

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3764
OFFERED BY MR. BISHOP OF UTAH**

Strike all after the enacting clause and insert the following:

1 **TITLE I—FEDERAL RECOGNITION OF INDIAN TRIBES, GENERALLY**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Tribal Recognition
6 Act of 2016”.

7 **SEC. 102. FINDINGS.**

8 Congress finds as follows:

9 (1) Article I, section 8, clause 3 of the Con-
10 stitution (commonly known as the “Indian Com-
11 merce Clause”) gives Congress authority over Indian
12 affairs.

13 (2) Such authority is plenary and exclusive.

14 (3) Such authority may not be exercised by the
15 executive branch, except as expressly delegated by
16 an Act of Congress (or by a treaty ratified by the
17 Senate before March 1871).

1 **SEC. 103. DEFINITIONS.**

2 As used in this title:

3 (1) ASSISTANT SECRETARY.—The term “Assist-
4 ant Secretary” means the Assistant Secretary of In-
5 dian Affairs, or that officer’s authorized representa-
6 tive.

7 (2) AUTONOMOUS.—The term “autonomous”
8 means the exercise of political influence or authority
9 independent of the control of any other Indian gov-
10 erning entity. Autonomous must be understood in
11 the context of the history, geography, culture and
12 social organization of the petitioning group.

13 (3) COMMUNITY.—The term “Community”
14 means any group of people which can demonstrate
15 that consistent interactions and significant social re-
16 lationships exist within its membership and that its
17 members are differentiated from and identified as
18 distinct from nonmembers. Community must be un-
19 derstood in the context of the history, geography,
20 culture and social organization of the group.

21 (4) CONTINENTAL UNITED STATES.—The term
22 “continental United States” means the contiguous
23 48 States and Alaska.

24 (5) CONTINUOUSLY OR CONTINUOUS.—The
25 term “continuously or continuous” means extending
26 from first sustained contact with non-Indians

1 throughout the group's history to the present sub-
2 stantially without interruption.

3 (6) DOCUMENTED PETITION.—The term “docu-
4 mented petition” means the detailed arguments
5 made by a petitioner to substantiate its claim to con-
6 tinuous existence as an Indian tribe, together with
7 the factual exposition and all documentary evidence
8 necessary to demonstrate that these arguments ad-
9 dress the mandatory criteria.

10 (7) HISTORICALLY, HISTORICAL OR HISTORY.—
11 The term “historically, historical or history” means
12 dating from first sustained contact with non-Indians.

13 (8) INDIAN GROUP OR GROUP.—The term “In-
14 dian group or group” means any Indian or Alaska
15 Native aggregation within the continental United
16 States that the Secretary of the Interior does not ac-
17 knowledge to be an Indian tribe. Indian tribe, also
18 referred to herein as tribe, means any Indian or
19 Alaska Native tribe, band, pueblo, village, or com-
20 munity within the continental United States that the
21 Secretary of the Interior has lawfully acknowledged
22 as an Indian tribe.

23 (9) INDIGENOUS.—The term “indigenous”
24 means native to the continental United States in
25 that at least part of the petitioner's territory at the

1 time of sustained contact extended into what is now
2 the continental United States.

3 (10) INFORMED PARTY.—The term “informed
4 party” means any person or organization, other than
5 an interested party, who requests an opportunity to
6 submit comments or evidence or to be kept informed
7 of general actions regarding a specific petitioner.

8 (11) INTERESTED PARTY.—The term “inter-
9 ested party” means any person, organization or
10 other entity who can establish a legal, factual or
11 property interest in an acknowledgment determina-
12 tion and who requests an opportunity to submit
13 comments or evidence or to be kept informed of gen-
14 eral actions regarding a specific petitioner. “Inter-
15 ested party” includes the governor and attorney gen-
16 eral of the State in which a petitioner is located, and
17 may include, but is not limited to, local govern-
18 mental units, and any recognized Indian tribes and
19 unrecognized Indian groups that might be affected
20 by an acknowledgment determination.

21 (12) LETTER OF INTENT.—The term “letter of
22 intent” means an undocumented letter or resolution
23 by which an Indian group requests Federal acknowl-
24 edgment as an Indian tribe and expresses its intent
25 to submit a documented petition.

1 (13) PETITIONER.—The term “petitioner”
2 means any entity that has submitted a letter of in-
3 tent to the Secretary requesting acknowledgment
4 that it is an Indian tribe.

5 (14) POLITICAL INFLUENCE OR AUTHORITY.—
6 The term “political influence or authority” means a
7 tribal council, leadership, internal process or other
8 mechanism which the group has used as a means of
9 influencing or controlling the behavior of its mem-
10 bers in significant respects, and/or making decisions
11 for the group which substantially affect its members,
12 and/or representing the group in dealing with out-
13 siders in matters of consequence. This process is to
14 be understood in the context of the history, culture
15 and social organization of the group.

16 (15) PREVIOUS FEDERAL ACKNOWLEDG-
17 MENT.—The term “previous Federal acknowledg-
18 ment” means action by the Federal Government
19 clearly premised on identification of a tribal political
20 entity and indicating clearly the recognition of a re-
21 lationship between that entity and the United
22 States.

23 (16) SECRETARY.—The term “Secretary”
24 means the Secretary of the Interior or that officer’s
25 authorized representative.

1 (17) SUSTAINED CONTACT.—The term “sus-
2 tained contact” means the period of earliest sus-
3 tained non-Indian settlement and/or governmental
4 presence in the local area in which the historical
5 tribe or tribes from which the petitioner descends
6 was located historically.

7 **SEC. 104. GROUPS ELIGIBLE TO SUBMIT PETITIONS.**

8 (a) ELIGIBLE GROUPS.—Indian groups indigenous to
9 the continental United States that are not federally recog-
10 nized Indian tribes on the date of the enactment of this
11 Act may submit a petition under this title.

12 (b) INELIGIBLE GROUPS.—The following may not
13 submit a petition under this title:

14 (1) Splinter groups, political factions, commu-
15 nities or groups of any character that separate from
16 the main body of a federally recognized Indian tribe,
17 unless they can establish clearly that they have func-
18 tioned throughout history until the present as an au-
19 tonomous tribal entity, even if they have been re-
20 garded by some as part of or have been associated
21 in some manner with a federally recognized Indian
22 tribe.

23 (2) Indian tribes, organized bands, pueblos,
24 Alaska native villages, or communities that have
25 been lawfully acknowledged to be federally recog-

1 nized Indian tribes and are receiving services from
2 the Bureau of Indian Affairs.

3 (3) Groups that petitioned and were denied
4 Federal acknowledgment under part 83 of title 25,
5 Code of Federal Regulations, including reorganized
6 or reconstituted petitioners previously denied, or
7 splinter groups, spin-offs, or component groups of
8 any type that were once part of petitioners pre-
9 viously denied.

