. The highlight of this ceremony included the Queen and the Virginia Indian tribes.

These six Virginia tribes have faced hundreds of years of discrimination, abuse, and outright attempts to extinguish their existence and rob them of their heritage.

From 1912 to 1947, Dr. Walter Plecker, a white supremacist, set out to rid the Commonwealth of Virginia of any documents that recorded the existence of Indians or Indian tribes living therein. He was instrumental in ensuring passage of the Racial Integrity Act in 1924, making it illegal for individuals to classify themselves or their newborn children as Indian.

□ 1315

But he went further than that and spent decades changing the race designation on birth certificates and on other legal documents from "Indian" to "Colored," "Negro" or "Free Issue." Throughout it all, the Virginia Indians did not break but held firm to their culture and to their identity.

To address claims that tribes are only interested in Federal recognition so they may conduct gaming, all six tribes supported an outright gaming prohibition to be included in this bill. This gaming prohibition precludes the Virginia tribes from engaging in, licensing or regulating gaming pursuant to the Indian Gaming Regulatory Act on their lands.

Congressman MORAN has spent several years tirelessly working to achieve Federal recognition for Virginia's First Americans. It is because of his tireless dedication to this issue that this legislation is before us today. It is time to put this issue to rest and to do the right thing by extending Federal recognition to these tribes. I urge all of my colleagues to join me today in creating a government-to-government relationship with these Virginia tribes.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1385, but not for the reason for which this legislation is intended to point out or to create but, rather, for reasons that I will outline in my remarks here this morning.

In the last Congress, a nearly identical bill passed the House by voice vote. I do not expect to change anyone's mind, and I believe that the results will probably be the same as the last vote we had in the last Congress, but I must highlight serious shortcomings with this bill that should cause Members to reconsider their positions.

First, the House has not acquired sufficient evidence to justify extending Federal recognition to the six Virginia tribes identified in this bill. In the committee hearing on H.R. 1385, we heard a lot of testimony from witnesses for the six tribes, from the Governor of Virginia, from a historian, and from the Department of the Interior. All provided interesting and often passionate statements.

Although the Department provided no position on the bill, the Department's witnesses did remark that all six groups have petitioned for recognition with the Bureau of Indian Affairs, but none of the six tribes have completed the process within the Bureau of Indian Affairs.

If the Department lacks completely documented petitions, then how can we be sure that we in Congress have enough information about these six tribes?

None of the witnesses explained why the six Virginia tribes should be recognized before all of the other tribes whose recognition petitions are within and are lingering within the Bureau of Indian Affairs. About nine of these groups have completed their petitions. In this respect, Mr. Chairman, they are more prepared for a final determination than the Virginia tribes with which this bill deals.

H.R. 1385 contains ample lists of congressional findings about the history of these six groups, but there is no requirement to verify that members of these tribes can trace descendants to historic Virginia tribes. This is a basic standard that the House must observe if it wants to ensure the integrity of tribal recognition. If the House is not prepared to take additional time to study this, then we should ask the Secretary to study it and to provide us with the answers.

The committee held no field hearings in Virginia to learn more about the tribes on their home turf. It has relatively little information from county officials and from private individuals who might be interested in tribal recognition and what it means to them. This is a State without a history of recognized tribes, unless you reach back to the colonial era, and Virginia presently has no Indian trust lands. We simply do not know if there are any counties or private individuals in affected areas who fully understand that placing land in trust removes property from the tax rolls and from State and municipal jurisdictions.

On this note, the Rules Committee made in order an amendment by the gentleman from Virginia (Mr. GOODLATTE) to remove some counties from the bill. This suggests to me the majority is beginning to understand that counties in Virginia are just now becoming more informed on what this bill means.

So, Mr. Chairman, prudence dictates that we put this bill on hold until these issues are vetted. If the House recognizes new tribes and acquires lands in trust for them without thoroughly examining the views of the jurisdiction where the lands are located, we potentially risk creating local problems. This is going to hamper our efforts to resolve land-in-trust controversies occurring elsewhere in the United States.

Such controversies, Mr. Chairman, do occur. We have a huge one to deal with right now. In February, the Supreme Court, in *Carcieri v. Salazar*, held the

Department of the Interior has no authority to acquire lands in trust for any tribe recognized after 1934 unless there is a specific act of Congress authorizing it. This is a major decision that has, frankly, Mr. Chairman, shaken Indian Country, and it is a case that has caught the attention of Governors, attorneys general, and county leaders around the country. The committee has held one hearing on the subject, and I am hopeful that there will be more.

Virginia's tribes are directly affected by this decision because they were not recognized in 1934. Thus, anything done with H.R. 1385 could set a precedent for resolving the *Carcieri* issue. Under H.R. 1385, lands placed in trust for the Virginia tribes will be secure. Meanwhile, lands held in trust or proposed for trust status for others may not be secure. This kind of inconsistency in Federal Indian policy helped fuel the controversy that led to the Supreme Court's *Carcieri* in the first place.

If the solution to *Carcieri* is to deal with each and every post-1934 tribe's trust land application separately in Congress, then H.R. 1385 might be appropriate. If the solution is to provide the Secretary of the Interior with the appropriate authority to acquire lands in trust, then H.R. 1385 is not appropriate.

So, while the committee has held a hearing on *Carcieri*, there seems to be no consensus on how to resolve it. We have received no testimony from the Department, and none of the tribes, States or other concerned interests have had an opportunity to testify in the committee as of the time the report for H.R. 1385 was filed. It would be wise then, Mr. Chairman, to postpone floor action on any recognition bills until the committee acquires a better understanding of the impacts of *Carcieri* and what to do about it.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I recognize for 3 minutes the gentleman from Virginia, one of the cosponsors of the legislation, Mr. BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. I want to thank my colleague from Virginia (Mr. MORAN) for, again, introducing this bill. Similar legislation passed this body by voice vote in the 110th Congress, but it was never acted on in the Senate.

Two years ago, Virginia and the Nation celebrated the 400th anniversary of the founding of Jamestown, Virginia, the first permanent English settlement in North America. Jamestown is the cornerstone of our great Republic, and its success relied heavily on the help of the indigenous people of Virginia. Virginia's Native Americans played a critical role in helping the first settlers of Jamestown survive the harsh conditions of the New World.

After the Jamestown colony weathered its first few years in the New World, the colony expanded, and the English pushed further inland, but the same Native Americans who helped those first settlers were coerced and were pushed from their land without compensation. Treaties, many of which precede our own Constitution, were often made in an effort to compensate the Virginia Native Americans, but as history has shown, these treaties were rarely honored or upheld.

