

117TH CONGRESS
1ST SESSION

S. 2907

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

Ms. WARREN (for herself, Ms. BALDWIN, Ms. SMITH, Mr. PADILLA, Mr. WYDEN, Ms. KLOBUCHAR, Mr. BOOKER, Mr. BLUMENTHAL, Mr. MARKEY, Mr. LUJÁN, Mr. MERKLEY, Mr. HEINRICH, Ms. CORTEZ MASTO, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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;

(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—

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—

(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—

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.—

(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

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 the Federal Advisory Committee Act (5 U.S.C. App.).

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

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

24 (m) TERMINATION OF COMMISSION.—The Commis-
25 sion shall terminate 90 days after the date on which the

1 Commission submits the final report required under sub-
2 section (h)(5)(B).

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

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