10 (4) Groups for which a documented petition has
11 not been filed pursuant to section 109 by the date
12 that is five years after the date of the enactment of
13 this Act.

14 (c) GROUPS WITH PETITIONS IN PROGRESS.—This
15 title, including the criteria in section 107, shall apply to
16 any Indian group whose documented petition was sub-
17 mitted and not denied on the date of the enactment of
18 this Act.

19 **SEC. 105. FILING A LETTER OF INTENT.**

20 Any Indian group in the continental United States
21 that believes it should be acknowledged as an Indian tribe
22 and that it can satisfy the criteria in this title may submit
23 a letter of intent requesting acknowledgment that an In-
24 dian group exists as an Indian tribe. The letter of intent
25 submitted under this section—

1 (1) shall be filed with the Assistant Secretary—
2 Indian Affairs, Department of the Interior;

3 (2) may be filed in advance of, or at the same
4 time as, a group's documented petition; and

5 (3) shall be produced, dated and signed by the
6 governing body of an Indian group.

7 **SEC. 106. DUTIES OF THE ASSISTANT SECRETARY.**

8 (a) **GUIDELINES.**—The Assistant Secretary shall
9 make available guidelines for the preparation of docu-
10 mented petitions. These guidelines shall—

11 (1) include an explanation of the criteria, a dis-
12 cussion of the types of evidence which may be used
13 to demonstrate particular criteria, and general sug-
14 gestions and guidelines on how and where to conduct
15 research;

16 (2) include an example of a documented peti-
17 tion format which shall provide guidance, but not
18 preclude the use of any other format; and

19 (3) may be supplemented or updated as nec-
20 essary.

21 (b) **RESEARCH AND PREPARATION OF PETITION.**—

22 The Assistant Secretary—

23 (1) shall provide petitioners with suggestions
24 and advice regarding preparation of the documented
25 petition; and

1 (2) shall not be responsible for the actual re-
2 search on behalf of the petitioner.

3 **SEC. 107. CRITERIA FOR FEDERAL ACKNOWLEDGMENT.**

4 The criteria for consideration for Federal acknowl-
5 edgment is, at a minimum, the following:

6 (1) The petitioner has been identified as an
7 American Indian entity on a substantially contin-
8 uous basis since 1900. Evidence that the group's
9 character as an Indian entity has from time to time
10 been denied shall not be considered to be conclusive
11 evidence that this criterion has not been met. Evi-
12 dence to be relied upon in determining a group's In-
13 dian identity may include one or a combination of
14 the following, as well as other evidence of identifica-
15 tion by other than the petitioner itself or its mem-
16 bers:

17 (A) Identification as an Indian entity by
18 Federal authorities.

19 (B) Relationships with State governments
20 based on identification of the group as Indian.

21 (C) Dealings with a county, parish, or
22 other local government in a relationship based
23 on the group's Indian identity.

1 (D) Identification as an Indian entity by
2 anthropologists, historians, and/or other schol-
3 ars.

4 (E) Identification as an Indian entity in
5 newspapers and books.

6 (F) Identification as an Indian entity in
7 relationships with Indian tribes or with na-
8 tional, regional, or State Indian organizations.

9 (2) A predominant portion of the petitioning
10 group comprises a distinct community and has ex-
11 isted as a community from historical times until the
12 present.

13 (A) This criterion may be demonstrated by
14 some combination of the following evidence and/
15 or other evidence that the petitioner meets the
16 definition of community:

17 (i) Significant rates of marriage with-
18 in the group, and/or, as may be culturally
19 required, patterned out-marriages with
20 other Indian populations.

21 (ii) Significant social relationships
22 connecting individual members.

23 (iii) Significant rates of informal so-
24 cial interaction which exist broadly among
25 the members of a group.

1 (iv) A significant degree of shared or
2 cooperative labor or other economic activity
3 among the membership.

4 (v) Evidence of strong patterns of dis-
5 crimination or other social distinctions by
6 nonmembers.

7 (vi) Shared sacred or secular ritual
8 activity encompassing most of the group.

9 (vii) Cultural patterns shared among
10 a significant portion of the group that are
11 different from those of the non-Indian pop-
12 ulations with whom it interacts. These pat-
13 terns must function as more than a sym-
14 bolic identification of the group as Indian.
15 They may include, but are not limited to,
16 language, kinship organization, or religious
17 beliefs and practices.

18 (viii) The persistence of a named, col-
19 lective Indian identity continuously over a
20 period of more than 50 years, notwith-
21 standing changes in name.

22 (ix) A demonstration of historical po-
23 litical influence under the criterion in para-
24 graph (3) shall be evidence for dem-
25 onstrating historical community.

1 (B) A petitioner shall be considered to
2 have provided sufficient evidence of community
3 at a given point in time if evidence is provided
4 to demonstrate any one of the following:

5 (i) More than 50 percent of the mem-
6 bers reside in a geographical area exclu-
7 sively or almost exclusively composed of
8 members of the group, and the balance of
9 the group maintains consistent interaction
10 with some members of the community.

11 (ii) At least 50 percent of the mar-
12 riages in the group are between members
13 of the group.

14 (iii) At least 50 percent of the group
15 members maintain distinct cultural pat-
16 terns such as, but not limited to, language,
17 kinship organization, or religious beliefs
18 and practices.

19 (iv) There are distinct community so-
20 cial institutions encompassing most of the
21 members, such as kinship organizations,
22 formal or informal economic cooperation,
23 or religious organizations.

1 (v) The group has met the criterion in
2 paragraph (3) using evidence described in
3 paragraph (3)(B).

4 (3) The petitioner has maintained political in-
5 fluence or authority over its members as an autono-
6 mous entity from historical times until the present.

7 (A) This criterion may be demonstrated by
8 some combination of the evidence listed below
9 and/or by other evidence that the petitioner
10 meets the definition of political influence or au-
11 thority:

12 (i) The group is able to mobilize sig-
13 nificant numbers of members and signifi-
14 cant resources from its members for group
15 purposes.

16 (ii) Most of the membership considers
17 issues acted upon or actions taken by
18 group leaders or governing bodies to be of
19 importance.

20 (iii) There is widespread knowledge,
21 communication and involvement in political
22 processes by most of the group's members.

23 (iv) The group meets the criterion in
24 paragraph (2) at more than a minimal
25 level.

1 (v) There are internal conflicts which
2 show controversy over valued group goals,
3 properties, policies, processes and/or deci-
4 sions.

