



SPONSOR: Rep. Lynn & Rep. Bennett & Rep. Carson & Rep. Paradee & Rep. Spiegelman & Sen. Lawson
Reps. Baumbach, Kenton, Kowalko, B. Short, M. Smith, K. Williams, Wilson; Sens. Cloutier, Ennis, Henry, Townsend

HOUSE OF REPRESENTATIVES

148th GENERAL ASSEMBLY

HOUSE BILL NO. 345
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE RECOGNITION OF THE LENAPE INDIAN TRIBE OF DELAWARE.

WHEREAS, the Lenape Indian Tribe of Delaware (“the Tribe”) is a sovereign American Indian Nation made up of the Lenape people; and

WHEREAS, the Tribe’s core tribal ancestral families are from the Tribe’s homeland in the area of the Town of Cheswold in Kent County, and the descendants of the Tribe continue to live in the same area; and

WHEREAS, the Tribe formed a constitutional tribal government in March 2010; and

WHEREAS, under the Tribe’s constitution, enrollment as a citizen of the Tribe is limited to those individuals who meet the mandatory descent requirements and all other criteria for citizenship as set forth in the laws adopted under the Tribe’s constitution; and

WHEREAS, the United States Census Bureau granted the Tribe “state designated tribal statistical area” status for the purpose of the 2010 Census; and

WHEREAS, Chapter 1, Title 29 of the Delaware Code should be amended to include the General Assembly’s recognition that the Tribe is an Indian tribe.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 106. Lenape Indian Tribe of Delaware; recognition.

(a) Legislative Findings. The General Assembly finds all of the following:

(1) The Lenape Indian Tribe of Delaware, referred to as “the Tribe” in this section, has an unbroken history of hundreds of years of settlement and continued residency in the vicinity of the Town of Cheswold in Kent County.

(2) Members of the Tribe preserved, displayed, and manifested close cultural ties with one another by conducting themselves in such a social and economic manner so as to identify themselves as being culturally and ethnically distinct.

(3) The Tribe can date their ancestral ties as far back as the early 1700s.

(4) The Tribe was formerly known as “the Moors” and, for many decades of the 20th century, state documents such as driver’s licenses designated the Tribe’s race with an “M”.

(5) The Delaware School Code of 1921 provided that the State Board of Education could establish a school “for the children of people called Moors”. As a result, two schools were built, one in the Town of Cheswold and one at Fork Branch on Denney’s Road in Kent County.

(6) There has been unofficial statewide acceptance and recognition of the Tribe for at least 125 years. Through a formal process of reviewing applicable state laws, historical and anthropological references, and previous actions of the General Assembly and State agencies, the Department of State concluded by 2009 that this State has historically acknowledged the Tribe.

(7) The Smithsonian Institute issued an annual report in 1948, in which the Tribe was referred to as the “Moors of Kent County, Delaware,” and identified as a surviving Indian group of the eastern United States.

(8) The United States Census Bureau approved a defined “state designated tribal statistical area” for the Tribe for the 2010 Census.

(9) The Tribe has a constitutional tribal government, and the preamble of its constitution states that its purpose is to:

a. Preserve the legacy of its ancestors.

b. Promote the interests of its people.

c. Affirm its tribal identity.

d. Establish justice.

e. Ensure domestic tranquility.

f. Defend the general welfare.

g. Exercise its governmental jurisdiction.

h. Protect its environmental, cultural, and human resources.

i. Secure its national sovereignty for future generations of its people.

(b) Recognition.

The Lenape Indian Tribe of Delaware is designated and recognized as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers. The Tribe is recognized as eligible for the special programs and services that the United States provides to Indians because of their status as Indians.