

109TH CONGRESS
1ST SESSION

S. 480

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

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2005

Mr. ALLEN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Thomasina E. Jordan Indian Tribes of Virginia Federal
6 Recognition Act of 2005”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 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.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

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

TITLE III—UPPER MATTAPONI TRIBE

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

TITLE IV—RAPPAHANNOCK TRIBE, INC.

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

TITLE V—MONACAN INDIAN NATION

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

TITLE VI—NANSEMOND INDIAN TRIBE

- Sec. 601. Findings.
 Sec. 602. Definitions.
 Sec. 603. Federal recognition.
 Sec. 604. Membership; governing documents.
 Sec. 605. Governing documents.
 Sec. 606. Governing body.
 Sec. 607. Reservation of the Tribe.
 Sec. 608. Hunting, fishing, trapping, gathering, and water rights.

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

3 **SEC. 101. FINDINGS.**

4 Congress finds that—

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

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

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

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

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

1 (4) in 1677, following Bacon's Rebellion, the
2 Queen of Pamunkey signed the Treaty of Middle
3 Plantation on behalf of the Chickahominy;

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

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

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

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

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

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

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

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

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

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

13 (15) during the period of 1920 through 1930,
14 various Governors of the Commonwealth of Virginia
15 wrote letters of introduction for Chickahominy
16 Chiefs who had official business with Federal agen-
17 cies in Washington, D.C.;

18 (16) in 1934, Chickahominy Chief O.W. Adkins
19 wrote to John Collier, Commissioner of Indian Af-
20 fairs, requesting money to acquire land for the
21 Chickahominy Indian Tribe's use, to build school,
22 medical, and library facilities and to buy tractors,
23 implements, and seed;

24 (17) in 1934, John Collier, Commissioner of In-
25 dian Affairs, wrote to Chickahominy Chief O.W.

1 Adkins, informing him that Congress had passed the
2 Act of June 18, 1934 (commonly known as the “In-
3 dian Reorganization Act”) (25 U.S.C. 461 et seq.),
4 but had not made the appropriation to fund the Act;

5 (18) in 1942, Chickahominy Chief O.W. Adkins
6 wrote to John Collier, Commissioner of Indian Af-
7 fairs, asking for help in getting the proper racial
8 designation on Selective Service records for Chicka-
9 hominy soldiers;

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

15 (20) Collier stated that his office could not offi-
16 cially intervene because it had no responsibility for
17 the Virginia Indians, “as a matter largely of histor-
18 ical accident”, but was “interested in them as de-
19 scendants of the original inhabitants of the region”;

20 (21) in 1948, the Veterans’ Education Com-
21 mittee of the Virginia State Board of Education ap-
22 proved Samaria Indian School to provide training to
23 veterans;

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

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

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

8 (25) In 1961, Senator Sam Ervin, Chairman of
9 the Subcommittee on Constitutional Rights of the
10 Committee on the Judiciary of the Senate, requested
11 Chickahominy Chief O.W. Adkins to provide assist-
12 ance in analyzing the status of the constitutional
13 rights of Indians “in your area”;

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

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

1 Self-Determination and Education Assistance Act
2 (25 U.S.C. 458aaa et seq.);

3 (28) in 1974, the Chickahominy Indian Tribe
4 bought land and built a tribal center using monthly
5 pledges from tribal members to finance the trans-
6 actions;

7 (29) in 1983, the Chickahominy Indian Tribe
8 was granted recognition as an Indian tribe by the
9 Commonwealth of Virginia, along with 5 other In-
10 dian tribes; and

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

14 **SEC. 102. DEFINITIONS.**

15 In this title:

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

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

20 (A) an individual who is an enrolled mem-
21 ber of the Tribe as of the date of enactment of
22 this Act; and

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

1 (3) **TRIBE.**—The term “Tribe” means the
2 Chickahominy Indian Tribe.

3 **SEC. 103. FEDERAL RECOGNITION.**

4 (a) **FEDERAL RECOGNITION.**—

5 (1) **IN GENERAL.**—Federal recognition is ex-
6 tended to the Tribe.

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

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

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

20 (A) the existence of a reservation for the
21 Tribe; or

22 (B) the location of the residence of any
23 tribal member on or near any Indian reserva-
24 tion.

