

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HR 1261 Haudenosaunee Nationals

SPONSOR(S): Shoaf

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Constitutional Rights, Rule of Law & Government Operations Subcommittee		Poreda	Miller
2) State Affairs Committee			

SUMMARY ANALYSIS

The “Haudenosaunee Confederacy” (Confederacy), meaning “People of the long house”, is currently made up of six tribes: Mohawk, Oneida, Onondaga, Seneca, Tuscarora, and Cayuga (which includes the smaller Wyandot, Delaware, and Tutela tribes within the Cayuga nation). They are all primarily located in the Great Lakes region of the United States and Canada. Well-established before the time of initial contact with European colonists, the longstanding purpose of the Confederacy is to unite the member nations and provide a peaceful means of decision making.

Lacrosse is an international team sport played competitively all over the world and will be included as an official event at the 2028 Olympic Games. This modern game originated with Haudenosaunee Confederacy approximately four hundred years ago. Since 1990, The Haudenosaunee Nationals Lacrosse Organization has competed as an indigenous sports organization in the World Lacrosse Championship. They won bronze medals by placing third in 2014, 2018, and 2023. They also competed in the 2022 World Games, finishing in fifth place.

HR 1261 encourages the International Olympic Committee to recognize the Haudenosaunee Nationals as an independent lacrosse team and allow the team to participate in the 2028 Olympic Games in Los Angeles, California.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Tribal Sovereignty and Federal Recognition

Federal law recognizes Indian tribes as “distinct, independent political communities, retaining their original natural rights.”¹ Indian tribes recognized by the federal government have a government-to-government relationship with the United States.² There are currently 574 federally recognized Indian tribes in the United States, 347 of which are in the contiguous 48 states and 227 federally recognized native entities within the State of Alaska.³

Historically, tribes secured federal recognition by treaties, acts of Congress, executive branch actions, or federal court decisions.⁴ Today, a tribe may gain federal recognition through one of three processes:

- An act of Congress;
- Administrative proceeding under 25 C.F.R. Part 83; or
- A decision by a federal court.⁵

Some non-recognized tribes have expressed that the administrative process for recognition can be costly and time-consuming.⁶ Since 1978, the FAP has resulted in the acknowledgement of 18 tribes (out of 52 completed applications).⁷

State Recognition of Indian Tribes

There are currently 63 state-recognized tribes across 11 states: Alabama, Connecticut, Georgia, Louisiana, Maryland, Massachusetts, New York, North Carolina, South Carolina, Vermont, and Virginia.⁸ The method of determining which tribes to recognize varies, from giving a decision-making role to other tribes in the state (e.g., North Carolina⁹), an advisory role to other tribes (e.g. Vermont¹⁰), or providing for recognition as determined solely by the legislature (e.g., Georgia¹¹).

¹ *Worcester v. Georgia*, 31 U.S. 515, 519 (1832).

² Bureau of Indian Affairs, *Frequently Asked Questions*, <https://www.bia.gov/frequently-asked-questions> (last visited January 12, 2024).

³ 88 Fed. Reg. 2112 (January 12, 2023). See also Congressional Research Service, “the 574 Federally Recognized Indian Tribes in the United States (updated January 18, 2024),” p. 1, available at <https://crsreports.congress.gov/product/pdf/R/R47414> (last visited January 27, 2024).

⁴ Bureau of Indian Affairs, *Frequently Asked Questions*, *supra*, n. 2.

⁵ Federally Recognized Indian Tribe List Act of 1994, Pub. L. No. 103-454. If a tribe has previously had its relationship with the United States expressly terminated by an act of Congress, that tribe’s recognition may only be restored by a subsequent act.

⁶ National Congress of American Indians (NCAI), *Federal Recognition*, <https://www.ncai.org/policy-issues/tribal-governance/federal-recognition> (last visited January 12, 2024). See “Testimony of Rev. John Norwood,” U.S. Senate Committee on American Indian Affairs (July 12, 2012), available at <https://www.indian.senate.gov/wp-content/uploads/John%20Norwood%20UPDATED%20testimony.pdf> (last visited January 27, 2024).

⁷ Bureau of Indian Affairs, *Petitions Resolved*, <https://www.bia.gov/as-ia/ofa/petitions-resolved> (last visited Jan. 12, 2024).

