

## S 379

### Indian Tribes of Virginia Federal Recognition Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Feb 17, 2011

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 491.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 491. (Aug 2, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/379>

## Sponsor

**Name:** Sen. Webb, Jim [D-VA]

**Party:** Democratic • **State:** VA • **Chamber:** Senate

## Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Warner, Mark R. [D-VA]	D · VA		Feb 17, 2011

## Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Aug 2, 2012

## Subjects & Policy Tags

### Policy Area:

Native Americans

## Related Bills

Bill	Relationship	Last Action
112 HR 783	Related bill	Feb 25, 2011: Referred to the Subcommittee Indian and Alaska Native Affairs.

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

Indian Tribes of Virginia Federal Recognition Act of 2011 - **Title I: Chickahominy Indian Tribe** - (Sec. 103) Extends federal recognition to the Chickahominy Tribe.

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area comprised of New Kent, James City, Charles City, and Henrico Counties, Virginia.

(Sec. 104) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 105) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 106) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007; and (2) may take into trust lands held by the Tribe in fee that are located within New Kent County, James City County, Charles City County, or Henrico County, Virginia. Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 107) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 108) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

**Title II: Chickahominy Indian Tribe--Eastern Division** - (Sec. 203) Extends federal recognition to the Chickahominy Indian Tribe--Eastern Division.

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area comprised of New Kent, James City, Charles City, and Henrico Counties, Virginia.

(Sec. 204) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 205) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 206) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007; and (2) may take into trust lands held by the Tribe in fee that are located within New Kent County, James City County, Charles City County, or Henrico County, Virginia. Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 207) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 208) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

### **Title III: Upper Mattaponi Tribe - (Sec. 303) Extends federal recognition to the Upper Mattaponi Tribe.**

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

(Sec. 304) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 305) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 306) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007; and (2) may take into trust lands held by the Tribe in fee that are located within King William County, Caroline County, Hanover County, King and Queen County, or New Kent County, Virginia.

Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 307) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 308) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

**Title IV: Rappahannock Tribe, Inc.** - (Sec. 403) Extends federal recognition to the organization possessing the legal name Rappahannock Tribe, Inc. (Excludes from the Tribe any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.)

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area comprised of King and Queen, Caroline, Essex, and King William Counties, Virginia.

(Sec. 404) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 405) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 406) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007; and (2) may take into trust lands held by the Tribe in fee that are located within King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, or James City County, Virginia. Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 407) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 408) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion

of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

**Title V: Monacan Indian Nation - (Sec. 503) Extends federal recognition to the Monacan Indian Nation.**

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area within 25 miles from the center of Amherst, Virginia.

(Sec. 504) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 505) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 506) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007, if it is located within Amherst County, Virginia; and (2) may take into trust land held by the Tribe in fee that is located within Amherst County, Virginia, and certain parcels of land in Rockbridge County, Virginia, owned by Mr. J. Poole. Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 507) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 508) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

**Title VI: Nansemond Indian Tribe - (Sec. 603) Extends federal recognition to the Nansemond Tribe.**

Makes: (1) all U.S. laws of general applicability to Indians or nations, Indian tribes, or bands of Indians applicable to the Tribe and tribal members; and (2) the Tribe and tribal members eligible for all federal services and benefits provided to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe or the location of the residence of any tribal member on or near any Indian reservation.

Considers the federal service area of the Tribe to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

(Sec. 604) States that the membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents submitted by the Tribe to the Secretary of the Interior before the date of enactment of this Act.

(Sec. 605) States that governing body of the Tribe shall be: (1) the governing body of the Tribe in place as of the date of enactment of this Act, or (2) any subsequent duly elected governing body.

(Sec. 606) Provides, upon tribal request, that the Secretary: (1) shall take into trust any land held in fee by the Tribe that was acquired on or before January 1, 2007; and (2) may take into trust lands held by the Tribe in fee that are located within the city of Suffolk or Chesapeake, or within Isle of Wight County, Virginia. Directs the Secretary to make a final determination of any such request within three years.

Considers, upon tribal request, any land taken into trust to be a part of the Tribe's reservation.

Prohibits the Tribe from conducting gaming activities as a matter of claimed inherent authority or pursuant to federal law.

(Sec. 607) States that nothing in this title changes any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(Sec. 608) States that: (1) Virginia shall have criminal and civil jurisdiction over actions arising on lands owned by, or held in trust by the United States for, the Tribe; (2) the Secretary may accept on behalf of the United States all or any portion of Virginia's jurisdiction upon the Secretary's verification that the Tribe possesses the capacity to reassume such jurisdiction; and (3) nothing in this section affects the application of the Indian Child Welfare Act of 1978 regarding agreements between states and Indian tribes.

## **Actions Timeline**

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- **Aug 2, 2012:** Committee on Indian Affairs. Reported by Senator Akaka without amendment. With written report No. 112-201. Additional views filed.
- **Aug 2, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 491.
- **Jul 28, 2011:** Committee on Indian Affairs. Ordered to be reported without amendment favorably.
- **Feb 17, 2011:** Introduced in Senate
- **Feb 17, 2011:** Sponsor introductory remarks on measure. (CR S874-875)
- **Feb 17, 2011:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S875-882)