

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “Truth and Healing Commission on Indian Boarding  
 4 School Policies Act of 2023”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

**TITLE I—COMMISSION AND SUBCOMMITTEES**

Subtitle A—Truth and Healing Commission on Indian Boarding School  
 Policies in the United States

Sec. 101. Truth and Healing Commission on Indian Boarding School Policies  
 in the United States.

Subtitle B—Duties of the Commission

Sec. 111. Duties of the Commission.

Subtitle C—Survivors Truth and Healing Subcommittee

Sec. 121. Survivors Truth and Healing Subcommittee.

**TITLE II—ADVISORY COMMITTEES**

Subtitle A—Native American Truth and Healing Advisory Committee

Sec. 201. Native American Truth and Healing Advisory Committee.

Subtitle B—Federal Truth and Healing Advisory Committee

Sec. 211. Federal Truth and Healing Advisory Committee.

**TITLE III—GENERAL PROVISIONS**

- Sec. 301. Clarification.
- Sec. 302. Burial management.
- Sec. 303. Co-stewardship agreements.
- Sec. 304. No right of action.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) attempts to destroy Native American cul-  
2           tures, religions, and languages through  
3           assimilationist practices and policies can be traced to  
4           the early 17th century and the founding charters of  
5           some of the oldest educational institutions in the  
6           United States;

7           (2) in June 2021, and in light of the long his-  
8           tory of the assimilationist policies and practices re-  
9           ferred to in paragraph (1) and calls for reform from  
10          Native peoples, the Secretary of the Interior directed  
11          the Department of the Interior to investigate the  
12          role of the Federal Government in supporting those  
13          policies and practices and the intergenerational im-  
14          pacts of those policies and practices;

15          (3) in May 2022, the Department of the Inte-  
16          rior published volume 1 of a report entitled “Federal  
17          Indian Boarding School Initiative Investigative Re-  
18          port” (referred to in this section as the “Report”),  
19          which found that—

20                 (A) as early as 1819, and until 1969, the  
21                 Federal Government directly or indirectly sup-  
22                 ported approximately 408 Indian Boarding  
23                 Schools across 37 States;

24                 (B) American Indian, Alaska Native, and  
25                 Native Hawaiian children, as young as 3 years

1 old, were forcibly removed from their homes  
2 and sent to Indian Boarding Schools located  
3 throughout the United States;

4 (C) Indian Boarding Schools used system-  
5 atic, violent, and militarized identity-altering  
6 methods, such as physical, sexual, and psycho-  
7 logical abuse and neglect, to attempt to forcibly  
8 assimilate Native children and strip them of  
9 their languages, cultures, and social connec-  
10 tions;

11 (D) the violent methods referred to in sub-  
12 paragraph (C) were carried out for the purpose  
13 of—

14 (i) destroying the cultures, languages,  
15 and religions of Native peoples; and

16 (ii) dispossessing Native peoples of  
17 their ancestral lands;

18 (E) many of the children who were taken  
19 to Indian Boarding Schools did not survive, and  
20 of those who did survive, many never returned  
21 to their parents, extended families, or commu-  
22 nities;

23 (F) many of the children who were taken  
24 to Indian Boarding Schools and did not survive

1           were interred in cemeteries and unmarked  
2           graves; and

3                   (G) American Indian, Alaska Native, and  
4           Native Hawaiian communities continue to expe-  
5           rience intergenerational trauma and cultural  
6           and familial disruption from experiences rooted  
7           in Indian Boarding Schools Policies, which di-  
8           vided family structures, damaged cultures and  
9           individual identities, and inflicted chronic phys-  
10          ical and psychological ramifications on Amer-  
11          ican Indian, Alaska Native, and Native Hawai-  
12          ian children, families, and communities;

13                   (4) the ethos and rationale for Indian Boarding  
14          Schools is infamously expressed in the following  
15          quote from the founder of the Carlisle Indian Indus-  
16          trial School, Richard Henry Pratt: “Kill the Indian  
17          in him, and save the man.”;

18                   (5) the children who perished at Indian Board-  
19          ing Schools or in neighboring hospitals and other in-  
20          stitutions were buried in on-campus and off-campus  
21          cemeteries and unmarked graves;

22                   (6) parents of children who were forcibly re-  
23          moved from or coerced into leaving their homes and  
24          placed in Indian Boarding Schools were prohibited

1 from visiting or engaging in correspondence with  
2 their children;

3 (7) parental resistance to compliance with the  
4 harsh, no-contact policy of Indian Boarding Schools  
5 resulted in parents being incarcerated or losing ac-  
6 cess to basic human rights, food rations, and cloth-  
7 ing; and

8 (8) the Federal Government has a responsibility  
9 to fully investigate its role in, and the lasting effects  
10 of, Indian Boarding School Policies.

11 **SEC. 3. PURPOSES.**

12 The purposes of this Act are—

13 (1) to establish a Truth and Healing Commis-  
14 sion on Indian Boarding School Policies in the  
15 United States, including other necessary advisory  
16 committees and subcommittees;

17 (2) to formally investigate, document, and re-  
18 port on the histories of Indian Boarding Schools, In-  
19 dian Boarding School Polices, and the systematic  
20 and long-term effects of those schools and policies  
21 on Native American peoples;

22 (3) to develop recommendations for Federal ac-  
23 tion based on the findings of the Commission; and

1           (4) to promote healing for survivors of Indian  
2           Boarding Schools, the descendants of those sur-  
3           vivors, and the communities of those survivors.

4 **SEC. 4. DEFINITIONS.**

5           In this Act:

6           (1) COMMISSION.—The term “Commission”  
7           means the Truth and Healing Commission on Indian  
8           Boarding School Policies in the United States estab-  
9           lished by section 101(a).

10          (2) FEDERAL TRUTH AND HEALING ADVISORY  
11          COMMITTEE.—The term “Federal Truth and Heal-  
12          ing Advisory Committee” means the Federal Truth  
13          and Healing Advisory Committee established by sec-  
14          tion 211(a).

15          (3) INDIAN.—The term “Indian” has the mean-  
16          ing given the term in section 6151 of the Elemen-  
17          tary and Secondary Education Act of 1965 (20  
18          U.S.C. 7491).

19          (4) INDIAN BOARDING SCHOOL.—The term “In-  
20          dian Boarding School” means—

21                 (A) a site of an institution that—

22                         (i) provided on-site housing or over-  
23                         night lodging;

24                         (ii) was described in Federal records  
25                         as providing formal academic or vocational

1 training and instruction to American Indi-  
2 ans, Alaska Natives, or Native Hawaiians;

3 (iii) received Federal funds or other  
4 Federal support; and

5 (iv) was operational before 1969;

6 (B) a site of an institution identified by  
7 the Department of the Interior in appendices A  
8 and B of the report entitled “Federal Indian  
9 Boarding School Initiative Investigative Re-  
10 port” and dated May 2022 (or a successor re-  
11 port); or

12 (C) any other institution that implemented  
13 Indian Boarding School Policies, including an  
14 Indian day school.

15 (5) INDIAN BOARDING SCHOOL POLICIES.—The  
16 term “Indian Boarding School Policies” means Fed-  
17 eral laws, policies, and practices purported to “as-  
18 similate” and “civilize” American Indians, Alaska  
19 Natives, and Native Hawaiians that included psycho-  
20 logical, physical, sexual, and mental abuse, forced  
21 removal from home or community, and identity-al-  
22 tering practices intended to terminate Native lan-  
23 guages, cultures, religions, social organizations, or  
24 connections to traditional land.

1           (6) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

5           (7) NATIVE AMERICAN.—The term “Native  
6           American” means an individual who is—

7                     (A) an Indian; or

8                     (B) a Native Hawaiian.

9           (8) NATIVE AMERICAN TRUTH AND HEALING  
10          ADVISORY COMMITTEE.—The term “Native Amer-  
11          ican Truth and Healing Advisory Committee” means  
12          the Native American Truth and Healing Advisory  
13          Committee established by the Commission under sec-  
14          tion 201(a).

15          (9) NATIVE HAWAIIAN.—The term “Native Ha-  
16          waiian” has the meaning given the term in section  
17          6207 of the Elementary and Secondary Education  
18          Act of 1965 (20 U.S.C. 7517).

19          (10) NATIVE HAWAIIAN ORGANIZATION.—The  
20          term “Native Hawaiian organization” means a pri-  
21          vate nonprofit organization that—

22                     (A) serves and represents the interests of  
23                     Native Hawaiians;

24                     (B) has as its primary and stated purpose  
25                     the provision of services to Native Hawaiians;



1 (C) has Native Hawaiians serving in sub-  
2 stantive and policymaking positions; and

3 (D) is recognized for having expertise in  
4 Native Hawaiian affairs.

5 (11) OFFICE OF HAWAIIAN AFFAIRS.—The  
6 term “Office of Hawaiian Affairs” has the meaning  
7 given the term in section 6207 of the Elementary  
8 and Secondary Education Act of 1965 (20 U.S.C.  
9 7517).

