

118TH CONGRESS  
1ST SESSION

# S. 1723

To establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Ms. WARREN (for herself, Mr. MARKEY, Ms. SMITH, Mr. CASEY, Mr. HICKENLOOPER, Mr. BLUMENTHAL, Mr. DURBIN, Mr. PADILLA, Mr. BOOKER, Mr. MERKLEY, Ms. BALDWIN, Ms. HIRONO, Ms. SINEMA, Mr. KELLY, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mr. LUJÁN, Mr. WYDEN, Mr. BENNET, Mr. SCHATZ, Ms. CANTWELL, Mr. HEINRICH, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. TESTER, Mr. SANDERS, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) assimilation processes, such as the Indian  
2     Boarding School Policies, were adopted by the  
3     United States Government to strip American Indian,  
4     Alaska Native, and Native Hawaiian children of  
5     their Indigenous identities, beliefs, and languages to  
6     assimilate them into non-Native culture through fed-  
7     erally funded and controlled Christian-run schools,  
8     which had the intent and, in many cases, the effect,  
9     of termination, with dire and intentional con-  
10    sequences on the cultures and languages of Indige-  
11    nous peoples;

12           (2) assimilation processes can be traced back  
13    to—

14           (A) the enactment of the Act of March 3,  
15           1819 (3 Stat. 516, chapter 85) (commonly  
16           known as the “Indian Civilization Fund Act of  
17           1819”), which created a fund to administer the  
18           education, healthcare, and rations promised to  
19           Tribal nations under treaties those Tribal na-  
20           tions had with the United States; and

21           (B) the Grant Administration’s peace pol-  
22           icy with Tribal nations in 1868, which, among  
23           other things, authorized amounts in the fund  
24           established under the Act of March 3, 1819 (3  
25           Stat. 516, chapter 85) (commonly known as the

1 “Indian Civilization Fund Act of 1819”), to be  
2 used by churches;

3 (3) according to research from the National  
4 Native American Boarding School Healing Coalition,  
5 the Federal Government funded church-run boarding  
6 schools for Native Americans from 1819 through the  
7 1960s under the Act of March 3, 1819 (3 Stat. 516,  
8 chapter 85), which authorized the forced removal of  
9 hundreds of thousands of American Indian and  
10 Alaska Native children as young as 3 years old, relo-  
11 cating them from their traditional homelands to 1 of  
12 at least 367 known Indian boarding schools, of  
13 which 73 remain open today, across 30 States;

14 (4) beginning in 1820, missionaries from the  
15 United States arrived in Hawai‘i, bringing a similar  
16 desire to civilize Native Hawaiians and convert “Ha-  
17 waiian heathens” to Christians, establishing day  
18 schools and boarding schools that followed models  
19 first imposed on Tribal nations on the East Coast of  
20 the United States;

21 (5) as estimated by David Wallace Adams, pro-  
22 fessor emeritus of history and education at Cleve-  
23 land State University in Ohio, by 1926, nearly 83  
24 percent of American Indian and Alaska Native  
25 school-age children were enrolled in Indian boarding

1 schools in the United States, but, the full extent of  
2 the Indian Boarding School Policies has yet to be  
3 fully examined by—

4 (A) the Federal Government or the church-  
5 es who ran those schools; or

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

8 (6) General Richard Henry Pratt, the founder  
9 and superintendent of the Carlisle Indian Industrial  
10 School in Carlisle, Pennsylvania, stated that the  
11 ethos of Indian Boarding School Policies was to “kill  
12 the Indian in him, and save the man”;

13 (7) in 1878, General Pratt brought a group of  
14 American Indian warriors held as prisoners of war  
15 to what was then known as the Hampton Agricul-  
16 tural and Industrial School in Hampton, Virginia,  
17 for a residential experiment in the education of In-  
18 digenous people;

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

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

6           (10) General Armstrong modeled the Hampton  
7           Agricultural and Industrial School after the Hilo  
8           Boarding School in Hawai‘i, a missionary-run board-  
9           ing school that targeted high performing Native Ha-  
10          waiians to become indoctrinated in Protestant ide-  
11          ology, which was similar to boarding schools led by  
12          missionaries in the similarly sovereign Five Tribes of  
13          Oklahoma, including the Cherokee and Chickasaw;

