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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. HAALAND introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Truth and Healing Commission on Indian Boarding School Policy 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 Policy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) The Indian Boarding School Policy was
2 adopted by the United States Government to strip
3 American Indian and Alaska Native (AI/AN) chil-
4 dren of their indigenous identities, beliefs, and tradi-
5 tional languages to assimilate them into White
6 American culture through federally funded Chris-
7 tian-run schools, which had the effect of cultural
8 genocide.

9 (2) For nearly a century, between 1869 and the
10 1960s, the Federal Government implemented the In-
11 dian Boarding School Policy. This policy authorized
12 the forced removal of hundreds of thousands of AI/
13 AN children, as young as 5 years old, relocating
14 them from their homes in Tribal communities to one
15 of the 367 Indian Boarding Schools across 30
16 States.

17 (3) By 1926, nearly 83 percent of AI/AN
18 school-age children were enrolled in Indian boarding
19 schools in the United States. However, because near-
20 ly 62 percent of the school records have been lost or
21 destroyed, the full extent of the Federal Indian
22 boarding school policy has not been identified.

23 (4) Gen. Richard Henry Pratt, the founder and
24 superintendent of the Carlisle Indian Industrial
25 School in Carlisle, Pennsylvania, stated the ethos of

1 this policy to “kill the Indian in him, and save the
2 man”. Founded in 1879, the Carlisle Indian School
3 set the precedent as the first government-funded off-
4 reservation Indian boarding school in the United
5 States where over 10,000 AI/AN children were en-
6 rolled from over 140 Tribes.

7 (5) The Indian Boarding School policy was de-
8 signed to assimilate AI/AN children into White
9 American culture by stripping them of their cultural
10 identities, often through physical, sexual, psycho-
11 logical, and spiritual abuse and neglect. Many of the
12 children who were taken to boarding schools never
13 returned to their communities. At the Carlisle In-
14 dian School alone, approximately 180 AI/AN chil-
15 dren were buried.

16 (6) While attending Indian boarding schools,
17 AI/AN children suffered additional psychological
18 abuses as they were sent to white-owned homes and
19 businesses for involuntary and unpaid manual labor
20 work during the summers. Many children ran away
21 and remained missing, or died of illnesses due to
22 harsh living conditions, abuse, and/or substandard
23 health care provided by the schools.

24 (7) Many of the children were buried in un-
25 marked graves or off-campus cemeteries. Inaccurate,

1 scattered, and missing school records make it nearly
2 impossible for families to locate the final resting
3 place of their loved ones, especially since only 38
4 percent of the school's records have been located
5 from 142 of the known 367 boarding schools.

6 (8) Parents of the children who were forcibly
7 removed to the boarding schools were prohibited
8 from visiting or engaging in correspondence with
9 their children. Parental resistance to compliance
10 with this harsh no-contact policy resulted in their in-
11 carceration or loss of access to basic provisions in-
12 cluding food rations, clothing, or both.

13 (9) The 2018 Broken Promises Report pub-
14 lished by the United States Commission on Civil
15 Rights reported that AI/AN communities continue to
16 experience intergenerational trauma resulting from
17 experiences in Indian Boarding Schools that divided
18 cultural family structures, damaged indigenous iden-
19 tities, and inflicted chronic psychological ramifica-
20 tions on AI/AN children and families.

21 (10) The Centers for Disease Control and Pre-
22 vention Kaiser Permanente Adverse Childhood Expe-
23 riences Study shows that adverse or traumatic child-
24 hood experiences disrupts brain development leading
25 to a higher likelihood of negative health outcomes as

1 adults including, but not limited to, heart disease,
2 obesity, diabetes, and autoimmune diseases. AI/ANs
3 suffer from disproportional rates of each of these
4 diseases compared to the national average today.

5 (11) The longstanding ramifications of the in-
6 humane treatment of AI/AN children and families at
7 these boarding schools continues to impact Tribal
8 communities through intergenerational trauma, cy-
9 cles of violence and abuse, disappearance, health dis-
10 parities, substance abuse, premature deaths, and ad-
11 ditional undocumented psychological trauma.