1 (2) SERVICE AREA.—For the purpose of the de-
2 livery of Federal services to tribal members, the
3 service area of the Tribe shall be considered to be
4 the area comprised of Charles City County, Virginia.

5 **SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.**

6 The membership roll and governing documents of the
7 Tribe shall be the most recent membership roll and gov-
8 erning documents, respectively, submitted by the Tribe to
9 the Secretary before the date of enactment of this Act.

10 **SEC. 105. GOVERNING BODY.**

11 The governing body of the Tribe shall be—

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

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

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

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

24 (b) GAMING.—No reservation or tribal land or land
25 taken into trust for the benefit of the Tribe shall be eligi-

1 ble to satisfy the terms for an exception under section
 2 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
 3 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 4 land acquired by the Secretary in trust for the benefit of
 5 an Indian tribe after October 17, 1988, under section
 6 20(a) of that Act (25 U.S.C. 2719(a)).

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

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

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

15 **SEC. 201. FINDINGS.**

16 Congress finds that—

17 (1) in 1607, when the English settlers set shore
 18 along the Virginia coastline, the Chickahominy In-
 19 dian Tribe was 1 of about 30 tribes that received
 20 them;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (16) in 1910, a 1-room school covering grades
23 1 through 8 was established in New Kent County for
24 the Chickahominy Indian Tribe—Eastern Division;

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

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

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

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

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

14 (22) in 1967, the Chickahominy Indian Tribe
15 and the Chickahominy Indian Tribe—Eastern Divi-
16 sion lost their schools as a result of the required in-
17 tegration of students;

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

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

24 (25) in 1985—

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

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

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

7 (27) Chief Marvin “Strongoak” Bradby of the
8 Eastern Band of the Chickahominy presently chairs
9 the organization.

10 **SEC. 202. DEFINITIONS.**

11 In this title:

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

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

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

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

22 (3) TRIBE.—The term “Tribe” means the
23 Chickahominy Indian Tribe—Eastern Division.

24 **SEC. 203. FEDERAL RECOGNITION.**

25 (a) FEDERAL RECOGNITION.—

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

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

10 (b) FEDERAL SERVICES AND BENEFITS.—

11 (1) IN GENERAL.—On and after the date of en-
12 actment of this Act, the Tribe and tribal members
13 shall be eligible for all future services and benefits
14 provided by the Federal Government to federally rec-
15 ognized Indian tribes without regard to—

16 (A) the existence of a reservation for the
17 Tribe; or

18 (B) the location of the residence of any
19 tribal member on or near any Indian reserva-
20 tion.

21 (2) SERVICE AREA.—For the purpose of the de-
22 livery of Federal services to tribal members, the
23 service area of the Tribe shall be considered to be
24 the area comprised of New Kent County, Virginia.

1 **SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.**

2 The membership roll and governing documents of the
3 Tribe shall be the most recent membership roll and gov-
4 erning documents, respectively, submitted by the Tribe to
5 the Secretary before the date of enactment of this Act.

6 **SEC. 205. GOVERNING BODY.**

7 The governing body of the Tribe shall be—

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

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

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

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

21 (b) GAMING.—No reservation or tribal land or land
22 taken into trust for the benefit of the Tribe shall be eligi-
23 ble to satisfy the terms for an exception under section
24 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
26 land acquired by the Secretary in trust for the benefit of

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

3 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**
4 **WATER RIGHTS.**

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

8 **TITLE III—UPPER MATTAPONI**
9 **TRIBE**

10 **SEC. 301. FINDINGS.**

11 Congress finds that—

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

14 (A) lived approximately 20 miles from
15 Jamestown; and

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

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

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

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

1 (5) in 1669, the Chickahominy Indians—

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

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

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

10 (7) in 1683, after a Mattaponi town was at-
11 tacked by Seneca Indians, the Mattaponi Indians
12 took refuge with the Chickahominy Indians, and the
13 history of the 2 groups was intertwined for many
14 years thereafter;

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

17 (A) were assigned a reservation by the Vir-
18 ginia Colony; and

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

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

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

4 (11) James Adams, who served as an inter-
5 preter to the Indian tribes known as of the date of
6 enactment of this Act as the “Upper Mattaponi In-
7 dian Tribe” and “Chickahominy Indian Tribe”,
8 elected to stay with the Upper Mattaponi Indians;