Like many other Native Americans, the Virginia Indian tribes were marginalized from society. They were deprived of their land, prevented from getting an education, and they were denied a role in our society. Virginia's Native Americans were denied their fundamental human rights and were denied the very freedoms and liberties enshrined in our own Constitution.

Mr. Chairman, the bill will finally grant Federal recognition to the Chickahominy, to the Eastern Chickahominy, to the Upper Mattaponi, to the Rappahannock, to the Monacan Indian Nation, and to the Nansemond tribes. H.R. 1385 will ensure the rightful status of Virginia's tribes in our national history. Federal recognition will provide housing and educational opportunities for those who cannot afford it. Federal recognition will also promote the tribal economic development that will allow Virginia's tribes to become self-sufficient. These new opportunities will allow Virginia's tribes to flourish culturally and economically, which will lead to a brighter future for a whole new generation. The Virginia tribes have waited far too long for Federal recognition.

Again, I want to thank my colleague from Virginia (Mr. MORAN) for his excellent leadership on this important issue. I urge my colleagues to support the bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I want to first thank the chairman and thank Mr. MORAN for the language that explicitly prohibits gambling. I appreciate that very much. I think the chairman and Mr. MORAN have to get the credit for doing this because, in previous cases, we have seen major, major expansions. So, as people talk about this, this is Earth-shattering in some respects, and so I want to again thank the chairman and thank Mr. MORAN.

The Virginia tribes have consistently indicated that they oppose gambling, and I believe them. Yet, during the consideration of this measure in the last Congress, we heard rumors about an interest in challenging this gambling limitation in court. We have not heard those rumors today.

The Virginia Indian tribes were the first to greet the settlers at Jamestown

when they arrived 400 years ago. Without the Indians' friendship, the Jamestown settlement very likely would not have survived. The Americans owe the Virginia tribes a huge debt of gratitude.

I also want to recognize the gentleman from Virginia for including language that explicitly forbids the establishment of tribal casinos. Current tribal leadership has consistently stated they do not want to pursue gambling. I believe them. However, I remain concerned that future leadership of the tribes will pursue establishing tribal casinos.

Virginia does not have casino gambling, and because we do not, we have avoided the crime, corruption and scandal that sometimes comes with gambling. As the author of the legislation which created the National Gambling Impact Study Commission that released its 2-year study in 1999, we know firsthand of the devastating social and financial costs of gambling: crime, prostitution, corruption, suicide, destroyed families, child and spousal abuse, and bankruptcy.

In moving forward with this, I want to ensure that Congress continues this, and I want to ensure that this language does not change when it goes to the Senate.

Under this bill, Congress intends that no Virginia Indian tribe or tribal member, if granted Federal recognition, would have any greater rights to gamble or to conduct gambling operations under the laws of the Commonwealth of Virginia than would any other citizen of Virginia.

Further, it is Congress' expectation that the provision limiting the tribes' ability to engage in gambling conforms with the *Ysleta Del Sur Pueblo v. The State of Texas* case. In that case, the U.S. Court of Appeals for the Fifth Circuit upheld a law prohibiting gaming by the tribe. In supporting H.R. 1385, Congress and the Virginia delegation, in particular, expect that the language restricting gambling operations by Indian tribes will be upheld if it is ever challenged.

I would like to enter into the RECORD a letter I received from the Virginia tribal leadership, acknowledging the anti-gambling language in this bill and reaffirming the view of tribal leadership that the language prohibits gambling.

VIRGINIA INDIAN TRIBAL
ALLIANCE FOR LIFE (VITAL),
New Kent, VA, May 18, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: Corn, or in the Virginia Algonquian tongue, hominy, represents the sustenance of the early American cultures. When the English came to Tsenacomoco, now called Virginia, our tribes traded corn, sometimes unwillingly, to the men of the Virginia Company. As historians will tell you, corn saved the colony in these early years. But corn also represents participatory government. Our elders tell us that corn was used when voting on matters of importance in the early years. Each eligible member was given a kernel of corn and a

pea. Corn signified a "yes" vote and the pea, a "no" vote.

Soon you will be given an opportunity to vote on HR 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, which extends federal recognition to the six Virginia Tribes comprising the Virginia Indian Tribal Alliance for Life (VITAL): (1) the Chickahominy Tribe; (2) the Chickahominy Indian Tribe—Eastern Division; (3) the Upper Mattaponi Tribe; (4) the Rappahannock Tribe, Inc.; (5) the Monacan Indian Nation; and (6) the Nansemond Indian Tribe.

On behalf of our Tribes, we ask that you use your kernel of corn to vote YES on HR 1385 when it comes to the floor of the House of Representatives for a vote.

We are sure you have questions about this bill which is of such vital importance to us.

If these Tribes have been in existence since first contact with the Europeans, why haven't they already been recognized by the United States?

Quite simply, because our Tribes never waged war on the United States of America. The hostilities between our Tribes and the Europeans who came here in 1607 effectively ended with the Treaty of Middle Plantation in 1677. This Treaty was signed between England and our Tribes. Predating the creation of the United States of America by just short of 100 years, our Treaty was never recognized by the founding fathers of the United States because it was not negotiated with them. Our Treaty of 1677 is still commemorated annually on the steps of the Governor's Mansion in Virginia but has yet to be recognized by the United States of America.

If these Tribes have been here since first contact with the Europeans, has there ever been any federal recognition of these Tribes?

Not officially by the entity called the United States and that is why we seek this federal acknowledgement now. However, hundreds of our sons and daughters have fought on behalf of the United States of America in many wars over the years. The "dog tags" of our military people, who have fought alongside Americans from across the country, have stated our race as "American Indian."

If these Tribes deserve recognition, why don't they utilize the administrative route created by Congress instead of seeking legislation?

For five decades the official policy of Virginia, enforced through the Racial Integrity Act of 1924, stated that there were only two races, white and colored. Over the years our Tribes were subjected to paper genocide. Not only were we denied our race in the everyday requests for birth and marriage certificates, but the Commonwealth of Virginia went into its records and changed the race of our documented ancestors. This law was continually upheld by Virginia Courts until the final vestiges of the law were struck down in 1971. In addition, five of the six courthouses that held the vast majority of the records that our Tribes would need to document our history to the degree required by the Bureau of Indian Affairs Office of Federal Acknowledgement were destroyed in the Civil War. As much as our Tribes would like to comply with the administrative rules to gain recognition, the combination of the official laws of the Commonwealth, the bureaucracy implementing those laws and the loss of our records create an insurmountable burden. We believe that since it was an act of government (Virginia) that denied us our heritage, it should be an act of government that restores it.

