AMENDMENT NO. ________ Calendar No. ________

Purpose: In the nature of a substitute.


S. 1723

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

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by ____________

Viz:

1 Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the “Truth and Healing Commission on Indian Boarding School Policies Act of 2023”.

7 (b) Table of Contents.—The table of contents for 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


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.

SEC. 2. FINDINGS.

Congress finds that—

(1) attempts to destroy Native American cultures, religions, and languages through assimilationist practices and policies can be traced to the early 17th century and the founding charters of some of the oldest educational institutions in the United States;

(2) in June 2021, and in light of the long history of the assimilationist policies and practices referred to in paragraph (1) and calls for reform from Native peoples, the Secretary of the Interior directed the Department of the Interior to investigate the
role of the Federal Government in supporting those policies and practices and the intergenerational im-

pacts of those policies and practices;

(3) in May 2022, the Department of the Inte-

rior published volume 1 of a report entitled “Federal Indian Boarding School Initiative Investigative Re-

port” (referred to in this section as the “Report”), which found that—

(A) as early as 1819, and until 1969, the Federal Government directly or indirectly sup-

ported approximately 408 Indian Boarding Schools across 37 States;

(B) American Indian, Alaska Native, and Native Hawaiian children, as young as 3 years old, were forcibly removed from their homes and sent to Indian Boarding Schools located throughout the United States;

(C) Indian Boarding Schools used system-

atic, violent, and militarized identity-altering methods, such as physical, sexual, and psycho-

logical abuse and neglect, to attempt to forcibly assimilate Native children and strip them of their languages, cultures, and social connec-

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

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

(ii) dispossessing Native peoples of
their ancestral lands;

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

(F) many of the children who were taken
to Indian Boarding Schools and did not survive
were interred in cemeteries and unmarked
graves; and

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

(4) the ethos and rationale for Indian Boarding Schools is infamously expressed in the following quote from the founder of the Carlisle Indian Industrial School, Richard Henry Pratt: “Kill the Indian in him, and save the man.”;

(5) the children who perished at Indian Boarding Schools or in neighboring hospitals and other institutions were buried in on-campus and off-campus cemeteries and unmarked graves;

(6) parents of children who were forcibly removed from or coerced into leaving their homes and placed in Indian Boarding Schools were prohibited from visiting or engaging in correspondence with their children;

(7) parental resistance to compliance with the harsh, no-contact policy of Indian Boarding Schools resulted in parents being incarcerated or losing access to basic human rights, food rations, and clothing; and

(8) the Federal Government has a responsibility to fully investigate its role in, and the lasting effects of, Indian Boarding School Policies.
SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish a Truth and Healing Commission on Indian Boarding School Policies in the United States, including other necessary advisory committees and subcommittees;

(2) to formally investigate, document, and report on the histories of Indian Boarding Schools, Indian Boarding School Policies, and the systematic and long-term effects of those schools and policies on Native American peoples;

(3) to develop recommendations for Federal action based on the findings of the Commission; and

(4) to promote healing for survivors of Indian Boarding Schools, the descendants of those survivors, and the communities of those survivors.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 101(a).

(2) FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.—The term “Federal Truth and Healing Advisory Committee” means the Federal Truth
and Healing Advisory Committee established by section 211(a).

(3) INDIAN.—The term “Indian” has the meaning given the term in section 6151 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7491).

(4) INDIAN BOARDING SCHOOL.—The term “Indian Boarding School” means—

(A) a site of an institution that—

(i) provided on-site housing or overnight lodging;

(ii) was described in Federal records as providing formal academic or vocational training and instruction to American Indians, Alaska Natives, or Native Hawaiians;

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

(iv) was operational before 1969; or

(B) any other institution that implemented Indian Boarding School Policies, including an Indian day school.

(5) INDIAN BOARDING SCHOOL POLICIES.—The term “Indian Boarding School Policies” means Federal laws, policies, and practices purported to “assimilate” and “civilize” American Indians, Alaska
Natives, and Native Hawaiians that included psychological, physical, sexual, and mental abuse, forced removal from home or community, and identity-altering practices intended to terminate Native languages, cultures, religions, social organizations, or connections to traditional land.

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

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

(A) an Indian; or

(B) a Native Hawaiian.

(8) Native American Truth and Healing Advisory Committee.—The term “Native American Truth and Healing Advisory Committee” means the Native American Truth and Healing Advisory Committee established by the Commission under section 201(a).