14          (11) in addition to bringing a group of Amer-  
15          ican Indian warriors held as prisoners of war to the  
16          Hampton Agricultural and Industrial School in  
17          1878, General Pratt influenced Sheldon Jackson, a  
18          Presbyterian missionary who, in 1885, was ap-  
19          pointed by the Secretary of the Interior to be a Gen-  
20          eral Agent of Education in the Alaska Territory;

21          (12) Hampton Agricultural and Industrial  
22          School continued as a boarding school for American  
23          Indians, Alaska Natives, and Native Hawaiians until  
24          1923;

1           (13) founded in 1879, the Carlisle Indian In-  
2           dustrial School set the precedent for government-  
3           funded, off-reservation Indian boarding schools in  
4           the United States, where more than 10,000 Amer-  
5           ican Indian and Alaska Native children were en-  
6           rolled from more than 140 Indian Tribes;

7           (14) Indian boarding schools, and the policies  
8           that created, funded, and fueled their existence, were  
9           designed to assimilate American Indian, Alaska Na-  
10          tive, and Native Hawaiian children into non-Native  
11          culture by stripping them of their cultural identities,  
12          often through physical, sexual, psychological, indus-  
13          trial, and spiritual abuse and neglect;

14          (15) many of the children who were taken to  
15          Indian boarding schools did not survive, and of those  
16          who did survive, many never returned to their par-  
17          ents, extended families, and communities;

18          (16) at the Carlisle Indian Industrial School  
19          alone, approximately 180 American Indian and Alas-  
20          ka Native children were buried;

21          (17) according to research from the National  
22          Native American Boarding School Healing Coali-  
23          tion—

24                 (A) while attending Indian boarding  
25                 schools, American Indian, Alaska Native, and

1 Native Hawaiian children suffered additional  
2 physical, sexual, psychological, industrial, and  
3 spiritual abuse and neglect as they were sent to  
4 non-Native homes and businesses for involun-  
5 tary and unpaid manual labor work during the  
6 summers;

7 (B) many American Indian, Alaska Native,  
8 and Native Hawaiian children escaped from In-  
9 dian boarding schools by running away, and  
10 then remained missing or died of illnesses due  
11 to harsh living conditions, abuse, or sub-  
12 standard health care provided by the Indian  
13 boarding schools;

14 (C) many American Indian, Alaska Native,  
15 and Native Hawaiian children died at hospitals  
16 neighboring Indian boarding schools, including  
17 the Puyallup Indian School that opened in  
18 1860, which was first renamed the Cushman  
19 Indian School in 1910 and then the Cushman  
20 Hospital in 1918; and

21 (D) many of the American Indian and  
22 Alaska Native children who died while attend-  
23 ing Indian boarding schools or neighboring hos-  
24 pitals were buried in unmarked graves or off-  
25 campus cemeteries;

1           (18) according to independent ground pene-  
2           trating radar and magnetometry research commis-  
3           sioned by the National Native American Boarding  
4           School Healing Coalition, evidence of those un-  
5           marked graves and off-campus cemeteries has been  
6           found, including—

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

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

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

16                   (A) less than 38 percent of Indian board-  
17                   ing school records have been located, from only  
18                   142 of the at least 367 known Indian boarding  
19                   schools; and

20                   (B) all other records are believed to be  
21                   held in catalogued and uncatalogued church ar-  
22                   chives, private collections, or lost or destroyed;

23           (20) parents of the American Indian, Alaska  
24           Native, and Native Hawaiian children who were  
25           forcibly removed from or coerced into leaving their



1 homes and placed in Indian boarding schools were  
2 prohibited from visiting or engaging in correspond-  
3 ence with their children;

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

9 (22) in 2013, post-traumatic stress disorder  
10 rates among American Indian and Alaska Native  
11 youth were 3-times the general public, the same  
12 rates for post-traumatic stress disorder among vet-  
13 erans;

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

18 (24) the 2018 Broken Promises Report pub-  
19 lished by the United States Commission on Civil  
20 Rights reported that American Indian and Alaska  
21 Native communities continue to experience intergen-  
22 erational trauma resulting from experiences in In-  
23 dian boarding schools, which divided cultural family  
24 structures, damaged Indigenous identities, and in-

