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H. R. 8420

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

SEPTEMBER 29, 2020

Ms. HAALAND (for herself, Mr. HUFFMAN, Mr. HECK, Ms. KENDRA S. HORN of Oklahoma, Mr. MULLIN, Mrs. DAVIS of California, Ms. BONAMICI, Ms. DAVIDS of Kansas, Mr. O'HALLERAN, Mrs. KIRKPATRICK, Mr. COLE, Mr. GALLEGO, Ms. MCCOLLUM, and Mr. LUJÁN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

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

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

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

25 (4) Gen. Richard Henry Pratt, the founder and
26 superintendent of the Carlisle Indian Industrial

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

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

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

1 (7) Many of the children were buried in un-
2 marked graves or off-campus cemeteries. Inaccurate,
3 scattered, and missing school records make it nearly
4 impossible for families to locate the final resting
5 place of their loved ones, especially since only 38
6 percent of the school's records have been located
7 from 142 of the known 367 boarding schools.

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

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

23 (10) The Centers for Disease Control and Pre-
24 vention Kaiser Permanente Adverse Childhood Expe-
25 riences Study shows that adverse or traumatic child-

1 hood experiences disrupts brain development leading
2 to a higher likelihood of negative health outcomes as
3 adults including, but not limited to, heart disease,
4 obesity, diabetes, and autoimmune diseases. AI/ANs
5 suffer from disproportional rates of each of these
6 diseases compared to the national average today.

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

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

22 (13) The replication of assimilation policies of
23 the boarding school era also presented itself through
24 other Federal programs like the Indian Adoption
25 Project (1958 to 1967) that placed AI/AN children

1 in non-Indian households and institutions for foster
2 care or adoption across 25 States.

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

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

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are as follows:

23 (1) To establish a new Truth and Healing Com-
24 mission on Indian Boarding School Policy in the
25 United States to formally investigate and document,

1 for the first time in history, cultural genocide, as-
2 similation practices, and human rights violations of
3 Indian Boarding Schools in the United States, to
4 study the impact and ongoing effects of historical
5 and intergenerational trauma in Tribal communities,
6 and to provide a forum for Indigenous victims and
7 families to discuss the personal impacts of physical,
8 psychological, and spiritual violence.

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

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

22 (a) DEFINITIONS.—In this section:

23 (1) COMMISSION.—The term “Commission”
24 means the Truth and Healing Commission on Indian

1 Boarding School Policy in the United States estab-
2 lished by subsection (b)(1).

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

15 (b) ESTABLISHMENT.—

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

19 (2) PURPOSE.—The purpose of the Commission
20 is to investigate the experience, impacts, and ongo-
21 ing effects of the Indian Boarding School Policy, in-
22 cluding the impacts and ongoing effects of the inter-
23 generational trauma inflicted on American Indian
24 and Alaska Native families, including physical, psy-
25 chological, sexual, and spiritual violence inflicted on

1 Native American children as young as 5 years old
2 for speaking indigenous languages or engaging in
3 traditional practices. In addition to, obtaining accu-
4 rate records and oral accounts of the events that
5 took place at the boarding schools.

6 (3) MEMBERSHIP.—

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

9 (i) Not fewer than 1 member ap-
10 pointed by the President.

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

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

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

1 (B) REQUIREMENTS FOR MEMBERSHIP.—

2 To the maximum extent practicable, the Presi-
3 dent and the Members of Congress shall ap-
4 point members of the Commission under sub-
5 paragraph (A) to represent diverse experiences
6 and backgrounds so as to include Tribal rep-
7 resentatives and experts who will provide bal-
8 anced points of view with regard to the duties
9 of the Commission, including Tribal representa-
10 tives and experts—

11 (i) from diverse geographic areas; and

12 (ii) who possess personal experience
13 with, diverse policy experience with, or spe-
14 cific expertise in, Indian boarding school
15 history or the Indian Boarding School Pol-
16 icy.

17 (C) PRESIDENTIAL APPOINTMENT.—The

18 President shall make appointments to the Com-
19 mission under this paragraph in coordination
20 with the Secretary of the Interior and the Di-
21 rector of the Bureau of Indian Education.

22 (D) MEMBERS TO BE INCLUDED.—To the
23 maximum extent practicable, the membership of
24 the Commission shall include—

25 (i) 1 representative from each of—

- 1 (I) the National Native American
2 Boarding School Healing Coalition;
- 3 (II) the National Indian Edu-
4 cation Association;
- 5 (III) the American Indian Higher
6 Education Consortium; and
- 7 (IV) National Indian Child Wel-
8 fare Association;
- 9 (ii) the Director or Administrator
10 of—
- 11 (I) the Bureau of Indian Edu-
12 cation;
- 13 (II) the Office of Indian Edu-
14 cation of the Department of Edu-
15 cation;
- 16 (III) the Administration for Na-
17 tive Americans of the Administration
18 for Children and Families of the De-
19 partment of Health and Human Serv-
20 ices; and
- 21 (IV) the National Museum of the
22 American Indian of the Smithsonian
23 Institution;
- 24 (iii) not fewer than—

1 (I) 5 members of different Indian
2 Tribes from diverse geographic areas,
3 to be selected from among nomina-
4 tions submitted by Indian Tribes;

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

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

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

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

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

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

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

1 (IX) 1 representative of the
2 International Indian Treaty Council
3 (IITC) or Association on American
4 Indian Affairs (AAIA).

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

9 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
10 MOVAL.—

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

14 (B) VACANCIES.—A vacancy in the Com-
15 mission—

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

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

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

1 (5) MEETINGS.—The Commission shall meet at
2 the call of the Chairperson.

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

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

10 (c) DUTIES OF THE COMMISSION.—

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

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

1 (A) the implementation of the Indian
2 Boarding School Policy at the 460 schools oper-
3 ated by the Bureau of Indian Affairs;

4 (B) how the assimilation practices of the
5 Federal Government advanced the cultural
6 genocide of Native Americans; and

7 (C) the impacts and ongoing effects of the
8 Indian Boarding School Policy.

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

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

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

1 Committee on Natural Resources of the House of
2 Representatives, and the Members of Congress mak-
3 ing appointments under paragraph (3)(A), a report
4 containing—

5 (A) a detailed statement of the findings
6 and conclusions of the Commission;

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

10 (C) the recommendations of the Commis-
11 sion to increase Federal funding to adequately
12 fund American Indian and Alaska Native pro-
13 grams for mental health, traditional healing
14 programs, and mandatory inclusion of Native
15 American history, including the history of the
16 Indian Boarding School Policy, in required K-
17 12 curriculum; and

18 (D) other related recommendations of the
19 Commission—

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

24 (ii) to discontinue the harmful prac-
25 tices and policies that continue in boarding

1 schools operated or funded by the Bureau
2 of Indian Education or other educational
3 facilities operated on Indian reservations.

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

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