But still there is a process that has been established; why should Congress be asked to make this decision?

Of the 562 Tribes recognized by the United States of America, 140 were recognized by

Treaties and other negotiations and only 16 were recognized by the administrative process (which has been in effect since 1978). Acts of Congress recognized the remaining 406 Tribes. We are not asking for your vote to do the extraordinary. We ask for your vote to recognize our heritage and our place in history.

What about gaming? Won't this allow gaming by the Indian Tribes?

Our goal is not now, nor has it ever been, to establish or utilize gaming. Our heritage is such that our affiliation with churches has been strong, having embraced collectively (and individually) the faith, beliefs and sacraments of several Christian denominations. Gaming is, however, an issue that concerns many of you. As such, HR 1385 has strong anti-gaming language. In fact, the language prohibits our Tribes from gaming even if it is allowed in the Commonwealth of Virginia for its citizens generally!

With our deepest respect and admiration, we ask you to use this kernel of corn to vote YES on HR 1385.

Sincerely,

WAYNE ADKINS,
President.

Enclosure.

Again, my concern is not with the Federal recognition of Virginia Indian tribes but with the explosive spread of gambling and with the potential for casino gambling to come to the State of Virginia.

I also continue to have concerns about the broader Indian recognition process. Quite frankly, this Congress has not done enough to help Indian tribes. The process is broken. We have seen that in the past; but today, I'm supporting this bill because I believe it ensures that the State of Virginia's interests are safeguarded while still providing full recognition.

Again, I want to thank the chairman, and I want to thank Mr. MORAN. This is really significant. If only we had had this language in previous recognitions; I think a lot of the problems we have in this country with gambling and with corruption and crime would not have taken place.

□ 1330

Mr. RAHALL. Mr. Chairman, I am happy to yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN), the main sponsor of this legislation and without whose leadership we would not be considering it today.

Mr. MORAN of Virginia. Thank you very much, Chairman RAHALL. And I thank my colleagues Mr. WOLF and Mr. SCOTT. I understand Mr. WOLF's original reluctance to originally agree with the bill, but we have put in language that I understand is now acceptable to Mr. WOLF. Mr. WOLF genuinely was concerned about the possibility of casino gambling in Virginia. The language in this bill addresses that satisfactorily to Mr. WOLF. So I would hope that others who have previously opposed this legislation would follow Mr. WOLF's leadership and support it. We are having some discussions on a very small piece of land with Mr. GOODLATTE, another colleague from Virginia, and I trust we can work that out.

These six Indian tribes have sacrificed a great deal and have undergone

quite an amount of demeaning treatment over generations. This is the right thing to do. We don't do this very often in the Congress of the United States, but this is a unique situation. These are the Indian tribes that enabled the first English settlers to survive in the colonies. We have right here in the Dome of the Capitol John Gadsby Chapman's dramatic painting of Pocahontas' baptism. That commemorates a landmark historic event, but it is connected to what happened 400 years ago when these Indians enabled the English settlers to survive, and eventually it led to Virginia being one of the original 13 colonies. We know the situation today, but what we do not know is the history of the Indian tribes that enabled the English settlers to survive on this continent. They have been very badly treated. And, in fact, even though they have a treaty signed with King Charles II in 1677, in the early part of the 20th century, the Commonwealth of Virginia conducted what was called a paper genocide. They made it illegal to be an American Indian in Virginia. They went into the courthouses and destroyed the birth records and everything they could relating to the legitimacy of these Indian tribes, even though everyone knew that they did actually exist. This was a time of severe racism, a time that we are very shamed by. But these Indian tribes never gave up their pride or their stature.

The CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 2 additional minutes.

Mr. MORAN of Virginia. I thank my good friend, Chairman RAHALL from West Virginia, who has been tremendous in supporting this legislation.

To go back to the history behind this bill, this is so much a matter of pride and the restoration of justice. They survived even though they were denied employment and were denied educational opportunities. The only people who provided it were Christian missionaries. They oppose gambling. They don't even take advantage of the opportunity to have bingo games, which other nonprofits do in their vicinity, because they don't think it's the right thing. So I don't think that's any kind of a threat. Every other objection that has been raised I think has been adequately and fully addressed.

These are good people, and they have been subjected to a great deal that was unjust. We should have done this by the 400th anniversary of Jamestown, but today we are about to do so two years later.

Now there was a Supreme Court decision just a few months ago in February, and that Supreme Court decision said that the Secretary of the Interior no longer has unilateral discretion to determine what lands can be put in trust. That's why some additional lands and counties were included in this bill in case there is land that would be given to these Indian tribes in

the future. They are willing to compromise on this, to give up virtually all of that potential territory. They're left with very little land and very few rights. The laws of Virginia would apply on this land. They are not allowed to engage in gambling like other Indian tribes. This is a part of a list of compromises they have made. They've made all of these compromises because it is important to them that their children, grandchildren and great grandchildren recognize that these are Native American people deserving of our utmost respect. They are people who deserve to be able to hold their chins up in pride for what they meant to this country.

I strongly urge support of this legislation. It's overdue.

Mr. Chairman, I know it is against the rules of the House to address anyone but the Speaker.

If it were allowed, I would want to address the 2,500 or so members of the six Virginia tribes seeking Federal recognition.

I would say that I know their quest to assert their identity and their rights has been a long struggle.

Despite centuries of racial hostility and coercion by the Commonwealth of Virginia and others, they have refused to yield their most basic human right and have suffered and lost much.

But, throughout the centuries they have retained their dignity and supported their people.

When it appeared that no one else would, when little was available, when even the doors of public school house were closed to their children, they have never yielded to those who said they didn't exist.

Mr. Chairman, I would say to the Virginia tribes; win or lose today, you have already won by refusing to yield and by remaining true and faithful to who you are.

I would also say that it has been an honor for me to have helped carry this legislation.

While it is less than ideal, it moves you closer to the day our national government recognizes your existence.

Mr. Chairman, as Members of this chamber know, the crafting of congressional legislation is far from a perfect process. But, when it speaks, it speaks with the people's voice.

Today, I encourage my colleagues to speak and finally affirm that the Virginia tribes exist and deserve Federal recognition.

Mr. HASTINGS of Washington. I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I rise in support of H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009. I would like to start by thanking Ranking Member HASTINGS for yielding time to me. I would like to thank Representative MORAN for his hard work in introducing this bill and for his work on behalf of the tribes. I would like to thank Chairman RAHALL for his leadership in moving this legislation forward. We thank you for your efforts. It is an effort long overdue.