1       fllicted chronic psychological ramifications on Amer-  
2       ican Indian and Alaska Native children and families;

3           (25) the Centers for Disease Control and Pre-  
4       vention Kaiser Permanente Adverse Childhood Expe-  
5       riences Study shows that adverse or traumatic child-  
6       hood experiences disrupt brain development, leading  
7       to a higher likelihood of negative health outcomes as  
8       adults, including heart disease, obesity, diabetes,  
9       autoimmune diseases, and early death;

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

14           (27) the longstanding intended consequences  
15       and ramifications of the treatment of American In-  
16       dian, Alaska Native, and Native Hawaiian children,  
17       families, and communities because of Federal poli-  
18       cies and the funding of Indian boarding schools con-  
19       tinue to impact Native communities through inter-  
20       generational trauma, cycles of violence and abuse,  
21       disappearance, health disparities, substance abuse,  
22       premature deaths, additional undocumented phys-  
23       ical, sexual, psychological, industrial, and spiritual  
24       abuse and neglect, and trauma;

1           (28) according to the Child Removal Survey  
2           conducted by the National Native American Board-  
3           ing School Healing Coalition, the First Nations Re-  
4           patriation Institute, and the University of Min-  
5           nesota, 75 percent of Indian boarding school sur-  
6           vivors who responded to the survey had attempted  
7           suicide, and nearly half of respondents to the survey  
8           reported being diagnosed with a mental health con-  
9           dition;

10           (29) the continuing lasting implications of the  
11           Indian Boarding School Policies and the physical,  
12           sexual, psychological, industrial, and spiritual abuse  
13           and neglect of American Indian and Alaska Native  
14           children and families influenced the present-day op-  
15           eration of Bureau of Indian Education-operated  
16           schools;

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

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

1           (32) the assimilation policies imposed on Amer-  
2           ican Indians, Alaska Natives, and Native Hawaiians  
3           during the Indian boarding school era have been  
4           replicated through other Federal actions and pro-  
5           grams, including the Indian Adoption Project in ef-  
6           fect from 1958 to 1967, which placed American In-  
7           dian and Alaska Native children in non-Indian  
8           households and institutions for foster care or adop-  
9           tion;

10           (33) the Association on American Indian Af-  
11           fairs reported that the continuation of assimilation  
12           policies through Federal American Indian and Alas-  
13           ka Native adoption and foster care programs be-  
14           tween 1941 to 1967 separated as many as one-third  
15           of American Indian and Alaska Native children from  
16           their families in Tribal communities;

17           (34) in some States, greater than 50 percent of  
18           foster care children in State adoption systems are  
19           American Indian, Alaska Native, or Native Hawai-  
20           ian children, including in Alaska, where over 60 per-  
21           cent of children in foster care are Alaska Native;

22           (35) the general lack of public awareness, ac-  
23           countability, education, information, and acknowl-  
24           edgment of the ongoing and direct impacts of the  
25           Indian Boarding School Policies and related inter-

1 generational trauma persists, signaling the overdue  
2 need for an investigative Federal commission to fur-  
3 ther document and expose assimilation and termi-  
4 nation efforts to eradicate the cultures and lan-  
5 guages of Indigenous peoples implemented under In-  
6 dian Boarding School Policies; and

7 (36) in the secretarial memorandum entitled  
8 “Federal Indian Boarding School Initiative” and  
9 dated June 22, 2021, Secretary of the Interior  
10 Debra Haaland stated the following: “The  
11 assimilationist policies of the past are contrary to  
12 the doctrine of trust responsibility, under which the  
13 Federal Government must promote Tribal self-gov-  
14 ernance and cultural integrity. Nevertheless, the leg-  
15 acy of Indian boarding schools remains, manifesting  
16 itself in Indigenous communities through intergen-  
17 erational trauma, cycles of violence and abuse, dis-  
18 appearance, premature deaths, and other undocu-  
19 mented bodily and mental impacts.”.

