

TRUTH AND HEALING COMMISSION ON INDIAN
BOARDING SCHOOL POLICIES ACT

DECEMBER 7, 2022.—Ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 5444]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5444) to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth and Healing Commission on Indian Boarding School Policies Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) assimilation processes, such as the Indian Boarding School Policies, were adopted by the United States Government to strip American Indian, Alaska Native, and Native Hawaiian children of their Indigenous identities, beliefs, and languages to assimilate them into non-Native culture through federally funded and controlled Christian-run schools, which had the intent and, in many cases, the effect, of termination, with dire and intentional consequences on the cultures and languages of Indigenous peoples;

(2) assimilation processes can be traced back to—

(A) the enactment of the Act of March 3, 1819 (3 Stat. 516, chapter 85) (commonly known as the “Indian Civilization Fund Act of 1819”), which created a fund to administer the education, healthcare, and rations promised

to Tribal nations under treaties those Tribal nations had with the United States; and

(B) the Grant Administration's peace policy with Tribal nations in 1868, which, among other things, authorized amounts in the fund established under the Act of March 3, 1819 (3 Stat. 516, chapter 85) (commonly known as the "Indian Civilization Fund Act of 1819"), to be used by churches;

(3) according to research from the National Native American Boarding School Healing Coalition, the Federal Government funded church-run boarding schools for Native Americans from 1819 through the 1960s under the Act of March 3, 1819 (3 Stat. 516, chapter 85), which authorized the forced removal of hundreds of thousands of American Indian and Alaska Native children as young as 3 years old, relocating them from their traditional homelands to 1 of at least 367 known Indian boarding schools, of which 73 remain open today, across 30 States;

(4) beginning in 1820, missionaries from the United States arrived in Hawai'i, bringing a similar desire to civilize Native Hawaiians and convert "Hawaiian heathens" to Christians, establishing day schools and boarding schools that followed models first imposed on Tribal nations on the East Coast of the United States;

(5) as estimated by David Wallace Adams, professor emeritus of history and education at Cleveland State University in Ohio, by 1926, nearly 83 percent of American Indian and Alaska Native school-age children were enrolled in Indian boarding schools in the United States, but, the full extent of the Indian Boarding School Policies has yet to be fully examined by—

(A) the Federal Government or the churches who ran those schools; or

(B) other entities who profited from the existence of those schools;

(6) General Richard Henry Pratt, the founder and superintendent of the Carlisle Indian Industrial School in Carlisle, Pennsylvania, stated that the ethos of Indian Boarding School Policies was to "kill the Indian in him, and save the man";

(7) in 1878, General Pratt brought a group of American Indian warriors held as prisoners of war to what was then known as the Hampton Agricultural and Industrial School in Hampton, Virginia, for a residential experiment in the education of Indigenous people;

(8) prior to arriving to the Hampton Agricultural and Industrial School in 1878, the American Indian warriors held as prisoners of war had already spent 3 years imprisoned, during which time they were forced to shave their traditionally grown hair, dress in military uniforms, participate in Christian worship services, and adopt an English name;

(9) General Samuel C. Armstrong, founder and, in 1878, principal, of the Hampton Agricultural and Industrial School, was influenced by his parents and other missionaries in the United States involved in the education of Native Hawaiian children;

(10) General Armstrong modeled the Hampton Agricultural and Industrial School after the Hilo Boarding School in Hawai'i, a missionary-run boarding school that targeted high performing Native Hawaiians to become indoctrinated in Protestant ideology, which was similar to boarding schools led by missionaries in the similarly sovereign Five Tribes of Oklahoma, including the Cherokee and Chickasaw;

(11) in addition to bringing a group of American Indian warriors held as prisoners of war to the Hampton Agricultural and Industrial School in 1878, General Pratt influenced Sheldon Jackson, a Presbyterian missionary who, in 1885, was appointed by the Secretary of the Interior to be a General Agent of Education in the Alaska Territory;

(12) Hampton Agricultural and Industrial School continued as a boarding school for American Indians, Alaska Natives, and Native Hawaiians until 1923;

(13) founded in 1879, the Carlisle Indian Industrial School set the precedent for government-funded, off-reservation Indian boarding schools in the United States, where more than 10,000 American Indian and Alaska Native children were enrolled from more than 140 Indian Tribes;

(14) Indian boarding schools, and the policies that created, funded, and fueled their existence, were designed to assimilate American Indian, Alaska Native, and Native Hawaiian children into non-Native culture by stripping them of their cultural identities, often through physical, sexual, psychological, industrial, and spiritual abuse and neglect;

(15) many of the children who were taken to Indian boarding schools did not survive, and of those who did survive, many never returned to their parents, extended families, and communities;

(16) at the Carlisle Indian Industrial School alone, approximately 180 American Indian and Alaska Native children were buried;

(17) according to research from the National Native American Boarding School Healing Coalition—

(A) while attending Indian boarding schools, American Indian, Alaska Native, and Native Hawaiian children suffered additional physical, sexual, psychological, industrial, and spiritual abuse and neglect as they were sent to non-Native homes and businesses for involuntary and unpaid manual labor work during the summers;

(B) many American Indian, Alaska Native, and Native Hawaiian children escaped from Indian boarding schools by running away, and then remained missing or died of illnesses due to harsh living conditions, abuse, or substandard health care provided by the Indian boarding schools;

(C) many American Indian, Alaska Native, and Native Hawaiian children died at hospitals neighboring Indian boarding schools, including the Puyallup Indian School that opened in 1860, which was first renamed the Cushman Indian School in 1910 and then the Cushman Hospital in 1918; and

(D) many of the American Indian and Alaska Native children who died while attending Indian boarding schools or neighboring hospitals were buried in unmarked graves or off-campus cemeteries;

(18) according to independent ground penetrating radar and magnetometry research commissioned by the National Native American Boarding School Healing Coalition, evidence of those unmarked graves and off-campus cemeteries has been found, including—

(A) unmarked graves at Chemawa Indian School in Salem, Oregon; and

(B) remains of children who were burned in incinerators at Indian boarding schools;

(19) according to research from the National Native American Boarding School Healing Coalition, inaccurate, scattered, and missing school records make it difficult for families to locate their loved ones, especially because—

(A) less than 38 percent of Indian boarding school records have been located, from only 142 of the at least 367 known Indian boarding schools; and

(B) all other records are believed to be held in catalogued and uncatalogued church archives, private collections, or lost or destroyed;

(20) parents of the American Indian, Alaska Native, and Native Hawaiian children who were forcibly removed from or coerced into leaving their homes and placed in Indian boarding schools were prohibited from visiting or engaging in correspondence with their children;

(21) parental resistance to compliance with the harsh no-contact policy described in paragraph (20) resulted in the parents being incarcerated or losing access to basic human rights, food rations, and clothing;

(22) in 2013, post-traumatic stress disorder rates among American Indian and Alaska Native youth were 3-times the general public, the same rates for post-traumatic stress disorder among veterans;

(23) in 2014, the White House Report on Native Youth declared a state of emergency due to a suicide epidemic among American Indian and Alaska Native youth;

(24) the 2018 Broken Promises Report published by the United States Commission on Civil Rights reported that American Indian and Alaska Native communities continue to experience intergenerational trauma resulting from experiences in Indian boarding schools, which divided cultural family structures, damaged Indigenous identities, and inflicted chronic psychological ramifications on American Indian and Alaska Native children and families;

(25) the Centers for Disease Control and Prevention Kaiser Permanente Adverse Childhood Experiences Study shows that adverse or traumatic childhood experiences disrupt brain development, leading to a higher likelihood of negative health outcomes as adults, including heart disease, obesity, diabetes, autoimmune diseases, and early death;

(26) American Indians, Alaska Natives, and Native Hawaiians suffer from disproportional rates of each of the diseases described in paragraph (25) compared to the national average;

(27) the longstanding intended consequences and ramifications of the treatment of American Indian, Alaska Native, and Native Hawaiian children, families, and communities because of Federal policies and the funding of Indian boarding schools continue to impact Native communities through intergenerational trauma, cycles of violence and abuse, disappearance, health disparities, substance abuse, premature deaths, additional undocumented phys-

ical, sexual, psychological, industrial, and spiritual abuse and neglect, and trauma;

(28) according to the Child Removal Survey conducted by the National Native American Boarding School Healing Coalition, the First Nations Repatriation Institute, and the University of Minnesota, 75 percent of Indian boarding school survivors who responded to the survey had attempted suicide, and nearly half of respondents to the survey reported being diagnosed with a mental health condition;

(29) the continuing lasting implications of the Indian Boarding School Policies and the physical, sexual, psychological, industrial, and spiritual abuse and neglect of American Indian and Alaska Native children and families influenced the present-day operation of Bureau of Indian Education-operated schools;

(30) Bureau of Indian Education-operated schools have often failed to meet the many needs of nearly 50,000 American Indian and Alaska Native students across 23 States;

(31) in Alaska, where there are no Bureau of Indian Education-funded elementary and secondary schools, the State public education system often fails to meet the needs of Alaska Native students, families, and communities;

(32) the assimilation policies imposed on American Indians, Alaska Natives, and Native Hawaiians during the Indian boarding school era have been replicated through other Federal actions and programs, including the Indian Adoption Project in effect from 1958 to 1967, which placed American Indian and Alaska Native children in non-Indian households and institutions for foster care or adoption;

(33) the Association on American Indian Affairs reported that the continuation of assimilation policies through Federal American Indian and Alaska Native adoption and foster care programs between 1941 to 1967 separated as many as one-third of American Indian and Alaska Native children from their families in Tribal communities;

(34) in some States, greater than 50 percent of foster care children in State adoption systems are American Indian, Alaska Native, or Native Hawaiian children, including in Alaska, where over 60 percent of children in foster care are Alaska Native;

(35) the general lack of public awareness, accountability, education, information, and acknowledgment of the ongoing and direct impacts of the Indian Boarding School Policies and related intergenerational trauma persists, signaling the overdue need for an investigative Federal commission to further document and expose assimilation and termination efforts to eradicate the cultures and languages of Indigenous peoples implemented under Indian Boarding School Policies; and

(36) in the secretarial memorandum entitled “Federal Indian Boarding School Initiative” and dated June 22, 2021, Secretary of the Interior Debra Haaland stated the following: “The assimilationist policies of the past are contrary to the doctrine of trust responsibility, under which the Federal Government must promote Tribal self-governance and cultural integrity. Nevertheless, the legacy of Indian boarding schools remains, manifesting itself in Indigenous communities through intergenerational trauma, cycles of violence and abuse, disappearance, premature deaths, and other undocumented bodily and mental impacts.”

SEC. 3. PURPOSES.

The purposes of this Act are to establish a Truth and Healing Commission on Indian Boarding School Policies in the United States—

(1) to formally investigate and document—

(A) the attempted termination of cultures and languages of Indigenous peoples, assimilation practices, and human rights violations that occurred against American Indians, Alaska Natives, and Native Hawaiians through Indian Boarding School Policies in furtherance of the motto to “kill the Indian in him and save the man”; and

(B) the impacts and ongoing effects of historical and intergenerational trauma in Native communities, including the effects of the attempted cultural, religious, and linguistic termination of American Indians, Alaska Natives, and Native Hawaiians, resulting from Indian Boarding School Policies;

(2) to hold culturally respectful and meaningful public hearings for American Indian, Alaska Native, and Native Hawaiian survivors, victims, families, communities, organizations, and Tribal leaders to testify, discuss, and add to the documentation of, the impacts of the physical, psychological, and spiritual violence of Indian boarding schools;

(3) to collaborate and exchange information with the Department of the Interior with respect to the review of the Indian Boarding School Policies announced by Secretary of the Interior Debra Haaland in the secretarial memorandum entitled “Federal Indian Boarding School Initiative” and dated June 22, 2021; and

(4) to further develop recommendations for the Federal Government to acknowledge and heal the historical and intergenerational trauma caused by the Indian Boarding School Policies and other cultural and linguistic termination practices carried out by the Federal Government and State and local governments, including recommendations—

(A) for resources and assistance that the Federal Government should provide to aid in the healing of the trauma caused by the Indian Boarding School Policies;

(B) to establish a nationwide hotline for survivors, family members, or other community members affected by the Indian Boarding School Policies; and

(C) to prevent the continued removal of American Indian, Alaska Native, and Native Hawaiian children from their families and Native communities under modern-day assimilation practices carried out by State social service departments, foster care agencies, and adoption services.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Truth and Healing Advisory Committee established by the Commission under section 5(g).

(2) **COMMISSION.**—The term “Commission” means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 5(a).

(3) **INDIAN BOARDING SCHOOL POLICIES.**—The term “Indian Boarding School Policies” means—

(A) the assimilation policies and practices of the Federal Government, which began with the enactment of the Act of March 3, 1819 (3 Stat. 516, chapter 85) (commonly known as the “Indian Civilization Fund Act of 1819”), and the peace policy with Tribal nations advanced by President Ulysses Grant in 1868, under which more than 100,000 American Indian and Alaska Native children were forcibly removed from or coerced into leaving their family homes and placed in Bureau of Indian Affairs-operated schools or church-run schools, including at least 367 known Indian boarding schools, at which assimilation and “civilization” practices were inflicted on those children as part of the assimilation efforts of the Federal Government, which were intended to terminate the cultures and languages of Indigenous peoples in the United States; and

(B) the assimilation practices inflicted on Native Hawaiian children in boarding schools following the arrival of Christian missionaries from the United States in Hawai‘i in 1820 who sought to extinguish Hawaiian culture.

SEC. 5. TRUTH AND HEALING COMMISSION ON INDIAN BOARDING SCHOOL POLICIES IN THE UNITED STATES.

(a) **ESTABLISHMENT.**—There is established the Truth and Healing Commission on Indian Boarding School Policies in the United States.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall include 10 members, of whom—

(A) 2 shall be appointed by the President;

(B) 2 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority leader of the Senate;

(C) 2 shall be appointed by the President pro tempore of the Senate, on the recommendation of the minority leader of the Senate; and

(D) 4 shall be appointed by the Speaker of the House of Representatives, of whom not fewer than 2 shall be appointed on the recommendation of the minority leader of the House of Representatives.

(2) **REQUIREMENTS FOR MEMBERSHIP.**—To the maximum extent practicable, the President and the Members of Congress shall appoint members of the Commission under paragraph (1) to represent diverse experiences and backgrounds and so as to include Tribal and Native representatives and experts who will provide balanced points of view with regard to the duties of the Commission, including Tribal and Native representatives and experts—

(A) from diverse geographic areas;

(B) who possess personal experience with, diverse policy experience with, or specific expertise in, Indian boarding school history and the Indian Boarding School Policies; and

(C) who possess expertise in truth and healing endeavors that are traditionally and culturally appropriate.

(3) PRESIDENTIAL APPOINTMENT.—The President shall make appointments to the Commission under this subsection in coordination with the Secretary of the Interior and the Director of the Bureau of Indian Education.

(4) DATE.—The appointments of the members of the Commission shall be made not later than 120 days after the date of enactment of this Act.

(5) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Commission shall be appointed for a term of 5 years.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(C) REMOVAL.—A quorum of members may remove a member appointed by that President or Member of Congress, respectively, only for neglect of duty or malfeasance in office.

(c) MEETINGS.—

(1) INITIAL MEETING.—As soon as practicable after the date of enactment of this Act, the Commission shall hold the initial meeting of the Commission and begin operations.

(2) SUBSEQUENT MEETINGS.—After the initial meeting of the Commission is held under paragraph (1), the Commission shall meet at the call of the Chairperson.

(3) FORMAT OF MEETINGS.—A meeting of the Commission may be conducted in-person, virtually, or via phone.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) TRUTH AND HEALING ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commission shall establish an advisory committee, to be known as the “Truth and Healing Advisory Committee”.

(2) MEMBERSHIP.—The Advisory Committee shall consist of—

(A) 1 representative from each of—

(i) the National Native American Boarding School Healing Coalition;

(ii) the National Congress of American Indians;

(iii) the National Indian Education Association;

(iv) the National Indian Child Welfare Association;

(v) the Alaska Federation of Natives; and

(vi) the Office of Hawaiian Affairs;

(B) the Director of the Bureau of Indian Education;

(C) the Director of the Office of Indian Education of the Department of Education;

(D) the Commissioner of the Administration for Native Americans of the Office of the Administration for Children and Families of the Department of Health and Human Services; and

(E) not fewer than—

(i) 5 members of different Indian Tribes from diverse geographic areas, to be selected from among nominations submitted by Indian Tribes;

(ii) 1 member representing Alaska Natives, to be selected by the Alaska Federation of Natives from nominations submitted by an Alaska Native individual, organization, or village;

- (iii) 1 member representing Native Hawaiians, to be selected by a process administered by the Office of Hawaiian Affairs;
 - (iv) 2 health care or mental health practitioners, Native healers, counselors, or providers with experience in working with former students, or descendants of former students, of Indian boarding schools, to be selected from among nominations of Tribal chairs or elected Tribal leadership local to the region in which the practitioner, counselor, or provider works, in order to ensure that the Commission considers culturally responsive supports for victims, families, and communities;
 - (v) 3 members of different national American Indian, Alaska Native, or Native Hawaiian organizations, regional American Indian, Alaska Native, or Native Hawaiian organizations, or urban Indian organizations that are focused on, or have relevant expertise studying, the history and systemic and ongoing trauma associated with the Indian Boarding School Policies;
 - (vi) 2 family members of students who attended Indian boarding schools, who shall represent diverse regions of the United States;
 - (vii) 4 alumni who attended a Bureau of Indian Education-operated school, tribally controlled boarding school, State public boarding school, private nonprofit boarding school formerly operated by the Federal Government, parochial boarding school, or Bureau of Indian Education-operated college or university;
 - (viii) 2 current teachers who teach at an Indian boarding school;
 - (ix) 2 students who, as of the date of enactment of this Act, attend an Indian boarding school;
 - (x) 1 representative of the International Indian Treaty Council or the Association on American Indian Affairs; and
 - (xi) 1 trained archivist who has experience working with educational or church records.
- (3) DUTIES.—The Advisory Committee shall—
- (A) serve as an advisory body to the Commission; and
 - (B) provide to the Commission advice and recommendations, and submit to the Commission materials, documents, testimony, and such other information as the Commission determines to be necessary, to carry out the duties of the Commission under subsection (h).
- (4) SURVIVORS SUBCOMMITTEE.—The Advisory Committee shall establish a subcommittee that shall consist of not fewer than 4 former students or survivors who attended an Indian boarding school.
- (h) DUTIES OF THE COMMISSION.—
- (1) IN GENERAL.—The Commission shall develop recommendations on actions that the Federal Government can take to adequately hold itself accountable for, and redress and heal, the historical and intergenerational trauma inflicted by the Indian Boarding School Policies, including developing recommendations on ways—
 - (A) to protect unmarked graves and accompanying land protections;
 - (B) to support repatriation and identify the Tribal nations from which children were taken; and
 - (C) to stop the continued removal of American Indian, Alaska Native, and Native Hawaiian children from their families and reservations under modern-day assimilation practices.
 - (2) MATTERS INVESTIGATED.—The matters investigated by the Commission under paragraph (1) shall include—
 - (A) the implementation of the Indian Boarding School Policies and practices at—
 - (i) the schools operated by the Bureau of Indian Affairs; and
 - (ii) church-run Indian boarding schools;
 - (B) how the assimilation practices of the Federal Government advanced the attempted cultural, religious, and linguistic termination of American Indians, Alaska Natives, and Native Hawaiians;
 - (C) the impacts and ongoing effects of the Indian Boarding School Policies;
 - (D) the location of American Indian, Alaska Native, and Native Hawaiian children who are still, as of the date of enactment of this Act, buried at Indian boarding schools and off-campus cemeteries, including notifying the Tribal nation from which the children were taken; and
 - (E) church and government records, including records relating to attendance, infirmary, deaths, land, Tribal affiliation, and other correspondence.
 - (3) ADDITIONAL DUTIES.—In carrying out paragraph (1), the Commission shall—

(A) work to locate and identify unmarked graves at Indian boarding school sites or off-campus cemeteries;

(B) locate, document, analyze, and preserve records from schools described in paragraph (2)(A), including any records held at State and local levels; and

(C) provide to, and receive from, the Department of the Interior any information that the Commission determines to be relevant—

(i) to the work of the Commission; or

(ii) to any investigation of the Indian Boarding School Policies being conducted by the Department of the Interior.

(4) TESTIMONY.—The Commission shall take testimony from—

(A) survivors of schools described in paragraph (2)(A), in order to identify how the experience of those survivors impacts their lives, so that their stories will be remembered as part of the history of the United States; and

(B) American Indian, Alaska Native, and Native Hawaiian individuals, tribes, and organizations directly impacted by assimilation practices supported by the Federal Government, including assimilation practices promoted by—

(i) religious groups receiving funding, or working closely with, the Federal Government;

(ii) local, State, and territorial school systems;

(iii) any other local, State, or territorial government body or agency;

and

(iv) any other private entities; and

(C) those who have access to, or knowledge of, historical events, documents, and items relating to the Indian Boarding School Policies and the impacts of those policies, including—

(i) churches;

(ii) the Federal Government;

(iii) State and local governments;

(iv) individuals; and

(v) organizations.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall make publicly available and submit to the President, the White House Council on Native American Affairs, the Secretary of the Interior, the Secretary of Education, the Secretary of Health and Human Services, the Committee on Indian Affairs of the Senate, the Committee on Natural Resources of the House of Representatives, and the Members of Congress making appointments under subsection (b)(1), an initial report containing—

(i) a detailed statement of the findings and conclusions of the Commission;

(ii) the recommendations of the Commission for such legislation and administrative actions as the Commission considers appropriate;

(iii) the recommendations of the Commission to provide or increase Federal funding to adequately fund—

(I) American Indian, Alaska Native, and Native Hawaiian programs for mental health and traditional healing programs;

(II) a nationwide hotline for survivors, family members, or other community members affected by the Indian Boarding School Policies; and

(III) the development of materials to be offered for possible use in K–12 Native American and United States history curricula to address the history of Indian Boarding School Policies; and

(iv) other recommendations of the Commission to identify—

(I) possible ways to address historical and intergenerational trauma inflicted on American Indian, Alaska Native, and Native Hawaiian communities by the Indian Boarding School Policies; and

(II) ongoing and harmful practices and policies relating to or resulting from the Indian Boarding School Policies that continue in public education systems.

(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Commission shall make available and submit a final report in accordance with the requirements under subparagraph (A) that have been agreed on by the vote of a majority of the members of the Commission.

(i) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, virtually or in-person, as the Commission may determine advisable; and

(B) subject to subparagraphs (A) and (B) of paragraph (2), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, videos, oral histories, recordings, documents, or any other paper or electronic material, virtually or in-person, as the Commission may determine advisable.

(2) SUBPOENAS.—

(A) IN GENERAL.—

(i) ISSUANCE OF SUBPOENAS.—Subject to subparagraph (B), the Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate under this section.

(ii) VOTE.—Subpoenas shall be issued under clause (i) by agreement between the Chairperson and Vice Chairperson of the Commission, or by the vote of a majority of the members of the Commission.

(iii) ATTENDANCE OF WITNESSES AND PRODUCTION OF EVIDENCE.—The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(B) PROTECTION OF PERSON SUBJECT TO A SUBPOENA.—

(i) IN GENERAL.—When issuing a subpoena under subparagraph (A), the Commission shall—

(I) consider the cultural, emotional, and psychological well-being of survivors, family members, and community members affected by the Indian Boarding School Policies; and

(II) take reasonable steps to avoid imposing undue burden, including cultural, emotional, and psychological trauma, on a survivor, family member, or community member affected by the Indian Boarding School Policies.

(ii) QUASHING OR MODIFYING A SUBPOENA.—On a timely motion, the district court of the United States in the judicial district in which compliance with the subpoena is required shall quash or modify a subpoena that subjects a person to undue burden as described in clause (i)(II).

(C) FAILURE TO OBEY A SUBPOENA.—

(i) ORDER FROM A DISTRICT COURT OF THE UNITED STATES.—If a person does not obey a subpoena issued under subparagraph (A), the Commission is authorized to apply to a district court of the United States for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation.

(ii) LOCATION.—An application under clause (i) may be made within the judicial district where the hearing relating to the subpoena is conducted or where the person described in that clause is found, resides, or transacts business.

(iii) PENALTY.—Any failure to obey an order of a court described in clause (i) may be punished by the court as a civil contempt.

(D) SUBJECT MATTER JURISDICTION.—The district court of the United States in which an action is brought under subparagraph (C)(i) shall have original jurisdiction over any civil action brought by the Commission to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with, the applicable subpoena issued by the Commission.

(E) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a district court of the United States under the Federal Rules of Civil Procedure.

(F) SERVICE OF PROCESS.—All process of any court to which an application is made under subparagraph (C) may be served in the judicial district in which the person required to be served resides or may be found.

(3) ADDITIONAL PERSONNEL AND SERVICES.—

(A) IN GENERAL.—The Chairperson of the Commission may procure additional personnel and services to ensure that the work of the Commission avoids imposing an undue burden, including cultural, emotional, and psychological trauma, on survivors, family members, or other community members affected by the Indian Boarding School Policies.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of personnel procured under subparagraph (A) without regard

to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property relating to the purpose of the Commission.

(j) APPLICATION.—The Commission shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(k) CONSULTATION WITH INDIAN TRIBES.—In carrying out the duties of the Commission under subsection (h), the Commission shall consult with Indian Tribes.

(l) COLLABORATION BY THE DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall collaborate and exchange relevant information with the Commission in order for the Commission to effectively carry out the duties of the Commission under subsection (h).

(m) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report required under subsection (h)(5)(B).

PURPOSE OF THE BILL

The purpose of H.R. 5444 is to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States.

BACKGROUND AND NEED FOR LEGISLATION

By the mid-1800s, the United States' goal of expansion influenced federal Indian removal policies that oversaw the displacement of tens of thousands of people from their ancestral homelands. During this time, the federal government conceived of a new approach to address the country's "Indian problem"—the creation of Indian boarding schools. These schools ultimately removed of thousands of Indigenous children from their families to military or missionary-run schools that prohibited any engagement in their traditional languages, religions, and cultures.

Indian boarding schools were located hundreds, sometimes thousands, of miles away from their traditional communities in an attempt to sever physical ties with the students' families. After the children were removed, family members were discouraged or prevented from contacting them, and those who refused to comply were imprisoned. Although many schools were managed independently by Christian denominations, the rules were essentially the same: students were forbidden to practice their cultures, use their traditional names, or speak their first languages, and suffered harsh punishment if they disobeyed.

For curriculum, Indian boarding schools focused on preparing young boys for manual labor or farming and young girls for domestic work.¹ This method was exemplified by the Carlisle Indian Industrial School located in Carlisle, Pennsylvania. Established by U.S. Army Officer Richard H. Pratt in 1879, Carlisle served as one of the first federally sanctioned Indian boarding schools. Pratt, known for rhetoric such as "kill the Indian, save the man," used military authoritarianism to run the school and discipline the children. Under Pratt's leadership, Carlisle utilized an extensive out-

¹See Cat Whipple, *A Brief History of American Indian Boarding Schools*, THE CIRCLE (Aug. 10, 2017), <https://thecirclenews.org/news/education/a-brief-history-of-american-indian-boarding-schools/> of which the above text is largely excerpts.

ing program where children were involuntarily leased out to White homes to perform menial labor during the summers rather than returning to their families. Such labor was willfully brutal, and at least eleven children died and were buried in off-campus cemeteries.

Between 1819 and 1970, the federal government funded more than 357 Indian boarding schools from Pennsylvania to Alaska. By 1925, 60,889 American Indian and Alaska Native children were forced into Indian boarding schools.² Stories of physical and emotional abuse, severe neglect, and malnourishment have been passed down through generations of survivors—and sadly, many students never returned home. The legacy of the Boarding School Era has resulted in devastating and persisting impacts on the social, cultural, and economic rights of today’s Indigenous families and communities.

Despite the well-known impacts of the Boarding School Era, the United States is behind the curve in acknowledging its horrific role in the policies toward Indigenous Peoples. H.R. 5444 will therefore initiate an examination of this chapter of U.S. history and facilitate healing in American Indian, Alaska Native, and Native Hawaiian communities.

This legislation will establish a formal commission to investigate and document the prior policies that sought to terminate Indigenous peoples’ cultures, religions, and languages, including the assimilation practices and human rights violations against Indigenous children. The commission will be comprised of representatives from diverse backgrounds, including tribal leaders and experts, and host culturally competent public hearings for survivors and community members to testify about their experiences. The commission will also develop recommendations on how the federal government can best acknowledge and heal the intergenerational trauma associated with the Boarding School Era.

COMMITTEE ACTION

H.R. 5444 was introduced on September 30, 2021, by Representative Sharice Davids (D–KS). The bill was referred to the Committee on Education and Labor, and in addition to the Committee on Natural Resources. Within the Natural Resources Committee, the bill was referred to the Subcommittee for Indigenous Peoples of the United States. On May 12, 2022, the Subcommittee held a hearing on the bill. On June 15, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Ranking Member Bruce Westerman (R–AR) offered an amendment designated Westerman #2 to the amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. Rep. Jay Obernolte (R–CA) offered an amendment designated Obernolte #3 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

²See, e.g., *U.S. Indian Boarding School History*, NAT’L NATIVE AM. BOARDING SCH. HEALING COAL. (last visited Nov. 27, 2022), <https://boardingschoolhealing.org/education/us-indian-boarding-school-history/>.

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 5444

Amendment: Rep. Obernolte amendment #3 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (20)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	TOTALS	18	25	
	Total: 46 / Quorum: 15 / Report: 24	YEAS	NAYS	PRESENT

Ranking Member Westerman offered an amendment designated Westerman #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 5444

Amendment: Ranking Member Westerman amendment #1 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (20)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	TOTALS	18	25	
	Total: 46 / Quorum: 15 / Report: 24	YEAS	NAYS	PRESENT

Rep. Lauren Boebert (R-CO) offered an amendment designated Boebert #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 25 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 5444

Amendment: Rep. Boebert amendment #1 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (20)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA			
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	TOTALS	17	25	
	Total: 46 / Quorum: 15 / Report: 24	YEAS	NAYS	PRESENT

The amendment in the nature of a substitute, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee for Indigenous Peoples of the United States held on May 12, 2022.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following materials for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 14, 2022.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the House Committee on Natural Resources during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the

House Committee on Natural Resources during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATED INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
H.R. 3600	Route 66 National Historic Trail Designation Act.	Ordered reported	11/17/21	300	0	0	Not estimated	No	No	No	Madeleine Fox
	H.R. 3600 would designate the 2,400 miles of U.S. Highway 66 from Illinois to California as the Route 66 National Historic Trail. CBO estimates that enacting H.R. 3600 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 4648	Cane River Creole National Historical Park Boundary Modification Act.	Ordered reported	11/17/21	300	0	0	Not estimated	No	No	No	Madeleine Fox
	H.R. 4648 would add about 46 acres to the Cane River Creole National Historical Park in Louisiana. CBO estimates that enacting H.R. 4648 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 4690	Sustaining America's Fisheries for the Future Act of 2021.	Ordered reported	09/29/22	300	Between-\$500,000 and zero	0	Not estimated	Yes	No	No	Aurora Swanson
	H.R. 4690 would authorize the appropriation of specific amounts totaling \$4.1 billion over the 2023-2027 period and \$0.8 billion after 2027 to mitigate damage to fish populations from climate change, overfishing, oil spills, and natural disasters. The bill also would authorize grant programs and funding assistance to fishing communities that experience economic loss from damaged fisheries. CBO estimates that enacting H.R. 4690 would have an insignificant effect on direct spending and no effect on revenues over the 2023-2032 period. The legislation would authorize activities that would not necessarily be covered by the authorized appropriations; thus, CBO has not estimated the full discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 5444	Truth and Healing Commission on Indian Boarding School Policies Act.	Ordered reported	06/15/22	500	0	0	Not estimated	No	No	No	Garrett Quenneville
	H.R. 5444 would establish the Truth and Healing Commission on Indian Boarding School Policies to study and report on the lasting effects of policies that placed American Indian, Alaska Native, and Native Hawaiian children in boarding schools. CBO estimates that enacting H.R. 5444 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 6438	Dearfield Study Act	Ordered reported	07/20/22	300	0	0	Not estimated	No	No	No	Madeleine Fox
	H.R. 6438 would require the Department of the Interior to study and report on the suitability and feasibility of establishing the Dearfield area in Colorado as a unit of the National Park System. CBO estimates that enacting H.R. 6438 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 6442	PACTS Act	Ordered reported	07/13/22	300	0	0	Not estimated	No	No	No	Madeleine Fox
	H.R. 6442 would authorize the National Park Service to enter into agreements with tribal governments, public universities, public utilities, and quasi-governmental entities to cooperatively manage adjacent parks. CBO estimates that enacting H.R. 6442 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.										
H.R. 6799	John P. Parker House Study Act	Ordered reported	07/20/22	300	0	0	Not estimated	No	No	No	Madeleine Fox

