

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5444  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**4 SEC. 2. FINDINGS.**

5       Congress finds that—

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

17           (2) assimilation processes can be traced back  
18      to—

1 (A) the enactment of the Act of March 3,  
2 1819 (3 Stat. 516, chapter 85) (commonly  
3 known as the “Indian Civilization Fund Act of  
4 1819”), which created a fund to administer the  
5 education, healthcare, and rations promised to  
6 Tribal nations under treaties those Tribal na-  
7 tions had with the United States; and

8 (B) the Grant Administration’s peace pol-  
9 icy with Tribal nations in 1868, which, among  
10 other things, authorized amounts in the fund  
11 established under the Act of March 3, 1819 (3  
12 Stat. 516, chapter 85) (commonly known as the  
13 “Indian Civilization Fund Act of 1819”), to be  
14 used by churches;

15 (3) according to research from the National  
16 Native American Boarding School Healing Coalition,  
17 the Federal Government funded church-run boarding  
18 schools for Native Americans from 1819 through the  
19 1960s under the Act of March 3, 1819 (3 Stat. 516,  
20 chapter 85), which authorized the forced removal of  
21 hundreds of thousands of American Indian and  
22 Alaska Native children as young as 3 years old, relo-  
23 cating them from their traditional homelands to 1 of  
24 at least 367 known Indian boarding schools, of  
25 which 73 remain open today, across 30 States;

1           (4) beginning in 1820, missionaries from the  
2           United States arrived in Hawai‘i, bringing a similar  
3           desire to civilize Native Hawaiians and convert “Ha-  
4           waiian heathens” to Christians, establishing day  
5           schools and boarding schools that followed models  
6           first imposed on Tribal nations on the East Coast of  
7           the United States;

8           (5) as estimated by David Wallace Adams, pro-  
9           fessor emeritus of history and education at Cleve-  
10          land State University in Ohio, by 1926, nearly 83  
11          percent of American Indian and Alaska Native  
12          school-age children were enrolled in Indian boarding  
13          schools in the United States, but, the full extent of  
14          the Indian Boarding School Policies has yet to be  
15          fully examined by—

16                 (A) the Federal Government or the church-  
17                 es who ran those schools; or

18                 (B) other entities who profited from the  
19                 existence of those schools;

20          (6) General Richard Henry Pratt, the founder  
21          and superintendent of the Carlisle Indian Industrial  
22          School in Carlisle, Pennsylvania, stated that the  
23          ethos of Indian Boarding School Policies was to “kill  
24          the Indian in him, and save the man”;

1           (7) in 1878, General Pratt brought a group of  
2 American Indian warriors held as prisoners of war  
3 to what was then known as the Hampton Agricultural  
4 and Industrial School in Hampton, Virginia,  
5 for a residential experiment in the education of In-  
6 digenous people;

7           (8) prior to arriving to the Hampton Agricultural  
8 and Industrial School in 1878, the American  
9 Indian warriors held as prisoners of war had already  
10 spent 3 years imprisoned, during which time they  
11 were forced to shave their traditionally grown hair,  
12 dress in military uniforms, participate in Christian  
13 worship services, and adopt an English name;

14           (9) General Samuel C. Armstrong, founder and,  
15 in 1878, principal, of the Hampton Agricultural and  
16 Industrial School, was influenced by his parents and  
17 other missionaries in the United States involved in  
18 the education of Native Hawaiian children;

19           (10) General Armstrong modeled the Hampton  
20 Agricultural and Industrial School after the Hilo  
21 Boarding School in Hawai'i, a missionary-run board-  
22 ing school that targeted high performing Native Ha-  
23 waiians to become indoctrinated in Protestant ide-  
24 ology, which was similar to boarding schools led by

1 missionaries in the similarly sovereign Five Tribes of  
2 Oklahoma, including the Cherokee and Chickasaw;

3 (11) in addition to bringing a group of Amer-  
4 ican Indian warriors held as prisoners of war to the  
5 Hampton Agricultural and Industrial School in  
6 1878, General Pratt influenced Sheldon Jackson, a  
7 Presbyterian missionary who, in 1885, was ap-  
8 pointed by the Secretary of the Interior to be a Gen-  
9 eral Agent of Education in the Alaska Territory;

10 (12) Hampton Agricultural and Industrial  
11 School continued as a boarding school for American  
12 Indians, Alaska Natives, and Native Hawaiians until  
13 1923;