20 **SEC. 3. PURPOSES.**

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

24 (1) to formally investigate and document—

1 (A) the attempted termination of cultures  
2 and languages of Indigenous peoples, assimila-  
3 tion practices, and human rights violations that  
4 occurred against American Indians, Alaska Na-  
5 tives, and Native Hawaiians through Indian  
6 Boarding School Policies in furtherance of the  
7 motto to “kill the Indian in him and save the  
8 man”; and

9 (B) the impacts and ongoing effects of his-  
10 torical and intergenerational trauma in Native  
11 communities, including the effects of the at-  
12 tempted cultural, religious, and linguistic termi-  
13 nation of American Indians, Alaska Natives,  
14 and Native Hawaiians, resulting from Indian  
15 Boarding School Policies;

16 (2) to hold culturally respectful and meaningful  
17 public hearings for American Indian, Alaska Native,  
18 and Native Hawaiian survivors, victims, families,  
19 communities, organizations, and Tribal leaders to  
20 testify, discuss, and add to the documentation of,  
21 the impacts of the physical, psychological, and spir-  
22 itual violence of Indian boarding schools;

23 (3) to collaborate and exchange information  
24 with the Department of the Interior with respect to  
25 the review of the Indian Boarding School Policies

1 announced by Secretary of the Interior Debra  
2 Haaland in the secretarial memorandum entitled  
3 “Federal Indian Boarding School Initiative” and  
4 dated June 22, 2021; and

5 (4) to further develop recommendations for the  
6 Federal Government to acknowledge and heal the  
7 historical and intergenerational trauma caused by  
8 the Indian Boarding School Policies and other cul-  
9 tural and linguistic termination practices carried out  
10 by the Federal Government and State and local gov-  
11 ernments, including recommendations—

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

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

20 (C) to prevent the continued removal of  
21 American Indian, Alaska Native, and Native  
22 Hawaiian children from their families and Na-  
23 tive communities under modern-day assimi-  
24 lation practices carried out by State social service

1 departments, foster care agencies, and adoption  
2 services.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
6 sory Committee” means the Truth and Healing Ad-  
7 visory Committee established by the Commission  
8 under section 5(g).

9 (2) **COMMISSION.**—The term “Commission”  
10 means the Truth and Healing Commission on Indian  
11 Boarding School Policies in the United States estab-  
12 lished by section 5(a).

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

15 (A) the assimilation policies and practices  
16 of the Federal Government, which began with  
17 the enactment of the Act of March 3, 1819 (3  
18 Stat. 516, chapter 85) (commonly known as the  
19 “Indian Civilization Fund Act of 1819”), and  
20 the peace policy with Tribal nations advanced  
21 by President Ulysses Grant in 1868, under  
22 which more than 100,000 American Indian and  
23 Alaska Native children were forcibly removed  
24 from or coerced into leaving their family homes  
25 and placed in Bureau of Indian Affairs-oper-



1           ated schools or church-run schools, including at  
 2           least 367 known Indian boarding schools, at  
 3           which assimilation and “civilization” practices  
 4           were inflicted on those children as part of the  
 5           assimilation efforts of the Federal Government,  
 6           which were intended to terminate the cultures  
 7           and languages of Indigenous peoples in the  
 8           United States; and

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

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

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

20           (b) **MEMBERSHIP.**—

21                   (1) **IN GENERAL.**—The Commission shall in-  
 22 clude 10 members, of whom—

23                           (A) 2 shall be appointed by the President;

1           (B) 2 shall be appointed by the President  
2           pro tempore of the Senate, on the recommenda-  
3           tion of the majority leader of the Senate;

4           (C) 2 shall be appointed by the President  
5           pro tempore of the Senate, on the recommenda-  
6           tion of the minority leader of the Senate; and

7           (D) 4 shall be appointed by the Speaker of  
8           the House of Representatives, of whom not  
9           fewer than 2 shall be appointed on the rec-  
10          ommendation of the minority leader of the  
11          House of Representatives.

12          (2) REQUIREMENTS FOR MEMBERSHIP.—To the  
13          maximum extent practicable, the President and the  
14          Members of Congress shall appoint members of the  
15          Commission under paragraph (1) to represent di-  
16          verse experiences and backgrounds and so as to in-  
17          clude Tribal and Native representatives and experts  
18          who will provide balanced points of view with regard  
19          to the duties of the Commission, including Tribal  
20          and Native representatives and experts—

21                 (A) from diverse geographic areas;

22                 (B) who possess personal experience with,  
23                 diverse policy experience with, or specific exper-  
24                 tise in, Indian boarding school history and the  
25                 Indian Boarding School Policies; and

1 (C) who possess expertise in truth and  
2 healing endeavors that are traditionally and cul-  
3 turally appropriate.