12 (12) The continuing lasting implications of the
13 Federal Indian Boarding School Policy and inhu-
14 mane treatment of AI/AN children and families in-
15 fluenced modern U.S. Department of the Interior's
16 Bureau of Indian Education (BIE) -operated
17 schools. These schools have often failed to meet the
18 many needs of nearly 50,000 AI/AN students across
19 23 States.

20 (13) The replication of assimilation policies of
21 the boarding school era also presented itself through
22 other Federal programs like the Indian Adoption
23 Project (1958 to 1967) that placed AI/AN children
24 in non-Indian households and institutions for foster
25 care or adoption across 25 States.

1 (14) The Association on American Indian Af-
2 fairs reported that the continuation of cultural geno-
3 cide and assimilation policies through Federal AI/
4 AN adoption and foster care programs between
5 1941 to 1967 separated as many as one-third of Na-
6 tive American children from their families in Tribal
7 communities, subsequently prompting the creation of
8 the Indian Child Welfare Act (ICWA) to stop the re-
9 moval of children.

10 (15) In some States, over 50 percent of foster
11 care children in State adoption systems are Native
12 American. The general lack of public awareness, in-
13 formation, and acknowledgment of the residual im-
14 pacts of the Indian Boarding School Policy and in-
15 tergenerational trauma remain, signaling the over-
16 due need for an investigative Federal committee to
17 further document and expose the assimilation and
18 cultural genocide implemented under this policy.

19 **SEC. 3. PURPOSES.**

20 The purposes of this Act are as follows:

21 (1) To establish a new Truth and Healing Com-
22 mission on Indian Boarding School Policy in the
23 United States to formally investigate and document,
24 for the first time in history, cultural genocide, as-
25 similation practices, and human rights violations of

1 Indian Boarding Schools in the United States, to
2 study the impact and ongoing effects of historical
3 and intergenerational trauma in Tribal communities,
4 and to provide a forum for Indigenous victims and
5 families to discuss the personal impacts of physical,
6 psychological, and spiritual violence.

7 (2) To further develop recommendations for the
8 Federal Government to acknowledge and heal the
9 historical and intergenerational trauma caused by
10 the Federal Indian Boarding School Policy and
11 other cultural genocide practices, including rec-
12 ommendations to stop the continued removal of AI/
13 AN children from their families and Tribal commu-
14 nities under modern-day assimilation practices car-
15 ried out by State social service departments, foster
16 care agencies, and adoption services.

17 **SEC. 4. TRUTH AND HEALING COMMISSION ON INDIAN**
18 **BOARDING SCHOOL POLICY IN THE UNITED**
19 **STATES.**

20 (a) DEFINITIONS.—In this section:

21 (1) COMMISSION.—The term “Commission”
22 means the Truth and Healing Commission on Indian
23 Boarding School Policy in the United States estab-
24 lished by subsection (b)(1).

1 (2) INDIAN BOARDING SCHOOL POLICY.—The
2 term “Indian Boarding School Policy” means the
3 policy of the Federal Government under which more
4 than 100,000 American Indian and Alaska Native
5 children were forcibly removed from their family
6 homes and placed in any of 460 Bureau of Indian
7 Affairs-operated schools, including 367 Indian
8 boarding schools, at which assimilation and “civiliza-
9 tion” practices were inflicted on those children as
10 part of the assimilation efforts of the Federal Gov-
11 ernment, advancing eradication of indigenous peo-
12 ples’ cultures in the United States.

13 (b) ESTABLISHMENT.—

14 (1) IN GENERAL.—There is established the
15 Truth and Healing Commission on Indian Boarding
16 School Policy in the United States.

17 (2) PURPOSE.—The purpose of the Commission
18 is to investigate the experience, impacts, and ongo-
19 ing effects of the Indian Boarding School Policy, in-
20 cluding the impacts and ongoing effects of the inter-
21 generational trauma inflicted on American Indian
22 and Alaska Native families, including physical, psy-
23 chological, sexual, and spiritual violence inflicted on
24 Native American children as young as 5 years old
25 for speaking indigenous languages or engaging in

1 traditional practices. In addition to, obtaining accu-
2 rate records and oral accounts of the events that
3 took place at the boarding schools.