(9) Native Hawaiian.—The term “Native Hawaiian” has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).
(10) **Native Hawaiian Organization.**—The term “Native Hawaiian organization” means a private nonprofit organization that—

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

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

(C) has Native Hawaiians serving in substantive and policymaking positions; and

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

(11) **Office of Hawaiian Affairs.**—The term “Office of Hawaiian Affairs” has the meaning given the term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(12) **Survivors Truth and Healing Subcommittee.**—The term “Survivors Truth and Healing Subcommittee” means the Survivors Truth and Healing Subcommittee established by section 121(a).

(13) **Trauma-Informed Care.**—The term “trauma-informed care” means holistic psychological and health care practices that include promoting culturally responsive practices, patient psychological,
physical, and emotional safety, and environments of healing, trust, peer support, and recovery.

(14) TRIBAL ORGANIZATION.—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

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.

(a) ESTABLISHMENT.—There is established a commission, to be known as the “Truth and Healing Commission on Indian Boarding School Policies in the United States”.

(b) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall include 5 members, to be jointly appointed by the majority and minority leaders of the Senate, in consultation with the Chairperson and Vice
Chairperson of the Committee on Indian Affairs of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, from among the nominees submitted under paragraph (2)(A), of whom—

(i) 1 shall be an individual with extensive experience and expertise as a principal investigator overseeing or leading complex research initiatives with and for Indian Tribes and Native Americans;

(ii) 1 shall be an individual (barred in good standing) with extensive experience and expertise in the area of indigenous human rights law and policy, including overseeing or leading broad-scale investigations of abuses of indigenous human rights;

(iii) 1 shall be an individual with extensive experience and expertise in Tribal court judicial and restorative justice systems and Federal agencies, such as participation as a Tribal judge, researcher, or
former presidentially appointed commissioner;

(iv) I shall be an individual with extensive experience and expertise in providing and coordinating trauma-informed care and other health-related services to Indian Tribes and Native Americans; and

(v) I shall be a Native American individual recognized as a traditional cultural authority.

(B) ADDITIONAL REQUIREMENTS FOR MEMBERSHIP.—In addition to the requirements described in subparagraph (A), members of the Commission shall be persons of recognized integrity and empathy, with a demonstrated commitment to the values of truth, reconciliation, healing, and expertise in truth and healing endeavors that are traditionally and culturally appropriate so as to provide balanced points of view and expertise with respect to the duties of the Commission.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian orga-
zations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Commission not later than 90 days after the date of enactment of this Act.

(B) NATIVE AMERICAN PREFERENCE.—Individuals nominated under subparagraph (A) who are Native American shall receive a preference in the selection process for appointment to the Commission under paragraph (1).

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

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

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Commission shall be appointed for a term that is the shorter of—

(i) 6 years; and

(ii) the life of the Commission.
(B) VACANCIES.—After all initial members of the Commission are appointed and the initial business meeting of the Commission has been convened under subsection (c)(1), a single vacancy in the Commission—

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

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) REMOVAL.—A quorum of members of the Commission may remove a member of the Commission only for neglect of duty or malfeasance.

(5) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission completes its duties under section 111(e)(5)(B).

(6) LIMITATION.—No member of the Commission shall be an officer or employee of the Federal Government.

(e) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—90 days after the date on which all of the members of the Commission are appointed under subsection (b)(1)(A),
the Commission shall hold the initial business meeting of the Commission—

(A) to appoint a Chairperson, a Vice Chairperson, a Secretary, and such other positions as determined necessary by the Commission;

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

(C) to appoint members of—

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

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

(2) Subsequent business meetings.—After the initial business meeting of the Commission is held under paragraph (1), the Commission shall meet at the call of the Chairperson.

(3) Advisory and subcommittee committee designees.—Each Commission business meeting shall include participation by 2 non-voting designees from each of the Survivors Truth and Healing Subcommittee, the Native American Truth and Healing Advisory Committee, and the Federal
Truth and Healing Advisory Committee, as appointed in accordance with section 121(e)(1)(D), section 201(e)(1)(C), and section 211(e)(1)(C), as applicable.

(4) FORMAT OF MEETINGS.—A business meeting of the Commission may be conducted in-person, virtually, or via phone.

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

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

(e) RULES.—The Commission may establish, by a majority vote, any rules for the conduct of Commission business, in accordance with this section and other applicable law.

(f) COMMISSION PERSONNEL MATTERS.—

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

(2) Travel Expenses.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Detail of Government Employees.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency and at the request of the Commission, may be detailed to the Commission without—

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

   (B) interruption or loss of civil service status, benefits, or privileges.

