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SENATE

{ REPORT
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A JOINT RESOLUTION TO ACKNOWLEDGE A LONG HISTORY OF OFFICIAL DEPREDACTIONS AND ILL-CONCEIVED POLICIES BY THE UNITED STATES GOVERNMENT REGARDING INDIAN TRIBES AND OFFER AN APOLOGY TO ALL NATIVE PEOPLES ON BEHALF OF THE UNITED STATES

JULY 28, 2005.—Ordered to be printed

Mr. MCCAIN, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S.J. Res. 15]

The Committee on Indian Affairs, to which was referred the joint resolution, S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE

The purpose of S.J. Res. 15 is to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States Government.

BACKGROUND

The history of the United States is bound inextricably with the people who first inhabited the land. With the creation of its constitutional government, the new nation entered into treaties with the First Nations of the land. Sometimes the treaties were entered into with good will and good faith; other times, not. In any event, these treaties represented mutual promises between the federal government and the tribes.

As the United States grew in population, however, it grew in the desire for land. Many American people—including federal officials—remain unaware of the solemn treaty obligations the nation entered into but repeatedly failed to meet as the nation expanded.

Those broken promises caused great harm to Native Peoples, with dire consequences that remain with us today.

This resolution apologizes to Native Peoples on behalf of the United States. Reviewing the history of this government's treatment of Native Peoples makes painfully obvious that the government's policies and decisions regarding Native Americans have been the source of terrible injustice. It is hoped that passage of this joint resolution will both give rise to the American public's increased interest in the history of the relationship between the federal government and Indian tribes and also lead to vigorous policies that promote the well-being of Native Americans today.

The Committee notes S.J. Res. 15 is not intended to engender or fuel any controversies or litigation by or against the United States and Indian tribes. S.J. Res. 15 does not, and should not be construed to, authorize or support any claim against the United States, nor should it serve as evidence to support a claim against the United States. Specifically, it is the intent of the Committee that S.J. Res. 15 shall not be used as evidence pursuant to Federal Rule of Evidence 201 in any judicial proceeding.

It is the sponsors' intention and the Committee's understanding that S.J. Res. 15 does not authorize or serve as a settlement of any claim against the United States by an Indian tribe or tribes.

LEGISLATIVE HISTORY

S.J. Res. 15 was introduced on April 19, 2005, by Senator Brownback for himself and Senators Dodd and Dorgan, and was referred to the Committee on Indian Affairs.

On May 25, 2005, the Committee held a legislative hearing on S.J. Res. 15. Witnesses at the hearing included Senator Brownback; Tex Hall, President of the National Congress of American Indians; Edward Thomas, President of the Central Council Tlingit & Haida Tribes; and Negiel Bigpond, President of Two Rivers Native American Training Center in Mounds, Oklahoma. The witnesses supported the resolution for the most part; however, Mr. Thomas expressed his view that an apology in words did not address and could not solve the very real problems facing Native Peoples.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On June 29, 2005, at an open business meeting duly noticed, the Committee considered S.J. Res. 15 and ordered the bill favorably reported to the full Senate with a recommendation that the bill do pass.

COST AND BUDGETARY CONSIDERATIONS

An identical resolution, S.J. Res. 37, was approved by the Committee in the 108th Congress and analyzed by the Congressional Budget Office. The Congressional Budget Office concluded that the resolution would have no cost to the federal government, contained no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and did not affect the budgets of state, local, or tribal governments. Because S.J. Res. 15 is identical to S.J. Res. 37, the Committee concludes that S.J. Res. 15 has no cost or budgetary effects.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The resolution is not a regulatory measure imposing Government-established standards or significant economic responsibilities on private individuals or businesses. No personal information would be collected. There, the Committee concludes that there would be no impact on personal privacy and that little if any additional paperwork would result from enactment of S.J. Res. 15.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S.J. Res. 15.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S.J. Res. 15.

