



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

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

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

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

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

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

9 WHEREAS, the Tribe is a member of the Confederation of Sovereign Nanticoke-Lenape Tribes, which is an
10 intertribal union among the Lenape Indian Tribe of Delaware, the Nanticoke Tribe in Sussex County, and the Nanticoke
11 Lenni-Lenape Indian Tribe headquartered in Bridgeton, New Jersey, with which the Tribe is historically and genealogically
12 interrelated; and

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

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

17 NOW, THEREFORE:

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

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

21 § 106. Lenape Indian Tribe of Delaware; recognition.

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

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

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

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

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

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

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

38 (7) The Smithsonian Institute issued an annual report in 1948, in which the Tribe was officially designated as
39 a surviving tribe of the eastern United States.

40 (8) The United States Census Bureau has granted the Tribe “state designated tribal statistical area” status for
41 the 2010 Census.

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

44 a. Preserve the legacy of its ancestors.

45 b. Promote the interests of its people.

46 c. Affirm its tribal identity.

47 d. Establish justice.

48 e. Ensure domestic tranquility.

49 f. Defend the general welfare.

50 g. Exercise its governmental jurisdiction.

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

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

53 (b) Recognition.

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

SYNOPSIS

Under this Act, the General Assembly formally recognizes the Lenape Indian Tribe of Delaware ("the Tribe") as an American Indian tribe, not only to acknowledge the Tribe's rich history and culture, but also so that the Tribe may be recognized as eligible for the programs and services that the United States provides to Indians because of their status as Indians.

For example, the federal Indian Arts and Crafts Act establishes the Indian Arts and Crafts Board ("the Board") of the U.S. Department of the Interior and authorizes the Board to establish standards and regulations for the use of the U.S. Government-owned trademarks of genuineness and quality for Indian products. *See* 25 U.S.C. § 305a(g) (2015). It is unlawful under federal law "to offer or display for sale or sell any good in a manner that falsely suggests it is an Indian product, or the product of a particular Indian, or Indian tribe, or Indian arts and crafts organization resident within the United States." *See* 18 U.S.C. § 1159 (2015). For an art or craft product to be sold with an "Indian made" or similar designation, the product must be made by an Indian, which federal regulation defines as an individual who is a member of an Indian tribe. *See* 25 C.F.R. § 309.2(a). Federal regulation defines "Indian tribe" as any Indian group which is recognized by either the federal government or a state legislature. *See* 25 C.F.R. § 309.2(e)(1) and (2). Since the Tribe is not federally-recognized, one application of the recognition under this Act is to make the Tribe eligible to sell arts and crafts as "Indian made."