

116TH CONGRESS
2D SESSION

S. 4752

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2020

Ms. WARREN 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 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:

8 (1) The Indian Boarding School Policy was
9 adopted by the United States Government to strip
10 American Indian and Alaska Native (AI/AN) chil-

1 dren of their indigenous identities, beliefs, and tradi-
2 tional languages to assimilate them into White
3 American culture through federally funded Chris-
4 tian-run schools, which had the effect of cultural
5 genocide.

6 (2) For nearly a century, between 1869 and the
7 1960s, the Federal Government implemented the In-
8 dian Boarding School Policy. This policy authorized
9 the forced removal of hundreds of thousands of AI/
10 AN children, as young as 5 years old, relocating
11 them from their homes in Tribal communities to one
12 of the 367 Indian Boarding Schools across 30
13 States.

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

20 (4) Gen. Richard Henry Pratt, the founder and
21 superintendent of the Carlisle Indian Industrial
22 School in Carlisle, Pennsylvania, stated the ethos of
23 this policy to “kill the Indian in him, and save the
24 man”. Founded in 1879, the Carlisle Indian School
25 set the precedent as the first Government-funded

1 off-reservation Indian boarding school in the United
2 States where over 10,000 AI/AN children were en-
3 rolled from over 140 Tribes.

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

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

21 (7) Many of the children were buried in un-
22 marked graves or off-campus cemeteries. Inaccurate,
23 scattered, and missing school records make it nearly
24 impossible for families to locate the final resting
25 place of their loved ones, especially since only 38

1 percent of the school's records have been located
2 from 142 of the known 367 boarding schools.

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

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

18 (10) The Centers for Disease Control and Pre-
19 vention Kaiser Permanente Adverse Childhood Expe-
20 riences Study shows that adverse or traumatic child-
21 hood experiences disrupts brain development leading
22 to a higher likelihood of negative health outcomes as
23 adults including, but not limited to, heart disease,
24 obesity, diabetes, and autoimmune diseases. AI/ANs

1 suffer from disproportional rates of each of these
2 diseases compared to the national average today.

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

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

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

24 (14) The Association on American Indian Af-
25 fairs reported that the continuation of cultural geno-

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

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

17 **SEC. 3. PURPOSES.**

18 The purposes of this Act are as follows:

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

and intergenerational trauma in Tribal communities, and to provide a forum for indigenous victims and families to discuss the personal impacts of physical, psychological, and spiritual violence.

(2) To further develop recommendations for the Federal Government to acknowledge and heal the historical and intergenerational trauma caused by the Federal Indian Boarding School Policy and other cultural genocide practices, including recommendations to stop the continued removal of AI/AN children from their families and Tribal communities under modern-day assimilation practices carried out by State social service departments, foster care agencies, and adoption services.

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

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Truth and Healing Commission on Indian Boarding School Policy in the United States established by subsection (b)(1).

(2) INDIAN BOARDING SCHOOL POLICY.—The term “Indian Boarding School Policy” means the policy of the Federal Government under which more

1 than 100,000 American Indian and Alaska Native
2 children were forcibly removed from their family
3 homes and placed in any of 460 Bureau of Indian
4 Affairs-operated schools, including 367 Indian
5 boarding schools, at which assimilation and “civiliza-
6 tion” practices were inflicted on those children as
7 part of the assimilation efforts of the Federal Gov-
8 ernment, advancing eradication of indigenous peo-
9 ples’ cultures in the United States.

10 (b) ESTABLISHMENT.—

11 (1) IN GENERAL.—There is established the
12 Truth and Healing Commission on Indian Boarding
13 School Policy in the United States.

14 (2) PURPOSE.—The purpose of the Commission
15 is to investigate the experience, impacts, and ongoing
16 effects of the Indian Boarding School Policy, including the impacts and ongoing effects of the inter-
17 generational trauma inflicted on American Indian
18 and Alaska Native families, including physical, psy-
19 chological, sexual, and spiritual violence inflicted on
20 Native American children as young as 5 years old
21 for speaking indigenous languages or engaging in
22 traditional practices. In addition to, obtaining accurate
23 records and oral accounts of the events that
24 took place at the boarding schools.
25

1 (3) MEMBERSHIP.—

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

4 (i) Not fewer than 1 member ap-
5 pointed by the President.

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

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

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

20 (B) REQUIREMENTS FOR MEMBERSHIP.—

21 To the maximum extent practicable, the Presi-
22 dent and the Members of Congress shall ap-
23 point members of the Commission under sub-
24 paragraph (A) to represent diverse experiences
25 and backgrounds so as to include Tribal rep-

representatives and experts who will provide balanced points of view with regard to the duties of the Commission, including Tribal representatives and experts—

(i) from diverse geographic areas; and

(ii) who possess personal experience with, diverse policy experience with, or specific expertise in, Indian boarding school history or the Indian Boarding School Policy.