10 (12) SURVIVORS TRUTH AND HEALING SUB-  
11 COMMITTEE.—The term “Survivors Truth and Heal-  
12 ing Subcommittee” means the Survivors Truth and  
13 Healing Subcommittee established by section 121(a).

14 (13) TRAUMA-INFORMED CARE.—The term  
15 “trauma-informed care” means holistic psychological  
16 and health care practices that include promoting cul-  
17 turally responsive practices, patient psychological,  
18 physical, and emotional safety, and environments of  
19 healing, trust, peer support, and recovery.

20 (14) TRIBAL ORGANIZATION.—The term “Trib-  
21 al organization” has the meaning given the term in  
22 section 4 of the Indian Self-Determination and Edu-  
23 cation Assistance Act (25 U.S.C. 5304).

1           **TITLE I—COMMISSION AND**  
2                           **SUBCOMMITTEES**  
3   **Subtitle A—Truth and Healing**  
4   **Commission on Indian Boarding**  
5   **School Policies in the United**  
6   **States**

7   **SEC. 101. TRUTH AND HEALING COMMISSION ON INDIAN**  
8                           **BOARDING SCHOOL POLICIES IN THE UNITED**  
9                           **STATES.**

10           (a) **ESTABLISHMENT.**—There is established a com-  
11 mission, to be known as the “Truth and Healing Commis-  
12 sion on Indian Boarding School Policies in the United  
13 States”.

14           (b) **MEMBERSHIP.**—

15                   (1) **MEMBERSHIP.**—

16                           (A) **IN GENERAL.**—The Commission shall  
17 include 5 members, to be jointly appointed by  
18 the majority and minority leaders of the Senate,  
19 in consultation with the Chairperson and Vice  
20 Chairperson of the Committee on Indian Affairs  
21 of the Senate, the Speaker of the House of  
22 Representatives, the minority leader of the  
23 House of Representatives, and the Chair and  
24 Ranking Member of the Committee on Natural  
25 Resources of the House of Representatives,

1 from among the nominees submitted under  
2 paragraph (2)(A), of whom—

3 (i) 1 shall be an individual with exten-  
4 sive experience and expertise as a principal  
5 investigator overseeing or leading complex  
6 research initiatives with and for Indian  
7 Tribes and Native Americans;

8 (ii) 1 shall be an individual (barred in  
9 good standing) with extensive experience  
10 and expertise in the area of indigenous  
11 human rights law and policy, including  
12 overseeing or leading broad-scale investiga-  
13 tions of abuses of indigenous human  
14 rights;

15 (iii) 1 shall be an individual with ex-  
16 tensive experience and expertise in Tribal  
17 court judicial and restorative justice sys-  
18 tems and Federal agencies, such as partici-  
19 pation as a Tribal judge, researcher, or  
20 former presidentially appointed commis-  
21 sioner;

22 (iv) 1 shall be an individual with ex-  
23 tensive experience and expertise in pro-  
24 viding and coordinating trauma-informed

1 care and other health-related services to  
2 Indian Tribes and Native Americans; and  
3 (v) 1 shall be a Native American indi-  
4 vidual recognized as a traditional cultural  
5 authority by their respective Native com-  
6 munity.

7 (B) ADDITIONAL REQUIREMENTS FOR  
8 MEMBERSHIP.—In addition to the requirements  
9 described in subparagraph (A), members of the  
10 Commission shall be persons of recognized in-  
11 tegrity and empathy, with a demonstrated com-  
12 mitment to the values of truth, reconciliation,  
13 healing, and expertise in truth and healing en-  
14 deavors that are traditionally and culturally ap-  
15 propriate so as to provide balanced points of  
16 view and expertise with respect to the duties of  
17 the Commission.

18 (2) NOMINATIONS.—

19 (A) IN GENERAL.—Indian Tribes, Tribal  
20 organizations, Native Americans, the Office of  
21 Hawaiian Affairs, and Native Hawaiian organi-  
22 zations may submit to the Secretary of the In-  
23 terior nominations for individuals to be ap-  
24 pointed to the Commission not later than 90  
25 days after the date of enactment of this Act.

1 (B) NATIVE AMERICAN PREFERENCE.—In-  
2 dividuals nominated under subparagraph (A)  
3 who are Native American shall receive a pref-  
4 erence in the selection process for appointment  
5 to the Commission under paragraph (1).

6 (C) SUBMISSION TO CONGRESS.—Not later  
7 than 7 days after the submission deadline for  
8 nominations described in subparagraph (A), the  
9 Secretary of the Interior shall submit to Con-  
10 gress a list of the individuals nominated under  
11 that subparagraph.

12 (3) DATE.—Members of the Commission under  
13 paragraph (1) shall be appointed not later than 180  
14 days after the date of enactment of this Act.

15 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-  
16 MOVAL.—

17 (A) PERIOD OF APPOINTMENT.—A mem-  
18 ber of the Commission shall be appointed for a  
19 term that is the shorter of—

20 (i) 6 years; and

21 (ii) the life of the Commission.

22 (B) VACANCIES.—After all initial members  
23 of the Commission are appointed and the initial  
24 business meeting of the Commission has been

1 convened under subsection (c)(1), a single va-  
2 cancy in the Commission—

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

5 (ii) shall be filled within 90 days in  
6 the same manner as was the original ap-  
7 pointment.

8 (C) REMOVAL.—A quorum of members of  
9 the Commission may remove a member of the  
10 Commission only for neglect of duty or malfea-  
11 sance.

12 (5) TERMINATION.—The Commission shall ter-  
13 minate 30 days after the date on which the Commis-  
14 sion completes its duties under section 111(e)(5)(B).

15 (6) LIMITATION.—No member of the Commis-  
16 sion shall be an officer or employee of the Federal  
17 Government.

18 (c) BUSINESS MEETINGS.—

19 (1) INITIAL BUSINESS MEETING.—90 days after  
20 the date on which all of the members of the Com-  
21 mission are appointed under subsection (b)(1)(A),  
22 the Commission shall hold the initial business meet-  
23 ing of the Commission—

24 (A) to appoint a Chairperson, a Vice  
25 Chairperson, a Secretary, and such other posi-

1           tions as determined necessary by the Commis-  
2           sion;

3                   (B) to establish rules for meetings of the  
4           Commission; and

5                   (C) to appoint members of—

6                           (i) the Survivors Truth and Healing  
7           Subcommittee under section 121(b)(1);  
8           and

9                           (ii) the Native American Truth and  
10          Healing Advisory Committee under section  
11          201(b)(1).

12           (2) SUBSEQUENT BUSINESS MEETINGS.—After  
13          the initial business meeting of the Commission is  
14          held under paragraph (1), the Commission shall  
15          meet at the call of the Chairperson.

16           (3) ADVISORY AND SUBCOMMITTEE COMMIT-  
17          TEES DESIGNEES.—Each Commission business  
18          meeting shall include participation by 2 non-voting  
19          designees from each of the Survivors Truth and  
20          Healing Subcommittee, the Native American Truth  
21          and Healing Advisory Committee, and the Federal  
22          Truth and Healing Advisory Committee, as ap-  
23          pointed in accordance with section 121(e)(1)(D),  
24          section 201(e)(1)(C), and section 211(e)(1)(C), as  
25          applicable.

1           (4) **FORMAT OF MEETINGS.**—A business meet-  
2           ing of the Commission may be conducted in-person,  
3           virtually, or via phone.

4           (5) **QUORUM REQUIRED.**—A business meeting  
5           of the Commission may only be held once a quorum,  
6           established in accordance with subsection (d), is  
7           present.

8           (d) **QUORUM.**—A simple majority of the members of  
9           the Commission present shall constitute a quorum for a  
10          business meeting.

11          (e) **RULES.**—The Commission may establish, by a  
12          majority vote, any rules for the conduct of Commission  
13          business, in accordance with this section and other appli-  
14          cable law.

15          (f) **COMMISSION PERSONNEL MATTERS.**—

16                (1) **COMPENSATION OF COMMISSIONERS.**—A  
17                member of the Commission shall be compensated at  
18                a daily equivalent of the annual rate of basic pay  
19                prescribed for grade 14 of the General Schedule  
20                under section 5332 of title 5, United States Code,  
21                for each day, not to exceed 14 days per month, for  
22                which a member is engaged in the performance of  
23                their duties under this Act, including convening  
24                meetings, including business meetings or public or  
25                private meetings to receive testimony in furtherance



1 of the duties of the Commission and the purposes of  
2 this Act.

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

10 (3) DETAIL OF GOVERNMENT EMPLOYEES.—  
11 Any Federal Government employee, with the ap-  
12 proval of the head of the appropriate Federal agency  
13 and at the request of the Commission, may be de-  
14 tailed to the Commission without—

15 (A) reimbursement to the agency of that  
16 employee; and

17 (B) interruption or loss of civil service sta-  
18 tus, benefits, or privileges.