5 (B) A petitioning group shall be considered
6 to have provided sufficient evidence to dem-
7 onstrate the exercise of political influence or au-
8 thority at a given point in time by dem-
9 onstrating that group leaders and/or other
10 mechanisms exist or existed which—

11 (i) allocate group resources such as
12 land, residence rights and the like on a
13 consistent basis;

14 (ii) settle disputes between members
15 or subgroups by mediation or other means
16 on a regular basis;

17 (iii) exert strong influence on the be-
18 havior of individual members, such as the
19 establishment or maintenance of norms
20 and the enforcement of sanctions to direct
21 or control behavior; and

22 (iv) organize or influence economic
23 subsistence activities among the members,
24 including shared or cooperative labor.

1 (C) A group that has met the requirements
2 in paragraph (2)(B) at a given point in time
3 shall be considered to have provided sufficient
4 evidence to meet this criterion at that point in
5 time.

6 (4) A copy of the group's present governing
7 document including its membership criteria. In the
8 absence of a written document, the petitioner must
9 provide a statement describing in full its member-
10 ship criteria and current governing procedures.

11 (5) The petitioner's membership consists of in-
12 dividuals who descend from a historical Indian tribe
13 or from historical Indian tribes which combined and
14 functioned as a single autonomous political entity.

15 (A) Some types of evidence that can be
16 used for this purpose include the following:

17 (i) Rolls prepared by the Secretary on
18 a descendency basis for purposes of dis-
19 tributing claims money, providing allot-
20 ments, or other purposes.

21 (ii) State, Federal, or other official
22 records or evidence identifying present
23 members or ancestors of present members
24 as being descendants of a historical tribe

1 or tribes that combined and functioned as
2 a single autonomous political entity.

3 (iii) Church, school, and other similar
4 enrollment records identifying present
5 members or ancestors of present members
6 as being descendants of a historical tribe
7 or tribes that combined and functioned as
8 a single autonomous political entity.

9 (iv) Affidavits of recognition by tribal
10 elders, leaders, or the tribal governing body
11 identifying present members or ancestors
12 of present members as being descendants
13 of a historical tribe or tribes that combined
14 and functioned as a single autonomous po-
15 litical entity.

16 (v) Other records or evidence identi-
17 fying present members or ancestors of
18 present members as being descendants of a
19 historical tribe or tribes that combined and
20 functioned as a single autonomous political
21 entity.

22 (B) The petitioner must provide an official
23 membership list, separately certified by the
24 group's governing body, of all known current
25 members of the group. This list must include

1 each member's full name (including maiden
2 name), date of birth, and current residential ad-
3 dress. The petitioner must also provide a copy
4 of each available former list of members based
5 on the group's own defined criteria, as well as
6 a statement describing the circumstances sur-
7 rounding the preparation of the current list
8 and, insofar as possible, the circumstances sur-
9 rounding the preparation of former lists.

10 (6) The membership of the petitioning group is
11 composed principally of persons who are not mem-
12 bers of any acknowledged North American Indian
13 tribe. However, under certain conditions a peti-
14 tioning group may be acknowledged even if its mem-
15 bership is composed principally of persons whose
16 names have appeared on rolls of, or who have been
17 otherwise associated with, an acknowledged Indian
18 tribe. The conditions are that the group must estab-
19 lish that it has functioned throughout history until
20 the present as a separate and autonomous Indian
21 tribal entity, that its members do not maintain a bi-
22 lateral political relationship with the acknowledged
23 tribe, and that its members have provided written
24 confirmation of their membership in the petitioning
25 group.

1 (7) Neither the petitioner nor its members are
2 the subject of congressional legislation that has ex-
3 pressly terminated or forbidden the Federal relation-
4 ship.

5 **SEC. 108. PREVIOUS FEDERAL ACKNOWLEDGMENT.**

6 (a) IN GENERAL.—Unambiguous previous Federal
7 acknowledgment shall be acceptable evidence of the tribal
8 character of a petitioner to the date of the last such pre-
9 vious acknowledgment. If a petitioner provides substantial
10 evidence of unambiguous Federal acknowledgment, the pe-
11 titioner shall only be required to demonstrate that it meets
12 the requirements of section 107 to the extent required by
13 this section. A determination of the adequacy of the evi-
14 dence of previous Federal action acknowledging tribal sta-
15 tus shall be made during the technical assistance review
16 of the documented petition conducted pursuant to section
17 110(b).

18 (b) EVIDENCE.—Evidence to demonstrate previous
19 Federal acknowledgment includes evidence that the
20 group—

21 (1) has had treaty relations with the United
22 States;

23 (2) has been denominated a tribe by an Act of
24 Congress or Executive order; and

1 (3) has been treated by the Federal Govern-
2 ment as having collective rights in tribal lands or
3 funds.

4 **SEC. 109. NOTICE OF RECEIPT OF A PETITION.**

5 (a) IN GENERAL.—Not later than 30 days after re-
6 ceiving a letter of intent, or a documented petition if a
7 letter of intent has not previously been received and no-
8 ticed, the Assistant Secretary shall acknowledge to the
9 sender such receipt in writing. Notice under this sub-
10 section shall—

11 (1) include the name, location, and mailing ad-
12 dress of the petitioner and such other information to
13 identify the entity submitting the letter of intent or
14 documented petition and the date it was received;

15 (2) serve to announce the opportunity for inter-
16 ested parties and informed parties to submit factual
17 or legal arguments in support of or in opposition to
18 the petitioner's request for acknowledgment or to re-
19 quest to be kept informed of all general actions af-
20 fecting the petition; and

21 (3) indicate where a copy of the letter of intent
22 and the documented petition may be examined.

23 (b) NOTICE TO STATE GOVERNMENTS.—The Assist-
24 ant Secretary shall notify, in writing—

1 (1) the Governor and Attorney General of the
2 State or States in which a petitioner is located; and

3 (2) any recognized tribe and any other peti-
4 tioner that—

5 (A) appears to have a historical or present
6 relationship with the petitioner; or

7 (B) may otherwise be considered to have a
8 potential interest in the acknowledgment deter-
9 mination.

10 (c) PUBLICATION.—Not later than 60 days after re-
11 ceiving a letter of intent, or a documented petition if a
12 letter of intent has not previously been received and no-
13 ticed, the Assistant Secretary shall have the notice re-
14 quired under this section published—

15 (1) in the Federal Register; and

16 (2) in a major newspaper or newspapers of gen-
17 eral circulation in the town or city nearest to the pe-
18 titioner.

19 **SEC. 110. PROCESSING OF THE DOCUMENTED PETITION.**

20 (a) REVIEW.—Upon receipt of a documented petition,
21 the Assistant Secretary—

22 (1) shall cause a review to be conducted to de-
23 termine the extent to which the petitioner has met
24 the criteria set forth in section 107;

1 (2) shall include consideration of the docu-
2 mented petition and the factual statements con-
3 tained therein;

4 (3) may initiate other research for any purpose
5 relative to analyzing the documented petition and
6 obtaining additional information about the peti-
7 tioner's status; and

8 (4) may consider any evidence which may be
9 submitted by interested parties or informed parties.