As a cosponsor of H.R. 1385, I am supportive of Federal recognition of Virginia's Indian tribes. This bill would extend Federal recognition to six Virginia tribes; and my district, the First

Congressional District of Virginia, better known as America's First District, includes the historic tribal areas of the Chickahominy, Chickahominy Eastern Division, Upper Mattaponi, Rappahannock and Nansemond tribes. These tribes are important culturally and historically to the Commonwealth of Virginia. Tribal ancestors from these tribes populated coastal Virginia when Captain John Smith settled at Jamestown in 1607. These "first contact" tribes have been intertwined with the birth of our Nation for over 400 years and continue to preserve a culture and heritage important to both Virginia and the Nation.

I believe that it's especially important to recognize these tribes because so many tribal members served our country bravely and heroically as members of our armed services. These tribal members who served our country during our Nation's conflicts have not been officially recognized by our government. This legislation, after nearly 400 years, will recognize these tribes.

Mr. Chairman, I'm a cosponsor of this bill, and I definitely and strongly support its passage. However, I do want to bring up one point. I have heard from some in the convenience store and gasoline marketing industry who have faced issues in other States when tribal businesses sell gasoline and tobacco tax-free to nontribal members, negatively impacting off-reservation business and State tax revenue. I don't want to see these types of problems in the Commonwealth of Virginia, and I don't believe that we will. I have assurance from the tribes that that is not their intent, and we've had a great working relationship with the Virginia General Assembly who have said that they will be working to make sure that through State compacts that this is taken care of. I bring this up with the hope that, moving forward, we can address this issue while respecting tribal sovereignty and protecting nontribal businesses. I do believe that that will happen. I believe that folks with the tribes are going to make that happen. I think they have reached out and have done an extraordinary job in doing everything to make sure that they are helpful in getting this issue taken care of.

Mr. Chairman, I am pleased to strongly support this bill, and I ask my colleagues to do the same.

Mr. RAHALL. Mr. Chairman, I am happy to yield 2 minutes to the very valued member of our Committee on Natural Resources, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Chairman, I do want to thank the distinguished chairman of our committee, Mr. RAHALL, and our ranking member, Mr. HASTINGS, even though he may have some reservations concerning this bill but especially also to thank my colleague Mr. MORAN as the chief author of this important bill.

Mr. Chairman, I rise today in strong support of H.R. 1385, legislation to extend Federal recognition of the Thomasina E. Jordan Indian Tribes of Virginia.

Mr. Chairman, under the current Federal recognition process for recognizing Indian tribes, the six Virginia tribes considered under this bill may not be able to meet the strict qualifying requirements under the Federal recognition process. This is despite the wealth of documentation that exists for each of these tribes. While references exist from the 1600s until the present showing the existence of these Indian tribes in the Virginia area, much of the documentation that is needed to meet the criteria in the Federal recognition process has been tampered with or destroyed.

Mr. Chairman, this is another perfect example of a recognition process that has not worked and that any group of people who don't make a paper trail to prove their existence aren't worthy of Federal recognition. Congress has the authority to correct this grave injustice to these tribes. After some 400 years, Mr. Chairman, it is long overdue. I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

The gentleman from Northern Virginia (Mr. MORAN) made an observation about the paper genocide issue, and I have to say that every member at the committee hearing that attended that hearing and heard the testimony on H.R. 1385 were, frankly, shocked and saddened and dismayed that, in fact, this sort of action went on in Virginia, how they treated the Indian people in the 20th century. I think that goes without saying. But I do want to point out, Mr. Chairman, for the record that there was a career employee of the Bureau of Indian Affairs who heads up the Office of Federal Acknowledgement that had a different view, and I just at least want to put that on the record as we debate this issue.

He said, "Records in Virginia do exist, and they were not destroyed. The vital records of birth, marriage, divorce, death and probate, they are in the record. Not only are they in the hands of the individuals to whom they pertain, but they are available at the local registrar level and State registrar level." He went on, continuing to quote, "In preparation for this hearing, I wanted to reach into what evidence was submitted on behalf of the Virginia groups, and in 2001 this was the material that we received. And one of the group's materials were copies of vital records that were not destroyed."

So this BIA witness went on to describe how these documents identified the persons and Indians. So it appears that there are records in Virginia, notwithstanding the fact that the State of Virginia went through this process in the last century.

So, Mr. Chairman, I just wanted to point that out that in the committee

hearing we did hear testimony that at least in part disputed the issue of paper genocide. I wanted to make that observation in the debate today.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, how much time remains on both sides?

The CHAIR. The gentleman from West Virginia has 17½ minutes remaining, and the gentleman from Washington has 15 minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT).

(Mr. McDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I want to congratulate Mr. RAHALL, Mr. MORAN, Mr. WITTMAN, Mr. CONNOLLY, Mr. GRIJALVA, Mr. SCOTT, Mr. ABERCROMBIE and Mr. KILDEE for introducing legislation that confers Federal recognition on the Indian tribes of Virginia.

Affirming sovereign recognition first conferred by treaties is a matter of both history and conscience for the United States. Today we are correcting the mistakes of the past that relate to tribes that were among the very first to be in contact with white settlers when they came to these shores in 1607. While this is a great day for the tribes of Virginia, we must not forget that our work is not finished. The Duwamish tribe has lived in Seattle, which I represent, and has been there for centuries, long before there was the United States or a State of Washington. Seattle, in fact, was named after the great Duwamish chief, Chief Seattle.

□ 1345

Despite the treaty of Point Elliot, which the Duwamish signed in good faith with the United States in 1855, Federal recognition has not been extended, and in my belief, this is wrong. It went through the process. It was signed by President Clinton. And in one of his first executive orders, President Bush reversed the decision of recognition of the Duwamish. And it is time to correct that injustice with the Duwamish, just as we are doing here in Virginia.

That is why I am introducing legislation today to confer Federal recognition on the Duwamish tribe. So long as one Native tribe is denied justice and rights to which they are entitled, we all suffer.

It is my hope that the new day dawning across America is bright enough to shine enough light for us to see and correct the injustices endured for too long by the First Americans. I hope that we will have a day like this some time soon for the Duwamish tribe.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my good friend and outstanding chairman of the Natural Resources Committee.

I know the House leadership and Chairman RAHALL are undertaking some risk in having scheduled this legislation because this type of legislation is invariably controversial. But Congress' past reluctance to grant Federal recognition and the demeaning and dysfunctional acknowledgement process at the Bureau of Indian Affairs has served to compound a grave injustice that this legislation will redress.