19 (g) POWERS OF COMMISSION.—

20 (1) HEARINGS AND EVIDENCE.—The Commis-  
21 sion may, for the purpose of carrying out this Act—

22 (A) hold such hearings and sit and act at  
23 such times and places, take such testimony, and  
24 receive such evidence, virtually or in-person, as

1 the Commission may determine necessary to ac-  
2 complish the purposes of this Act;

3 (B) conduct or request such interdiscipli-  
4 nary research, investigation, or analysis of such  
5 information and documents, records, or other  
6 evidence as the Commission may determine nec-  
7 essary to accomplish the purposes of this Act,  
8 including—

9 (i) securing, directly from a Federal  
10 agency, such information as the Commis-  
11 sion considers necessary to accomplish the  
12 purposes of this Act; and

13 (ii) requesting the head of any rel-  
14 evant Tribal or State agency to provide to  
15 the Commission such information as the  
16 Commission considers necessary to accom-  
17 plish the purposes of this Act;

18 (C) subject to paragraphs (1) and (2) of  
19 subsection (i), require, by subpoena or other-  
20 wise, the production of such records, papers,  
21 correspondence, memoranda, documents, books,  
22 videos, oral histories, recordings, or any other  
23 paper or electronic material, as the Commission  
24 may determine necessary to accomplish the pur-  
25 poses of this Act;

1 (D) oversee, direct, and collaborate with  
2 the Federal Truth and Healing Advisory Com-  
3 mittee, the Native American Truth and Healing  
4 Advisory Committee, and the Survivors Truth  
5 and Healing Subcommittee to accomplish the  
6 purposes of this Act; and

7 (E) coordinate with Federal and non-Fed-  
8 eral entities to preserve and archive, as appro-  
9 priate, any gifts, documents, or other property  
10 received while carrying out the purposes of this  
11 Act.

12 (2) CONTRACTING; VOLUNTEER SERVICES.—

13 (A) CONTRACTING.—The Commission  
14 may, to such extent and in such amounts as are  
15 provided in appropriations Acts, and in accord-  
16 ance with applicable law, enter into contracts  
17 and other agreements with public agencies, pri-  
18 vate organizations, and individuals to enable the  
19 Commission to carry out the duties of the Com-  
20 mission under this Act.

21 (B) VOLUNTEER AND UNCOMPENSATED  
22 SERVICES.—Notwithstanding section 1342 of  
23 title 31, United States Code, the Commission  
24 may accept and use such voluntary and uncom-

1            compensated services as the Commission determines  
2            to be necessary.

3            (C) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services  
4            shall provide, on request of the Commission, on  
5            a reimbursable basis, administrative support  
6            and other services for the performance of the  
7            functions of the Commission under this Act.

8            (3) POSTAL SERVICES.—The Commission may  
9            use the United States mails in the same manner and  
10           under the same conditions as other agencies of the  
11           Federal Government.

12           (4) GIFTS, FUNDRAISING, AND DISBURSE-  
13           MENT.—

14           (A) GIFTS AND DONATIONS.—

15           (i) IN GENERAL.—The Commission  
16           may accept, use, and dispose of any gift,  
17           donation, service, property, or other record  
18           or recording to accomplish the purposes of  
19           this Act.

20           (ii) RETURN OF GIFTS AND DONA-  
21           TIONS.—On termination of the Commis-  
22           sion under subsection (b)(5), any gifts,  
23           unspent donations, property, or other  
24

1 record or recording accepted by the Com-  
2 mission under clause (i) shall be—

3 (I) returned to the applicable  
4 donor that made the donation under  
5 that clause; or

6 (II) archived under subparagraph  
7 (E).

8 (B) FUNDRAISING.—The Commission may,  
9 on the affirmative vote of  $\frac{3}{5}$  of the members of  
10 the Commission, solicit funds to accomplish the  
11 purposes of this Act.

12 (C) DISBURSEMENT.—The Commission  
13 may, on the affirmative vote of  $\frac{3}{5}$  of the mem-  
14 bers of the Commission, approve the expendi-  
15 ture of funds to accomplish the purposes of this  
16 Act.

17 (D) TAX DOCUMENTS.—The Commission  
18 (or a designee) shall, on request of a donor  
19 under subparagraph (A) or (B), provide tax  
20 documentation to that donor for any tax-de-  
21 ductible gift made by that donor under those  
22 subparagraphs.

23 (E) ARCHIVING.—The Commission shall  
24 coordinate with the Library of Congress and  
25 the National Museum of the American Indian

1 to archive and preserve relevant gifts or dona-  
2 tions received under subparagraph (A) or (B).

3 (h) CONVENING.—

4 (1) CONVENING PROTOCOL.—

5 (A) IN GENERAL.—Not later than 45 days  
6 after the initial business meeting of the Native  
7 American Truth and Healing Advisory Com-  
8 mittee, the Commission, 3 designees from the  
9 Native American Truth and Healing Advisory  
10 Committee, and 3 designees from the Survivors  
11 Truth and Healing Subcommittee shall hold a  
12 meeting to establish rules, protocols, and for-  
13 mats for convenings carried out under this sub-  
14 section.

15 (B) RULES AND PROTOCOLS.—Not later  
16 than 45 days after the initial meeting described  
17 in subparagraph (A), the Commission shall fi-  
18 nalize rules, protocols, and formats for  
19 convenings carried out under this subsection by  
20 a  $\frac{3}{5}$  majority in attendance at a meeting of the  
21 Commission.

22 (C) ADDITIONAL MEETINGS.—The Com-  
23 mission and designees described in subpara-  
24 graph (A) may hold additional meetings, as  
25 necessary, to amend, by a  $\frac{3}{5}$  majority in at-

1           tendance at a meeting of the Commission, the  
2           rules, protocols, and formats for convenings es-  
3           tablished under that subparagraph.

4           (2) ANNOUNCEMENT OF CONVENINGS.—Not  
5           later than 30 days before the date of a convening  
6           under this subsection, the Commission shall an-  
7           nounce the location and details of the convening.

8           (3) MINIMUM NUMBER OF CONVENINGS.—The  
9           Commission shall hold—

10                   (A) not fewer than 1 convening in each of  
11                   the 12 regions of the Bureau of Indian Affairs  
12                   and Hawai'i during the life of the Commission;  
13                   and

14                   (B) beginning 1 year after the date of en-  
15                   actment of this Act, not fewer than 1 convening  
16                   per quarter to receive testimony each calendar  
17                   year until the date on which the Commission  
18                   submits the final report of the Commission  
19                   under section 111(e)(3).

20           (4) OPPORTUNITY TO PROVIDE TESTIMONY.—  
21           No person or entity shall be denied the opportunity  
22           to provide relevant testimony at a convenings held  
23           under this subsection, subject to the discretion of  
24           the Chairperson of the Commission (or a designee).

25           (i) SUBPOENAS.—

1 (1) IN GENERAL.—

2 (A) ISSUANCE OF SUBPOENAS.—

3 (i) IN GENERAL.—If a person fails to  
4 supply information requested by the Com-  
5 mission, the Commission may issue, on a  
6 unanimous vote of the Commission, a sub-  
7 poena requiring from a person the produc-  
8 tion of any written or recorded evidence  
9 necessary to carry out the duties of the  
10 Commission under section 111.

11 (ii) NOTIFICATION.—

12 (I) IN GENERAL.—Not later than  
13 10 days before the date on which the  
14 Commission issues a subpoena under  
15 clause (i), the Commission shall sub-  
16 mit to the Attorney General a con-  
17 fidential, written notice of the intent  
18 to issue the subpoena.

19 (II) SUBPOENA PROHIBITED BY  
20 ATTORNEY GENERAL.—

21 (aa) IN GENERAL.—The At-  
22 torney General, on receiving a  
23 notice under subclause (I), may,  
24 on a showing of a procedural or  
25 substantive defect, and after the



1 Commission has a reasonable op-  
2 portunity to cure, prohibit the  
3 issuance of the applicable sub-  
4 poena described in that notice.

5 (bb) NOTIFICATION TO CON-  
6 GRESS.—On prohibition of the  
7 issuance of a subpoena under  
8 item (aa), the Attorney General  
9 shall submit to Congress a report  
10 detailing the reasons for that  
11 prohibition.

12 (B) PRODUCTION OF EVIDENCE.—The  
13 production of evidence may be required from  
14 any place within the United States.

15 (2) FAILURE TO OBEY A SUBPOENA.—

16 (A) ORDER FROM A DISTRICT COURT OF  
17 THE UNITED STATES.—If a person does not  
18 obey a subpoena issued under paragraph (1),  
19 the Commission is authorized to apply to a dis-  
20 trict court of the United States described in  
21 subparagraph (B) for an order requiring that  
22 person to comply with the subpoena.

23 (B) LOCATION.—An application under sub-  
24 paragraph (A) may be made within the judicial

1 district where the person described in that sub-  
2 paragraph resides or transacts business.

3 (C) PENALTY.—Any failure to obey an  
4 order of a court described in subparagraph (A)  
5 may be punished by the court as a civil con-  
6 tempt.

7 (3) SUBJECT MATTER JURISDICTION.—The dis-  
8 trict court of the United States in which an action  
9 is brought under paragraph (2)(B) shall have origi-  
10 nal jurisdiction over any civil action brought by the  
11 Commission to enforce, secure a declaratory judg-  
12 ment concerning the validity of, or prevent a threat-  
13 ened refusal or failure to comply with the applicable  
14 subpoena issued by the Commission.