10 (b) TECHNICAL ASSISTANCE.—

11 (1) Prior to review of the documented petition
12 under subsection (a), the Assistant Secretary shall
13 conduct a preliminary review of the petition in order
14 to provide technical assistance to the petitioner.

15 (2) The review under paragraph (1) shall be a
16 preliminary review for the purpose of providing the
17 petitioner an opportunity to supplement or revise the
18 documented petition prior to the review under para-
19 graph (1). Insofar as possible, technical assistance
20 reviews under this paragraph will be conducted in
21 the order of receipt of documented petitions. How-
22 ever, technical assistance reviews will not have pri-
23 ority over active consideration of documented peti-
24 tions.

1 (3) After the technical assistance review, the
2 Assistant Secretary shall notify the petitioner by let-
3 ter of any obvious deficiencies or significant omis-
4 sions apparent in the documented petition and pro-
5 vide the petitioner with an opportunity to withdraw
6 the documented petition for further work or to sub-
7 mit additional information.

8 (4) If a petitioner's documented petition claims
9 previous Federal acknowledgment or includes evi-
10 dence of previous Federal acknowledgment, the tech-
11 nical assistance review shall also include a review to
12 determine whether that evidence is sufficient to meet
13 the requirements of previous Federal acknowledg-
14 ment.

15 (c) RESPONSE TO TECHNICAL ASSISTANCE RE-
16 VIEW.—

17 (1) Petitioners may respond in part or in full
18 to the technical assistance review letter or request,
19 in writing, that the Assistant Secretary proceed with
20 the active consideration of the documented petition
21 using the materials already submitted.

22 (2) If the petitioner requests that the materials
23 submitted in response to the technical assistance re-
24 view letter be again reviewed for adequacy, the As-
25 sistant Secretary shall provide the additional review.

1 (3) If the assertion of previous Federal ac-
2 knowledge under section 108 cannot be substan-
3 tiated during the technical assistance review, the pe-
4 titioner may respond by providing additional evi-
5 dence. A petitioner that claims previous Federal ac-
6 knowledge and fails to respond to a technical as-
7 sistance review letter under this subsection, or whose
8 response fails to establish the claim, shall have its
9 documented petition considered on the same basis as
10 documented petitions submitted by groups not claim-
11 ing previous Federal acknowledgment. Petitioners
12 that fail to demonstrate previous Federal acknowl-
13 edgment after a review of materials submitted in re-
14 sponse to the technical assistance review shall be so
15 notified. Such petitioners may submit additional ma-
16 terials concerning previous acknowledgment during
17 the course of active consideration.

18 (d) CONSIDERATION OF DOCUMENTED PETITIONS.—

19 The Assistant Secretary shall—

20 (1) review documented petitions in the order
21 that they are determined ready for review;

22 (2) establish and maintain a numbered register
23 of documented petitions which have been determined
24 ready for active consideration;

1 (3) maintain a numbered register of letters of
2 intent or incomplete petitions based on the original
3 date received by the Department of the Interior; and

4 (4) use the register of letters of intent or in-
5 complete petitions to determine the order of review
6 by the Assistant Secretary if two or more docu-
7 mented petitions are determined ready for review on
8 the same date.

9 (e) REPORT.—Not later than 1 year after notifying
10 the petitioner that review of the documented petition has
11 begun, the Assistant Secretary shall—

12 (1) submit a report including a summary of the
13 evidence, findings, petition, and supporting docu-
14 mentation, to the Committee on Natural Resources
15 of the House of Representatives and the Committee
16 on Indian Affairs of the Senate;

17 (2) notify the petitioner and interested parties
18 that the review is complete and the report required
19 under paragraph (1) has been submitted;

20 (3) provide copies of the report to the petitioner
21 and interested parties; and

22 (4) provide copies of the report to informed
23 parties and others upon written request.

1 **SEC. 111. CLARIFICATION OF FEDERAL RECOGNITION AU-**
2 **THORITY.**

3 (a) ACT OF CONGRESS REQUIRED.—An Indian group
4 may receive Federal acknowledgment (or reacknowledg-
5 ment) as an Indian tribe only by an Act of Congress. The
6 Secretary may not grant Federal acknowledgment (or re-
7 acknowledgment) to any Indian group.

8 (b) PREVIOUS ACKNOWLEDGMENT.—This title shall
9 not affect the status of any Indian tribe that was lawfully
10 federally acknowledged before the date of the enactment
11 of this Act.

12 **SEC. 112. FORCE AND EFFECT OF REGULATIONS.**

13 Part 83 of title 25, Code of Federal Regulations,
14 shall have no force or effect.

15 **TITLE II—FEDERAL RECOGNI-**
16 **TION OF VIRGINIA INDIAN**
17 **TRIBES**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Thomasina E. Jordan
20 Indian Tribes of Virginia Federal Recognition Act of
21 2016”.

22 **SEC. 202. INDIAN CHILD WELFARE ACT OF 1978.**

23 Nothing in this title affects the application of section
24 109 of the Indian Child Welfare Act of 1978 (25 U.S.C.
25 1919).

1 **Subtitle A—Chickahominy Indian**
2 **Tribe**

3 **SEC. 211. 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 one 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 Mattaponi River in present-day
21 King William County, leading to the formation of a
22 reservation;

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

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

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

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

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

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

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

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

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

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

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

10 (15) during the period of 1920 through 1930,
11 various Governors of the Commonwealth of Virginia
12 wrote letters of introduction for Chickahominy
13 Chiefs who had official business with Federal agen-
14 cies in Washington, DC;

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

21 (17) in 1934, John Collier, Commissioner of In-
22 dian Affairs, wrote to Chickahominy Chief O.O.
23 Adkins, informing him that Congress had passed the
24 Act of June 18, 1934 (commonly known as the "In-

1 dian Reorganization Act”) (25 U.S.C. 461 et seq.),
2 but had not made the appropriation to fund the Act;

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

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

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

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

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

24 (23) in 1950, the Chickahominy Indian Tribe
25 purchased and donated to the Charles City County

1 School Board land to be used to build a modern
2 school for students of the Chickahominy and other
3 Virginia Indian tribes;

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

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

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

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

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

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

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

12 **SEC. 212. DEFINITIONS.**

13 In this subtitle:

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

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

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

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

24 (3) TRIBE.—The term “Tribe” means the
25 Chickahominy Indian Tribe.