The Virginia tribes identified in this legislation, as I mentioned earlier, are the direct descendants of the tribes that greeted and ensured the survival of the first permanent English colony in the New World.

Almost exactly 2 years ago to this day, we marked the 400th anniversary of the founding of Jamestown. It was an event important enough to bring Queen Elizabeth across the Atlantic to commemorate.

While the 1607 settlement succeeded and laid the English claim and foundation for the original 13 colonies, history has not been very kind to Virginia's Native Americans of the great Powhatan Confederacy who greeted the English and provided food and assistance to ensure their initial survival.

Few are aware today that the direct descendants of the Native Americans who met these settlers are with us today. And in fact, some are in the Chamber watching. And they are still awaiting their due recognition by our Federal Government. This is the opportunity to correct this grave wrong.

This bill, at long last, is named after Thomasina E. Jordan, who fought in such a committed way to get this recognition once she realized the history of discrimination that necessitated it. It grants recognition to the six Indian tribes in Virginia, and I would like to name them: the Chickahominy, the Eastern Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan and the Nansemond. The Commonwealth of Virginia recognized all six tribes in the 1980s. It is now time for the Federal Government, by this act of the U.S. Congress, to do the same.

Like most Native Americans, the Virginia tribes welcomed Western settlers but quickly became subdued. The settlers had guns, and Indians had bows and arrows. They were pushed off their land, and up through much of the 20th century, denied any rights as U.S. citizens.

Despite their devastating loss of land and population, the Virginia Indians survived centuries of racial hostility and coercive State and State-sanctioned actions that tried to eradicate their heritage and cultural identity.

The history of Virginia tribes is unique in two important ways that are relevant to why this bill is on the House floor today. The first explains why the Virginia tribes were never recognized by the Federal Government. The second explains why congressional action is absolutely needed. The first circumstance is that unlike most

tribes that resisted encroachment and obtained Federal recognition when they signed peace treaties with the Federal Government, Virginia's tribes signed their peace treaties with the kings of England.

Most notable among these was the Treaty of 1677 between these tribes and Charles II that is still observed by Virginia every year when the Governor accepts tribute. I was there with Mr. SCOTT just this year. Governor Kaine accepted a deer that was brought by the tribes. And it is a ceremony that has been observed for 331 years. It is the longest celebrated treaty in the United States today.

Now the second unique circumstance for the Virginia tribes is what they experienced in the hands of the State government during the first half of the 20th century that Mr. HASTINGS has alluded to. It is called a "paper genocide." At a time when the Federal Government granted Native Americans the right to vote, Virginia's elected officials adopted racially hostile laws targeted at those classes of people who did not fit into the dominant white society.

These actions culminated with the Racial Integrity Act of 1924 that targeted Native Americans and sought to deny them their identity. The act empowered zealots, like Dr. Walter Plecker. He was in charge of the Bureau of Records at the State and he destroyed all the State and local courthouse records and reclassified, in Orwellian fashion, all nonwhites in the words of the day as "colored."

It targeted Native Americans and sought to deny them their identity. Calling yourself a "Native American" in Virginia risked a jail sentence of 1 year. For up to 50 years, State officials waged a war to destroy all public and private records that affirmed the existence of Native Americans in Virginia. That law remained in effect until it was struck down in the Federal courts in 1967.

All six tribes have filed petitions with the Bureau of Acknowledgement seeking Federal recognition. But it is a heavy burden. They have been told it won't happen in their lifetime. The acknowledgement process is expensive. It is subject to unreasonable delays. It lacks dignity. We ought to address that separately. But Virginia's history of this paper genocide only further complicates these tribes' quest for Federal recognition, making it difficult to furnish corroborating State and official documents. They can't really prove it because the documents were destroyed.

The CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 3 additional minutes.

Mr. MORAN of Virginia. I thank my good friend. So here they are told to prove their existence, and yet the State government destroyed the proof of their existence, again aggravating an injustice that had already been visited upon these people. The only people

who cared about them were Christian missionaries who allowed them to get some education. But they were denied employment for much of their history in the 20th century in Virginia.

We are rectifying this wrong today. And in light of the 400th anniversary of Jamestown, we will bring closure to this national injustice. There is no doubt that these tribes have existed on a continuous basis since before the first Western European settlers set foot in America, and they are here with us today.

I know there is great resistance from Congress to grant any American tribe Federal recognition. And I can appreciate how the issue of gambling and its economic and moral dimension influence many Members' perspectives in tribal recognition issues.

The Virginia tribes have agreed to forgo gaming. An amendment offered by Congressman DUNCAN offered last session was approved by the Natural Resources Committee. That is in this bill before us. It prohibits these tribes from gaming under Federal law even if one day the State were to reverse course and set up gambling casinos in the State. The State can have gambling casinos. These Indians cannot. Go figure. But that is the way the legislation reads.

The Virginia tribes, under the bill being considered today, could not engage in gambling on their sovereign lands. The Virginia tribes are also prepared to grant Virginia full civil and criminal jurisdiction over any future reservation lands until such time as the Secretary of the Interior and the U.S. Attorney General agree that they have developed an acceptable alternative judicial framework that the Federal Government can honor.

Mr. Chairman, these tribes recognize that the legislative route to recognition is a very imperfect process and that compromise is a necessary ingredient. That compromise and that balance have now been struck. Now is the time to pass this legislation. Failure to do so would unravel the progress we have made and lose this time in history for these tribes to finally gain Federal recognition. It would be a setback and an injustice. They have suffered enough injustices. Let's not add another one.

Congress has the power to recognize these tribes. It has exercised these powers in the past. It should exercise this power again for these six tribes. More than 300 of the 562 federally recognized tribes have been recognized by an act of Congress.

I urge my colleagues to support this legislation. We will be doing our part to bring closure to some tragic and unjust acts that have transpired since Englishmen established their first permanent settlement more than 400 years ago in this New World. This is the right thing to do. I trust that Congress will do it today.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve my time.

Mr. RAHALL. If I might ask the ranking member, do you have further speakers?

Mr. HASTINGS of Washington. Mr. Chairman, I advised my friend, I have no further speakers. But I just want to take a moment here to close beforehand.

So with that I yield myself the balance of the time.

I think what has been demonstrated on the floor here is the passion surrounding this issue. And I can certainly understand that passion, especially with the history, particularly here in the eastern part of the United States. And I don't expect that my opposition or my arguments are going to change the outcome of the votes, as I mentioned in my opening remarks. But as I mentioned in my opening remarks, because of the Carcieri decision, I think it is important for us to set at least some guidelines as to what process we in Congress, who have the constitutional right, by the way, to recognize tribes, at least to have a set of criteria that we should look at. And one of them ought to be at least some verification at the minimal.