15 (4) SERVICE OF SUBPOENAS.—The subpoenas  
16 of the Commission shall be served in the manner  
17 provided for subpoenas issued by a district court of  
18 the United States under the Federal Rules of Civil  
19 Procedure.

20 (5) SERVICE OF PROCESS.—All process of any  
21 court to which an application is made under para-  
22 graph (2) may be served in the judicial district in  
23 which the person required to be served resides or  
24 transacts business.

25 (j) NONDISCLOSURE.—

1           (1) PRIVACY ACT OF 1974 APPLICABILITY.—  
2           Subsection (b) of section 552a of title 5, United  
3           States Code (commonly known as the “Privacy Act  
4           of 1974”), shall not apply to the Commission.

5           (2) FREEDOM OF INFORMATION ACT APPLICA-  
6           BILITY.—Records and other communications pro-  
7           vided to, from, between, or within the Commission,  
8           the Federal Truth and Healing Advisory Committee,  
9           the Native American Truth and Healing Advisory  
10          Committee, the Survivors Truth and Healing Sub-  
11          committee, and related agencies shall be exempt  
12          from disclosure under subsection (b)(3)(B) of section  
13          552 of title 5, United States Code (commonly known  
14          as the “Freedom of Information Act”).

15          (3) FEDERAL ADVISORY COMMITTEE ACT AP-  
16          PLICABILITY.—Chapter 10 of title 5, United States  
17          Code (commonly known as the “Federal Advisory  
18          Committee Act”), shall not apply to the Commission.

19          (k) CONSULTATION OR ENGAGEMENT WITH NATIVE  
20          AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
21          THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-  
22          WAIAN ORGANIZATIONS.—In carrying out the duties of  
23          the Commission under section 111, the Commission shall  
24          meaningfully consult or engage, as appropriate, in a timely  
25          manner with Native Americans, Indian Tribes, Tribal or-

1 ganizations, the Office of Hawaiian Affairs, and Native  
2 Hawaiian organizations.

3 (l) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Commission to carry  
5 out this Act \$15,000,000 for each fiscal year, to remain  
6 available until expended.

## 7 **Subtitle B—Duties of the** 8 **Commission**

### 9 **SEC. 111. DUTIES OF THE COMMISSION.**

10 (a) INVESTIGATION.—

11 (1) IN GENERAL.—The Commission shall con-  
12 duct a comprehensive interdisciplinary investigation  
13 of Indian Boarding School Policies, including the so-  
14 cial, cultural, economic, emotional, and physical ef-  
15 fects of Indian Boarding School Policies in the  
16 United States on Native American communities, In-  
17 dian Tribes, survivors of Indian Boarding Schools,  
18 families of those survivors, and their descendants.

19 (2) MATTERS TO BE INVESTIGATED.—The mat-  
20 ters to be investigated by the Commission under  
21 paragraph (1) shall include, at a minimum—

22 (A) conducting a comprehensive review of  
23 existing research and historical records of In-  
24 dian Boarding School Policies and any docu-

1           mentation, scholarship, or other resources rel-  
2           evant to the purposes of this Act from—

3                   (i) any archive or any other document  
4                   storage location, notwithstanding the loca-  
5                   tion of that archive or document storage  
6                   location; and

7                   (ii) any research conducted by private  
8                   individuals, private entities, and non-Fed-  
9                   eral Government entities, whether domestic  
10                  or foreign, including religious institutions;

11                  (B) collaborating with the Federal Truth  
12                  and Healing Advisory Committee to obtain all  
13                  relevant information from—

14                   (i) the Department of the Interior, the  
15                   Department of Health and Human Serv-  
16                   ices, other relevant Federal agencies, and  
17                   institutions or organizations, including reli-  
18                   gious institutions or organizations, that op-  
19                   erated an Indian Boarding School, carried  
20                   out Indian Boarding School Policies, or  
21                   have information the Commission deter-  
22                   mines relevant to the investigation of the  
23                   Commission; and

24                   (ii) Indian Tribes, Tribal organiza-  
25                   tions, Native Americans, the Office of Ha-

1                   waiian Affairs, and Native Hawaiian orga-  
2                   nizations; and

3                   (C) conducting a comprehensive assess-  
4                   ment of the impacts of Indian Boarding School  
5                   Policies on American Indian, Alaska Native,  
6                   and Native Hawaiian cultures, traditions, and  
7                   languages.

8                   (3) RESEARCH RELATED TO OBJECTS, ARTI-  
9                   FACTS, AND REAL PROPERTY.—If the Commission  
10                  conducts a comprehensive review of research de-  
11                  scribed in paragraph (2)(A)(ii) that focuses on ob-  
12                  jects, artifacts, or real or personal property that are  
13                  in the possession or control of private individuals,  
14                  private entities, or non-Federal government entities  
15                  within the United States, the Commission may enter  
16                  into a contract or agreement to acquire, hold, cu-  
17                  rate, or maintain those objects, artifacts, or real or  
18                  personal property until the objects, artifacts, or real  
19                  or personal property can be properly repatriated or  
20                  returned, consistent with applicable Federal law and  
21                  regulations, subject to the condition that no Federal  
22                  funds may be used to purchase those objects, arti-  
23                  facts, or real or personal property.

24                  (b) MEETINGS AND CONVENINGS.—

1           (1) IN GENERAL.—The Commission shall hold,  
2           with the advice of the Native American Truth and  
3           Healing Advisory Committee and the Survivors  
4           Truth and Healing Subcommittee, and in coordina-  
5           tion with, as relevant, Indian Tribes, Tribal organi-  
6           zations, the Office of Hawaiian Affairs, and Native  
7           Hawaiian organizations, as part of its investigation  
8           under subsection (a), safe, trauma-informed, and  
9           culturally appropriate public or private meetings or  
10          convenings to receive testimony relating to that in-  
11          vestigation.

12          (2) REQUIREMENTS.—The Commission shall  
13          ensure that meetings and convenings held under  
14          paragraph (1) provide access to adequate trauma-in-  
15          formed care services for participants, attendees, and  
16          communities during and following the meetings and  
17          convenings where the Commission receives testi-  
18          mony, including ensuring private space is available  
19          for survivors and descendants of survivors, family  
20          members, and other community members to receive  
21          trauma-informed care services.

22          (c) RECOMMENDATIONS.—

23          (1) IN GENERAL.—The Commission shall make  
24          recommendations to Congress relating to the inves-  
25          tigation carried out under subsection (a), which shall

1 be included in the final report required under sub-  
2 section (e)(3).

3 (2) INCLUSIONS.—Recommendations made  
4 under paragraph (1) shall include, at a minimum,  
5 recommendations relating to—

6 (A) in light of Tribal and Native Hawaiian  
7 law, Tribal customary law, tradition, custom,  
8 and practice, how the Federal Government can  
9 meaningfully acknowledge the role of the Fed-  
10 eral Government in supporting Indian Boarding  
11 School Policies in all issue areas that the Com-  
12 mission determines relevant, including appro-  
13 priate forms of memorialization, preservation of  
14 records, objects, artifacts, and burials;

15 (B) how modification of existing laws, pro-  
16 cedures, regulations, policies, budgets, and  
17 practices will, in the determination of the Com-  
18 mission, address the findings of the Commission  
19 and ongoing effects of Indian Boarding School  
20 Policies; and

21 (C) how the Federal Government can pro-  
22 mote public awareness and education of Indian  
23 Boarding School Policies and the impacts of  
24 those policies, including through coordinating  
25 with the Native American Truth and Healing



1           Advisory Committee, the Survivors Truth and  
2           Healing Subcommittee, the National Museum  
3           of the American Indian, and other relevant in-  
4           stitutions and organizations.

5           (d) DUTIES RELATED TO BURIALS.—The Commis-  
6           sion shall, with respect to burial sites associated with In-  
7           dian Boarding Schools—

8                 (1) coordinate, as appropriate, with the Native  
9           American Truth and Healing Advisory Committee,  
10          the Federal Truth and Healing Advisory Committee,  
11          the Survivors Truth and Healing Subcommittee, lin-  
12          eal descendants, Indian Tribes, the Office of Hawai-  
13          ian Affairs, Federal agencies, institutions, and orga-  
14          nizations to locate and identify, in a culturally ap-  
15          propriate manner, marked and unmarked burial  
16          sites, including cemeteries, unmarked graves, and  
17          mass burial sites, where students of Indian Boarding  
18          Schools were originally or later interred;

19                (2) locate, document, analyze, and coordinate  
20          the preservation or continued preservation of records  
21          and information relating to the interment of stu-  
22          dents, including any records held by Federal, State,  
23          international, or local entities or religious institu-  
24          tions or organizations; and

1           (3) share, to the extent practicable, with af-  
2           fected lineal descendants, Indian Tribes, and the Of-  
3           fice of Hawaiian Affairs burial locations and the  
4           identities of children that attended Indian Boarding  
5           Schools.