1 **SEC. 213. FEDERAL RECOGNITION.**

2 (a) FEDERAL RECOGNITION.—

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

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

12 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

1 **SEC. 214. 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. 215. 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. 216. RESERVATION OF THE TRIBE.**

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

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

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

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

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

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

17 **SEC. 217. HUNTING, FISHING, TRAPPING, GATHERING, AND**
18 **WATER RIGHTS.**

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

22 **Subtitle B—Chickahominy Indian**
23 **Tribe—Eastern Division**

24 **SEC. 221. FINDINGS.**

25 Congress finds that—

1 (1) in 1607, when the English settlers set shore
2 along the Virginia coastline, the Chickahominy In-
3 dian Tribe was one of about 30 tribes that received
4 them;

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

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

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

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

18 (4) in 1677, following Bacon's Rebellion, the
19 Queen of Pamunkey signed the Treaty of Middle
20 Plantation on behalf of the Chickahominy;

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

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

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

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

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

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

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

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

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

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

4 (15) 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 (16) in 1910, a 1-room school covering grades
8 1 through 8 was established in New Kent County for
9 the Chickahominy Indian Tribe—Eastern Division;

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

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

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

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

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

23 (22) in 1967, the Chickahominy Indian Tribe
24 and the Chickahominy Indian Tribe—Eastern Divi-

1 sion lost their schools as a result of the required in-
2 tegration of students;

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

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

9 (25) in 1985—

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

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

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

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

19 **SEC. 222. DEFINITIONS.**

20 In this subtitle:

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

23 (2) TRIBAL MEMBER.—The term “tribal mem-
24 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 subtitle.

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

9 **SEC. 223. 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 subtitle shall be applicable to the
19 Tribe 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 future services and benefits
24 provided by the Federal Government to federally rec-

1 ognized Indian tribes without regard to the existence
2 of a reservation for the Tribe.

3 (2) SERVICE AREA.—For the purpose of the de-
4 livery of Federal services to tribal members, the
5 service area of the Tribe shall be considered to be
6 the area comprised of New Kent County, James City
7 County, Charles City County, and Henrico County,
8 Virginia.

9 **SEC. 224. MEMBERSHIP; GOVERNING DOCUMENTS.**

10 The membership roll and governing documents of the
11 Tribe shall be the most recent membership roll and gov-
12 erning documents, respectively, submitted by the Tribe to
13 the Secretary before the date of enactment of this Act.

14 **SEC. 225. GOVERNING BODY.**

15 The governing body of the Tribe shall be—

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

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

21 **SEC. 226. RESERVATION OF THE TRIBE.**

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

24 (1) shall take into trust for the benefit of the
25 Tribe any land held in fee by the Tribe that was ac-

1 quired by the Tribe on or before January 1, 2007,
2 if such lands are located within the boundaries of
3 New Kent County, James City County, Charles City
4 County, or Henrico County, Virginia; and

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

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

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

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

1 **SEC. 227. HUNTING, FISHING, TRAPPING, GATHERING, AND**
2 **WATER RIGHTS.**

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

6 **Subtitle C—Upper Mattaponi Tribe**

7 **SEC. 231. FINDINGS.**

8 Congress finds that—

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

11 (A) lived approximately 20 miles from
12 Jamestown; and

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

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

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

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

23 (5) in 1669, the Chickahominy Indians—

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

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

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

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

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

14 (A) were assigned a reservation by the Vir-
15 ginia Colony; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (21) from 1945 to 1946, negotiations took
23 place to admit some of the young people of the
24 Upper Mattaponi to high schools for Federal Indians
25 (especially at Cherokee) because no high school

1 coursework was available for Indians in Virginia
2 schools; and

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

6 **SEC. 232. DEFINITIONS.**

7 In this subtitle:

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 subtitle.

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

20 **SEC. 233. 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 applicability 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 subtitle shall be applicable to the
5 Tribe and tribal members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

13 (2) SERVICE AREA.—For the purpose of the de-
14 livery of Federal services to tribal members, the
15 service area of the Tribe shall be considered to be
16 the area within 25 miles of the Sharon Indian
17 School at 13383 King William Road, King William
18 County, Virginia.

19 **SEC. 234. MEMBERSHIP; GOVERNING DOCUMENTS.**

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

24 **SEC. 235. GOVERNING BODY.**

25 The governing body of the Tribe shall be—

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

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

6 **SEC. 236. RESERVATION OF THE TRIBE.**

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

9 (1) shall take into trust for the benefit of the
10 Tribe any land held in fee by the Tribe that was ac-
11 quired by the Tribe on or before January 1, 2007,
12 if such lands are located within the boundaries of
13 King William County, Caroline County, Hanover
14 County, King and Queen County, and New Kent
15 County, Virginia; and

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

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

1 (a)(2) and shall immediately make that determination
2 available to the Tribe.

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

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

13 **SEC. 237. HUNTING, FISHING, TRAPPING, GATHERING, AND**
14 **WATER RIGHTS.**

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

18 **Subtitle D—Rappahannock Tribe,**
19 **Inc.**

20 **SEC. 241. FINDINGS.**

21 Congress finds that—

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

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

3 (A) traveled to Quiyocohannock (a prin-
4 cipal town across the James River from James-
5 town), where he met with Smith to determine
6 whether Smith had been the “great man” who
7 had previously sailed into the Rappahannock
8 River, killed a Rappahannock weroance, and
9 kidnapped Rappahannock people; and

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

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

17 (4) a third meeting took place during Smith’s
18 exploration of the Chesapeake Bay (July to Sep-
19 tember 1608), when, after the Moraughtacund Indi-
20 ans had stolen 3 women from the Rappahannock
21 King, Smith was prevailed upon to facilitate a peace-
22 ful truce between the Rappahannock and the
23 Moraughtacund Indians;

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

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

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

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

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

19 (10) the deed for the conveyance was signed by
20 Accopatough, weroance of the Rappahannock Indi-
21 ans;

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

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

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

5 (12) in September 1653, Lancaster County de-
6 fined and marked the bounds of its Indian settle-
7 ments;

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

12 (14) in September 1656, (Old) Rappahannock
13 County (which, as of the date of enactment of this
14 Act, is comprised of Richmond and Essex Counties,
15 Virginia) signed a treaty with Rappahannock Indi-
16 ans that—

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

19 (B) stated that—

20 (i) Rappahannocks were to be re-
21 warded, in Roanoke, for returning English
22 fugitives; and

23 (ii) the English encouraged the
24 Rappahannocks to send their children to
25 live among the English as servants, who

1 the English promised would be well-treat-
2 ed;

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

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

10 (17) as of the date of that census—

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

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

18 (18) the Rappahannocks used the hunting vil-
19 lage on the north side of the Mattaponi River as
20 their primary residence until the Rappahannocks
21 were removed in 1684;