4 (3) MEMBERSHIP.—

5 (A) IN GENERAL.—The Commission shall
6 be composed of members appointed as follows:

7 (i) Not fewer than 1 member ap-
8 pointed by the President.

9 (ii) Not fewer than 1 member ap-
10 pointed by the President pro tempore of
11 the Senate, on the recommendation of the
12 majority leader of the Senate.

13 (iii) Not fewer than 1 member ap-
14 pointed by the President pro tempore of
15 the Senate, on the recommendation of the
16 minority leader of the Senate.

17 (iv) Not fewer than 2 members ap-
18 pointed by the Speaker of the House of
19 Representatives, of whom not fewer than 1
20 shall be appointed on the recommendation
21 of the minority leader of the House of
22 Representatives.

23 (B) REQUIREMENTS FOR MEMBERSHIP.—

24 To the maximum extent practicable, the Presi-
25 dent and the Members of Congress shall ap-

1 point members of the Commission under sub-
2 paragraph (A) to represent diverse experiences
3 and backgrounds so as to include Tribal rep-
4 resentatives and experts who will provide bal-
5 anced points of view with regard to the duties
6 of the Commission, including Tribal representa-
7 tives and experts—

- 8 (i) from diverse geographic areas; and
9 (ii) who possess personal experience
10 with, diverse policy experience with, or spe-
11 cific expertise in, Indian boarding school
12 history or the Indian Boarding School Pol-
13 icy.

14 (C) PRESIDENTIAL APPOINTMENT.—The
15 President shall make appointments to the Com-
16 mission under this paragraph in coordination
17 with the Secretary of the Interior and the Di-
18 rector of the Bureau of Indian Education.

19 (D) MEMBERS TO BE INCLUDED.—To the
20 maximum extent practicable, the membership of
21 the Commission shall include—

- 22 (i) 1 representative from each of—
23 (I) the National Native American
24 Boarding School Healing Coalition;

1 (II) the National Indian Edu-
2 cation Association;

3 (III) the American Indian Higher
4 Education Consortium; and

5 (IV) National Indian Child Wel-
6 fare Association;

7 (ii) the Director or Administrator
8 of—

9 (I) the Bureau of Indian Edu-
10 cation;

11 (II) the Office of Indian Edu-
12 cation of the Department of Edu-
13 cation;

14 (III) the Administration for Na-
15 tive Americans of the Administration
16 for Children and Families of the De-
17 partment of Health and Human Serv-
18 ices; and

19 (IV) the National Museum of the
20 American Indian of the Smithsonian
21 Institution;

22 (iii) not fewer than—

23 (I) 5 members of different Indian
24 Tribes from diverse geographic areas,

1 to be selected from among nomina-
2 tions submitted by Indian Tribes;

3 (II) 2 health care or mental
4 health practitioners, counselors, or
5 providers with experience in working
6 with former students of Indian board-
7 ing schools, to be selected from among
8 nominations of Tribal chairs or elect-
9 ed Tribal leadership local to the re-
10 gion in which the practitioner, coun-
11 selor, or provider works;

12 (III) 3 members of different na-
13 tional Indian organizations, regional
14 Indian organizations, or urban Indian
15 organizations that are focused on, or
16 have relevant expertise with, the his-
17 tory and systemic trauma associated
18 with the Indian Boarding School Pol-
19 icy;

20 (IV) 4 former students or Indian
21 survivors who attended Indian board-
22 ing schools;

23 (V) 2 family members of students
24 who attended Indian boarding schools,

1 to represent diverse regions of the
2 United States;

3 (VI) 2 students who currently at-
4 tend an Indian boarding school, in-
5 cluding not fewer than 1 student who
6 currently attends the Chemawa Indian
7 School (OR), Haskell Indian Nations
8 University (KS), Mount Edgecumbe
9 (AK), Santa Fe Indian School (NM),
10 or Sherman Institute (CA);

11 (VII) 2 students who currently
12 attend a BIE-operated boarding
13 school, tribally-controlled boarding
14 school, State public boarding school,
15 private nonprofit boarding school for-
16 merly operated by the Federal Gov-
17 ernment, parochial boarding school,
18 and BIE-operated college or univer-
19 sity;

20 (VIII) 2 former teachers who
21 taught at an Indian boarding school
22 for not fewer than 5 years; and

23 (IX) 1 representative of the
24 International Indian Treaty Council

1 (IITC) or Association on American
2 Indian Affairs (AAIA).

