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SENATE

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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

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JUNE 18, 2007.—Ordered to be printed

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

### R E P O R T

[To accompany S.J. Res. 4]

The Committee on Indian Affairs, to which was referred the joint resolution, S.J. Res. 4, 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. 4 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 the federal 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. 4 is not intended to engender or fuel any controversies or litigation by or against the United States and Indian tribes. S.J. Res. 4 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. 4 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. 4 does not authorize or serve as a settlement of any claim against the United States by an Indian tribe or tribes.

#### LEGISLATIVE HISTORY

On March 1, 2007, Senator Brownback introduced S.J. Res. 4, a resolution that acknowledges the long history of official depredations and ill-conceived federal government policies toward Native Americans, and offers an apology to Native peoples on behalf of the American people, for himself and Senators Inouye, Cantwell, Dodd, Landrieu and Crapo, and was referred to the Committee on Indian Affairs. Senator Dorgan was added as a cosponsor on March 5, 2007, Senator Boxer on March 12, 2007, Senator Lieberman on April 10, 2007, and Senator Akaka on May 9, 2007.

During the 109th Congress, the Committee held a hearing on and approved an identical resolution, but the bill was not brought before the full Senate. This resolution was also approved by the Committee in the 108th Congress.

On May 10, 2007, the Committee on Indian Affairs convened a business meeting to consider S.J. Res. 4 and other measures that had been referred to it, and ordered the joint resolution favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On May 10, 2007, the Committee on Indian Affairs convened a business meeting to consider S.J. Res. 4 and other measures, and by voice vote, ordered to have the resolution favorably reported to the full Senate with the recommendation that the resolution do pass.

#### COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated May 22, 2007, was prepared for S.J. Res. 4:

*S.J. Res. 4—A joint resolution 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*

S.J. Res. 4 would declare that the United States, acting through the Congress, recognizes and acknowledges the history of Native Peoples in the United States and would apologize to Native Peoples on behalf of the United States. The resolution also would apologize for instances of violence, maltreatment, and neglect that were inflicted upon Native Peoples by U.S. citizens. Nothing in the resolution would authorize or support any legal claim against the federal government, nor would it serve as a settlement of any pending claim against the federal government. CBO estimates that enacting S.J. Res. 4 would have no significant impact on the federal budget.

S.J. Res. 4 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### 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. Therefore, 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. 4.

#### EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S.J. Res. 4.

#### 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. 4.