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

24 (20) the Pamunkey Queen Cockacoeske signed
25 on behalf of the Rappahannocks, “who were sup-

1 posed to be her tributaries”, but before the treaty
2 could be ratified, the Queen of Pamunkey com-
3 plained to the Virginia Colonial Council “that she
4 was having trouble with Rappahannocks and
5 Chickahominies, supposedly tributaries of hers”;

6 (21) in November 1682, the Virginia Colonial
7 Council established a reservation for the Rappahan-
8 nock Indians of 3,474 acres “about the town where
9 they dwelt”;

10 (22) the Rappahannock “town” was the hunt-
11 ing village on the north side of the Mattaponi River,
12 where the Rappahannocks had lived throughout the
13 1670s;

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

18 (24) in 1683, following raids by Iroquoian war-
19 riors on both Indian and English settlements, the
20 Virginia Colonial Council ordered the Rappahan-
21 nocks to leave their reservation and unite with the
22 Nanzatico Indians at Nanzatico Indian Town, which
23 was located across and up the Rappahannock River
24 some 30 miles;

1 (25) between 1687 and 1699, the Rappahan-
2 nocks migrated out of Nanzatico, returning to the
3 south side of the Rappahannock River at Portobacco
4 Indian Town;

5 (26) in 1706, by order of Essex County, Lieu-
6 tenant Richard Covington “escorted” the Portobac-
7 cos and Rappahannocks out of Portobacco Indian
8 Town, out of Essex County, and into King and
9 Queen County where they settled along the ridgeline
10 between the Rappahannock and Mattaponi Rivers,
11 the site of their ancient hunting village and 1682
12 reservation;

13 (27) during the 1760s, 3 Rappahannock girls
14 were raised on Thomas Nelson’s Bleak Hill Planta-
15 tion in King William County;

16 (28) of those girls—

17 (A) one married a Saunders man;

18 (B) one married a Johnson man; and

19 (C) one had 2 children, Edmund and
20 Carter Nelson, fathered by Thomas Cary Nel-
21 son;

22 (29) in the 19th century, those Saunders, John-
23 son, and Nelson families are among the core Rappa-
24 hannock families from which the modern Tribe
25 traces its descent;

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

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

8 (32) those tax records are significant docu-
9 mentation because the great majority of pre-1864
10 records for King and Queen County were destroyed
11 by fire;

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

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

17 (35) while twenty-six identifiable and traceable
18 Rappahannock surnames appear on the pre-1863
19 membership list, and twenty-eight were listed on the
20 1863 membership roster, the number of surnames
21 listed had declined to twelve in 1878 and had risen
22 only slightly to fourteen by 1888;

23 (36) a reason for the decline is that in 1870,
24 a Methodist circuit rider, Joseph Mastin, secured
25 funds to purchase land and construct St. Stephens

1 Baptist Church for the Rappahannocks living nearby
2 in Caroline County;

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

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

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

12 (40) during the early 1900s, James Mooney,
13 noted anthropologist, maintained correspondence
14 with the Rappahannocks, surveying them and in-
15 structing them on how to formalize their tribal gov-
16 ernment;

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

20 (42) in 1921, the Rappahannocks were granted
21 a charter from the Commonwealth of Virginia for-
22 malizing their tribal government;

23 (43) Speck began a professional relationship
24 with the Tribe that would last more than 30 years

1 and document Rappahannock history and traditions
2 as never before;

3 (44) in April 1921, Rappahannock Chief
4 George Nelson asked the Governor of Virginia,
5 Westmoreland Davis, to forward a proclamation to
6 the President of the United States, along with an
7 appended list of tribal members and a handwritten
8 copy of the proclamation itself;

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

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

13 (47) prior to establishment of the school, Rap-
14 pahannock children were taught by a tribal member
15 in Central Point, Caroline County, Virginia;

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

20 (49) in 1930, the Rappahannocks were engaged
21 in an ongoing dispute with the Commonwealth of
22 Virginia and the United States Census Bureau
23 about their classification in the 1930 Federal cen-
24 sus;

1 (50) in January 1930, Rappahannock Chief
2 Otho S. Nelson wrote to Leon Truesdell, Chief Stat-
3 istician of the United States Census Bureau, asking
4 that the 218 enrolled Rappahannocks be listed as
5 Indians;

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

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

14 (53) in a followup letter to Truesdell, Nelson
15 reported that the enumerators were “flatly denying”
16 his people’s request to be listed as Indians and that
17 the race question was completely avoided during
18 interviews;

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

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

24 (56) the matter was settled by William Steuart,
25 who concluded that the Bureau’s rule was that peo-

1 ple of Indian descent could be classified as “Indian”
2 only if Indian “blood” predominated and “Indian”
3 identity was accepted in the local community;

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

8 (58) therefore, in 1925, the Indian Rights As-
9 sociation took on the Rappahannock case to assist
10 the Rappahannocks in fighting for their recognition
11 and rights as an Indian tribe;

12 (59) during the Second World War, the
13 Pamunkeys, Mattaponis, Chickahominies, and Rap-
14 pahannocks had to fight the draft boards with re-
15 spect to their racial identities;

16 (60) the Virginia Vital Statistics Bureau in-
17 sisted that certain Indian draftees be inducted into
18 Negro units;

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

24 (62) in 1943, Frank Speck noted that there
25 were approximately 25 communities of Indians left

1 in the Eastern United States that were entitled to
2 Indian classification, including the Rappahannocks;

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

7 (64) on April 25, 1940, the Office of Indian Af-
8 fairs of the Department of the Interior included the
9 Rappahannocks on a list of Indian tribes classified
10 by State and by agency;

11 (65) in 1948, the Smithsonian Institution An-
12 nual Report included an article by William Harlen
13 Gilbert entitled, “Surviving Indian Groups of the
14 Eastern United States”, which included and de-
15 scribed the Rappahannock Tribe;

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

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

22 (68) in 1965, Rappahannock students entered
23 Marriott High School (a White public school) by ex-
24 ecutive order of the Governor of Virginia;

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

4 (70) in 1979, the Coalition established a pot-
5 tery and artisans company, operating with other Vir-
6 ginia tribes;

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

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

14 **SEC. 242. DEFINITIONS.**

15 In this subtitle:

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 subtitle.

1 (3) TRIBE.—

2 (A) IN GENERAL.—The term “Tribe”
3 means the organization possessing the legal
4 name Rappahannock Tribe, Inc.

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

9 **SEC. 243. 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 subtitle shall be applicable to the
19 Tribe 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

1 Indian tribes without regard to the existence of a
2 reservation for the Tribe.

3 (2) SERVICE AREA.—For the purpose of the de-
4 livery of Federal services to tribal members, the
5 service area of the Tribe shall be considered to be
6 the area comprised of King and Queen County,
7 Caroline County, Essex County, and King William
8 County, Virginia.

