118TH CONGRESS
1ST SESSION

H. R. ______

To extend Federal recognition to the Patawomeck Indian Tribe of Virginia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPANBERGER introduced the following bill; which was referred to the Committee on _____________________________

A BILL

To extend Federal recognition to the Patawomeck Indian Tribe of Virginia, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patawomeck Indian Tribe of Virginia Federal Recognition Act”.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The Patawomeck, or Patawomeke, Tribe, also referred to as the Potomac Tribe, Potomac
Band, Patamacks, and White Oakers was situated in and around Indian Point and Pasapatanzy in what are now Stafford and King George Counties, Virginia, and occupied a prominent place in the documented history of the first half-century of European contact with the Native Virginians.

(2) In 1608, Captain John Smith visited the village of Patawomeke between Potomac and Accokeek Creeks. The population of the Tribe was estimated at about 800, with 160 bowmen. Around this same time, Smith also visited and recorded the Patawomeck villages at Passapatanzy, Quiyough, and other small Patawomeck hamlets in the area.

(3) In 1610, Japazaw, brother of the Patawomeck weroance, related the Patawomeck creation story to Captain Samuel Argall, the only surviving Virginia Algonquian creation story recorded by the English.

(4) In 1642, Patawomeck weroance, Wahanganoche, and his family were baptized into the Christian faith by Father Andrew White.

(5) In 1662, Wahanganoche was issued a silver badge by the King of England to wear for safety when traveling across English lands and as an acknowledgement of Patawomeck sovereignty. The
weroance was acquitted of charges of high treason and murder brought against him by Captain Giles Brent at the General Assembly in James City that year, but died on his way home, or shortly after his arrival.

(6) In July 1666, the General Council of Virginia declared war on the Patawomecks. Most of the men were killed and most of the women and children, who were not already living in English families, were captured as slaves. Others likely joined with nearby existing Indian groups such as the Doegs, Nanzaticos, and Portobagos.

(7) In 1680, King Pattanochus signs the Treaty of Middle Plantation of behalf of the “Nansatiocoes, Nanzemunds, and Portabacchoes”. By this time, displaced Patawomecks are living among these groups of people.

(8) In 1692, A reference to payment for Rang- ers in Stafford County notes the presence of “two Indians belonging to Stafford” in the detachment, illustrating the continued presence within the area of Patawomeck ancestors.

(9) Through most of the 1700s the Patawomeck community lived in the Northern Neck, moving as necessary. Portions of the community set-
tled near the area known as Indian Town in modern-day King George County.

(10) In 1789, White Oak church was established. This church, which still stands, became a significant space that facilitated the continued interaction of members of the Patawomeck community who attended well into the 1900s and used the regular meeting opportunities as venues to pass down and maintain Tribal knowledge and traditions, meet suitable Patawomeck marriage partners, and conduct business in formal and informal ways. Generations of Patawomeck ancestors account for the vast majority of the interments in the cemetery, including members with the surnames of Newton, Green, Curtis, Jett, and Monteith.

(11) By the early 1800s, the majority of the Patawomeck community had again coalesced in the area of Stafford County known as White Oak, with some members living in nearby Passapatanzy, in King George County, only a few miles from the locations of their ancestral villages, dating back to the 1300s.

(12) In 1832, Wahangoche’s badge was found at Camden, in Caroline County, a well-known location of coalescent Indian communities and the
likely location of a portion of the Patawomeck community in the late 1600s.

(13) During the United States Civil War, vandalism, courthouse fires, and other disasters destroy many of the records within the Stafford and King George County courthouses, serving to reduce the archival footprint of the Patawomecks within their historic areas of habitation.

(14) In the late 1910s and 1920s, the anthropologist Frank Speck, visited the Patawomeck community to take photographs, conduct interviews, and collect objects related to Indigenous heritage, noting that the “northern divisions of the [Powhatan] Confederacy are represented by descendants on Potomac Creek in King George county. . .”. Since this time, partnerships have existed between the Tribe and researchers from institutions such as the Smithsonian Institution, the University of Pennsylvania, the College of William and Mary, American University, the University of Mary Washington, and Santa Clara University.

(15) In 1924, Virginia passed the Racial Integrity Act which removed the category of Indian identity from official records. Instead, all people were required to be identified as white or colored. This law,
in addition to other aspects of the racialized society
that existed in Virginia starting in the late 1600s,
effectively erased Virginia Indians from the official
records of the Commonwealth until the middle of the
1900s, amounting to a paper genocide.

(16) In the 1930s and 1940s, at least 722
Patawomeck ancestors were taken from their graves
under the guise of archaeological research. Many of
these ancestors were discarded by the excavators.
The remainder, numbering well over 200 individuals,
are currently held by the Smithsonian Institution.

(17) In 1954, Elizabeth Newton of the
Patawomecks married O.T. Custalow, Chief of the
Mattaponis.

(18) In 1996, the contemporary and formal re-
organization of the Patawomeck Tribe took place
with the adoption of a written constitution.

(19) In 2006, in partnership with linguists the
Patawomecks began to work on reconstructing their
native Algonquin language and sharing it with other
Tribes and fellow Virginians. Since that time the
Patawomecks have taught, transcribed, greatly en-
hanced the common Algonquin dictionary, and edu-
cated hundreds of Virginians in classroom settings.
In February 2010, The Patawomecks received official recognition from the Commonwealth of Virginia after years of hard work by Tribal members and anthropologists at the College of William and Mary.

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

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

(3) TRIBE.—The term “Tribe” means the Patawomeck Indian Tribe.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

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

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general ap-
plicability to Indians or nations, Indian Tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and Tribal members.

(b) Federal Services and Benefits.—

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

(2) Service area.—For the purpose of the delivery of Federal services to Tribal members, the service area of the Tribe shall be considered to be the area comprised of Stafford and King George counties.

SEC. 5. MEMBERSHIP; GOVERNING DOCUMENTS.

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

SEC. 6. GOVERNING BODY.

The governing body of the Tribe shall be—
(1) the governing body of the Tribe in place as of the date of enactment of this Act; or
(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 7. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King George County or Stafford County, Virginia.

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

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

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

SEC. 8. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

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

SEC. 9. EMINENT DOMAIN.

Eminent domain may not be used to acquire lands for a Tribe recognized under this Act.