4 (3) PRESIDENTIAL APPOINTMENT.—The Presi-  
5 dent shall make appointments to the Commission  
6 under this subsection in coordination with the Sec-  
7 retary of the Interior and the Director of the Bu-  
8 reau of Indian Education.

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

12 (5) PERIOD OF APPOINTMENT; VACANCIES; RE-  
13 MOVAL.—

14 (A) PERIOD OF APPOINTMENT.—A mem-  
15 ber of the Commission shall be appointed for a  
16 term of 5 years.

17 (B) VACANCIES.—A vacancy in the Com-  
18 mission—

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

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

23 (C) REMOVAL.—A quorum of members  
24 may remove a member appointed by that Presi-

1           dent or Member of Congress, respectively, only  
2           for neglect of duty or malfeasance in office.

3           (c) MEETINGS.—

4           (1) INITIAL MEETING.—As soon as practicable  
5           after the date of enactment of this Act, the Commis-  
6           sion shall hold the initial meeting of the Commission  
7           and begin operations.

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

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

15          (d) QUORUM.—A majority of the members of the  
16          Commission shall constitute a quorum, but a lesser num-  
17          ber of members may hold hearings.

18          (e) CHAIRPERSON AND VICE CHAIRPERSON.—The  
19          Commission shall select a Chairperson and Vice Chair-  
20          person from among the members of the Commission.

21          (f) COMMISSION PERSONNEL MATTERS.—

22          (1) COMPENSATION OF MEMBERS.—A member  
23          of the Commission who is not an officer or employee  
24          of the Federal Government shall be compensated at  
25          a rate equal to the daily equivalent of the annual

1 rate of basic pay prescribed for level IV of the Exec-  
2 utive Schedule under section 5315 of title 5, United  
3 States Code, for each day (including travel time)  
4 during which the member is engaged in the perform-  
5 ance of the duties of the Commission.

6 (2) TRAVEL EXPENSES.—A member of the  
7 Commission shall be allowed travel expenses, includ-  
8 ing per diem in lieu of subsistence, at rates author-  
9 ized for employees of agencies under subchapter I of  
10 chapter 57 of title 5, United States Code, while  
11 away from their homes or regular places of business  
12 in the performance of services for the Commission.

13 (g) TRUTH AND HEALING ADVISORY COMMITTEE.—

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

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

19 (A) 1 representative from each of—

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

22 (ii) the National Congress of Amer-  
23 ican Indians;

24 (iii) the National Indian Education  
25 Association;

- 1 (iv) the National Indian Child Welfare  
2 Association;
- 3 (v) the Alaska Federation of Natives;  
4 and
- 5 (vi) the Office of Hawaiian Affairs;
- 6 (B) the Director of the Bureau of Indian  
7 Education;
- 8 (C) the Director of the Office of Indian  
9 Education of the Department of Education;
- 10 (D) the Commissioner of the Administra-  
11 tion for Native Americans of the Office of the  
12 Administration for Children and Families of the  
13 Department of Health and Human Services;  
14 and
- 15 (E) not fewer than—
- 16 (i) 5 members of different Indian  
17 Tribes from diverse geographic areas, to be  
18 selected from among nominations sub-  
19 mitted by Indian Tribes;
- 20 (ii) 1 member representing Alaska  
21 Natives, to be selected by the Alaska Fed-  
22 eration of Natives from nominations sub-  
23 mitted by an Alaska Native individual, or-  
24 ganization, or village;

1 (iii) 1 member representing Native  
2 Hawaiians, to be selected by a process ad-  
3 ministered by the Office of Hawaiian Af-  
4 fairs;

5 (iv) 2 health care or mental health  
6 practitioners, Native healers, counselors, or  
7 providers with experience in working with  
8 former students, or descendants of former  
9 students, of Indian boarding schools, to be  
10 selected from among nominations of Tribal  
11 chairs or elected Tribal leadership local to  
12 the region in which the practitioner, coun-  
13 selor, or provider works, in order to ensure  
14 that the Commission considers culturally  
15 responsive supports for victims, families,  
16 and communities;