6           (e) REPORTS.—

7           (1) ANNUAL REPORTS TO CONGRESS.—Not less  
8           frequently than annually each year until the year be-  
9           fore the year in which the Commission submits the  
10          final report under paragraph (3), the Commission  
11          shall submit to the Committee on Indian Affairs of  
12          the Senate and the Committee on Natural Resources  
13          of the House of Representatives a report that de-  
14          scribes the activities of the Committee during the  
15          previous year, including an accounting of funds and  
16          gifts received and expenditures made, the progress  
17          made, and any barriers encountered in carrying out  
18          this Act.

19          (2) COMMISSION INITIAL REPORT.—Not later  
20          than 4 years after the date on which a majority of  
21          the members of the Commission are appointed under  
22          section 101(b)(1), the Commission shall submit to  
23          the individuals described in paragraph (4), and  
24          make publicly available, an initial report con-  
25          taining—

1 (A) a detailed review of existing research,  
2 including documentation, scholarship, or other  
3 resources shared with the Commission that fur-  
4 ther the purposes of this Act;

5 (B) a detailed statement of the initial find-  
6 ings and conclusions of the Commission; and

7 (C) a detailed statement of the initial rec-  
8 ommendations of the Commission.

9 (3) COMMISSION FINAL REPORT.—Not later  
10 than 6 years after the date on which a majority of  
11 the members of the Commission are appointed under  
12 section 101(b)(1), the Commission shall submit to  
13 the individuals described in paragraph (4), and  
14 make publicly available, a final report containing the  
15 findings, conclusions, and recommendations of the  
16 Commission that have been agreed on by the vote of  
17 a majority of the members of the Commission and  
18  $\frac{3}{5}$  of the members of each of the Native American  
19 Truth and Healing Advisory Committee and the  
20 Survivors Truth and Healing Subcommittee.

21 (4) REPORT RECIPIENTS.—The individuals re-  
22 ferred to in paragraphs (2) and (3) are—

23 (A) the President;

24 (B) the Secretary of the Interior;

25 (C) the Attorney General;

1 (D) the Comptroller General of the United  
2 States;

3 (E) the Secretary of Education;

4 (F) the Secretary of Health and Human  
5 Services;

6 (G) the Secretary of Defense;

7 (H) the Chairperson and Vice Chairperson  
8 of the Committee on Indian Affairs of the Sen-  
9 ate;

10 (I) the Chairperson and Ranking Member  
11 of the Committee on Natural Resources of the  
12 House of Representatives;

13 (J) the Chair and Co-Chair of the Con-  
14 gressional Native American Caucus;

15 (K) the Executive Director of the White  
16 House Council on Native American Affairs;

17 (L) the Director of the Office of Manage-  
18 ment and Budget;

19 (M) the Archivist of the United States;

20 (N) the Librarian of Congress; and

21 (O) the Director of the National Museum  
22 of the American Indian.

23 (5) ADDITIONAL COMMISSION RESPONSIBIL-  
24 ITIES RELATING TO THE PUBLICATION OF THE INI-  
25 TIAL AND FINAL REPORTS.—

1 (A) EVENTS RELATING TO INITIAL RE-  
2 PORT.—

3 (i) IN GENERAL.—The Commission  
4 shall hold not fewer than 2 events in each  
5 region of the Bureau of Indian Affairs and  
6 Hawai'i following publication of the initial  
7 report under paragraph (2) to receive com-  
8 ments on the initial report.

9 (ii) TIMING.—The schedule of events  
10 referred to in clause (i) shall be announced  
11 not later than 90 days after the date on  
12 which the initial report under paragraph  
13 (2) is published.

14 (B) PUBLICATION OF FINAL REPORT.—  
15 Not later than 180 days after the date on which  
16 the Commission submits the final report under  
17 paragraph (3), the Commission, the Secretary  
18 of the Interior, the Secretary of Education, the  
19 Secretary of Defense, and the Secretary of  
20 Health and Human Services shall each make  
21 the final report publicly available on the website  
22 of the applicable agency.

23 (6) SECRETARIAL RESPONSE TO FINAL RE-  
24 PORT.—Not later than 120 days after the date on  
25 which the Secretary of the Interior, the Secretary of

1 Education, the Secretary of Defense, and the Sec-  
2 retary of Health and Human Services receive the  
3 final report under paragraph (3), the Secretaries  
4 shall each make publicly available a written response  
5 to recommendations for future action by those agen-  
6 cies, if any, contained in the final report, and submit  
7 the written response to—

8 (A) the President;

9 (B) the Committee on Indian Affairs of the  
10 Senate;

11 (C) the Committee on Natural Resources  
12 of the House of Representatives; and

13 (D) the Comptroller General of the United  
14 States.

15 **Subtitle C—Survivors Truth and**  
16 **Healing Subcommittee**

17 **SEC. 121. SURVIVORS TRUTH AND HEALING SUB-**  
18 **COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established a sub-  
20 committee of the Commission, to be known as the “Sur-  
21 vivors Truth and Healing Subcommittee”.

22 (b) MEMBERSHIP, NOMINATION, AND APPOINTMENT  
23 TO THE SURVIVORS TRUTH AND HEALING SUB-  
24 COMMITTEE.—

1           (1) MEMBERSHIP.—The Survivors Truth and  
2           Healing Subcommittee shall include 15 members, to  
3           be appointed by the Commission, in consultation  
4           with the National Native American Boarding School  
5           Healing Coalition, from among the nominees sub-  
6           mitted under paragraph (2)(A), of whom—

7                   (A) 13 shall be representatives from each  
8                   of the 12 regions of the Bureau of Indian Af-  
9                   fairs and Hawai‘i;

10                   (B) 9 shall be individuals who attended an  
11                   Indian Boarding School, of whom—

12                           (i) not fewer than 2 shall be individ-  
13                           uals who graduated during the 5-year pe-  
14                           riod preceding the date of enactment of  
15                           this Act from—

16                                   (I) an Indian Boarding School in  
17                                   operation as of that date of enact-  
18                                   ment; or

19                                   (II) a Bureau of Indian Edu-  
20                                   cation-funded school; and

21                                   (ii) all shall represent diverse regions  
22                                   of the United States;

23                           (C) 5 shall be descendants of individuals  
24                           who attended Indian Boarding Schools, who

1 shall represent diverse regions of the United  
2 States; and

3 (D) 1 shall be an educator who, as of the  
4 date of the appointment—

5 (i) is employed at an Indian Boarding  
6 School; or

7 (ii) was employed at an Indian Board-  
8 ing School during the 5-year period pre-  
9 ceding the date of enactment of this Act.

10 (2) NOMINATIONS.—

11 (A) IN GENERAL.—Indian Tribes, Tribal  
12 organizations, Native Americans, the Office of  
13 Hawaiian Affairs, and Native Hawaiian organi-  
14 zations may submit to the Secretary of the In-  
15 terior nominations for individuals to be ap-  
16 pointed to the Survivors Truth and Healing  
17 Subcommittee not later than 90 days after the  
18 date of enactment of this Act.

19 (B) SUBMISSION.—The Secretary of the  
20 Interior shall provide the Commission with  
21 nominations submitted under subparagraph (A)  
22 at the initial business meeting of the Commis-  
23 sion under section 101(c)(1) and the Commis-  
24 sion shall select the members of the Survivors



1 Truth and Healing Subcommittee from among  
2 those nominees.

3 (3) DATE.—

4 (A) IN GENERAL.—The Commission shall  
5 appoint all members of the Survivors Truth and  
6 Healing Subcommittee during the initial busi-  
7 ness meeting of the Commission under section  
8 101(c)(1).

9 (B) FAILURE TO APPOINT.—If the Com-  
10 mission fails to appoint all members of the Sur-  
11 vivors Truth and Healing Subcommittee in ac-  
12 cordance with subparagraph (A), the Chair of  
13 the Committee on Indian Affairs of the Senate,  
14 with the concurrence of the Vice Chair of the  
15 Committee on Indian Affairs of the Senate,  
16 shall appoint individuals, in accordance with the  
17 requirements of paragraph (1), to all vacant po-  
18 sitions of the Survivors Truth and Healing Sub-  
19 committee not later than 30 days after the date  
20 of the initial business meeting of the Commis-  
21 sion under section 101(c)(1).

22 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-  
23 MOVAL.—

24 (A) PERIOD OF APPOINTMENT.—A mem-  
25 ber of the Survivors Truth and Healing Sub-

1 committee shall be appointed for an automati-  
2 cally renewable term of 2 years.

3 (B) VACANCIES.—

4 (i) IN GENERAL.—A member of the  
5 Survivors Truth and Healing Sub-  
6 committee may self-vacate the position at  
7 any time and for any reason.

8 (ii) EFFECT; FILLING OF VACANCY.—

9 A vacancy in the Survivors Truth and  
10 Healing Subcommittee—

11 (I) shall not affect the powers of  
12 the Survivors Truth and Healing Sub-  
13 committee if a simple majority of the  
14 positions of the Survivors Truth and  
15 Healing Subcommittee are filled; and

16 (II) shall be filled within 90 days  
17 in the same manner as was the origi-  
18 nal appointment.

