

DISSENTING VIEWS

I oppose H.R. 5444, the Truth and Healing Commission on Indian Boarding School Policies Act, as reported by the Committee on Natural Resources.

Early in our nation's history, the federal government funded the education of Indian children to accelerate the assimilation of American Indians and Alaska Natives. In concurrence with assimilation policies during the nineteenth century, the boarding school curriculums subjected Indian children to forced school attendance, inadequate living conditions, and deprivation of their culture. In 1891, Congress authorized the U.S. Commissioner of Indian affairs to "make and enforce . . . such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit."¹ In 1893, Congress authorized the Bureau of Indian Affairs to "withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year."²

While historical boarding school practices were a clear failure in federal policy, Indian education is an important service that the Bureau of Indian Education still provides today through 15 operating schools. I support the intention of better understanding the legacy that federally funded Indian Boarding Schools have had on native people. However, I am concerned about several provisions contained in this bill as reported.

H.R. 5444 would establish a 10-member commission, appointed by the President, the President pro tempore of the Senate and the Speaker of the House of Representatives for the purpose of documenting, investigating, and providing recommendations on actions that the federal government can take to address harms caused by historic Indian boarding school policies. While I appreciate that goal, this bill goes about addressing these historic wrongs by broadly expanding federal authority.

The commission established by H.R. 5444 would be granted the unconstrained power to subpoena the federal government, schools, churches, and individuals; the commission would be funded by taxpayer dollars and commission members could be paid top tier salaries and travel expenses. Left unchecked, the broad power granted by these provisions, could easily be misused. If such a commission is necessary, the Committee on Natural Resources, and Congress, should take the time and do the work to establish clear and reasonable guidelines to keep this commission on mission and focused on its defined objectives.

I am also concerned that this commission may be partially duplicative of efforts already underway at the Department of the Interior (DOI). In June 2021, the Secretary of the Interior announced a plan for a boarding school initiative in which the Department would investigate the loss of life and consequences of Indian boarding schools, with the goal to identify historical boarding school facilities and sites; the location of known and possible student burial sites located at or near school facilities; and the identities and Trib-

¹ Act of Mar. 3, 1891, Ch. 543, 26 Stat. 989, 1014.

² Act of Mar. 3, 1893, Ch. 209, 27 Stat. 612, 635.

al affiliations of children interred at such locations.³ DOI will collect relevant information and conduct tribal consultation. The first volume of the report was released on May 11, 2022. The report highlighted some of the conditions Native children endured at these schools and it provided eight recommendations, some of which were considerations for Congress. I believe that DOI's recommendations should be further examined to ensure that policies and objectives established under this legislation are not duplicative of current and ongoing work by DOI. The Department is continuing work in this area, and this Committee, and Congress, should consider whether the allocation of more resources to a newly created commission is necessary. More oversight is needed and DOI may have further findings that will help further inform this legislation.

For these reasons, while I appreciate the goal of H.R. 5444, I oppose H.R. 5444 as it was reported by the Committee on Natural Resources.

BILL WESTERMAN.



³Federal Indian Boarding School Initiative letter from Secretary Haaland (June 22, 2021), <https://www.doi.gov/sites/doi.gov/files/secint-memo-esb46-01914-federal-indian-boarding-school-truth-initiative-2021-06-22-final508-1.pdf>.