9 **SEC. 244. MEMBERSHIP; GOVERNING DOCUMENTS.**

10 The membership roll and governing documents of the
11 Tribe shall be the most recent membership roll and gov-
12 erning documents, respectively, submitted by the Tribe to
13 the Secretary before the date of enactment of this Act.

14 **SEC. 245. GOVERNING BODY.**

15 The governing body of the Tribe shall be—

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

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

21 **SEC. 246. RESERVATION OF THE TRIBE.**

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

24 (1) shall take into trust for the benefit of the
25 Tribe any land held in fee by the Tribe that was ac-

1 quired by the Tribe on or before January 1, 2007,
2 if such lands are located within the boundaries of
3 King and Queen County, Stafford County, Spotsyl-
4 vania County, Richmond County, Essex County, and
5 Caroline County, Virginia; and

6 (2) may take into trust for the benefit of the
7 Tribe any land held in fee by the Tribe, if such
8 lands are located within the boundaries of King and
9 Queen County, Richmond County, Lancaster Coun-
10 ty, King George County, Essex County, Caroline
11 County, New Kent County, King William County,
12 and James City County, Virginia.

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

19 (c) RESERVATION STATUS.—Any land taken into
20 trust for the benefit of the Tribe pursuant to this para-
21 graph shall, upon request of the Tribe, be considered part
22 of the reservation of the Tribe.

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

1 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under
2 any regulations thereunder promulgated by the Secretary
3 or the National Indian Gaming Commission.

4 **SEC. 247. HUNTING, FISHING, TRAPPING, GATHERING, AND**
5 **WATER RIGHTS.**

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

9 **Subtitle E—Monacan Indian Nation**

10 **SEC. 251. FINDINGS.**

11 Congress finds that—

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

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

18 (3) specifically mentioned in the negotiations
19 were the Monacan tribes of the Toteró (Tutelo),
20 Saponi, Ocheneeches (Occaneechi), Stengenocks, and
21 Meipontskys;

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

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

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

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

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

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

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

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

1 (12) in 1947, D’Arcy McNickle, a Salish In-
2 dian, saw some of the children at the Amherst Mis-
3 sion and requested that the Cherokee Agency visit
4 them because they appeared to be Indian;

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

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

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

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

19 (17) the Mattaponi-Pamunkey-Monacan Con-
20 sortium, established in 1981, has since been orga-
21 nized as a nonprofit corporation that serves as a ve-
22 hicle to obtain funds for those Indian tribes from the
23 Department of Labor under Native American pro-
24 grams;

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

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

8 **SEC. 252. DEFINITIONS.**

9 In this subtitle:

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

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

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

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

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

22 **SEC. 253. FEDERAL RECOGNITION.**

23 (a) FEDERAL RECOGNITION.—

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

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

8 (b) FEDERAL SERVICES AND BENEFITS.—

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

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

20 **SEC. 254. MEMBERSHIP; GOVERNING DOCUMENTS.**

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

1 **SEC. 255. 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. 256. RESERVATION OF THE TRIBE.**

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

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

16 (2) may take into trust for the benefit of the
17 Tribe any land held in fee by the Tribe, if such
18 lands are located within the boundaries of Amherst
19 County, Virginia, and those parcels in Rockbridge
20 County, Virginia (subject to the consent of the local
21 unit of government), owned by Mr. J. Poole, de-
22 scribed as East 731 Sandbridge (encompassing ap-
23 proximately 4.74 acres) and East 731 (encom-
24 passing approximately 5.12 acres).

25 (b) DEADLINE FOR DETERMINATION.—The Sec-
26 retary shall make a final written determination not later

1 than three years of the date which the Tribe submits a
2 request for land to be taken into trust under subsection
3 (a)(2) and shall immediately make that determination
4 available to the Tribe.

5 (c) RESERVATION STATUS.—Any land taken into
6 trust for the benefit of the Tribe pursuant to this para-
7 graph shall, upon request of the Tribe, be considered part
8 of the reservation of the Tribe.

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

15 **SEC. 257. HUNTING, FISHING, TRAPPING, GATHERING, AND**
16 **WATER RIGHTS.**

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

20 **Subtitle F—Nansemond Indian**
21 **Tribe**

22 **SEC. 261. FINDINGS.**

23 Congress finds that—

24 (1) from 1607 until 1646, Nansemond Indi-
25 ans—

1 (A) lived approximately 30 miles from
2 Jamestown; and

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

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

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

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

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

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

24 (7) in 1700 and 1704, the Nansemonds and
25 other Virginia Indian tribes were prevented by Vir-

1 ginia Colony from making a separate peace with the
2 Iroquois;

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

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

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

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

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

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

23 (14) in 1797, Norfolk County issued a certifi-
24 cate stating that William Bass was of Indian and
25 English descent, and that his Indian line of ancestry

1 ran directly back to the early 18th century elder in
2 a traditionalist section of Nansemonds on the res-
3 ervation;

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

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

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

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

16 (A) visited the Nansemonds; and

17 (B) completed a tribal census that counted
18 61 households and was later published;

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

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

23 (21) in 1928, University of Pennsylvania an-
24 thropologist Frank Speck published a book on mod-

1 ern Virginia Indians that included a section on the
2 Nansemonds; and

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

6 **SEC. 262. DEFINITIONS.**

7 In this subtitle:

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 subtitle.

18 (3) TRIBE.—The term “Tribe” means the
19 Nansemond Indian Tribe.

20 **SEC. 263. 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 subtitle shall be applicable to the
5 Tribe and tribal members.

6 (b) FEDERAL SERVICES AND BENEFITS.—

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

13 (2) SERVICE AREA.—For the purpose of the de-
14 livery of Federal services to tribal members, the
15 service area of the Tribe shall be considered to be
16 the area comprised of the cities of Chesapeake,
17 Hampton, Newport News, Norfolk, Portsmouth, Suf-
18 folk, and Virginia Beach, Virginia.

19 **SEC. 264. MEMBERSHIP; GOVERNING DOCUMENTS.**

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

24 **SEC. 265. GOVERNING BODY.**

25 The governing body of the Tribe shall be—

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

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

6 **SEC. 266. RESERVATION OF THE TRIBE.**

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

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

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

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

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

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

11 **SEC. 267. HUNTING, FISHING, TRAPPING, GATHERING, AND**
12 **WATER RIGHTS.**

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

16 **TITLE III—LITTLE SHELL TRIBE**
17 **OF CHIPPEWA INDIANS**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Little Shell Tribe of
20 Chippewa Indians Restoration Act of 2016”.