⁸ Natl. Conf. of State Legislatures, *State Recognition of American Indian Tribes*, <https://www.ncsl.org/quad-caucus/state-recognition-of-american-indian-tribes> (last visited January 12, 2024)

⁹ N.C. Gen. Stat. s. 143B-406(a)(10).

¹⁰ Vt. Stat. Ann. tit. 1, s. 852(c)(5).

¹¹ Ga. Code Ann. S. 44-12-300.

State recognition of a tribe can provide certain benefits. State-recognized tribes are eligible to apply to several federal grant programs.¹² Members of state-recognized tribes are also allowed to market their arts and crafts products as being genuine¹³ and may access certain scholarship programs.¹⁴

Haudenosaunee Confederacy

The “Haudenosaunee Confederacy” (Confederacy), meaning “People of the long house”, was once called the “Iroquois Confederacy” or “Iroquois League” by the French, and the “League of Five Nations” by the English.¹⁵ The Confederacy is currently made up of six tribes: Mohawk, Oneida, Onondaga, Seneca, Tuscarora, and Cayuga (which includes the smaller Wyandot, Delaware, and Tutela tribes within the Cayuga nation).¹⁶ They are all primarily located in the Great Lakes region of the United States and Canada. The Confederacy’s creation was intended as a way to unite the nations and create a peaceful means of decision making. Often described as one of the oldest participatory democracies in the world, the Confederacy’s constitution has been noted for some similarities to the United States Constitution.¹⁷

Europeans first encountered the Haudenosaunee in the 1500s, and, initially, their relations were based on fur trade. In the 1790s, after the conclusion of the Revolutionary War, Haudenosaunee reservations were established in the United States and Canada.¹⁸

Haudenosaunee Lacrosse

Lacrosse is an international team sport played competitively all over the world and will be included as an official event at the 2028 Olympic Games.¹⁹ This modern game originated with the Confederacy. Four hundred years ago, explorers to Haudenosaunee territory saw the game of lacrosse being played. Among the Haudenosaunee the game is called “Tewaarathon”, which means “they bump hips.” In lacrosse, a player must catch, carry and pass a ball using a lacrosse stick, a long stick with a net at one end. Historically, Haudenosaunee people played lacrosse on a field that could be as short as one hundred yards or as long as two miles. Teams could have from a handful to hundreds of players. Lacrosse was sometimes played to resolve disputes and get rid of bad feelings between clans and nations within the Haudenosaunee. The game was, and still is, played to bring together families, communities, and nations.²⁰

The Haudenosaunee Nationals Lacrosse Organization is an indigenous sports organization that competes on the world stage. The governing body for the Confederacy, the Grand Council of Chiefs, has sanctioned the Haudenosaunee Nationals Lacrosse Organization to assemble both men’s and women’s teams that collectively and officially represent the Confederacy in international lacrosse competition.²¹

¹² See Natl. Conf. of State Legislatures, *State Recognition of American Indian Tribes*, <https://www.ncsl.org/quad-caucus/state-recognition-of-american-indian-tribes> (last visited Jan. 12, 2024) (“Departments of Housing and Urban Development, Labor, Education, and Health and Human Services have statutory and regulatory authority to provide funding for state-recognized tribes”). See also U.S. Dept. of Health and Human Services, *Tribal Programs*, <https://www.acf.hhs.gov/tribal-programs> (last visited January 12, 2024) (state-recognized tribes eligible for Administration for Native Americans programs).

¹³ Dept. of the Interior Indian Arts and Crafts Board, *The Indian Arts and Crafts Act of 1990*, <https://www.doi.gov/iacb/act> (last visited January 12, 2024).

¹⁴ American Indian College Fund, *Scholarships*, <https://collegefund.org/students/scholarships/> (last visited January 12, 2024).

¹⁵ Haudenosaunee Confederacy, *Who We Are*, available at <https://www.haudenosauneeconfederacy.com/who-we-are/> (last visited January 27, 2024).

¹⁶ Haudenosaunee Confederacy, *The League of Nations*, available at <https://www.haudenosauneeconfederacy.com/the-league-of-nations/> (last visited January 27, 2024).

¹⁷ National Museum of the American Indian, *Haudenosaunee Guide for Educators*, available at <https://americanindian.si.edu/sites/1/files/pdf/education/HaudenosauneeGuide.pdf> (last visited January 27, 2024).