17 (v) 3 members of different national  
18 American Indian, Alaska Native, or Native  
19 Hawaiian organizations, regional American  
20 Indian, Alaska Native, or Native Hawaiian  
21 organizations, or urban Indian organiza-  
22 tions that are focused on, or have relevant  
23 expertise studying, the history and sys-  
24 temic and ongoing trauma associated with  
25 the Indian Boarding School Policies;

1 (vi) 2 family members of students who  
2 attended Indian boarding schools, who  
3 shall represent diverse regions of the  
4 United States;

5 (vii) 4 alumni who attended a Bureau  
6 of Indian Education-operated school, trib-  
7 ally controlled boarding school, State pub-  
8 lic boarding school, private nonprofit  
9 boarding school formerly operated by the  
10 Federal Government, parochial boarding  
11 school, or Bureau of Indian Education-op-  
12 erated college or university;

13 (viii) 2 current teachers who teach at  
14 an Indian boarding school;

15 (ix) 2 students who, as of the date of  
16 enactment of this Act, attend an Indian  
17 boarding school;

18 (x) 1 representative of the Inter-  
19 national Indian Treaty Council or the As-  
20 sociation on American Indian Affairs; and

21 (xi) 1 trained archivist who has expe-  
22 rience working with educational or church  
23 records.

24 (3) DUTIES.—The Advisory Committee shall—



1 (A) serve as an advisory body to the Com-  
2 mission; and

3 (B) provide to the Commission advice and  
4 recommendations, and submit to the Commis-  
5 sion materials, documents, testimony, and such  
6 other information as the Commission deter-  
7 mines to be necessary, to carry out the duties  
8 of the Commission under subsection (h).

9 (4) SURVIVORS SUBCOMMITTEE.—The Advisory  
10 Committee shall establish a subcommittee that shall  
11 consist of not fewer than 4 former students or sur-  
12 vivors who attended an Indian boarding school.

13 (h) DUTIES OF THE COMMISSION.—

14 (1) IN GENERAL.—The Commission shall de-  
15 velop recommendations on actions that the Federal  
16 Government can take to adequately hold itself ac-  
17 countable for, and redress and heal, the historical  
18 and intergenerational trauma inflicted by the Indian  
19 Boarding School Policies, including developing rec-  
20 ommendations on ways—

21 (A) to protect unmarked graves and ac-  
22 companying land protections;

23 (B) to support repatriation and identify  
24 the Tribal nations from which children were  
25 taken; and

1 (C) to stop the continued removal of Amer-  
2 ican Indian, Alaska Native, and Native Hawai-  
3 ian children from their families and reserva-  
4 tions under modern-day assimilation practices.

5 (2) MATTERS INVESTIGATED.—The matters in-  
6 vestigated by the Commission under paragraph (1)  
7 shall include—

8 (A) the implementation of the Indian  
9 Boarding School Policies and practices at—

10 (i) the schools operated by the Bureau  
11 of Indian Affairs; and

12 (ii) church-run Indian boarding  
13 schools;

14 (B) how the assimilation practices of the  
15 Federal Government advanced the attempted  
16 cultural, religious, and linguistic termination of  
17 American Indians, Alaska Natives, and Native  
18 Hawaiians;

19 (C) the impacts and ongoing effects of the  
20 Indian Boarding School Policies;

21 (D) the location of American Indian, Alas-  
22 ka Native, and Native Hawaiian children who  
23 are still, as of the date of enactment of this  
24 Act, buried at Indian boarding schools and off-  
25 campus cemeteries, including notifying the

1 Tribal nation from which the children were  
2 taken; and

3 (E) church and government records, in-  
4 cluding records relating to attendance, infir-  
5 mary, deaths, land, Tribal affiliation, and other  
6 correspondence.

7 (3) ADDITIONAL DUTIES.—In carrying out  
8 paragraph (1), the Commission shall—

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

12 (B) locate, document, analyze, and pre-  
13 serve records from schools described in para-  
14 graph (2)(A), including any records held at  
15 State and local levels; and

16 (C) provide to, and receive from, the De-  
17 partment of the Interior any information that  
18 the Commission determines to be relevant—

19 (i) to the work of the Commission; or

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

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

1 (A) survivors of schools described in para-  
2 graph (2)(A), in order to identify how the expe-  
3 rience of those survivors impacts their lives, so  
4 that their stories will be remembered as part of  
5 the history of the United States; and

6 (B) American Indian, Alaska Native, and  
7 Native Hawaiian individuals, tribes, and organi-  
8 zations directly impacted by assimilation prac-  
9 tices supported by the Federal Government, in-  
10 cluding assimilation practices promoted by—

11 (i) religious groups receiving funding,  
12 or working closely with, the Federal Gov-  
13 ernment;

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

16 (iii) any other local, State, or terri-  
17 torial government body or agency; and

18 (iv) any other private entities; and

19 (C) those who have access to, or knowledge  
20 of, historical events, documents, and items re-  
21 lating to the Indian Boarding School Policies  
22 and the impacts of those policies, including—

23 (i) churches;

24 (ii) the Federal Government;

25 (iii) State and local governments;

1 (iv) individuals; and

2 (v) organizations.

3 (5) REPORTS.—

4 (A) INITIAL REPORT.—Not later than 3  
5 years after the date of enactment of this Act,  
6 the Commission shall make publicly available  
7 and submit to the President, the White House  
8 Council on Native American Affairs, the Sec-  
9 retary of the Interior, the Secretary of Edu-  
10 cation, the Secretary of Health and Human  
11 Services, the Committee on Indian Affairs of  
12 the Senate, the Committee on Natural Re-  
13 sources of the House of Representatives, and  
14 the Members of Congress making appointments  
15 under subsection (b)(1), an initial report con-  
16 taining—

17 (i) a detailed statement of the find-  
18 ings and conclusions of the Commission;

19 (ii) the recommendations of the Com-  
20 mission for such legislation and adminis-  
21 trative actions as the Commission con-  
22 siders appropriate;

23 (iii) the recommendations of the Com-  
24 mission to provide or increase Federal  
25 funding to adequately fund—

1 (I) American Indian, Alaska Na-  
2 tive, and Native Hawaiian programs  
3 for mental health and traditional heal-  
4 ing programs;

5 (II) a nationwide hotline for sur-  
6 vivors, family members, or other com-  
7 munity members affected by the In-  
8 dian Boarding School Policies; and

9 (III) the development of mate-  
10 rials to be offered for possible use in  
11 K–12 Native American and United  
12 States history curricula to address the  
13 history of Indian Boarding School  
14 Policies; and

15 (iv) other recommendations of the  
16 Commission to identify—

17 (I) possible ways to address his-  
18 torical and intergenerational trauma  
19 inflicted on American Indian, Alaska  
20 Native, and Native Hawaiian commu-  
21 nities by the Indian Boarding School  
22 Policies; and

23 (II) ongoing and harmful prac-  
24 tices and policies relating to or result-  
25 ing from the Indian Boarding School

1 Policies that continue in public edu-  
2 cation systems.

3 (B) FINAL REPORT.—Not later than 5  
4 years after the date of enactment of this Act,  
5 the Commission shall make available and sub-  
6 mit a final report in accordance with the re-  
7 quirements under subparagraph (A) that have  
8 been agreed on by the vote of a majority of the  
9 members of the Commission.

10 (i) POWERS OF COMMISSION.—

11 (1) HEARINGS AND EVIDENCE.—The Commis-  
12 sion may, for the purpose of carrying out this sec-  
13 tion—

14 (A) hold such hearings and sit and act at  
15 such times and places, take such testimony, re-  
16 ceive such evidence, and administer such oaths,  
17 virtually or in-person, as the Commission may  
18 determine advisable; and

19 (B) subject to subparagraphs (A) and (B)  
20 of paragraph (2), require, by subpoena or oth-  
21 erwise, the attendance and testimony of such  
22 witnesses and the production of such books,  
23 records, correspondence, memoranda, papers,  
24 videos, oral histories, recordings, documents, or  
25 any other paper or electronic material, virtually

1 or in-person, as the Commission may determine  
2 advisable.