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

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

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

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

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

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

7 (18) in 1928, University of Pennsylvania an-
8 thropologist Frank Speck published a book on mod-
9 ern Virginia Indians with a section on the Upper
10 Mattaponi;

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

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

18 (A) the leadership of the Upper Mattaponi
19 Indians, with the help of Frank Speck and oth-
20 ers, fought against the induction of young men
21 of the Tribe into “colored” units in the Armed
22 Forces of the United States; and

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

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

7 (22) in 1983, the Upper Mattaponi Indians ap-
 8 plied for and won State recognition as an Indian
 9 tribe.

10 **SEC. 302. DEFINITIONS.**

11 In this title:

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

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

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

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

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

24 **SEC. 303. FEDERAL RECOGNITION.**

25 (a) FEDERAL RECOGNITION.—

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

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

10 (b) FEDERAL SERVICES AND BENEFITS.—

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

16 (A) the existence of a reservation for the
17 Tribe; or

18 (B) the location of the residence of any
19 tribal member on or near any Indian reserva-
20 tion.

21 (2) SERVICE AREA.—For the purpose of the de-
22 livery of Federal services to tribal members, the
23 service area of the Tribe shall be considered to be
24 the area within 25 miles of the Sharon Indian

1 School at 13383 King William Road, King William,
2 Virginia.

3 **SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.**

4 The membership roll and governing documents of the
5 Tribe shall be the most recent membership roll and gov-
6 erning documents, respectively, submitted by the Tribe to
7 the Secretary before the date of enactment of this Act.

8 **SEC. 305. GOVERNING BODY.**

9 The governing body of the Tribe shall be—

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

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

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

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, if, not later than 25 years after the date of
18 enactment of this Act, the Tribe transfers to the Secretary
19 land within the boundaries of King William County, Vir-
20 ginia, the Secretary shall take the land into trust for the
21 benefit of the Tribe.

22 (b) GAMING.—No reservation or tribal land or land
23 taken into trust for the benefit of the Tribe shall be eligi-
24 ble to satisfy the terms for an exception under section
25 20(b)(1)(B) of the Indian Gaming Regulatory Act (25

1 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
 2 land acquired by the Secretary in trust for the benefit of
 3 an Indian tribe after October 17, 1988, under section
 4 20(a) of that Act (25 U.S.C. 2719(a)).

5 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**
 6 **WATER RIGHTS.**

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

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

12 **SEC. 401. FINDINGS.**

13 Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (B) stated that—

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

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

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

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

1 (17) as of the date of that census—

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

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

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

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

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

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

1 (22) the Rappahannock “town” was the hunt-
2 ing village on the north side of the Mattaponi River,
3 where the Rappahannocks had lived throughout the
4 1670s;

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

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

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

20 (26) in 1706, by order of Essex County, Lieu-
21 tenant Richard Covington “escorted” the
22 Portobaccos and Rappahannocks out of Portobacco
23 Indian Town, out of Essex County, and into King
24 and Queen County where they settled along the
25 ridgeline between the Rappahannock and Mattaponi

1 Rivers, the site of their ancient hunting village and
2 1682 reservation;

3 (27) during the 1760s, 3 Rappahannock girls
4 were raised on Thomas Nelson's Bleak Hill Planta-
5 tion in King William County;

6 (28) of those girls—

7 (A) 1 married a Saunders man;

8 (B) 1 married a Johnson man; and

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

11 (29) in the 19th century, those Saunders, John-
12 son, and Nelson families are among the core Rappa-
13 hannock families from which the modern Tribe
14 traces its descent;

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

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

22 (32) those tax records are significant docu-
23 mentation because the great majority of pre-1864
24 records for King and Queen County were destroyed
25 by fire;

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

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

6 (35) while 26 identifiable and traceable Rappa-
7 hannock surnames appear on the pre-1863 member-
8 ship list, and 28 were listed on the 1863 member-
9 ship roster, the number of surnames listed had de-
10 clined to 12 in 1878 and had risen only slightly to
11 14 by 1888;

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

17 (37) Mastin referred to the Rappahannocks
18 during the period of 1850 to 1870 as “Indians, hav-
19 ing a great need for moral and Christian guidance”;