3 (E) DATE.—The appointments of the
4 members of the Commission shall be made not
5 later than 120 days after the date of the enact-
6 ment of this Act.

7 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
8 MOVAL.—

9 (A) PERIOD OF APPOINTMENT.—A mem-
10 ber of the Commission shall be appointed for a
11 term of 2 years.

12 (B) VACANCIES.—A vacancy in the Com-
13 mission—

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

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

18 (C) REMOVAL.—The President or a Mem-
19 ber of Congress making an appointment under
20 paragraph (3)(A) may remove a member ap-
21 pointed by that President or Member of Con-
22 gress, respectively, only for neglect of duty or
23 malfeasance in office.

24 (5) MEETINGS.—The Commission shall meet at
25 the call of the Chairperson.

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

4 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
5 The Commission shall select a Chairperson and Vice
6 Chairperson from among the members of the Com-
7 mission.

8 (c) DUTIES OF THE COMMISSION.—

9 (1) IN GENERAL.—The Commission shall de-
10 velop recommendations on actions the Federal Gov-
11 ernment can take to adequately address the histor-
12 ical and intergenerational trauma inflicted by the In-
13 dian Boarding School Policy, including recommenda-
14 tions on ways to stop the continued removal of In-
15 dian children from their families and reservations
16 under modern-day assimilation practices carried out
17 by State social service departments, foster care
18 agencies, and adoption agencies.

19 (2) MATTERS STUDIED.—The matters studied
20 by the Commission under paragraph (1) shall in-
21 clude—

22 (A) the implementation of the Indian
23 Boarding School Policy at the 460 schools oper-
24 ated by the Bureau of Indian Affairs;

1 (B) how the assimilation practices of the
2 Federal Government advanced the cultural
3 genocide of Native Americans; and

4 (C) the impacts and ongoing effects of the
5 Indian Boarding School Policy.

6 (3) ADDITIONAL DUTIES.—In carrying out
7 paragraph (1), the Commission shall locate, docu-
8 ment, analyze, and preserve records from boarding
9 schools described in paragraph (2)(A), including any
10 records held at State and local levels.

11 (4) TESTIMONY.—The Commission shall take
12 testimony from survivors of boarding schools de-
13 scribed in paragraph (2)(A), identifying how the ex-
14 perience impacts the lives of the survivors, so that
15 their stories will be remembered as part of the his-
16 tory of the United States.

17 (5) REPORT.—Not later than 24 months after
18 the date of the enactment of this Act, the Commis-
19 sion shall make publicly available and submit to the
20 President, the White House Council on Native
21 American Affairs, the Secretary of the Interior, the
22 Committee on Indian Affairs of the Senate, the
23 Committee on Natural Resources of the House of
24 Representatives, and the Members of Congress mak-

1 ing appointments under paragraph (3)(A), a report
2 containing—

3 (A) a detailed statement of the findings
4 and conclusions of the Commission;

5 (B) the recommendations of the Commis-
6 sion for such legislation and administrative ac-
7 tions as the Commission considers appropriate;

8 (C) the recommendations of the Commis-
9 sion to increase Federal funding to adequately
10 fund American Indian and Alaska Native pro-
11 grams for mental health, traditional healing
12 programs, and mandatory inclusion of Native
13 American history, including the history of the
14 Indian Boarding School Policy, in required K-
15 12 curriculum; and

16 (D) other related recommendations of the
17 Commission—

18 (i) to address historical and intergen-
19 erational trauma inflicted on American In-
20 dian and Alaska Native communities by
21 the Indian Boarding School Policy; and

22 (ii) to discontinue the harmful prac-
23 tices and policies that continue in boarding
24 schools operated or funded by the Bureau

1 of Indian Education or other educational
2 facilities operated on Indian reservations.

3 (d) POWERS OF COMMISSION.—The Commission may
4 hold such hearings, sit and act at such times and places,
5 take such testimony, and receive such evidence as the
6 Commission considers advisable to carry out this section.