14 (13) founded in 1879, the Carlisle Indian In-  
15 dustrial School set the precedent for government-  
16 funded, off-reservation Indian boarding schools in  
17 the United States, where more than 10,000 Amer-  
18 ican Indian and Alaska Native children were en-  
19 rolled from more than 140 Indian Tribes;

20 (14) Indian boarding schools, and the policies  
21 that created, funded, and fueled their existence, were  
22 designed to assimilate American Indian, Alaska Na-  
23 tive, and Native Hawaiian children into non-Native  
24 culture by stripping them of their cultural identities,

1 often through physical, sexual, psychological, indus-  
2 trial, and spiritual abuse and neglect;

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

7 (16) at the Carlisle Indian Industrial School  
8 alone, approximately 180 American Indian and Alas-  
9 ka Native children were buried;

10 (17) according to research from the National  
11 Native American Boarding School Healing Coali-  
12 tion—

13 (A) while attending Indian boarding  
14 schools, American Indian, Alaska Native, and  
15 Native Hawaiian children suffered additional  
16 physical, sexual, psychological, industrial, and  
17 spiritual abuse and neglect as they were sent to  
18 non-Native homes and businesses for involun-  
19 tary and unpaid manual labor work during the  
20 summers;

21 (B) many American Indian, Alaska Native,  
22 and Native Hawaiian children escaped from In-  
23 dian boarding schools by running away, and  
24 then remained missing or died of illnesses due  
25 to harsh living conditions, abuse, or sub-

1 standard health care provided by the Indian  
2 boarding schools;

3 (C) many American Indian, Alaska Native,  
4 and Native Hawaiian children died at hospitals  
5 neighboring Indian boarding schools, including  
6 the Puyallup Indian School that opened in  
7 1860, which was first renamed the Cushman  
8 Indian School in 1910 and then the Cushman  
9 Hospital in 1918; and

10 (D) many of the American Indian and  
11 Alaska Native children who died while attend-  
12 ing Indian boarding schools or neighboring hos-  
13 pitals were buried in unmarked graves or off-  
14 campus cemeteries;

15 (18) according to independent ground pene-  
16 trating radar and magnetometry research commis-  
17 sioned by the National Native American Boarding  
18 School Healing Coalition, evidence of those un-  
19 marked graves and off-campus cemeteries has been  
20 found, including—

21 (A) unmarked graves at Chemawa Indian  
22 School in Salem, Oregon; and

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

1           (19) according to research from the National  
2 Native American Boarding School Healing Coalition,  
3 inaccurate, scattered, and missing school records  
4 make it difficult for families to locate their loved  
5 ones, especially because—

6           (A) less than 38 percent of Indian board-  
7 ing school records have been located, from only  
8 142 of the at least 367 known Indian boarding  
9 schools; and

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

13           (20) parents of the American Indian, Alaska  
14 Native, and Native Hawaiian children who were  
15 forcibly removed from or coerced into leaving their  
16 homes and placed in Indian boarding schools were  
17 prohibited from visiting or engaging in correspond-  
18 ence with their children;

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

24           (22) in 2013, post-traumatic stress disorder  
25 rates among American Indian and Alaska Native



1 youth were 3-times the general public, the same  
2 rates for post-traumatic stress disorder among vet-  
3 erans;

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

8 (24) the 2018 Broken Promises Report pub-  
9 lished by the United States Commission on Civil  
10 Rights reported that American Indian and Alaska  
11 Native communities continue to experience intergen-  
12 erational trauma resulting from experiences in In-  
13 dian boarding schools, which divided cultural family  
14 structures, damaged Indigenous identities, and in-  
15 flicted chronic psychological ramifications on Amer-  
16 ican Indian and Alaska Native children and families;

17 (25) the Centers for Disease Control and Pre-  
18 vention Kaiser Permanente Adverse Childhood Expe-  
19 riences Study shows that adverse or traumatic child-  
20 hood experiences disrupt brain development, leading  
21 to a higher likelihood of negative health outcomes as  
22 adults, including heart disease, obesity, diabetes,  
23 autoimmune diseases, and early death;

24 (26) American Indians, Alaska Natives, and  
25 Native Hawaiians suffer from disproportional rates

1 of each of the diseases described in paragraph (25)  
2 compared to the national average;