I know that at the Bureau of Indian Affairs, and admittedly this is regulatory, there are seven or eight steps that certainly make sense. A lot of tribes have gone through that process. So I understand the passion. I respect the passion and the work that has been done on this. But for the reasons I outlined, more of a process reason than anything else, I urge my colleagues to vote against this legislation.

And with that, I yield back my time.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Just to respond to my dear friend, the gentleman from Washington, the Carcieri decision did not impact Congress' power to place land into trust for an Indian tribe directly or Congress' power to authorize the Secretary to place land in a trust for a specific tribe beyond the general authority found in the Indian Reorganization Act.

There is much precedent for this legislation. Congress has recognized other Indian tribes and placed land into trust and/or authorized the Secretary to place land into trust for those tribes on numerous occasions. So I just conclude by saying that this legislation, again, is not affected by the Carcieri decision, nor does this legislation overturn said decision.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. SHORT TITLE; TABLE OF CONTENTS.

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

(b) **TABLE OF CONTENTS.**—The table of contents of 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.

Sec. 205. Governing body.

Sec. 206. Reservation of the Tribe.

Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

Sec. 208. Jurisdiction of Commonwealth of Virginia.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.

Sec. 302. Definitions.

Sec. 303. Federal recognition.

Sec. 304. Membership; governing documents.

Sec. 305. Governing body.

Sec. 306. Reservation of the Tribe.

Sec. 307. Hunting, fishing, trapping, gathering, and water rights.

Sec. 308. Jurisdiction of Commonwealth of Virginia.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.

Sec. 402. Definitions.

Sec. 403. Federal recognition.

Sec. 404. Membership; governing documents.

Sec. 405. Governing body.

Sec. 406. Reservation of the Tribe.

Sec. 407. Hunting, fishing, trapping, gathering, and water rights.

Sec. 408. Jurisdiction of Commonwealth of Virginia.

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.

Sec. 603. Federal recognition.

Sec. 604. Membership; governing documents.

Sec. 605. Governing body.

Sec. 606. Reservation of the Tribe.

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

Sec. 608. Jurisdiction of Commonwealth of Virginia.

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

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

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

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

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

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi 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 forced from their reservation, which caused the loss of a land base;

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

(7) a Chickahominy child was 1 of the first Indians to attend Braxferton College;

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

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

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

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

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

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

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, “as a matter largely of historical accident”, but was “interested in them as descendants of the original inhabitants of the region”;

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

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

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

(24) the Samaria Indian School included students in grades 1 through 8;

(25) in 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians "in your area".

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

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

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

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

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe.

SEC. 103. FEDERALrecognition.

(a) FEDERALrecognition.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

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

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 106. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

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

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

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

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 108. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

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

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

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

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

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

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its 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 forced from their reservation, which caused the loss of a land base;

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

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

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

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

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

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

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

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

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

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

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

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

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

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

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

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

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

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

(25) in 1985—

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

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

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

(27) Chief Marvin "Strongoak" Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.(a) **FEDERAL RECOGNITION.**—

(1) **IN GENERAL.**—Federal recognition is extended to the Tribe.

(2) **APPLICABILITY OF LAWS.**—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

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

(1) **IN GENERAL.**—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) **SERVICE AREA.**—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 206. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) **DEADLINE FOR DETERMINATION.**—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

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

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

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 208. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

(2) all civil actions that arise on,

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

(b) **ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.**—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE III—UPPER MATTAPONI TRIBE**SEC. 301. FINDINGS.**

Congress finds that—

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

(A) lived approximately 20 miles from Jamestown; and

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

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

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

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

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony’s census of Indian bowmen; and

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

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

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

(A) were assigned a reservation by the Virginia Colony; and

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

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

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

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the “Upper Mattaponi Indian Tribe” and “Chickahominy Indian Tribe”, elected to stay with the Upper Mattaponi Indians;

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

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

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

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

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

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

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

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into “colored” units in the Armed Forces of the United States; and

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

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

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

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

(2) **TRIBAL MEMBER.**—The term “tribal member” means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) **TRIBE.**—The term “Tribe” means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.(a) **FEDERAL RECOGNITION.**—

(1) **IN GENERAL.**—Federal recognition is extended to the Tribe.

(2) **APPLICABILITY OF LAWS.**—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

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

(1) **IN GENERAL.**—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) **SERVICE AREA.**—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 306. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King William County, Caroline County,

Hanover County, King and Queen County, and New Kent County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

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

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

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

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 308. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

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

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to resume such jurisdiction.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

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

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the “great man” who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

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

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

(4) a third meeting took place during Smith’s exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

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

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

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

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to “treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys”;

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

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

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

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

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

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, “the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock”;

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

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

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

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

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

(17) as of the date of that census—

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

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

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, “who were supposed to be her tributaries”, but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council “that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers”;

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres “about the town where they dwelt”;

(22) the Rappahannock “town” was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a Bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington “escorted” the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson’s Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as “Indians, having a great need for moral and Christian guidance”;

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

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

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

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

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia,

Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

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

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

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

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

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were "flatly denying" his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as "Indian" only if Indian "blood" predominated and "Indian" identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as "Negro", and it failed to see why "an exception should be made" for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominees, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William

Harlen Gilbert entitled, "Surviving Indian Groups of the Eastern United States", which included and described the Rappahannock Tribe; (66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) TRIBE.—

(A) IN GENERAL.—The term "Tribe" means the organization possessing the legal name Rappahannock Tribe, Inc.

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

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

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

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, Spotsylvania County, Stafford County, and Richmond County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 406. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia; and

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

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

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

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

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 408. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

(2) all civil actions that arise on,

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

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to re-assume such jurisdiction.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

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

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

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneechees (Occaneechi), Stengenocks, and Meipontskys;

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

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

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

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

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this

Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

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

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

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

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as "Monacan Co-operative Pottery" at the Amherst Mission;

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

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

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

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) TRIBE.—The term "Tribe" means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

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

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership

roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 506. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of Albemarle County, Alleghany County, Amherst County, Augusta County, Campbell County, Nelson County, and Rockbridge County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of Albemarle County, Alleghany County, Amherst County, Augusta County, Campbell County, Nelson County, and Rockbridge County, Virginia.

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

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

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

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 508. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

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

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to assume such jurisdiction.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

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

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

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

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

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

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

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

(10) in 1727, Norfolk County granted William Bass and his kinsmen the "Indian privileges" of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

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

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

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

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

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

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

SEC. 602. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

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

(3) TRIBE.—The term "Tribe" means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) *IN GENERAL.*—Federal recognition is extended to the Tribe.