19 (C) REMOVAL.—A quorum of members of  
20 the Commission may remove a member of the  
21 Survivors Truth and Healing Subcommittee  
22 only for neglect of duty or malfeasance.

23 (5) TERMINATION.—The Survivors Truth and  
24 Healing Subcommittee shall terminate 90 days after

1 the date on which the Commission submits the final  
2 report required under section 111(e)(3).

3 (6) LIMITATION.—No member of the Survivors  
4 Truth and Healing Subcommittee shall be an officer  
5 or employee of the Federal Government.

6 (c) BUSINESS MEETINGS.—

7 (1) INITIAL MEETING.—Not later 30 days after  
8 the date on which all members of the Survivors  
9 Truth and Healing Subcommittee are appointed  
10 under subsection (b)(1), the Survivors Truth and  
11 Healing Subcommittee shall hold an initial business  
12 meeting—

13 (A) to appoint—

14 (i) a Chairperson, who shall also serve  
15 as the Vice Chairperson of the Federal  
16 Truth and Healing Advisory Committee;

17 (ii) a Vice Chairperson, who shall also  
18 serve as the Vice Chairperson of the Na-  
19 tive American Truth and Healing Advisory  
20 Committee; and

21 (iii) a Secretary;

22 (B) to establish, with the advice of the  
23 Commission, rules for the Survivors Truth and  
24 Healing Subcommittee;

1 (C) to appoint 3 designees to fulfill the re-  
2 sponsibilities described in section 101(h)(1)(A);  
3 and

4 (D) to appoint, with the advice of the  
5 Commission, 2 members of the Survivors Truth  
6 and Healing Subcommittee to serve as non-vot-  
7 ing designees on the Commission in accordance  
8 with section 101(c)(3).

9 (2) SUBSEQUENT BUSINESS MEETINGS.—After  
10 the initial business meeting of the Survivors Truth  
11 and Healing subcommittee is held under paragraph  
12 (1), the Survivors Truth and Healing Subcommittee  
13 shall meet at the call of the Chairperson.

14 (3) FORMAT OF BUSINESS MEETINGS.—A busi-  
15 ness meeting of the Survivors Truth and Healing  
16 Subcommittee may be conducted in-person, virtually,  
17 or via phone.

18 (4) QUORUM REQUIRED.—A business meeting  
19 of the Survivors Truth and Healing Subcommittee  
20 may only be held once a quorum, established in ac-  
21 cordance with subsection (d), is present.

22 (d) QUORUM.—A simple majority of the members of  
23 the Survivors Truth and Healing Subcommittee present  
24 shall constitute a quorum for a business meeting.

1 (e) RULES.—The Survivors Truth and Healing Sub-  
2 committee, with the advice of the Commission, may estab-  
3 lish, by a majority vote, any rules for the conduct of busi-  
4 ness, in accordance with this section and other applicable  
5 law.

6 (f) DUTIES.—The Survivors Truth and Healing Sub-  
7 committee shall assist the Commission, the Native Amer-  
8 ican Truth and Healing Advisory Committee, and the Fed-  
9 eral Truth and Healing Advisory Committee in coordi-  
10 nating public and private convenings, including—

11 (1) providing advice to the Commission on de-  
12 veloping criteria and protocols for convenings;

13 (2) providing advice and evaluating Committee  
14 recommendations relating to the commemoration  
15 and public education relating to Indian Boarding  
16 Schools and Indian Boarding School Policies; and

17 (3) providing such other advice as may be re-  
18 quired by the Commission.

19 (g) CONSULTATION OR ENGAGEMENT WITH NATIVE  
20 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
21 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-  
22 WAIAN ORGANIZATIONS.—In carrying out the duties of  
23 the Survivors Truth and Healing Subcommittee under  
24 subsection (f), the Survivors Truth and Healing Sub-  
25 committee shall meaningfully consult or engage, as appro-

1 piate, in a timely manner with Native Americans, Indian  
2 Tribes, Tribal organizations, the Office of Hawaiian Af-  
3 fairs, and Native Hawaiian organizations.

4 (h) NONDISCLOSURE.—

5 (1) PRIVACY ACT OF 1974 APPLICABILITY.—

6 Subsection (b) of section 552a of title 5, United  
7 States Code (commonly known as the “Privacy Act  
8 of 1974”), shall not apply to the Survivors Truth  
9 and Healing Subcommittee.

10 (2) FREEDOM OF INFORMATION ACT APPLICA-

11 BILITY.—Records and other communications pro-  
12 vided to, from, between, or within the Commission,  
13 the Federal Truth and Healing Advisory Committee,  
14 the Native American Truth and Healing Advisory  
15 Committee, the Survivors Truth and Healing Sub-  
16 committee, and related agencies shall be exempt  
17 from disclosure under subsection (b)(3)(B) of section  
18 552 of title 5, United States Code (commonly known  
19 as the “Freedom of Information Act”).

20 (3) FEDERAL ADVISORY COMMITTEE ACT AP-

21 PLICABILITY.—Chapter 10 of title 5, United States  
22 Code (commonly known as the “Federal Advisory  
23 Committee Act”), shall not apply to the Survivors  
24 Truth and Healing Subcommittee.

25 (i) PERSONNEL MATTERS.—

1           (1) COMPENSATION OF MEMBERS.—A member  
2 of the Survivors Truth and Healing Subcommittee  
3 shall be compensated at a daily equivalent of the an-  
4 nual rate of basic pay prescribed for grade 13 of the  
5 General Schedule under section 5332 of title 5,  
6 United States Code, for each day, not to exceed 14  
7 days per month, for which a member of the Sur-  
8 vivors Truth and Healing Subcommittee is engaged  
9 in the performance of their duties under this Act, in-  
10 cluding the convening of meetings, including public  
11 and private meetings to receive testimony in further-  
12 ance of the duties of the Survivors Truth and Heal-  
13 ing Subcommittee and the purposes of this Act.

14           (2) TRAVEL EXPENSES.—A member of the Sur-  
15 vivors Truth and Healing Subcommittee shall be al-  
16 lowed travel expenses, including per diem in lieu of  
17 subsistence, at rates authorized for employees of  
18 agencies under subchapter I of chapter 57 of title 5,  
19 United States Code, while away from their homes or  
20 regular places of business in the performance of  
21 services for the Survivors Truth and Healing Sub-  
22 committee.

1                   **TITLE II—ADVISORY**  
2                   **COMMITTEES**  
3       **Subtitle A—Native American Truth**  
4       **and Healing Advisory Committee**

5       **SEC. 201. NATIVE AMERICAN TRUTH AND HEALING ADVI-**  
6                   **SORY COMMITTEE.**

7           (a) ESTABLISHMENT.—The Commission shall estab-  
8       lish an advisory committee, to be known as the “Native  
9       American Truth and Healing Advisory Committee”.

10          (b) MEMBERSHIP, NOMINATION, AND APPOINTMENT  
11       TO THE NATIVE AMERICAN TRUTH AND HEALING ADVI-  
12       SORY COMMITTEE .—

13               (1) MEMBERSHIP.—

14                   (A) IN GENERAL.—The Native American  
15       Truth and Healing Advisory Committee shall  
16       include 19 members, to be appointed by the  
17       Commission from among the nominees sub-  
18       mitted under paragraph (2)(A), of whom—

19                   (i) 1 shall be the Vice Chairperson of  
20                   the Commission, who shall serve as the  
21                   Chairperson of the Native American Truth  
22                   and Healing Advisory Committee;

23                   (ii) 1 shall be the Vice Chairperson of  
24                   the Survivors Truth and Healing Sub-  
25                   committee, who shall serve as the Vice



1 Chairperson of the Native American Truth  
2 and Healing Advisory Committee;

3 (iii) 1 shall be the Secretary of the In-  
4 terior, or a designee, who shall serve as the  
5 Secretary of the Native American Truth  
6 and Healing Advisory Committee;

7 (iv) 13 shall be representatives from  
8 each of the 12 regions of the Bureau of In-  
9 dian Affairs and Hawai'i;

10 (v) 1 shall represent the National Na-  
11 tive American Boarding School Healing  
12 Coalition;

13 (vi) 1 shall represent the National As-  
14 sociation of Tribal Historic Preservation  
15 Officers; and

16 (vii) 1 shall represent the National In-  
17 dian Education Association.

18 (B) ADDITIONAL REQUIREMENTS.—Not  
19 fewer than 2 members of the Native American  
20 Truth and Healing Advisory Committee shall  
21 have experience with health care or mental  
22 health, traditional healing or cultural practices,  
23 counseling, or working with survivors, or de-  
24 scendants of survivors, of Indian Boarding  
25 Schools to ensure that the Commission con-

1           siders culturally responsive support for sur-  
2           vivors, families, and communities.

3           (2) NOMINATIONS.—

4                   (A) IN GENERAL.—Indian Tribes, Tribal  
5           organizations, Native Americans, the Office of  
6           Hawaiian Affairs, and Native Hawaiian organi-  
7           zations may submit to the Secretary of the In-  
8           terior nominations for individuals to be ap-  
9           pointed to the Native American Truth and  
10          Healing Advisory Committee not later than 90  
11          days after the date of enactment of this Act.

12                   (B) SUBMISSION.—The Secretary of the  
13          Interior shall provide the Commission with  
14          nominations submitted under subparagraph (A)  
15          at the initial business meeting of the Commis-  
16          sion under section 101(c)(1) and the Commis-  
17          sion shall select the members of the Native  
18          American Truth and Healing Advisory Com-  
19          mittee from among those nominees.

20          (3) DATE.—

21                   (A) IN GENERAL.—The Commission shall  
22          appoint all members of the Native American  
23          Truth and Healing Advisory Committee during  
24          the initial business meeting of the Commission  
25          under section 101(c)(1).

1                   (B) FAILURE TO APPOINT.—If the Com-  
2 mission fails to appoint all members of the Na-  
3 tive American Truth and Healing Advisory  
4 Committee in accordance with subparagraph  
5 (A), the Chair of the Committee on Indian Af-  
6 fairs of the Senate, with the concurrence of the  
7 Vice Chair of the Committee on Indian Affairs  
8 of the Senate, shall appoint, in accordance with  
9 the requirements of paragraph (1), individuals  
10 to all vacant positions of the Native American  
11 Truth and Healing Advisory Committee not  
12 later than 30 days after the date of the initial  
13 business meeting of the Commission under sec-  
14 tion 101(c)(1).

15 (4) PERIOD OF APPOINTMENT; VACANCIES.—

16                   (A) PERIOD OF APPOINTMENT.—A mem-  
17 ber of the Native American Truth and Healing  
18 Advisory Committee shall be appointed for an  
19 automatically renewable term of 2 years.

20                   (B) VACANCIES.—A vacancy in the Native  
21 American Truth and Healing Advisory Com-  
22 mittee—

23                   (i) shall not affect the powers of the  
24 Native American Truth and Healing Advi-  
25 sory Committee if a simple majority of the

1 positions of the Native American Truth  
2 and Healing Advisory Committee are filled;  
3 and

4 (ii) shall be filled within 90 days in  
5 the same manner as was the original ap-  
6 pointment.

7 (5) TERMINATION.—The Native American  
8 Truth and Healing Advisory Committee shall termi-  
9 nate 90 days after the date on which the Commis-  
10 sion submits the final report required under section  
11 111(e)(3).

12 (6) LIMITATION.—No member of the Native  
13 American Truth and Healing Advisory Committee  
14 (other than the member described in paragraph  
15 (1)(A)(iii)) shall be an officer or employee of the  
16 Federal Government.

17 (c) QUORUM.—A simple majority of the members of  
18 the Native American Truth and Healing Committee shall  
19 constitute a quorum.

20 (d) REMOVAL.—A quorum of members of the Native  
21 American Truth and Healing Committee may remove an-  
22 other member only for neglect of duty or malfeasance.

23 (e) BUSINESS MEETINGS.—

24 (1) INITIAL BUSINESS MEETING.—Not later  
25 than 30 days after the date on which all members

1 of the Native American Truth and Healing Advisory  
2 Committee are appointed under subsection  
3 (b)(1)(A), the Native American Truth and Healing  
4 Advisory Committee shall hold an initial business  
5 meeting—

6 (A) to establish rules for the Native Amer-  
7 ican Truth and Healing Advisory Committee;

8 (B) to appoint 3 designees to fulfill the re-  
9 sponsibilities described in section 101(h)(1)(A);  
10 and

11 (C) to appoint 2 members of the Native  
12 American Truth and Healing Advisory Com-  
13 mittee to serve non-voting as designees on the  
14 Commission in accordance with section  
15 101(c)(3).

16 (2) SUBSEQUENT BUSINESS MEETINGS.—After  
17 the initial business meeting of the Native American  
18 Truth and Healing Advisory Committee is held  
19 under paragraph (1), the Native American Truth  
20 and Healing Advisory Committee shall meet at the  
21 call of the Chairperson.

22 (3) FORMAT OF BUSINESS MEETINGS.—A meet-  
23 ing of the Native American Truth and Healing Advi-  
24 sory Committee may be conducted in-person, vir-  
25 tually, or via phone.

1           (4) QUORUM REQUIRED.—A business meeting  
2 of the Native American Truth and Healing Advisory  
3 Committee may only be held once a quorum, estab-  
4 lished in accordance with subsection (c), is present.

5           (f) RULES.—The Native American Truth and Heal-  
6 ing Advisory Committee may establish, with the advice of  
7 the Commission, by a majority vote, any rules for the con-  
8 duct of business, in accordance with this section and other  
9 applicable law.

10          (g) DUTIES.—The Native American Truth and Heal-  
11 ing Advisory Committee shall—

12           (1) serve as an advisory body to the Commis-  
13 sion;

14           (2) assist the Commission in organizing and  
15 carrying out culturally appropriate public and pri-  
16 vate convenings relating to the duties of the Com-  
17 mission;

18           (3) assist the Commission in determining what  
19 documentation from Federal and religious organiza-  
20 tions and institutions may be necessary to fulfill the  
21 duties of the Commission;

22           (4) assist the Commission in the production of  
23 the initial report and final report required under  
24 paragraphs (2) and (3), respectively, of section  
25 111(e);

1           (5) coordinate with the Federal Truth and  
2           Healing Advisory Committee and the Survivors  
3           Truth and Healing Subcommittee; and

4           (6) provide advice to, or fulfill such other re-  
5           quests by, the Commission as the Commission may  
6           require to carry out the purposes described in sec-  
7           tion 3.

8           (h) CONSULTATION OR ENGAGEMENT WITH NATIVE  
9           AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
10          THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-  
11          WAIAN ORGANIZATIONS.—In carrying out the duties of  
12          the Native American Truth and Healing Advisory Com-  
13          mittee under subsection (g), the Native American Truth  
14          and Healing Advisory Committee shall meaningfully con-  
15          sult or engage, as appropriate, in a timely manner with  
16          Native Americans, Indian Tribes, Tribal organizations,  
17          the Office of Hawaiian Affairs, and Native Hawaiian orga-  
18          nizations.

19          (i) NONDISCLOSURE.—

20                 (1) PRIVACY ACT OF 1974 APPLICABILITY.—  
21                 Subsection (b) of section 552a of title 5, United  
22                 States Code (commonly known as the “Privacy Act  
23                 of 1974”), shall not apply to the Native American  
24                 Truth and Healing Advisory Committee.

1           (2) FREEDOM OF INFORMATION ACT APPLICA-  
2           BILITY.—Records and other communications pro-  
3           vided to, from, between, or within the Commission,  
4           the Federal Truth and Healing Advisory Committee,  
5           the Native American Truth and Healing Advisory  
6           Committee, the Survivors Truth and Healing Sub-  
7           committee, and related agencies shall be exempt  
8           from disclosure under subsection (b)(3)(B) of section  
9           552 of title 5, United States Code (commonly known  
10          as the “Freedom of Information Act”).

11          (3) FEDERAL ADVISORY COMMITTEE ACT AP-  
12          PLICABILITY.—Chapter 10 of title 5, United States  
13          Code (commonly known as the “Federal Advisory  
14          Committee Act”), shall not apply to the Native  
15          American Truth and Healing Advisory Committee.

16          (j) PERSONNEL MATTERS.—

17          (1) COMPENSATION OF MEMBERS.—A member  
18          of the Native American Truth and Healing Advisory  
19          Committee shall be compensated at a daily equiva-  
20          lent of the annual rate of basic pay prescribed for  
21          grade 13 of the General Schedule under section  
22          5332 of title 5, United States Code, for each day,  
23          not to exceed 14 days per month, for which a mem-  
24          ber is engaged in the performance of their duties  
25          under this Act, including the convening of meetings,



1 including public and private meetings to receive tes-  
2 timony in furtherance of the duties of the Native  
3 American Truth and Healing Advisory Committee  
4 and the purposes of this Act.

5 (2) TRAVEL EXPENSES.—A member of the Na-  
6 tive American Truth and Healing Advisory Com-  
7 mittee shall be allowed travel expenses, including per  
8 diem in lieu of subsistence, at rates authorized for  
9 employees of agencies under subchapter I of chapter  
10 57 of title 5, United States Code, while away from  
11 their homes or regular places of business in the per-  
12 formance of services for the Native American Truth  
13 and Healing Advisory Committee.

14 **Subtitle B—Federal Truth and**  
15 **Healing Advisory Committee**

16 **SEC. 211. FEDERAL TRUTH AND HEALING ADVISORY COM-**  
17 **MITTEE.**

18 (a) ESTABLISHMENT.—There is established within  
19 the Department of the Interior an advisory committee, to  
20 be known as the “Federal Truth and Healing Advisory  
21 Committee”.

22 (b) MEMBERSHIP AND APPOINTMENT TO THE FED-  
23 ERAL TRUTH AND HEALING ADVISORY COMMITTEE.—

1           (1) MEMBERSHIP.—The Federal Truth and  
2           Healing Advisory Committee shall include 17 mem-  
3           bers, of whom—

4                   (A) 1 shall be the Chairperson of the Com-  
5                   mission, who shall serve as the Chairperson of  
6                   the Federal Truth and Healing Advisory Com-  
7                   mittee;

8                   (B) 1 shall be the Chairperson of the Sur-  
9                   vivors Truth and Healing Subcommittee, who  
10                  shall serve as the Vice Chairperson of the Fed-  
11                  eral Truth and Healing Advisory Committee;

12                  (C) 1 shall be the White House Domestic  
13                  Policy Advisor, who shall serve as the Secretary  
14                  of the Federal Truth and Healing Advisory  
15                  Committee;

16                  (D) 1 shall be the Director of the Bureau  
17                  of Trust Funds Administration (or a designee);

18                  (E) 1 shall be the Archivist of the United  
19                  States (or a designee);

20                  (F) 1 shall be the Librarian of Congress  
21                  (or a designee);

22                  (G) 1 shall be the Director of the Depart-  
23                  ment of the Interior Library (or a designee);

24                  (H) 1 shall be the Director of the Indian  
25                  Health Service (or a designee);

1 (I) 1 shall be the Assistant Secretary for  
2 Mental Health and Substance Abuse of the De-  
3 partment of Health and Human Services (or a  
4 designee);

5 (J) 1 shall be the Commissioner of the Ad-  
6 ministration for Native Americans of the De-  
7 partment of Health and Human Services (or a  
8 designee);

9 (K) 1 shall be the Director of the National  
10 Institutes of Health (or a designee);

11 (L) 1 shall be the Senior Program Director  
12 of the Office of Native Hawaiian Relations of  
13 the Department of the Interior (or a designee);

14 (M) 1 shall be the Director of the Office  
15 of Indian Education of the Department of Edu-  
16 cation (or a designee);

17 (N) 1 shall be the Director of the Rural,  
18 Insular, and Native American Achievement Pro-  
19 grams of the Department of Education (or a  
20 designee);

21 (O) 1 shall be the Executive Director of  
22 the Advisory Council on Historic Preservation  
23 (or a designee);

24 (P) 1 shall be the Assistant Secretary of  
25 Indian Affairs (or a designee); and

1                   (Q) 1 shall be the Director of the Bureau  
2 of Indian Education (or a designee).

3                   (2) PERIOD OF SERVICE; VACANCIES; RE-  
4 MOVAL.—

5                   (A) PERIOD OF SERVICE.—A member of  
6 the Federal Truth and Healing Advisory Com-  
7 mittee shall serve for an automatically renew-  
8 able term of 2 years.

9                   (B) VACANCIES.—A vacancy in the Fed-  
10 eral Truth and Healing Advisory Committee—

11                   (i) shall not affect the powers of the  
12 Federal Truth and Healing Advisory Com-  
13 mittee if a simple majority of the positions  
14 of the Federal Truth and Healing Advisory  
15 Committee are filled; and

16                   (ii) shall be filled within 90 days in  
17 the same manner as was the original ap-  
18 pointment.

19                   (C) REMOVAL.—A quorum of members of  
20 the Federal Truth and Healing Advisory Com-  
21 mittee may remove a member of the Federal  
22 Truth and Healing Advisory Committee only  
23 for neglect of duty or malfeasance.

24                   (3) TERMINATION.—The Federal Truth and  
25 Healing Advisory Committee shall terminate 90 days

1 after the date on which the Commission submits the  
2 final report required under section 111(e)(3).

3 (c) BUSINESS MEETINGS.—

4 (1) INITIAL BUSINESS MEETING.—Not later  
5 than 30 days after the date of the initial business  
6 meeting of the Commission under section 101(c)(1),  
7 the Federal Truth and Healing Advisory Committee  
8 shall hold an initial business meeting—

9 (A) to establish rules for the Federal  
10 Truth and Healing Advisory Committee; and

11 (B) to appoint 2 members of the Federal  
12 Truth and Healing Advisory Committee to  
13 serve as non-voting designees on the Commis-  
14 sion in accordance with section 101(c)(3).

15 (2) SUBSEQUENT BUSINESS MEETINGS.—After  
16 the initial business meeting of the Federal Truth  
17 and Healing Advisory Committee is held under para-  
18 graph (1), the Federal Truth and Healing Advisory  
19 Committee shall meet at the call of the Chairperson.

20 (3) FORMAT OF BUSINESS MEETINGS.—A busi-  
21 ness meeting of the Federal Truth and Healing Ad-  
22 visory Committee may be conducted in-person, vir-  
23 tually, or via phone.

24 (4) QUORUM REQUIRED.—A business meeting  
25 of the Federal Truth and Healing Advisory Com-

1        mittee may only be held once a quorum, established  
2        in accordance with subsection (d), is present.

3        (d) QUORUM.—A simple majority of the members of  
4 the Federal Truth and Healing Advisory Committee  
5 present shall constitute a quorum for a business meeting.

6        (e) RULES.—The Federal Truth and Healing Advi-  
7 sory Committee may establish, with the advice of the Com-  
8 mission, by a majority vote, any rules for the conduct of  
9 business, in accordance with this section and other appli-  
10 cable law.

11        (f) DUTIES.—The Federal Truth and Healing Advi-  
12 sory Committee shall—

13            (1) ensure the effective and timely coordination  
14            between Federal agencies in furtherance of the pur-  
15            poses of this Act;

16            (2) assist the Commission and the Native  
17            American Truth and Healing Advisory Committee in  
18            coordinating—

19                    (A) meetings and other related public and  
20                    private convenings; and

21                    (B) the collection, organization, and pres-  
22                    ervation of information obtained from witnesses  
23                    and by other Federal agencies; and

24            (3) ensure the timely submission to the Com-  
25            mission of materials, documents, testimony, and

1 such other information as the Commission deter-  
2 mines to be necessary to carry out the duties of the  
3 Commission.

4 (g) CONSULTATION OR ENGAGEMENT WITH NATIVE  
5 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,  
6 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-  
7 WAIAN ORGANIZATIONS.—In carrying out the duties of  
8 the Federal Truth and Healing Advisory Committee under  
9 subsection (f), the Federal Truth and Healing Advisory  
10 Committee shall meaningfully consult or engage, as appro-  
11 priate, in a timely manner with Native Americans, Indian  
12 Tribes, Tribal organizations, the Office of Hawaiian Af-  
13 fairs, and Native Hawaiian organizations.

14 (h) NONDISCLOSURE.—

15 (1) PRIVACY ACT OF 1974 APPLICABILITY.—  
16 Subsection (b) of section 552a of title 5, United  
17 States Code (commonly known as the “Privacy Act  
18 of 1974”), shall not apply to the Federal Truth and  
19 Healing Advisory Committee.

20 (2) FREEDOM OF INFORMATION ACT APPLICA-  
21 BILITY.—Records and other communications pro-  
22 vided to, from, between, or within the Commission,  
23 the Federal Truth and Healing Advisory Committee,  
24 the Native American Truth and Healing Advisory  
25 Committee, the Survivors Truth and Healing Sub-

1 committee, and related agencies shall be exempt  
2 from disclosure under subsection (b)(3)(B) of section  
3 552 of title 5, United States Code (commonly known  
4 as the “Freedom of Information Act”).

5 (3) FEDERAL ADVISORY COMMITTEE ACT AP-  
6 PPLICABILITY.—Chapter 10 of title 5, United States  
7 Code (commonly known as the “Federal Advisory  
8 Committee Act”), shall not apply to the Federal  
9 Truth and Healing Advisory Committee.

## 10 **TITLE III—GENERAL** 11 **PROVISIONS**

### 12 **SEC. 301. CLARIFICATION.**

13 Any human remains or associated or unassociated fu-  
14 nery objects located on Federal land, on land managed  
15 by a Federal agency, or land otherwise curated by a Fed-  
16 eral agency and relating to an Indian Boarding School  
17 shall be considered collections or holdings over which a  
18 Federal agency has possession or control and the Native  
19 American Graves Protection and Repatriation Act (25  
20 U.S.C. 3001 et seq.) shall apply.

### 21 **SEC. 302. BURIAL MANAGEMENT.**

22 A Federal agency that carries out activities pursuant  
23 to this Act or that created or controls a cemetery with  
24 remains of an individual who attended an Indian Boarding  
25 School may rebury the remains of that individual and any



1 associated funerary items that have been repatriated pur-  
2 suant to section 7 of the Native American Graves Protec-  
3 tion and Repatriation Act (25 U.S.C. 3005), consistent  
4 with Tribal practices, on any Federal land as agreed to  
5 by the relevant parties.

6 **SEC. 303. CO-STEWARDSHIP AGREEMENTS.**

7 A Federal agency that carries out activities pursuant  
8 to this Act or that created or controls a cemetery with  
9 remains of an individual who attended an Indian Boarding  
10 School or an Indian Boarding School may enter into a  
11 co-stewardship agreement for the management of the cem-  
12 etery or Indian Boarding School.

13 **SEC. 304. NO RIGHT OF ACTION.**

14 Nothing in this Act creates a private right of action  
15 to seek administrative or judicial relief.