3 (27) the longstanding intended consequences  
4 and ramifications of the treatment of American In-  
5 dian, Alaska Native, and Native Hawaiian children,  
6 families, and communities because of Federal poli-  
7 cies and the funding of Indian boarding schools con-  
8 tinue to impact Native communities through inter-  
9 generational trauma, cycles of violence and abuse,  
10 disappearance, health disparities, substance abuse,  
11 premature deaths, additional undocumented phys-  
12 ical, sexual, psychological, industrial, and spiritual  
13 abuse and neglect, and trauma;

14 (28) according to the Child Removal Survey  
15 conducted by the National Native American Board-  
16 ing School Healing Coalition, the First Nations Re-  
17 patriation Institute, and the University of Min-  
18 nesota, 75 percent of Indian boarding school sur-  
19 vivors who responded to the survey had attempted  
20 suicide, and nearly half of respondents to the survey  
21 reported being diagnosed with a mental health con-  
22 dition;

23 (29) the continuing lasting implications of the  
24 Indian Boarding School Policies and the physical,  
25 sexual, psychological, industrial, and spiritual abuse

1 and neglect of American Indian and Alaska Native  
2 children and families influenced the present-day op-  
3 eration of Bureau of Indian Education-operated  
4 schools;

5 (30) Bureau of Indian Education-operated  
6 schools have often failed to meet the many needs of  
7 nearly 50,000 American Indian and Alaska Native  
8 students across 23 States;

9 (31) in Alaska, where there are no Bureau of  
10 Indian Education-funded elementary and secondary  
11 schools, the State public education system often fails  
12 to meet the needs of Alaska Native students, fami-  
13 lies, and communities;

14 (32) the assimilation policies imposed on Amer-  
15 ican Indians, Alaska Natives, and Native Hawaiians  
16 during the Indian boarding school era have been  
17 replicated through other Federal actions and pro-  
18 grams, including the Indian Adoption Project in ef-  
19 fect from 1958 to 1967, which placed American In-  
20 dian and Alaska Native children in non-Indian  
21 households and institutions for foster care or adop-  
22 tion;

23 (33) the Association on American Indian Af-  
24 fairs reported that the continuation of assimilation  
25 policies through Federal American Indian and Alas-

1 ka Native adoption and foster care programs be-  
2 tween 1941 to 1967 separated as many as one-third  
3 of American Indian and Alaska Native children from  
4 their families in Tribal communities;

5 (34) in some States, greater than 50 percent of  
6 foster care children in State adoption systems are  
7 American Indian, Alaska Native, or Native Hawai-  
8 ian children, including in Alaska, where over 60 per-  
9 cent of children in foster care are Alaska Native;

10 (35) the general lack of public awareness, ac-  
11 countability, education, information, and acknowl-  
12 edgment of the ongoing and direct impacts of the  
13 Indian Boarding School Policies and related inter-  
14 generational trauma persists, signaling the overdue  
15 need for an investigative Federal commission to fur-  
16 ther document and expose assimilation and termi-  
17 nation efforts to eradicate the cultures and lan-  
18 guages of Indigenous peoples implemented under In-  
19 dian Boarding School Policies; and

20 (36) in the secretarial memorandum entitled  
21 “Federal Indian Boarding School Initiative” and  
22 dated June 22, 2021, Secretary of the Interior  
23 Debra Haaland stated the following: “The  
24 assimilationist policies of the past are contrary to  
25 the doctrine of trust responsibility, under which the

1 Federal Government must promote Tribal self-gov-  
2 ernance and cultural integrity. Nevertheless, the leg-  
3 acy of Indian boarding schools remains, manifesting  
4 itself in Indigenous communities through intergen-  
5 erational trauma, cycles of violence and abuse, dis-  
6 appearance, premature deaths, and other undocu-  
7 mented bodily and mental impacts.”.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are to establish a Truth and  
10 Healing Commission on Indian Boarding School Policies  
11 in the United States—

12 (1) to formally investigate and document—

13 (A) the attempted termination of cultures  
14 and languages of Indigenous peoples, assimila-  
15 tion practices, and human rights violations that  
16 occurred against American Indians, Alaska Na-  
17 tives, and Native Hawaiians through Indian  
18 Boarding School Policies in furtherance of the  
19 motto to “kill the Indian in him and save the  
20 man”; and