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

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

1 (40) during the early 1900's, James Mooney,
2 noted anthropologist, maintained correspondence
3 with the Rappahannocks, surveying them and in-
4 structing them on how to formalize their tribal gov-
5 ernment;

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

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

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

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

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

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

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

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

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

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

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

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

1 (53) in a followup letter to Truesdell, Nelson
2 reported that the enumerators were “flatly denying”
3 his people’s request to be listed as Indians and that
4 the race question was completely avoided during
5 interviews;

6 (54) the Rappahannocks had spoken with Caro-
7 line and Essex County enumerators, and with John
8 M.W. Green at that point, without success;

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

11 (56) the matter was settled by William Steuart,
12 who concluded that the Bureau’s rule was that peo-
13 ple of Indian descent could be classified as “Indian”
14 only if Indian “blood” predominated and “Indian”
15 identity was accepted in the local community;

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

20 (58) therefore, in 1925, the Indian Rights As-
21 sociation took on the Rappahannock case to assist
22 the Rappahannocks in fighting for their recognition
23 and rights as an Indian tribe;

24 (59) during the Second World War, the
25 Pamunkeys, Mattaponis, Chickahominies, and

1 Rappahannocks had to fight the draft boards with
2 respect to their racial identities;

3 (60) the Virginia Vital Statistics Bureau in-
4 sisted that certain Indian draftees be inducted into
5 Negro units;

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

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

15 (63) in the 1940s, Leon Truesdell, Chief Stat-
16 istician, of the United States Census Bureau, listed
17 118 members in the Rappahannock Tribe in the In-
18 dian population of Virginia;

19 (64) on April 25, 1940, the Office of Indian Af-
20 fairs of the Department of the Interior included the
21 Rappahannocks on a list of Indian tribes classified
22 by State and by agency;

23 (65) in 1948, the Smithsonian Institution An-
24 nual Report included an article by William Harlen
25 Gilbert entitled, "Surviving Indian Groups of the

1 Eastern United States”, which included and de-
2 scribed the Rappahannock Tribe;

3 (66) in the late 1940s and early 1950s, the
4 Rappahannocks operated a school at Indian Neck;

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

9 (68) in 1965, Rappahannock students entered
10 Marriott High School (a white public school) by ex-
11 ecutive order of the Governor of Virginia;

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

15 (70) in 1979, the Coalition established a pot-
16 tery and artisans company, operating with other Vir-
17 ginia tribes;

18 (71) in 1980, the Rappahannocks received
19 funding through the Administration for Native
20 Americans of the State of Virginia to develop an
21 economic program for the Tribe; and

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

24 **SEC. 402. DEFINITIONS.**

25 In this title:

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

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

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

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

11 (3) TRIBE.—

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

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

19 **SEC. 403. FEDERAL RECOGNITION.**

20 (a) FEDERAL RECOGNITION.—

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

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

1 bands of Indians (including the Act of June 18,
2 1934 (25 U.S.C. 461 et seq.)) that are not incon-
3 sistent with this title shall be applicable to the Tribe
4 and tribal members.

5 (b) FEDERAL SERVICES AND BENEFITS.—

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

11 (A) the existence of a reservation for the
12 Tribe; or

13 (B) the location of the residence of any
14 tribal member on or near any Indian reserva-
15 tion.

16 (2) SERVICE AREA.—For the purpose of the de-
17 livery of Federal services to tribal members, the
18 service area of the Tribe shall be considered to be
19 the area comprised of King and Queen, Caroline,
20 and Essex Counties, Virginia.

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

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

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

2 The governing body of the Tribe shall be—

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

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

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

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

15 (b) GAMING.—No reservation or tribal land or land
16 taken into trust for the benefit of the Tribe shall be eligi-
17 ble to satisfy the terms for an exception under section
18 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
19 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
20 land acquired by the Secretary in trust for the benefit of
21 an Indian tribe after October 17, 1988, under section
22 20(a) of that Act (25 U.S.C. 2719(a)).

