



**Senator Jim Webb's Statement for the Record  
Regarding the Indian Tribes of Virginia Federal Recognition Act of 2009  
U.S. Senate Committee on Indian Affairs Markup**

*October 22, 2009*

“Thank you, Mr. Chairman and members of the Committee. I appreciate the Committee’s willingness to recognize Virginia’s Indian Tribes through today’s Markup of the “Indian Tribes of Virginia Federal Recognition Act of 2009” (S. 1178).

“This is not a new issue for this Committee. Support for these six Virginia tribes has been voiced many times during the 15 years since they began seeking federal recognition. These six tribes are the Chickahominy, Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond Indian Tribe. On June 4, 2009, the House overwhelmingly passed the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, with bipartisan support – a bill introduced by Congressman Moran, who has been a staunch advocate for Virginia’s Indian Tribes.

“I urge the Committee to approve legislation recognizing the six Virginia tribes that began the administrative recognition process so long ago. The tribes covered by this bill gained state recognition in the Commonwealth of Virginia between 1983 and 1989. They have received strong support from the Virginia General Assembly for federal recognition. I believe it is appropriate for them to finally receive the federal recognition that has been denied for far too long. Importantly, I am including with my testimony a letter signed by seven former governors and Virginia’s current governor supporting this legislation.

“Mr. Chairman, I understand the reluctance from Congress to grant any Native American tribe federal recognition through legislation rather than through the BIA administrative process. I have not taken this issue lightly, and agree in principle that Congress generally should not have to determine whether or not Native American tribes deserve federal recognition.

“In 2008, the BIA’s Office of Federal Acknowledgment came out with new guidelines on implementing the criteria to determine federal recognition. While I applaud improvements to the process, this still does not change the impact of racially hostile laws formerly in effect in Virginia on these tribes’ ability to meet the BIA’s seven established recognition criteria.

“Virginia’s unique history and its harsh policies of the past have created a barrier for Virginia’s Native American Tribes to meet the BIA criteria, even with the new guidelines. Many Western tribes experienced government neglect during the 20th century, but Virginia’s story was different.

“First, Virginia passed “race laws” in 1705, which regulated the activity of Virginia Indians. In 1924, Virginia passed the Racial Integrity Law, and the Virginia Bureau of Vital Statistics went so far as to eliminate an individual’s identity as a Native American on many birth, death and marriage certificates. The elimination of racial identity records had a harmful impact on Virginia’s tribes, when they began seeking Federal recognition. We must honor the heritage of our Virginia Tribes, a heritage that has been tested by racial hostility and coercive state sanctioned actions that tried to eradicate their heritage and cultural identity.

“Second, Virginia tribes signed a treaty with England, predating the practices of most tribes that signed a treaty with the federal government.

“For these reasons, I strongly believe that recognition for these six Virginia tribes is justified based on principles of dignity and fairness. As I mentioned, I spent several months examining this issue in great detail, including the rich history and culture of Virginia’s tribes before deciding to advance this legislation. My staff and I asked a number of tough questions. Great care and deliberation were put into arriving at this conclusion. After thorough investigation, I concluded that legislative action is needed for recognition of Virginia’s tribes. Congressional hearings and reports over the last several Congresses demonstrate the ancestry and status of these tribes.

“Most notably, recognition would place these tribes on an equal footing with other tribes in the United States by acknowledging their heritage and their right to be treated with the same dignity and respect as other Indian tribes in this country.

“These six Virginia Indian Tribes have received overwhelming bipartisan support, most recently as I mentioned earlier in a letter signed by seven former Virginia Governors and the current Governor of Virginia.

“As with most legislation we have heard some concerns from groups on federal recognition of these six Tribes. With the assistance of the Governor’s office and Virginia’s Indians we have been responsive to these concerns.

“First, the Tribes have agreed to safeguards that are provided in this legislation that address concerns of some Virginians about gaming. An amendment is included in the Senate and House versions of this bill that prohibits these six tribes from gaming under federal law.

“Second, my office has heard concerns that federal recognition of Virginia Indian tribes could cause potential negative effects on state tax revenue and competitiveness with businesses in Virginia.

- In my bill, Virginia maintains civil and criminal jurisdiction over future Indian reservations, allowing state government to compel collection of state taxes.
- My bill does not change the fact that members of the tribes are legally obligated to collect and remit the taxes to the state for transactions between tribal and non-tribal members.
- Virginia laws and policies are structured to prevent tax evasion and anti-competitive practices that are occurring in other states.
- Lastly, the Governor of Virginia has addressed these concerns in a letter dated August 4, 2009. This letter reiterates that the issues of tax evasion by tribal businesses will remain moot, as the existing tax laws will be enforceable by the Commonwealth of Virginia. I have included the letter with my Statement for the Record.

“In conclusion, Mr. Chairman and members of the Committee, this bill has been a long time in the works and these six Virginia Indian Tribes have been patiently waiting.

“I respectfully urge the Committee, to pass this bill today, and I look forward to working with my colleagues in the Senate for final passage on the Senate floor.

“Thank you Mr. Chairman.”