21 (B) the impacts and ongoing effects of his-  
22 torical and intergenerational trauma in Native  
23 communities, including the effects of the at-  
24 tempted cultural, religious, and linguistic termi-  
25 nation of American Indians, Alaska Natives,

1           and Native Hawaiians, resulting from Indian  
2           Boarding School Policies;

3           (2) to hold culturally respectful and meaningful  
4           public hearings for American Indian, Alaska Native,  
5           and Native Hawaiian survivors, victims, families,  
6           communities, organizations, and Tribal leaders to  
7           testify, discuss, and add to the documentation of,  
8           the impacts of the physical, psychological, and spir-  
9           itual violence of Indian boarding schools;

10          (3) to collaborate and exchange information  
11          with the Department of the Interior with respect to  
12          the review of the Indian Boarding School Policies  
13          announced by Secretary of the Interior Debra  
14          Haaland in the secretarial memorandum entitled  
15          “Federal Indian Boarding School Initiative” and  
16          dated June 22, 2021; and

17          (4) to further develop recommendations for the  
18          Federal Government to acknowledge and heal the  
19          historical and intergenerational trauma caused by  
20          the Indian Boarding School Policies and other cul-  
21          tural and linguistic termination practices carried out  
22          by the Federal Government and State and local gov-  
23          ernments, including recommendations—

24                  (A) for resources and assistance that the  
25                  Federal Government should provide to aid in

1 the healing of the trauma caused by the Indian  
2 Boarding School Policies;

3 (B) to establish a nationwide hotline for  
4 survivors, family members, or other community  
5 members affected by the Indian Boarding  
6 School Policies; and

7 (C) to prevent the continued removal of  
8 American Indian, Alaska Native, and Native  
9 Hawaiian children from their families and Na-  
10 tive communities under modern-day assimila-  
11 tion practices carried out by State social service  
12 departments, foster care agencies, and adoption  
13 services.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

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

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

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

1 (A) the assimilation policies and practices  
2 of the Federal Government, which began with  
3 the enactment of the Act of March 3, 1819 (3  
4 Stat. 516, chapter 85) (commonly known as the  
5 “Indian Civilization Fund Act of 1819”), and  
6 the peace policy with Tribal nations advanced  
7 by President Ulysses Grant in 1868, under  
8 which more than 100,000 American Indian and  
9 Alaska Native children were forcibly removed  
10 from or coerced into leaving their family homes  
11 and placed in Bureau of Indian Affairs-oper-  
12 ated schools or church-run schools, including at  
13 least 367 known Indian boarding schools, at  
14 which assimilation and “civilization” practices  
15 were inflicted on those children as part of the  
16 assimilation efforts of the Federal Government,  
17 which were intended to terminate the cultures  
18 and languages of Indigenous peoples in the  
19 United States; and

20 (B) the assimilation practices inflicted on  
21 Native Hawaiian children in boarding schools  
22 following the arrival of Christian missionaries  
23 from the United States in Hawai‘i in 1820 who  
24 sought to extinguish Hawaiian culture.



1 **SEC. 5. TRUTH AND HEALING COMMISSION ON INDIAN**  
2 **BOARDING SCHOOL POLICIES IN THE UNITED**  
3 **STATES.**

4 (a) **ESTABLISHMENT.**—There is established the  
5 Truth and Healing Commission on Indian Boarding  
6 School Policies in the United States.

7 (b) **MEMBERSHIP.**—

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

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

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

14 (C) 2 shall be appointed by the President  
15 pro tempore of the Senate, on the recommenda-  
16 tion of the minority leader of the Senate; and

17 (D) 4 shall be appointed by the Speaker of  
18 the House of Representatives, of whom not  
19 fewer than 2 shall be appointed on the rec-  
20 ommendation of the minority leader of the  
21 House of Representatives.

22 (2) **REQUIREMENTS FOR MEMBERSHIP.**—To the  
23 maximum extent practicable, the President and the  
24 Members of Congress shall appoint members of the  
25 Commission under paragraph (1) to represent di-  
26 verse experiences and backgrounds and so as to in-

1       clude Tribal and Native representatives and experts  
2       who will provide balanced points of view with regard  
3       to the duties of the Commission, including Tribal  
4       and Native representatives and experts—

5               (A) from diverse geographic areas;

6               (B) who possess personal experience with,  
7       diverse policy experience with, or specific exper-  
8       tise in, Indian boarding school history and the  
9       Indian Boarding School Policies; and

10              (C) who possess expertise in truth and  
11       healing endeavors that are traditionally and cul-  
12       turally appropriate.