(2) *APPLICABILITY OF LAWS.*—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) *FEDERAL SERVICES AND BENEFITS.*—

(1) *IN GENERAL.*—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) *SERVICE AREA.*—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

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

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

SEC. 606. RESERVATION OF THE TRIBE.

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

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) *DEADLINE FOR DETERMINATION.*—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

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

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

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 608. JURISDICTION OF COMMONWEALTH OF VIRGINIA.

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

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

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

(b) *ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.*—The Secretary of the Interior is

authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the Commonwealth of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-131. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-131.

Mr. GOODLATTE. I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GOODLATTE:

At the end of the bill, add the following new title:

TITLE VII—EMINENT DOMAIN

SEC. 701. LIMITATION.

Eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act.

The CHAIR. Pursuant to House Resolution 490, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I rise today to offer an amendment to H.R. 1385, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. Given that this bill could dramatically change localities in Virginia, I am offering an amendment to provide an additional protection for private property. This amendment would ensure that no use of eminent domain could be used to acquire private property to transfer it to the tribes. This would ensure that lands are not taken out of current private use for the sole purpose of expanding tribal lands and ensure some protection for private residents and localities.

The bill greatly expands the congressionally recommended areas in which tribes can acquire lands for their trust. Given that this is a great expansion in comparison to versions of this bill introduced in previous Congresses, I believe that it is necessary and appropriate to provide this level of protection. I hope my colleagues will join me in supporting this amendment.

Mr. RAHALL. Would the gentleman yield?

Mr. GOODLATTE. I will be happy to yield.

Mr. RAHALL. I appreciate the gentleman yielding.

Under existing law, as the gentleman knows, and under this legislation, the Interior Secretary may place land owned by an Indian tribe into trust as part of a tribe's reservation. Eminent domain does not enter the picture.

Indeed, the pending legislation states for each of the six tribes involved that the Secretary may take into trust "any land held in fee by the tribe that was acquired by the tribe." Considering that neither the Interior Secretary or, for that matter, these tribes, made eminent domain authority, the gentleman's amendment is chasing a problem that does not exist. But having said that, if it makes the gentleman from Virginia feel better, and if it makes him more comfortable with this bill, and since it does pose no harm, I will accept the amendment.

□ 1400

Mr. GOODLATTE. Reclaiming my time, the chairman makes me feel a lot better, and I'm pleased that he will accept my amendment.

I yield back the balance of my time.

The Acting CHAIR (Ms. BALDWIN). The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-131.

Mr. GOODLATTE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GOODLATTE:

Page 51, beginning on line 1, strike "Albermarle" and all that follows through "Virginia" on line 4 and insert "Amherst County, Virginia".

Page 51, line 7, strike "Albermarle" and all that follows through "Virginia" on line 10 and insert "Amherst County, Virginia".

The Acting CHAIR. Pursuant to House Resolution 490, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I have always supported granting these six Virginia tribes Federal recognition, and I am extremely happy that that bill has included language that seeks to prevent casino-style gaming in the Commonwealth of Virginia. However, I was troubled to learn of a change that was made to the bill without notification to any of the local communities that would be affected.

In the section dealing with the Monacan Indian Tribe, the area that the tribe could have placed in trust for their reservation grew from one county to seven. Originally, it was an area of approximately 479 square miles, and now it's an area of approximately 3,728 square miles.

What is even more disturbing to me is that none of these new localities knew that they would be part of an area in which the tribes could acquire lands. My office only discovered it once the bill was scheduled for floor consideration.

This bill could dramatically affect these counties. If tribal lands were established in these counties, it could mean the localities would lose all control of the lands that were placed in trust in them. We would no longer be in control of zoning, environmental reviews, and these localities could no longer collect tax revenues from these lands. These are serious concerns and could greatly impact operations of the counties.

The fact that the bill would establish tribal land in these counties is a total surprise to these jurisdictions. They have not had a sufficient opportunity to discuss and study how such a change would affect them.

The addition of these new counties is also a total surprise to me and the counties involved, and they should be removed from this bill. I've also spoken to my colleagues, TOM PERRIELLO and RICK BOUCHER of the Fifth and Ninth Congressional Districts, who also represent these newly added counties, and they also support this amendment.

These communities should have the right to know how these changes will affect them as far as this legislation is concerned and the far-reaching consequences that could permanently change central Virginia.

I reserve the balance of my time.

Mr. MORAN of Virginia. I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN of Virginia. Madam Chairman, first of all, this land was the Indians' land. The Monacan tribe owned much of this land. It was taken from them.

Now, in terms of the counties that my friend, Mr. GOODLATTE, has included, there is no land currently that would be placed in trust. All they want is the ability to place land in trust because of the recent Supreme Court decision that said that the Secretary of the Interior does not have discretion to do this.

Now, this Supreme Court decision just occurred in February, so it's a brand new context in which these things are dealt with. If it had not been for the Supreme Court decision, these additional counties would not have been added. But they're added in case people in those counties who are understanding of the plight of the Monacan Indians chose to provide land to them. We don't know that that's even going to occur. There is only one very small parcel of land that the Monacan tribe is aware of that it would receive from a current landowner in Rockbridge County.

Now, the Indian tribes have compromised so much for so long, I think

that they would compromise again if necessary. But to deny them this one small plot of land that's relatively isolated, it's certainly a long ways from Interstate 81 or any main highway, it doesn't seem to me fair.

So if the gentleman was willing to accommodate that land in Rockbridge County, maybe, once again, the Indian tribes would agree to compromise and preclude the other counties included in Mr. GOODLATTE's amendment.

I will reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield myself such time as I may consume to say the gentleman's points are well taken. We certainly understand the concerns of the tribe and the interests of the individual who owns the land in Rockbridge County that would like to have it taken into trust.

My concern, of course, is that this has happened at a late hour and, as you know, we've been scrambling to figure out exactly what that land is. We now think we have a reasonably good definition of it, and subject to the approval of the local government, I think that we could agree on language. And if the chairman and the ranking member, or other Members for that matter, do not object, I would be prepared to make a unanimous consent request.

The Acting CHAIR. The Chair would inquire whether the gentleman is submitting a modification.

Mr. GOODLATTE. I am. I am asking unanimous consent to submit a modification.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 2 offered by Mr. GOODLATTE:

In lieu of the matter proposed to be inserted, insert the following:

Page 51, beginning on line 1, strike "Albermarle" and all that follows through "Virginia" on line 4 and insert "Amherst County, Virginia"

Page 51, beginning on line 7, strike "Albermarle" and all that follows through "Virginia" on line 10 and insert "Amherst County, Virginia, and those parcels in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres))."