21 **SEC. 302. FINDINGS.**

22 Congress finds that—

23 (1) the Little Shell Tribe of Chippewa Indians
24 is a political successor to signatories of the Pembina
25 Treaty of 1863, under which a large area of land in

1 the State of North Dakota was ceded to the United
2 States;

3 (2) the Turtle Mountain Band of Chippewa of
4 North Dakota and the Chippewa-Cree Tribe of the
5 Rocky Boy's Reservation of Montana, which also are
6 political successors to the signatories of the Pembina
7 Treaty of 1863, have been recognized by the Federal
8 Government as distinct Indian tribes;

9 (3) the members of the Little Shell Tribe con-
10 tinue to live in the State of Montana, as their ances-
11 tors have for more than 100 years since ceding land
12 in the State of North Dakota as described in para-
13 graph (1);

14 (4) in the 1930s and 1940s, the Tribe repeat-
15 edly petitioned the Federal Government for reorga-
16 nization under the Act of June 18, 1934 (25 U.S.C.
17 461 et seq.) (commonly known as the "Indian Reor-
18 ganization Act");

19 (5) Federal agents who visited the Tribe and
20 Commissioner of Indian Affairs John Collier at-
21 tested to the responsibility of the Federal Govern-
22 ment for the Tribe and members of the Tribe, con-
23 cluding that members of the Tribe are eligible for,
24 and should be provided with, trust land, making the
25 Tribe eligible for reorganization under the Act of

1 June 18, 1934 (25 U.S.C. 461 et seq.) (commonly
2 known as the “Indian Reorganization Act”);

3 (6) due to a lack of Federal appropriations dur-
4 ing the Depression, the Bureau of Indian Affairs
5 lacked adequate financial resources to purchase land
6 for the Tribe, and the members of the Tribe were
7 denied the opportunity to reorganize;

8 (7) in spite of the failure of the Federal Gov-
9 ernment to appropriate adequate funding to secure
10 land for the Tribe as required for reorganization
11 under the Act of June 18, 1934 (25 U.S.C. 461 et
12 seq.) (commonly known as the “Indian Reorganiza-
13 tion Act”), the Tribe continued to exist as a sepa-
14 rate community, with leaders exhibiting clear polit-
15 ical authority;

16 (8) the Tribe, together with the Turtle Moun-
17 tain Band of Chippewa of North Dakota and the
18 Chippewa-Cree Tribe of the Rocky Boy’s Reserva-
19 tion of Montana, filed 2 lawsuits under the Act of
20 August 13, 1946 (60 Stat. 1049) (commonly known
21 as the “Indian Claims Commission Act”), to petition
22 for additional compensation for land ceded to the
23 United States under the Pembina Treaty of 1863
24 and the McCumber Agreement of 1892;

1 (9) in 1971 and 1982, pursuant to Acts of Con-
2 gress, the tribes received awards for the claims de-
3 scribed in paragraph (8);

4 (10) in 1978, the Tribe submitted to the Bu-
5 reau of Indian Affairs a petition for Federal recogni-
6 tion, which is still pending as of the date of enact-
7 ment of this Act; and

8 (11) the Federal Government, the State of
9 Montana, and the other federally recognized Indian
10 tribes of the State have had continuous dealings
11 with the recognized political leaders of the Tribe
12 since the 1930s.

13 **SEC. 303. DEFINITIONS.**

14 In this title:

15 (1) MEMBER.—The term “member” means an
16 individual who is enrolled in the Tribe pursuant to
17 section 307.

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

20 (3) TRIBE.—The term “Tribe” means the Lit-
21 tle Shell Tribe of Chippewa Indians of Montana.

22 **SEC. 304. FEDERAL RECOGNITION.**

23 (a) IN GENERAL.—Federal recognition is extended to
24 the Tribe.

1 (b) EFFECT OF FEDERAL LAWS.—Except as other-
2 wise provided in this title, all Federal laws (including reg-
3 ulations) of general application to Indians and Indian
4 tribes, including the Act of June 18, 1934 (25 U.S.C. 461
5 et seq.) (commonly known as the “Indian Reorganization
6 Act”), shall apply to the Tribe and members.

7 **SEC. 305. FEDERAL SERVICES AND BENEFITS.**

8 (a) IN GENERAL.—Beginning on the date of enact-
9 ment of this Act, the Tribe and each member shall be eligi-
10 ble for all services and benefits provided by the United
11 States to Indians and federally recognized Indian tribes,
12 without regard to—

13 (1) the existence of a reservation for the Tribe;

14 or

15 (2) the location of the residence of any member
16 on or near an Indian reservation.

17 (b) SERVICE AREA.—For purposes of the delivery of
18 services and benefits to members, the service area of the
19 Tribe shall be considered to be the area comprised of
20 Blaine, Cascade, Glacier, and Hill Counties in the State
21 of Montana.

22 **SEC. 306. REAFFIRMATION OF RIGHTS.**

23 (a) IN GENERAL.—Nothing in this title diminishes
24 any right or privilege of the Tribe or any member that
25 existed before the date of enactment of this Act.

1 (b) CLAIMS OF TRIBE.—Except as otherwise pro-
2 vided in this title, nothing in this title alters or affects
3 any legal or equitable claim of the Tribe to enforce any
4 right or privilege reserved by, or granted to, the Tribe that
5 was wrongfully denied to, or taken from, the Tribe before
6 the date of enactment of this Act.

7 **SEC. 307. MEMBERSHIP ROLL.**

8 (a) IN GENERAL.—As a condition of receiving rec-
9 ognition, services, and benefits pursuant to this title, the
10 Tribe shall submit to the Secretary, by not later than 18
11 months after the date of enactment of this Act, a member-
12 ship roll consisting of the name of each individual enrolled
13 as a member of the Tribe.

14 (b) DETERMINATION OF MEMBERSHIP.—The quali-
15 fications for inclusion on the membership roll of the Tribe
16 shall be determined in accordance with sections 1 through
17 3 of article 5 of the constitution of the Tribe dated Sep-
18 tember 10, 1977 (including amendments to the constitu-
19 tion).

20 (c) MAINTENANCE OF ROLL.—The Tribe shall main-
21 tain the membership roll under this section.

22 **SEC. 308. TRANSFER OF LAND.**

23 (a) HOMELAND.—The Secretary shall acquire, for the
24 benefit of the Tribe, trust title to 200 acres of land within

1 the service area of the Tribe to be used for a tribal land
2 base.

3 (b) ADDITIONAL LAND.—The Secretary may acquire
4 additional land for the benefit of the Tribe pursuant to
5 section 5 of the Act of June 18, 1934 (25 U.S.C. 465)
6 (commonly known as the “Indian Reorganization Act”).

