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### HONORING THE ACHIEVEMENTS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES, AND FOR OTHER PURPOSES

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JULY 31, 2008.—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 H.J. Res. 62]

The Committee on Indian Affairs, to which was referred the joint resolution (H.J. Res. 62) to honor the achievements and contributions of Native Americans to the United States, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the joint resolution (as amended) do pass.

#### PURPOSE

The Purpose of H.J. Res. 62 is to designate Friday, November 28, 2008, as “Native American Heritage Day,” and to encourage the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to observe Native American Heritage Day.

#### BACKGROUND

As the descendents of the original, indigenous inhabitants of what is now the United States, Native Americans have provided contributions to the political, economic and cultural development of the United States. Numerous contributions have been offered in civilian life. In addition, Native Americans have consistently served with distinction in the Armed Forces of the United States since the Revolutionary War. More Native Americans per capita have served in the Armed Forces than any other group of Americans. Designation of November 28, 2008 as Native American Heritage Day would allow an opportunity to recognize these contributions.

According to the Department of the Interior, Bureau of Indian Affairs, designation of a National American Indian and Alaska Native Heritage Month has been a century-long effort, traditionally occurring in the month of November. The recognition has occurred in the past through several non-Indian and Indian organizations. In 1990, President George W. Bush signed a proclamation naming November 1990 as Native American Heritage Month. Similar proclamations have occurred annually under Presidents William J. Clinton and George H. W. Bush since 1994.

There have been legislative efforts to designate a specific day as Native American Heritage Day, but none have succeeded. Although several states have designated a Native American Heritage Day since 1916, there has been no similar designation by the Federal government.

H.J. Res. 62 designates November 28, 2008, as “Native American Heritage Day” and encourages educational outreach in elementary and secondary schools to honor the past and present contributions of Native Americans. It is hoped that passage of H.J. Res. 62 will encourage the American public’s interest in the history and contributions of Native Americans and inspire Native Americans of all ages to celebrate the great achievements of their ancestors and heroes. The designation of a Native American Heritage Day will provide recognition of the contributions of Native Americans to the United States military and civilian life and acknowledge their heritage and culture.

#### SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

During an open business meeting on April 24, 2008, the Committee considered and approved an amendment in the nature of substitute to H.J. Res. 62. The amendment in the nature of a substitute limited the measure to designating Friday, November 28, 2008, as “Native American Heritage Day,” and removed references to the United States Constitution in Sections 2 and 3.

#### SECTION-BY-SECTION ANALYSIS OF H.J. RES 62, AS AMENDED

##### *Section 1. Short title*

Section 1 provides the short title of the bill as the “Native American Heritage Day Act of 2008.”

##### *Section 2. Findings*

Section 2 states that Congress finds that Native Americans are descendants of the original inhabitants of what is now the United States. It also finds that more Native Americans per capita have served in the United States military than any other group of Americans and they have done so with valor. In addition, Congress finds that there are many distinct and significant contributions by Native Americans in culture, society, religion, politics, economics, medicine and education to the United States and the rest of the world. Section 2 states that nationwide recognition of these contributions will encourage Native Americans of all ages. Additionally, Section 2 finds that an annual designation of this day will underscore the government-to-government relationship between the Federal government and tribes and will encourage additional understanding of Native Americans in our public education systems.

*Section 3. Implementation of Native American Heritage Day*

Section 3 states that Congress designates Friday, November 28, 2008 as “Native American Heritage Day.” Section 3 also encourages the people of the United States as well as Federal, State and local governments, and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities. Section 3 states that such activities may include activities relating to the historical and present-day status of Native Americans and tribal governments; the culture, traditions and languages of Native Americans; and the rich cultural legacy of Native Americans that all Americans enjoy today.

LEGISLATIVE HISTORY

H.J. Res. 62 was introduced in the House of Representatives on November 13, 2007 by Representative Joe Baca, for himself and 83 other original cosponsors. H.J. Res. 62 was referred to the Committee on Education and Labor.

On November 13, 2007, the House of Representatives moved to consider H.J. Res. 62 under suspension of the rules, the rules were suspended and H.J. Res. 62 was agreed to by voice vote. H.J. Res. 62 was sent to the Senate and referred to the Committee on Indian Affairs.

On April 24, 2008, the Committee convened a business meeting to consider H.J. Res 62 and ordered it to be favorably reported with an amendment in the nature of a substitute.

Three other bills were also introduced in the 110th Congress that relate to the designation of Native American Heritage Day: S. 1852 was introduced by Senator Inouye on July 23, 2007 and referred to the Senate Committee on the Judiciary; H.R. 3585 was introduced by Representative Baca on September 19, 2007, and referred to the House Subcommittee on Higher Education, Lifelong Learning, and Competitiveness; and S. Res. 400 was introduced by Senator Inouye on December 11, 2007, and referred to the Senate Committee on the Judiciary. No further action has been taken on these measures.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On April 24, 2008, the Committee on Indian Affairs convened a business meeting to consider H.J. Res. 62, and other measures. During the business meeting, the Committee voted, by voice vote, to report H.J. Res. 62 favorably, with an amendment in the nature of a substitute, to the full Senate with the recommendation that it do pass.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated May 28, 2008, was prepared for H.J. Res. 62:

*H.J. Res. 62—Native American Heritage Day Act of 2008*

H.J. Res. 62 would designate Friday, November 28, 2008, as Native American Heritage Day. CBO estimates that implementing this legislation would have no significant impact on the federal budget. Enacting H.J. Res. 62 would not affect direct spending or revenues.

H.J. Res. 62 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Leigh Angres. This estimate was approved by Theresa Gullo, 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 Committee believes that H.J. Res. 62 will have a minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding H.J. Res. 62.

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 H.J. Res. 62.