¹⁸ *Id.*

¹⁹ See, World Lacrosse, “Lacrosse to return to the Olympic Games in 2028,” available at <https://worldlacrosse.sport/olympics/> (last visited January 27, 2024).

²⁰ National Museum of the American Indian, *Haudenosaunee Guide for Educators*, *supra*, n. 17.

²¹ The Haudenosaunee Nationals Lacrosse Organization, *About Us*, available at <https://haudenosaunee-nationals-lacrosse.com/pages/about-haudenosaunee-nationals-lacrosse> (last visited January 27, 2024).

Haudenosaunee Nationals Men's Lacrosse Team has been recognized and competed in the World Lacrosse Championship²² since 1990²³ and won bronze medals by placing 3rd in 2014, 2018, and 2023.²⁴ They also competed in the 2022 World Games²⁵ placing in 5th place.²⁶ The Haudenosaunee Nationals Lacrosse Organization currently is attempting to have its teams compete in the 2028 Olympic games being held in Los Angeles, California, after the sport of Lacrosse was added to the official list of sports to be played.²⁷

International Olympic Committee

The International Olympic Committee (IOC) is the governing body of the National Olympic Committees (NOCs) and of the worldwide Olympic Movement, the IOC's term for all entities and individuals involved in the Olympic Games.²⁸ There are currently 106 active members and 41 honorary members of the IOC.²⁹ According to the Olympic Charter, any competitor in the Olympic Games must be a national of the country of the NOC which is entering the games.³⁰

Currently, the Confederacy is not a recognized NOC by the IOC. However, the IOC Executive Board, does have the ability to make determinations relating the country which a competitor may represent in the Olympic Games.³¹

Effect of the House Resolution

The Resolution encourages the International Olympic Committee to recognize the Haudenosaunee Nationals as an independent lacrosse team and allow the team to participate in the 2028 Olympic Games in Los Angeles, California.

B. SECTION DIRECTORY:

Not Applicable

²² World Lacrosse, formerly the Federation of International Lacrosse, is the international governing body of lacrosse, responsible for the men's, women's, and indoor versions of the sport. It was established in 2008 by the merger of the previously separate men's and women's international lacrosse associations. *See* World Lacrosse, available at <https://worldlacrosse.sport/> (last visited January 27, 2024).

²³ World Lacrosse, *The Game*, "History," available at <https://worldlacrosse.sport/events/2023-world-lacrosse-mens-championship/history/> (last visited January 27, 2024).

²⁴ *Id.*

²⁵ The World Games are an international multi-sport event comprising sports and sporting disciplines that are not contested in the Olympic Games. They are usually held every four years, one year after a Summer Olympic Games, over the course of 11 days. The World Games are governed by the International World Games Association, under the patronage of the International Olympic Committee. *See* the World Games, available at <https://www.theworldgames.org/> (last visited January 27, 2024).

²⁶ The World Games, The World Games 2022, Birmingham (USA), available at <https://www.theworldgames.org/results#edition=13&sport=54&discipline=269&category=797&country=> (last visited January 27, 2024).

²⁷ New York Times, *Lacrosse Is Coming to the Olympics. Will Its Inventors Be There?*, available at <https://www.nytimes.com/2023/10/19/sports/olympics/lacrosse-2028-olympics-haudenosaunee.html> (last visited January 27, 2024); Associated Press, *Lacrosse at the Olympics gives Indigenous communities a chance to see their sport shine*, available at <https://apnews.com/article/lacrosse-olympics-haudenosaunee-c9c7a18770d50e0b7105db4fe8520c21> (last visited January 27, 2024); *see*, World Lacrosse, "Lacrosse to return to the Olympic Games in 2028," available at <https://worldlacrosse.sport/olympics/> (last visited January 27, 2024).

²⁸ *See* International Olympic Committee, *Overview*, available at <https://olympics.com/ioc/overview> (last visited January 27, 2024).

²⁹ International Olympic Committee, *Members*, available at <https://olympics.com/ioc/members> (last visited January 27, 2024).

³⁰ Olympic Charter, The Olympic Games, Rules 40 & 41, International Olympic Committee, *Olympic Charter*, available at https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.244513221.1919463586.1706292939-478148114.1706119559 (last visited January 27, 2024).

³¹ *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This resolution does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES