



SPONSOR: Rep. Briggs King & Sen. Hocker ;  
Reps. Collins, Gray, Outten, Paradee, Carson, Kowalko,  
B. Short, M. Smith; Sens. Hall-Long, Henry, Lawson,  
Peterson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 434

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE TO RATIFY, DESIGNATE, AND FORMALLY  
RECOGNIZE THE NANTICOKE INDIAN TRIBE AS AN AMERICAN INDIAN TRIBE IN THE STATE OF  
DELAWARE.

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

3        WHEREAS, the Tribe’s ancestors lived in what is now the County of Sussex, and many descendants of the Tribe  
4        continue to live in the County of Sussex and elsewhere in Delaware; and

5        WHEREAS, the Tribe has been recognized by the State of Delaware, dating to at least 1881; and

6        WHEREAS, the members of the Nanticoke Indian Tribe living in Sussex County were first recognized by Act of  
7        the General Assembly in 1881, 16 Del. Laws, ch. 359, and said Act granted to the Nanticoke Indian Tribe a corporate  
8        charter with the power to establish and manage its own school district for members of the corporation, and to admit new  
9        members to the corporation; and

10       WHEREAS, since 1903 the General Assembly has permitted members of the Nanticoke Indian Tribe to “appear  
11       before any justice of the peace or notary public of this State and, on the evidence and proof that such person belongs to or is  
12       a descendant of the Nanticoke Indians, may procure from such justice or notary a certificate reciting such facts,” 22 Del.  
13       Laws ch. 470, codified at 29 Del. Code §105; and

14       WHEREAS, the Nanticoke Indian Association was incorporated as a nonprofit organization on February 23, 1922;  
15       and

16       WHEREAS, § 105(b) of Title 29 of the Delaware Code further provides that “descendants of the Nanticoke  
17       Indians . . . shall be recognized as such within this State”; and

18       WHEREAS, §§ 5404 and 5406 of Title 7 of the Delaware Code establish a committee to oversee the “treatment  
19       and disposition” of Native American remains discovered within the state of Delaware, and that said committee shall consist  
20       of, among others, “the Chief of the Nanticoke Indian Tribe [and] two members appointed by the Chief”; and

21        WHEREAS, in 1937 the General Assembly declared that any child entitled to membership in the Nanticoke  
22        Indian Tribe, or who has a parent or parents who are entitled to membership in the Nanticoke Indian Tribe, may attend  
23        school established for Indians, 41 Del. Laws ch. 174; and

24        WHEREAS, § 3131(a) of Title 16 of the Delaware Code permits an “American Indian” to, upon providing  
25        “substantiating documentary proof” that includes, “but is not limited to, an affidavit satisfactory to the State Registrar or  
26        any local registrar and signed by the Chief of the tribe that according to tribal records the person whose certificate is to be  
27        amended is a member of the tribe of the Chief whose signature appears on the affidavit,” amend his or her birth certificate  
28        to reflect his or her status as an American Indian; and

29        WHEREAS, the Delaware Department of Justice has repeatedly represented to the Indian Arts and Crafts Board of  
30        the United States Department of the Interior that the Nanticoke Indian Tribe is the “only Indian Tribe Recognized by the  
31        State of Delaware”; and

32        WHEREAS, the United States Census Bureau designated the Tribe as a “state designated tribal statistical area” for  
33        the 2010 Census; and

34        WHEREAS, the Nanticoke Indian Tribe maintains a museum in the Town of Millsboro to celebrate its heritage  
35        and educate the public about its history and culture; and

36        WHEREAS, the General Assembly finds that longstanding legislative and cultural history of the Nanticoke Indian  
37        Tribe in the state of Delaware entitles the Tribe to ratification of their status as an Indian Tribe by this State; and

38        WHEREAS, Chapter 1, Title 29 of the Delaware Code should be amended to acknowledge, ratify, and strengthen  
39        the Tribe’s historical recognition;

40        NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

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

43        § 106. Nanticoke Indian Tribe of Delaware; recognition.

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

45        (1) The Nanticoke Indian Tribe of Delaware has an unbroken history of centuries of settlement  
46        and continued residency in Sussex County, and elsewhere in Delaware.

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

50        (3) The Nanticoke Indian Tribe can trace their ancestral ties to the early seventeenth century.

(4) The General Assembly of Delaware has granted the Nanticoke Indian Tribe formal legal recognition as early as 1881, including, but not limited to the following Acts and Resolutions:

(a) Chapter 359, of volume 16 of the Delaware Laws, enacted on March 10, 1881,  
which granted to members of the Nanticoke Indian Tribe a corporate charter with the power to  
establish and manage its own school district for members of the corporation, and to admit new  
members to the corporation;

(b) § 105 of Title 29 of the Delaware Code, enacted in 1903, which has permitted members of the Nanticoke Indian Tribe to “appear before any justice of the peace or notary public of this State and, on the evidence and proof that such person belongs to or is a descendant of the Nanticoke Indians, may procure from such justice or notary a certificate reciting such facts,” and which further provides that “descendants of the Nanticoke Indians . . . shall be recognized as such within this State”;

(c) The Nanticoke Indian Association was incorporated as a nonprofit organization in Delaware on February 23, 1922; and

(d) §§ 5404 and 5406 of Title 7 of the Delaware Code, enacted in 1987, which establish a committee to oversee the “treatment and disposition” of Native American remains discovered within the state of Delaware, and which provide that said committee shall consist of, among others, “the Chief of the Nanticoke Indian Tribe [and] two members appointed by the Chief”;

(e) Chapter 174 of Volume 41 of the Delaware Laws, enacted in 1937, which permitted any child entitled to membership in the Nanticoke Indian Tribe, or whose parent or parents who are entitled to membership in the Nanticoke Indian Tribe, to attend school established specifically for Indians.

(f) Concurrent resolutions enacted by the General Assembly each year since 2011 acknowledging the cultural heritage of the Nanticoke Indian Tribe and designating the month of November as “Native American Heritage Month.”

(5) Delaware Department of Justice has repeatedly represented to the Indian Arts and Crafts Board of the United States Department of the Interior that the Nanticoke Indian Tribe is the “only Indian Tribe Recognized by the State of Delaware”.

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

(7) The Nanticoke Indian Tribe has a tribal government that strives to preserve its culture, heritage, and legacy.

(8) The Nanticoke Indian Tribe has held an annual powwow continuously since 1977.

(b) Recognition.

(1) The Nanticoke Indian Tribe of Delaware is designated and recognized as an American Indian Tribe with a tribal governing body carrying out and exercising substantial governmental powers and duties. The Tribe is recognized as eligible for all programs, services, and other benefits provided to Indian tribes by the United States or any state thereof because of their status as American Indians.

(2) The Nanticoke Indian Tribe of Delaware is designated and recognized as the first state-recognized tribe in Delaware, and has been so recognized since March 10, 1881.

## SYNOPSIS

This bill designates and formally recognizes the Nanticoke Indian Tribe as an American Indian Tribe in the State of Delaware.