13              (3) *PRESIDENTIAL APPOINTMENT.*—The Presi-  
14       dent shall make appointments to the Commission  
15       under this subsection in coordination with the Sec-  
16       retary of the Interior and the Director of the Bu-  
17       reau of Indian Education.

18              (4) *DATE.*—The appointments of the members  
19       of the Commission shall be made not later than 120  
20       days after the date of enactment of this Act.

21              (5) *PERIOD OF APPOINTMENT; VACANCIES; RE-*  
22       *MOVAL.*—

23              (A) *PERIOD OF APPOINTMENT.*—A mem-  
24       ber of the Commission shall be appointed for a  
25       term of 5 years.

1 (B) VACANCIES.—A vacancy in the Com-  
2 mission—

3 (i) shall not affect the powers of the  
4 Commission; and

5 (ii) shall be filled in the same manner  
6 as the original appointment.

7 (C) REMOVAL.—A quorum of members  
8 may remove a member appointed by that Presi-  
9 dent or Member of Congress, respectively, only  
10 for neglect of duty or malfeasance in office.

11 (c) MEETINGS.—

12 (1) INITIAL MEETING.—As soon as practicable  
13 after the date of enactment of this Act, the Commis-  
14 sion shall hold the initial meeting of the Commission  
15 and begin operations.

16 (2) SUBSEQUENT MEETINGS.—After the initial  
17 meeting of the Commission is held under paragraph  
18 (1), the Commission shall meet at the call of the  
19 Chairperson.

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

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

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

4 (f) COMMISSION PERSONNEL MATTERS.—

5 (1) COMPENSATION OF MEMBERS.—A member  
6 of the Commission who is not an officer or employee  
7 of the Federal Government shall be compensated at  
8 a rate equal to the daily equivalent of the annual  
9 rate of basic pay prescribed for level IV of the Exec-  
10 utive Schedule under section 5315 of title 5, United  
11 States Code, for each day (including travel time)  
12 during which the member is engaged in the perform-  
13 ance of the duties of the Commission.

14 (2) TRAVEL EXPENSES.—A member of the  
15 Commission shall be allowed travel expenses, includ-  
16 ing per diem in lieu of subsistence, at rates author-  
17 ized for employees of agencies under subchapter I of  
18 chapter 57 of title 5, United States Code, while  
19 away from their homes or regular places of business  
20 in the performance of services for the Commission.

21 (g) TRUTH AND HEALING ADVISORY COMMITTEE.—

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

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

3           (A) 1 representative from each of—

4                 (i) the National Native American  
5 Boarding School Healing Coalition;

6                 (ii) the National Congress of Amer-  
7 ican Indians;

8                 (iii) the National Indian Education  
9 Association;

10                (iv) the National Indian Child Welfare  
11 Association;

12                (v) the Alaska Federation of Natives;

13           and

14                (vi) the Office of Hawaiian Affairs;

15           (B) the Director of the Bureau of Indian  
16 Education;

17           (C) the Director of the Office of Indian  
18 Education of the Department of Education;

19           (D) the Commissioner of the Administra-  
20 tion for Native Americans of the Office of the  
21 Administration for Children and Families of the  
22 Department of Health and Human Services;  
23 and

24           (E) not fewer than—

1 (i) 5 members of different Indian  
2 Tribes from diverse geographic areas, to be  
3 selected from among nominations sub-  
4 mitted by Indian Tribes;

5 (ii) 1 member representing Alaska  
6 Natives, to be selected by the Alaska Fed-  
7 eration of Natives from nominations sub-  
8 mitted by an Alaska Native individual, or-  
9 ganization, or village;

10 (iii) 1 member representing Native  
11 Hawaiians, to be selected by a process ad-  
12 ministered by the Office of Hawaiian Af-  
13 fairs;

14 (iv) 2 health care or mental health  
15 practitioners, Native healers, counselors, or  
16 providers with experience in working with  
17 former students, or descendants of former  
18 students, of Indian boarding schools, to be  
19 selected from among nominations of Tribal  
20 chairs or elected Tribal leadership local to  
21 the region in which the practitioner, coun-  
22 selor, or provider works, in order to ensure  
23 that the Commission considers culturally  
24 responsive supports for victims, families,  
25 and communities;