1 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

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

6 **TITLE V—MONACAN INDIAN**
7 **NATION**

8 **SEC. 501. FINDINGS.**

9 Congress finds that—

10 (1) In 1677, the Monacan Tribe signed the
11 Treaty of Middle Plantation between Charles II of
12 England and 12 Indian “Kings and Chief Men”;

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

16 (3) specifically mentioned in the negotiations
17 were the Monacan tribes of the Totero (Tutelo),
18 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
19 Meipontskys;

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

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

1 (6) in 1850, the United States census recorded
2 29 families, mostly large, with Monacan surnames,
3 the members of which are genealogically related to
4 the present community;

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

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

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

13 (10) from 1930 through 1931, numerous letters
14 from Monacans to the Bureau of the Census re-
15 sulted from the decision of Dr. Walter Plecker,
16 former head of the Bureau of Vital Statistics of the
17 State of Virginia, not to allow Indians to register as
18 Indians for the 1930 census;

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

23 (12) in 1947, D'Arcy McNickle, a Salish In-
24 dian, saw some of the children at the Amherst Mis-

1 sion and requested that the Cherokee Agency visit
2 them because they appeared to be Indian;

3 (13) that letter was forwarded to the Depart-
4 ment of the Interior, Office of Indian Affairs, Chi-
5 cago, Illinois;

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

10 (15) in 1979, a Federal Coalition of Eastern
11 Native Americans established the entity known as
12 “Monacan Co-operative Pottery” at the Amherst
13 Mission;

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

17 (17) the Mattaponi-Pamunkey-Monacan Con-
18 sortium, established in 1981, has since been orga-
19 nized as a nonprofit corporation that serves as a ve-
20 hicle to obtain funds for those Indian tribes from the
21 Department of Labor under Native American pro-
22 grams under the Job Training Partnership Act (29
23 U.S.C. 1501 et seq.);

24 (18) in 1989, the Monacan Tribe was recog-
25 nized by the State of Virginia, which enabled the

1 Tribe to apply for grants and participate in other
2 programs; and

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

6 **SEC. 502. DEFINITIONS.**

7 In this title:

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

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

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

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

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

20 **SEC. 503. FEDERAL RECOGNITION.**

21 (a) FEDERAL RECOGNITION.—

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

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

1 plicability to Indians or nations, Indian tribes, or
2 bands of Indians (including the Act of June 18,
3 1934 (25 U.S.C. 461 et seq.)) that are not incon-
4 sistent with this title shall be applicable to the Tribe
5 and tribal members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

12 (A) the existence of a reservation for the
13 Tribe; or

14 (B) the location of the residence of any
15 tribal member on or near any Indian reserva-
16 tion.

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

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

23 The membership roll and governing documents of the
24 Tribe shall be the most recent membership roll and gov-

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

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

4 The governing body of the Tribe shall be—

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

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

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

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

19 (b) GAMING.—No reservation or tribal land or land
20 taken into trust for the benefit of the Tribe shall be eligi-
21 ble to satisfy the terms for an exception under section
22 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
23 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on
24 land acquired by the Secretary in trust for the benefit of

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

3 **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**
4 **WATER RIGHTS.**

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

8 **TITLE VI—NANSEMOND INDIAN**
9 **TRIBE**

10 **SEC. 601. FINDINGS.**

11 Congress finds that—

12 (1) from 1607 until 1646, Nansemond Indi-
13 ans—

14 (A) lived approximately 30 miles from
15 Jamestown; and

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

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

23 (3) in 1638, according to an entry in a 17th
24 century sermon book still owned by the Chief's fam-

1 ily, a Norfolk County Englishman married a
2 Nansemond woman;

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

7 (5) in 1669, the 2 Nansemond sections ap-
8 peared in Virginia Colony's census of Indian
9 bowmen;

10 (6) in 1677, Nansemond Indians were signato-
11 ries to the Treaty of 1677 with the King of Eng-
12 land;

13 (7) in 1700 and 1704, the Nansemonds and
14 other Virginia Indian tribes were prevented by Vir-
15 ginia Colony from making a separate peace with the
16 Iroquois;

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

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

21 (10) in 1727, Norfolk County granted William
22 Bass and his kinsmen the "Indian privileges" of
23 clearing swamp land and bearing arms (which privi-
24 leges were forbidden to other nonwhites) because of
25 their Nansemond ancestry, which meant that Bass

1 and his kinsmen were original inhabitants of that
2 land;

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

5 (12) from the 1740s to the 1790s, the tradi-
6 tionalist section of the Nansemond tribe, 40 miles
7 west of the Christianized Nansemonds, was dealing
8 with reservation land;