3 (2) SUBPOENAS.—

4 (A) IN GENERAL.—

5 (i) ISSUANCE OF SUBPOENAS.—Sub-  
6 ject to subparagraph (B), the Commission  
7 may issue subpoenas requiring the attend-  
8 ance and testimony of witnesses and the  
9 production of any evidence relating to any  
10 matter that the Commission is empowered  
11 to investigate under this section.

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

17 (iii) ATTENDANCE OF WITNESSES AND  
18 PRODUCTION OF EVIDENCE.—The attend-  
19 ance of witnesses and the production of  
20 evidence may be required from any place  
21 within the United States at any designated  
22 place of hearing within the United States.

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



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

4 (I) consider the cultural, emo-  
5 tional, and psychological well-being of  
6 survivors, family members, and com-  
7 munity members affected by the In-  
8 dian Boarding School Policies; and

9 (II) take reasonable steps to  
10 avoid imposing undue burden, includ-  
11 ing cultural, emotional, and psycho-  
12 logical trauma, on a survivor, family  
13 member, or community member af-  
14 fected by the Indian Boarding School  
15 Policies.

16 (ii) QUASHING OR MODIFYING A SUB-  
17 POENA.—On a timely motion, the district  
18 court of the United States in the judicial  
19 district in which compliance with the sub-  
20 poena is required shall quash or modify a  
21 subpoena that subjects a person to undue  
22 burden as described in clause (i)(II).

23 (C) FAILURE TO OBEY A SUBPOENA.—

24 (i) ORDER FROM A DISTRICT COURT  
25 OF THE UNITED STATES.—If a person does

1 not obey a subpoena issued under subpara-  
2 graph (A), the Commission is authorized to  
3 apply to a district court of the United  
4 States for an order requiring that person  
5 to appear before the Commission to give  
6 testimony, produce evidence, or both, relat-  
7 ing to the matter under investigation.

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

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

18 (D) SUBJECT MATTER JURISDICTION.—  
19 The district court of the United States in which  
20 an action is brought under subparagraph (C)(i)  
21 shall have original jurisdiction over any civil ac-  
22 tion brought by the Commission to enforce, se-  
23 cure a declaratory judgment concerning the va-  
24 lidity of, or prevent a threatened refusal or fail-

1           ure to comply with, the applicable subpoena  
2           issued by the Commission.

3           (E) SERVICE OF SUBPOENAS.—The sub-  
4           poenas of the Commission shall be served in the  
5           manner provided for subpoenas issued by a dis-  
6           trict court of the United States under the Fed-  
7           eral Rules of Civil Procedure.

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

13          (3) ADDITIONAL PERSONNEL AND SERVICES.—

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

22          (B) COMPENSATION.—The Chairperson of  
23          the Commission may fix the compensation of  
24          personnel procured under subparagraph (A)  
25          without regard to chapter 51 and subchapter

1           III of chapter 53 of title 5, United States Code,  
2           relating to classification of positions and Gen-  
3           eral Schedule pay rates, except that the rate of  
4           pay for such personnel may not exceed the rate  
5           payable for level V of the Executive Schedule  
6           under section 5316 of that title.

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

11          (5) GIFTS.—The Commission may accept, use,  
12          and dispose of gifts or donations of services or prop-  
13          erty relating to the purpose of the Commission

14          (j) APPLICATION.—The Commission shall be subject  
15          to chapter 10 of title 5, United States Code (commonly  
16          known as the “Federal Advisory Committee Act”).

17          (k) CONSULTATION WITH INDIAN TRIBES.—In car-  
18          rying out the duties of the Commission under subsection  
19          (h), the Commission shall consult with Indian Tribes.

20          (l) COLLABORATION BY THE DEPARTMENT OF THE  
21          INTERIOR.—The Department of the Interior shall collabo-  
22          rate and exchange relevant information with the Commis-  
23          sion in order for the Commission to effectively carry out  
24          the duties of the Commission under subsection (h).

1           (m) TERMINATION OF COMMISSION.—The Commis-  
2 sion shall terminate 90 days after the date on which the  
3 Commission submits the final report required under sub-  
4 section (h)(5)(B).

5           (n) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Commission to  
7 carry out this section such sums as may be necessary, to  
8 remain available until expended.

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