1 (v) 3 members of different national  
2 American Indian, Alaska Native, or Native  
3 Hawaiian organizations, regional American  
4 Indian, Alaska Native, or Native Hawaiian  
5 organizations, or urban Indian organiza-  
6 tions that are focused on, or have relevant  
7 expertise studying, the history and sys-  
8 temic and ongoing trauma associated with  
9 the Indian Boarding School Policies;

10 (vi) 2 family members of students who  
11 attended Indian boarding schools, who  
12 shall represent diverse regions of the  
13 United States;

14 (vii) 4 alumni who attended a Bureau  
15 of Indian Education-operated school, trib-  
16 ally controlled boarding school, State pub-  
17 lic boarding school, private nonprofit  
18 boarding school formerly operated by the  
19 Federal Government, parochial boarding  
20 school, or Bureau of Indian Education-op-  
21 erated college or university;

22 (viii) 2 current teachers who teach at  
23 an Indian boarding school;

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

4 (x) 1 representative of the Inter-  
5 national Indian Treaty Council or the As-  
6 sociation on American Indian Affairs; and

7 (xi) 1 trained archivist who has expe-  
8 rience working with educational or church  
9 records.

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

11 (A) serve as an advisory body to the Com-  
12 mission; and

13 (B) provide to the Commission advice and  
14 recommendations, and submit to the Commis-  
15 sion materials, documents, testimony, and such  
16 other information as the Commission deter-  
17 mines to be necessary, to carry out the duties  
18 of the Commission under subsection (h).

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

23 (h) DUTIES OF THE COMMISSION.—

24 (1) IN GENERAL.—The Commission shall de-  
25 velop recommendations on actions that the Federal



1 Government can take to adequately hold itself ac-  
2 countable for, and redress and heal, the historical  
3 and intergenerational trauma inflicted by the Indian  
4 Boarding School Policies, including developing rec-  
5 ommendations on ways—

6 (A) to protect unmarked graves and ac-  
7 companying land protections;

8 (B) to support repatriation and identify  
9 the Tribal nations from which children were  
10 taken; and

11 (C) to stop the continued removal of Amer-  
12 ican Indian, Alaska Native, and Native Hawai-  
13 ian children from their families and reserva-  
14 tions under modern-day assimilation practices.

15 (2) MATTERS INVESTIGATED.—The matters in-  
16 vestigated by the Commission under paragraph (1)  
17 shall include—

18 (A) the implementation of the Indian  
19 Boarding School Policies and practices at—

20 (i) the schools operated by the Bureau  
21 of Indian Affairs; and

22 (ii) church-run Indian boarding  
23 schools;

24 (B) how the assimilation practices of the  
25 Federal Government advanced the attempted

1 cultural, religious, and linguistic termination of  
2 American Indians, Alaska Natives, and Native  
3 Hawaiians;

4 (C) the impacts and ongoing effects of the  
5 Indian Boarding School Policies;

6 (D) the location of American Indian, Alas-  
7 ka Native, and Native Hawaiian children who  
8 are still, as of the date of enactment of this  
9 Act, buried at Indian boarding schools and off-  
10 campus cemeteries, including notifying the  
11 Tribal nation from which the children were  
12 taken; and

13 (E) church and government records, in-  
14 cluding records relating to attendance, infir-  
15 mary, deaths, land, Tribal affiliation, and other  
16 correspondence.

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

19 (A) work to locate and identify unmarked  
20 graves at Indian boarding school sites or off-  
21 campus cemeteries;

22 (B) locate, document, analyze, and pre-  
23 serve records from schools described in para-  
24 graph (2)(A), including any records held at  
25 State and local levels; and

1 (C) provide to, and receive from, the De-  
2 partment of the Interior any information that  
3 the Commission determines to be relevant—

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

5 (ii) to any investigation of the Indian  
6 Boarding School Policies being conducted  
7 by the Department of the Interior.

8 (4) TESTIMONY.—The Commission shall take  
9 testimony from—

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

15 (B) American Indian, Alaska Native, and  
16 Native Hawaiian individuals, tribes, and organi-  
17 zations directly impacted by assimilation prac-  
18 tices supported by the Federal Government, in-  
19 cluding assimilation practices promoted by—

20 (i) religious groups receiving funding,  
21 or working closely with, the Federal Gov-  
22 ernment;

23 (ii) local, State, and territorial school  
24 systems;

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

3 (iv) any other private entities; and

4 (C) those who have access to, or knowledge  
5 of, historical events, documents, and items re-  
6 lating to the Indian Boarding School Policies  
7 and the impacts of those policies, including—

8 (i) churches;

9 (ii) the Federal Government;

10 (iii) State and local governments;

11 (iv) individuals; and

12 (v) organizations.

13 (5) REPORTS.—

14 (A) INITIAL REPORT.—Not later than 3  
15 years after the date of enactment of this Act,  
16 the Commission shall make publicly available  
17 and submit to the President, the White House  
18 Council on Native American Affairs, the Sec-  
19 retary of the Interior, the Secretary of Edu-  
20 cation, the Secretary of Health and Human  
21 Services, the Committee on Indian Affairs of  
22 the Senate, the Committee on Natural Re-  
23 sources of the House of Representatives, and  
24 the Members of Congress making appointments

1 under subsection (b)(1), an initial report that  
2 contains—

3 (i) a detailed statement of the find-  
4 ings and conclusions of the Commission;

5 (ii) the recommendations of the Com-  
6 mission for such legislation and adminis-  
7 trative actions as the Commission con-  
8 siders appropriate;

9 (iii) the recommendations of the Com-  
10 mission to provide or increase Federal  
11 funding to adequately fund—

12 (I) American Indian, Alaska Na-  
13 tive, and Native Hawaiian programs  
14 for mental health and traditional heal-  
15 ing programs;

16 (II) a nationwide hotline for sur-  
17 vivors, family members, or other com-  
18 munity members affected by the In-  
19 dian Boarding School Policies; and

20 (III) the development of mate-  
21 rials to be offered for possible use in  
22 K–12 Native American and United  
23 States history curricula to address the  
24 history of Indian Boarding School  
25 Policies; and

1 (iv) other recommendations of the  
2 Commission to identify—

3 (I) possible ways to address his-  
4 torical and intergenerational trauma  
5 inflicted on American Indian, Alaska  
6 Native, and Native Hawaiian commu-  
7 nities by the Indian Boarding School  
8 Policies; and

9 (II) ongoing and harmful prac-  
10 tices and policies relating to or result-  
11 ing from the Indian Boarding School  
12 Policies that continue in public edu-  
13 cation systems.

14 (B) FINAL REPORT.—Not later than 5  
15 years after the date of enactment of this Act,  
16 the Commission shall make available and sub-  
17 mit a final report in accordance with the re-  
18 quirements under subparagraph (A) that have  
19 been agreed on by the vote of a majority of the  
20 members of the Commission.

21 (i) POWERS OF COMMISSION.—

22 (1) HEARINGS AND EVIDENCE.—The Commis-  
23 sion may, for the purpose of carrying out this sec-  
24 tion—

1 (A) hold such hearings and sit and act at  
2 such times and places, take such testimony, re-  
3 ceive such evidence, and administer such oaths,  
4 virtually or in-person, as the Commission may  
5 determine advisable; and

6 (B) subject to subparagraphs (A) and (B)  
7 of paragraph (2), require, by subpoena or oth-  
8 erwise, the attendance and testimony of such  
9 witnesses and the production of such books,  
10 records, correspondence, memoranda, papers,  
11 videos, oral histories, recordings, documents, or  
12 any other paper or electronic material, virtually  
13 or in-person, as the Commission may determine  
14 advisable.

15 (2) SUBPOENAS.—

16 (A) IN GENERAL.—

17 (i) ISSUANCE OF SUBPOENAS.—Sub-  
18 ject to subparagraph (B), the Commission  
19 may issue subpoenas requiring the attend-  
20 ance and testimony of witnesses and the  
21 production of any evidence relating to any  
22 matter that the Commission is empowered  
23 to investigate under this section.

24 (ii) VOTE.—Subpoenas shall be issued  
25 under clause (i) by agreement between the

1 Chairperson and Vice Chairperson of the  
2 Commission, or by the vote of a majority  
3 of the members of the Commission.

4 (iii) ATTENDANCE OF WITNESSES AND  
5 PRODUCTION OF EVIDENCE.—The attend-  
6 ance of witnesses and the production of  
7 evidence may be required from any place  
8 within the United States at any designated  
9 place of hearing within the United States.