9 (13) the last surviving members of that section
10 sold out in 1792 with the permission of the State of
11 Virginia;

12 (14) in 1797, Norfolk County issued a certifi-
13 cate stating that William Bass was of Indian and
14 English descent, and that his Indian line of ancestry
15 ran directly back to the early 18th century elder in
16 a traditionalist section of Nansemonds on the res-
17 ervation;

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

21 (16) the law originated from the county in
22 which Nansemonds lived, and mostly Nansemonds,
23 with a few people from other counties, took advan-
24 tage of the new law;

1 (17) a Methodist mission established around
 2 1850 for Nansemonds is currently a standard Meth-
 3 odist congregation with Nansemond members;

4 (18) in 1901, Smithsonian anthropologist
 5 James Mooney—

6 (A) visited the Nansemonds; and

7 (B) completed a tribal census that counted
 8 61 households and was later published;

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

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

13 (21) in 1928, University of Pennsylvania an-
 14 thropologist Frank Speck published a book on mod-
 15 ern Virginia Indians that included a section on the
 16 Nansemonds; and

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

20 **SEC. 602. DEFINITIONS.**

21 In this title:

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

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

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

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

7 (3) **TRIBE.**—The term “Tribe” means the
8 Nansemond Indian Tribe.

9 **SEC. 603. FEDERAL RECOGNITION.**

10 (a) **FEDERAL RECOGNITION.**—

11 (1) **IN GENERAL.**—Federal recognition is ex-
12 tended to the Tribe.

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

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

21 (1) **IN GENERAL.**—On and after the date of en-
22 actment of this Act, the Tribe and tribal members
23 shall be eligible for all services and benefits provided
24 by the Federal Government to federally recognized
25 Indian tribes without regard to—

1 (A) the existence of a reservation for the
2 Tribe; or

3 (B) the location of the residence of any
4 tribal member on or near any Indian reserva-
5 tion.

6 (2) SERVICE AREA.—For the purpose of the de-
7 livery of Federal services to tribal members, the
8 service area of the Tribe shall be considered to be
9 the area comprised of the cities of Chesapeake,
10 Hampton, Newport News, Norfolk, Portsmouth, Suf-
11 folk, and Virginia Beach, Virginia.

12 **SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.**

13 (a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this Act, the Tribe shall submit
15 to the Secretary a membership roll consisting of all indi-
16 viduals currently enrolled for membership in the Tribe.

17 (b) QUALIFICATIONS.—The qualifications for inclu-
18 sion on the membership roll of the Tribe shall be deter-
19 mined by the Tribe in accordance with the membership
20 clauses in the governing document of the Tribe and in con-
21 sultation with the Secretary.

22 (c) PUBLICATION.—Not later than 90 days after the
23 date of enactment of this Act, the Secretary shall publish
24 in the Federal Register notice of the membership roll of
25 the Tribe.

1 (d) MAINTENANCE OF MEMBERSHIP ROLL.—The
2 Tribe shall ensure that the membership roll of the Tribe
3 is maintained and kept current.

4 **SEC. 605. GOVERNING DOCUMENTS.**

5 The governing documents of the Tribe in effect on
6 the date of enactment of this Act shall be the interim gov-
7 erning documents for the Tribe until those documents are
8 modified in accordance with the documents.

9 **SEC. 606. GOVERNING BODY.**

10 The governing body of the Tribe shall be—

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

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

16 **SEC. 607. RESERVATION OF THE TRIBE.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, if the Tribe transfers any land acquired by
19 the Tribe to the Secretary, the Secretary may take the
20 land into trust for the benefit of the Tribe.

21 (b) GAMING.—No reservation or tribal land or land
22 taken into trust for the benefit of the Tribe shall be eligi-
23 ble to satisfy the terms for an exception under section
24 20(b)(1)(B) of the Indian Gaming Regulatory Act (25
25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on

1 land acquired by the Secretary in trust for the benefit of
2 an Indian tribe after October 17, 1988, under section
3 20(a) of that Act (25 U.S.C. 2719(a)).

4 **SEC. 608. HUNTING, FISHING, TRAPPING, GATHERING, AND**
5 **WATER RIGHTS.**

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

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