ESTIMATED BUDGETARY EFFECTS AND MANDATED INFORMATION—Continued

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023–2032	Revenues, 2023–2032	Spending Subject to Appropriation, 2023–2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
H.R. 6799	H.R. 6799 would require the Department of the Interior to study and report on the suitability and feasibility of establishing the John P. Parker House in Ohio as a unit of the National Park System. CBO estimates that enacting H.R. 6799 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.	Ordered reported	07/13/22	300	0	0	Not estimated	No	No	No	Madeleine Fox
H.R. 7496	H.R. 7496 would direct the Department of the Interior to install a plaque at the peak of Ram Head in the Virgin Islands National Park on St. John, United States Virgin Islands, to commemorate the slave rebellion that began on St. John in 1733. H.R. 7496 would direct the Department of the Interior to install a plaque at the peak of Ram Head in the United States Virgin Islands commemorating the 1733 slave rebellion. CBO estimates that enacting H.R. 7496 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.	Ordered reported	07/13/22	300	0	0	Not estimated	No	No	No	Madeleine Fox

The Committee adopts as its own any finalized additional materials of the Director of the Congressional Budget Office regarding the bill, should such materials be made available before House passage of the bill.

2. *General Performance Goals and Objectives.* As required by clause3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

This bill would establish the Truth and Healing Commission on Indian Boarding School Policies in the United States and a Truth and Healing Advisory Committee. In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that the functions of these two entities would be better performed by the proposed commission and committee than by the one or more agencies or an existing advisory committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of ArticleVI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

COMMITTEE CORRESPONDENCE

COMMITTEE CORRESPONDENCE



COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

December 2, 2022

MAJORITY MEMBERS:

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Chairman

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO HILLI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
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DONALD NORCROSS, NEW JERSEY
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JOAQUÍN CASTRO, TEXAS
MIKIE SHERRILL, NEW JERSEY
ADRIANO ESPALLAT, NEW YORK
KWEISI MUNE, MARYLAND
MARY SATTTLER PELTOLA, ALASKA

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Ranking Member

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CHRIS JACOBS, NEW YORK
BRAD FINSTAD, MINNESOTA
JOSEPH SEMPOLINSKI, NEW YORK

The Honorable Raúl Grijalva
Chair
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva:

I write concerning H.R. 5444, *the Truth and Healing Commission on Indian Boarding School Policies Act*. There are certain provisions in the legislation that fall within the Rule X jurisdiction of the Committee on Education and Labor.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Education and Labor does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of the Education and Labor Committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 5444 and into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

Robert C. "Bobby" Scott
Chairman

cc: The Honorable Virginia Foxx, Ranking Member, Committee on Education and Labor
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Nancy Pelosi, Speaker
The Honorable Steny Hoyer, Majority Leader
The Honorable Jason Smith, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 2, 2022

The Honorable Robert C. "Bobby" Scott
Chair
Committee on Education and Labor
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

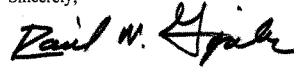
Dear Chair Scott,

I write to you concerning H.R. 5444, the "Truth and Healing Commission on Indian Boarding School Policies Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Education and Labor. I acknowledge that your Committee will not formally consider H.R. 5444 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction. I am pleased to support your request that the Speaker name members of the Committee on Education and Labor to any conference committee to consider such provisions.

I will ensure that our exchange of letters is included in the committee report on H.R. 5444 and the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Nancy Pelosi, Speaker
The Honorable Steny Hoyer, Majority Leader
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Virginia Foxx, Ranking Member, Committee on Education and Labor
The Honorable Jason Smith, Parliamentarian

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.

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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>.