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

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

(i) 1 representative from each of—

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

(II) the National Indian Education Association;

(III) the American Indian Higher Education Consortium; and

1 (IV) National Indian Child Wel-
2 fare Association;

3 (ii) the Director or Administrator
4 of—

5 (I) the Bureau of Indian Edu-
6 cation;

7 (II) the Office of Indian Edu-
8 cation of the Department of Edu-
9 cation;

10 (III) the Administration for Na-
11 tive Americans of the Administration
12 for Children and Families of the De-
13 partment of Health and Human Serv-
14 ices; and

15 (IV) the National Museum of the
16 American Indian of the Smithsonian
17 Institution;

18 (iii) not fewer than—

19 (I) 5 members of different Indian
20 Tribes from diverse geographic areas,
21 to be selected from among nomina-
22 tions submitted by Indian Tribes;

23 (II) 2 health care or mental
24 health practitioners, counselors, or
25 providers with experience in working

1 with former students of Indian board-
2 ing schools, to be selected from among
3 nominations of Tribal chairs or elect-
4 ed Tribal leadership local to the re-
5 gion in which the practitioner, coun-
6 selor, or provider works;

7 (III) 3 members of different na-
8 tional Indian organizations, regional
9 Indian organizations, or urban Indian
10 organizations that are focused on, or
11 have relevant expertise with, the his-
12 tory and systemic trauma associated
13 with the Indian Boarding School Pol-
14 icy;

15 (IV) 4 former students or Indian
16 survivors who attended Indian board-
17 ing schools;

18 (V) 2 family members of students
19 who attended Indian boarding schools,
20 to represent diverse regions of the
21 United States;

22 (VI) 2 students who currently at-
23 tend an Indian boarding school, in-
24 cluding not fewer than 1 student who
25 currently attends the Chemawa Indian

1 School (OR), Haskell Indian Nations
 2 University (KS), Mount Edgecumbe
 3 (AK), Santa Fe Indian School (NM),
 4 or Sherman Institute (CA);

5 (VII) 2 students who currently
 6 attend a BIE-operated boarding
 7 school, tribally controlled boarding
 8 school, State public boarding school,
 9 private nonprofit boarding school for-
 10 merly operated by the Federal Gov-
 11 ernment, parochial boarding school,
 12 and BIE-operated college or univer-
 13 sity;

14 (VIII) 2 former teachers who
 15 taught at an Indian boarding school
 16 for not fewer than 5 years; and

17 (IX) 1 representative of the
 18 International Indian Treaty Council
 19 (IITC) or Association on American
 20 Indian Affairs (AAIA).

21 (E) DATE.—The appointments of the
 22 members of the Commission shall be made not
 23 later than 120 days after the date of the enact-
 24 ment of this Act.

1 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
2 MOVAL.—

3 (A) PERIOD OF APPOINTMENT.—A mem-
4 ber of the Commission shall be appointed for a
5 term of 2 years.

6 (B) VACANCIES.—A vacancy in the Com-
7 mission—

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

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

12 (C) REMOVAL.—The President or a Mem-
13 ber of Congress making an appointment under
14 paragraph (3)(A) may remove a member ap-
15 pointed by that President or Member of Con-
16 gress, respectively, only for neglect of duty or
17 malfeasance in office.

18 (5) MEETINGS.—The Commission shall meet at
19 the call of the Chairperson.

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

23 (7) CHAIRPERSON AND VICE CHAIRPERSON.—
24 The Commission shall select a Chairperson and Vice

1 Chairperson from among the members of the Com-
2 mission.

3 (c) DUTIES OF THE COMMISSION.—

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

14 (2) MATTERS STUDIED.—The matters studied
15 by the Commission under paragraph (1) shall in-
16 clude—

17 (A) the implementation of the Indian
18 Boarding School Policy at the 460 schools oper-
19 ated by the Bureau of Indian Affairs;

20 (B) how the assimilation practices of the
21 Federal Government advanced the cultural
22 genocide of Native Americans; and

23 (C) the impacts and ongoing effects of the
24 Indian Boarding School Policy.

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

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

12 (5) REPORT.—Not later than 24 months after
13 the date of the enactment of this Act, the Commis-
14 sion shall make publicly available and submit to the
15 President, the White House Council on Native
16 American Affairs, the Secretary of the Interior, the
17 Committee on Indian Affairs of the Senate, the
18 Committee on Natural Resources of the House of
19 Representatives, and the Members of Congress mak-
20 ing appointments under paragraph (3)(A), a report
21 containing—

22 (A) a detailed statement of the findings
23 and conclusions of the Commission;

1 (B) the recommendations of the Commis-
2 sion for such legislation and administrative ac-
3 tions as the Commission considers appropriate;

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

12 (D) other related recommendations of the
13 Commission—

14 (i) to address historical and intergen-
15 erational trauma inflicted on American In-
16 dian and Alaska Native communities by
17 the Indian Boarding School Policy; and

18 (ii) to discontinue the harmful prac-
19 tices and policies that continue in boarding
20 schools operated or funded by the Bureau
21 of Indian Education or other educational
22 facilities operated on Indian reservations.

23 (d) POWERS OF COMMISSION.—The Commission may
24 hold such hearings, sit and act at such times and places,

- 1 take such testimony, and receive such evidence as the
- 2 Commission considers advisable to carry out this section.

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