The Acting CHAIR. Is there objection to the modification?

Mr. MORAN of Virginia. Reserving the right to object, my concern with this modification is only one; not the specificity of the modifying amendment, but it's subject to the approval of Rockbridge County. What does that mean? Does there have to be some formal legislation passed by Rockbridge County? Is it the County Board? Do they have to pass formal legislation and by when?

I would be fine with it up to the approval part, but I don't know what the approval part constitutes.

Mr. GOODLATTE. If the gentleman would yield, the consent of the local unit of government, to me, would mean the approval of the Rockbridge County

Board of Supervisors by way of an ordinance or some other measure that they would pass, a resolution, approving the action taken. If the gentleman has some perfecting language, I'm certainly willing to consider it.

Mr. MORAN of Virginia. Would the gentleman accept language that said, "unless disapproved by the Rockbridge County government"?

In other words, I hate to have it so that the Rockbridge County government can just decide to sit on this indefinitely. But if they specifically, through their County Board, disapproved it, then I guess that would be acceptable. But I don't want to give the kind of leverage where inaction might preclude this from occurring.

Mr. GOODLATTE. Well, if the gentleman would yield further, I take the gentleman's point. However, by the same token, we would have to have some kind of a date by which they would have to act in disapproval, because otherwise they could disapprove some time well into the future. So I think that the appropriate step here would be to adopt this amendment with the unanimous consent modification, if no one objects to that, and then the tribe would then proceed to go to the Rockbridge County Board of Supervisors and ask them to approve this. If they refuse to approve it, they would still have the opportunity to come back in the future and ask them for approval at a later date. Whereas, the gentleman's language might be more confusing.

Mr. MORAN of Virginia. By the same token, unless disapproved within 180 days of passage, because your argument applies just as well.

Mr. GOODLATTE. If the gentleman would yield, I don't think the gentleman is going down the right track because the gentleman who owns this land is still living, and it's my understanding that he's going to convey the land in a testamentary document, and therefore, to try to set a date for the action by the board seems to me to be trying to put the cart before the horse. I believe that I must insist, myself, on my own unanimous consent request.

Mr. MORAN of Virginia. The gentleman makes a legitimate point, and I will withdraw my reservation.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, with that modification, I would urge my colleagues to support the amendment. And I do believe that this is a good and effective way to address the concerns that I raise and were raised by Congressman PERRIELLO and Congressman BOUCHER in my conversations with them and my staffs conversations with their staffs about the impact that this could have on these particular localities. And, therefore, I would ask my colleagues to support the amendment, as modified.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOYLE) having assumed the chair, Ms. BALDWIN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1385) 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, pursuant to House Resolution 490, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore (Ms. BALDWIN). Without objection, the title of H.R. 1385 is amended to read as follows:

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.

□ 1415

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 31.

The SPEAKER pro tempore (Ms. BALDWIN). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

H.R. 31, LUMBEE RECOGNITION ACT

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 490, I call up

the bill (H.R. 31) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 490, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lumbee Recognition Act".

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking "and" at the end of each clause.

(2) By striking ":" Now, therefore," at the end of the last clause and inserting a semicolon.

(3) By adding at the end the following new clauses:

"Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

"Whereas since 1885 the State of North Carolina has recognized the Lumbee Indians as an Indian tribe;

"Whereas in 1956 the Congress of the United States acknowledged the Lumbee Indians as an Indian tribe, but withheld from the Lumbee Tribe the benefits, privileges and immunities to which the Tribe and its members otherwise would have been entitled by virtue of the Tribe's status as a federally recognized tribe; and

"Whereas the Congress finds that the Lumbee Indians should now be entitled to full Federal recognition of their status as an Indian tribe and that the benefits, privileges and immunities that accompany such status should be accorded to the Lumbee Tribe: Now, therefore,".

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended as follows:

(1) By striking the last sentence of the first section.

(2) By striking section 2 and inserting the following new sections:

"SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of North Carolina, as designated as petitioner number 65 by the Office of Federal Acknowledgement. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of North Carolina and its members.

"(b) Notwithstanding the first section, any group of Indians in Robeson and adjoining counties, North Carolina, whose members are not enrolled in the Lumbee Tribe of North Carolina as determined under section 3(c), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgement of tribal existence.

"SEC. 3. (a) The Lumbee Tribe of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as members of a federally recognized tribe. For the purposes of the delivery of such services, those members of the Tribe residing in Robeson, Cumberland, Hoke, and Scotland counties in North Carolina shall be deemed to be residing on or near an Indian reservation.

"(b) Upon verification by the Secretary of the Interior of a tribal roll under subsection (c), the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of North Carolina, a determination of needs to provide the services to which members of the Tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs to Congress after the tribal roll is verified.

"(c) For purposes of the delivery of Federal services, the tribal roll in effect on the date of the enactment of this section shall, subject to verification by the Secretary of the Interior, define the service population of the Tribe. The Secretary's verification shall be limited to confirming compliance with the membership criteria set out in the Tribe's constitution adopted on November 16, 2001, which verification shall be completed within 2 years after the date of the enactment of this section.

"SEC. 4. (a) The Secretary may take land into trust for the Lumbee Tribe pursuant to this Act. An application to take land located within Robeson County, North Carolina, into trust under this section shall be treated by the Secretary as an 'on reservation' trust acquisition under part 151 of title 25, Code of Federal Regulation (or a successor regulation).

"(b) The tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

"SEC. 5. (a) The State of North Carolina shall exercise jurisdiction over—

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

"(2) all civil actions that arise on, lands located within the State of North Carolina that are owned by, or held in trust by the United States for, the Lumbee Tribe of North Carolina, or any dependent Indian community of the Lumbee Tribe of North Carolina.

"(b) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in subsection (a) pursuant to an agreement between the Lumbee Tribe and the State of North Carolina. Such transfer of jurisdiction may not take effect until 2 years after the effective date of the agreement.

"(c) The provisions of this section shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

"SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out this Act."

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. To my colleagues on both sides of the aisle, let me begin by saying that this measure, which would extend Federal recognition to the Lumbee Tribe of North Carolina, is more than a century overdue. When 240 of us voted for Federal recognition during the 102nd Congress, that should have resolved the question of Lumbee status. When we voted again in favor of similar legislation in the 103rd Congress, that certainly should have meant that the United States had finally taken a stand and done the right