10 (B) PROTECTION OF PERSON SUBJECT TO  
11 A SUBPOENA.—

12 (i) IN GENERAL.—When issuing a  
13 subpoena under subparagraph (A), the  
14 Commission shall—

15 (I) consider the cultural, emo-  
16 tional, and psychological well-being of  
17 survivors, family members, and com-  
18 munity members affected by the In-  
19 dian Boarding School Policies; and

20 (II) take reasonable steps to  
21 avoid imposing undue burden, includ-  
22 ing cultural, emotional, and psycho-  
23 logical trauma, on a survivor, family  
24 member, or community member af-



1                   fected by the Indian Boarding School  
2                   Policies.

3                   (ii) QUASHING OR MODIFYING A SUB-  
4                   POENA.—On a timely motion, the district  
5                   court of the United States in the judicial  
6                   district in which compliance with the sub-  
7                   poena is required shall quash or modify a  
8                   subpoena that subjects a person to undue  
9                   burden as described in clause (i)(II).

10                  (C) FAILURE TO OBEY A SUBPOENA.—

11                   (i) ORDER FROM A DISTRICT COURT  
12                   OF THE UNITED STATES.—If a person does  
13                   not obey a subpoena issued under subpara-  
14                   graph (A), the Commission is authorized to  
15                   apply to a district court of the United  
16                   States for an order requiring that person  
17                   to appear before the Commission to give  
18                   testimony, produce evidence, or both, relat-  
19                   ing to the matter under investigation.

20                   (ii) LOCATION.—An application under  
21                   clause (i) may be made within the judicial  
22                   district where the hearing relating to the  
23                   subpoena is conducted or where the person  
24                   described in that clause is found, resides,  
25                   or transacts business.

1 (iii) PENALTY.—Any failure to obey  
2 an order of a court described in clause (i)  
3 may be punished by the court as a civil  
4 contempt.

5 (D) SUBJECT MATTER JURISDICTION.—  
6 The district court of the United States in which  
7 an action is brought under subparagraph (C)(i)  
8 shall have original jurisdiction over any civil ac-  
9 tion brought by the Commission to enforce, se-  
10 cure a declaratory judgment concerning the va-  
11 lidity of, or prevent a threatened refusal or fail-  
12 ure to comply with, the applicable subpoena  
13 issued by the Commission.

14 (E) SERVICE OF SUBPOENAS.—The sub-  
15 poenas of the Commission shall be served in the  
16 manner provided for subpoenas issued by a dis-  
17 trict court of the United States under the Fed-  
18 eral Rules of Civil Procedure.

19 (F) SERVICE OF PROCESS.—All process of  
20 any court to which an application is made  
21 under subparagraph (C) may be served in the  
22 judicial district in which the person required to  
23 be served resides or may be found.

24 (3) ADDITIONAL PERSONNEL AND SERVICES.—

1           (A) IN GENERAL.—The Chairperson of the  
2           Commission may procure additional personnel  
3           and services to ensure that the work of the  
4           Commission avoids imposing an undue burden,  
5           including cultural, emotional, and psychological  
6           trauma, on survivors, family members, or other  
7           community members affected by the Indian  
8           Boarding School Policies.

9           (B) COMPENSATION.—The Chairperson of  
10          the Commission may fix the compensation of  
11          personnel procured under subparagraph (A)  
12          without regard to chapter 51 and subchapter  
13          III of chapter 53 of title 5, United States Code,  
14          relating to classification of positions and Gen-  
15          eral Schedule pay rates, except that the rate of  
16          pay for such personnel may not exceed the rate  
17          payable for level V of the Executive Schedule  
18          under section 5316 of that title.

19          (4) POSTAL SERVICES.—The Commission may  
20          use the United States mails in the same manner and  
21          under the same conditions as other agencies of the  
22          Federal Government.

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

1 (j) APPLICATION.—The Commission shall be subject  
2 to the Federal Advisory Committee Act (5 U.S.C. App.).

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

6 (l) COLLABORATION BY THE DEPARTMENT OF THE  
7 INTERIOR.—The Department of the Interior shall collabo-  
8 rate and exchange relevant information with the Commis-  
9 sion in order for the Commission to effectively carry out  
10 the duties of the Commission under subsection (h).

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

15 (n) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Commission to  
17 carry out this section such sums as may be necessary, to  
18 remain available until expended.