(g) Powers of Commission.—

(1) Hearings and Evidence.—The Commission may, for the purpose of carrying out this Act—
(A) hold such hearings and sit and act at such times and places, take such testimony, and receive such evidence, virtually or in-person, as the Commission may determine necessary to accomplish the purposes of this Act;

(B) conduct or request such interdisciplinary research, investigation, or analysis of such information and documents, records, or other evidence as the Commission may determine necessary to accomplish the purposes of this Act, including—

(i) securing, directly from a Federal agency, such information as the Commission considers necessary to accomplish the purposes of this Act; and

(ii) requesting the head of any relevant Tribal or State agency to provide to the Commission such information as the Commission considers necessary to accomplish the purposes of this Act;

(C) subject to paragraphs (1) and (2) of subsection (i), require, by subpoena or otherwise, the production of such records, papers, correspondence, memoranda, documents, books, videos, oral histories, recordings, or any other
paper or electronic material, as the Commission may determine necessary to accomplish the purposes of this Act;

(D) oversee, direct, and collaborate with the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, and the Survivors Truth and Healing Subcommittee to accomplish the purposes of this Act; and

(E) coordinate with Federal and non-Federal entities to preserve and archive, as appropriate, any gifts, documents, or other property received while carrying out the purposes of this Act.

(2) CONTRACTING; VOLUNTEER SERVICES.—

(A) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, and in accordance with applicable law, enter into contracts and other agreements with public agencies, private organizations, and individuals to enable the Commission to carry out the duties of the Commission under this Act.

(B) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of
title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(C) General Services Administration.—The Administrator of General Services shall provide, on request of the Commission, on a reimbursable basis, administrative support and other services for the performance of the functions of the Commission under this Act.

(3) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) Gifts, Fundraising, and Disbursement.—

(A) Gifts and Donations.—

(i) In general.—The Commission may accept, use, and dispose of any gift, donation, service, property, or other record or recording to accomplish the purposes of this Act.

(ii) Return of Gifts and Donations.—On termination of the Commission under subsection (b)(5), any gifts,
unspent donations, property, or other
record or recording accepted by the Com-
mission under clause (i) shall be—

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

(II) archived under subparagraph
(E).

(B) FUNDRAISING.—The Commission may,
on the affirmative vote of 3/5 of the members of
the Commission, solicit funds to accomplish the
purposes of this Act.

(C) DISBURSEMENT.—The Commission
may, on the affirmative vote of 3/5 of the mem-
ers of the Commission, approve the expendi-
ture of funds to accomplish the purposes of this
Act.

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

(E) ARCHIVING.—The Commission shall
the National Museum of the American Indian
to archive and preserve relevant gifts or dona-
tions received under subparagraph (A) or (B).

(h) CONVENING.—

(1) CONVENING PROTOCOL.—

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

(B) RULES AND PROTOCOLS.—Not later
than 45 days after the initial meeting described
in subparagraph (A), the Commission shall fi-
nalize rules, protocols, and formats for
convenings carried out under this subsection by
a 3⁄5 majority in attendance at a meeting of the
Commission.

(C) ADDITIONAL MEETINGS.—The Com-
mission and designees described in subpara-
graph (A) may hold additional meetings, as
necessary, to amend, by a 3/5 majority in attendance at a meeting of the Commission, the rules, protocols, and formats for convenings established under that subparagraph.

(2) Announcement of Convenings.—Not later than 30 days before the date of a convening under this subsection, the Commission shall announce the location and details of the convening.

(3) Minimum Number of Convenings.—The Commission shall hold—

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

(B) beginning in the calendar year following the date of enactment of this Act, not fewer than 1 convening per quarter to receive testimony each calendar year until the date on which the Commission submits the final report of the Commission under section 111(e)(3).

(4) Opportunity to Provide Testimony.—No person or entity shall be denied the opportunity to provide relevant testimony at a convenings held under this subsection, subject to the discretion of the Chairperson of the Commission (or a designee).
(i) Subpoenas.—

(1) In general.—

(A) Issuance of subpoenas.—

(i) In general.—If a person fails to supply information requested by the Commission, the Commission may issue, on a vote of 3/5 members of the Commission, a subpoena requiring from a person the production of any written or recorded evidence necessary to carry out the duties of the Commission under section 111.

(ii) Notification.—Not later than 10 days before the date on which the Commission issues a subpoena under clause (i), the Commission shall submit to the Attorney General a confidential, written notice of the intent to issue the subpoena.

(B) Production of evidence.—The production of evidence may be required from any place within the United States.

(2) Failure to obey a subpoena.—

(A) Order from a district court of the United States.—If a person does not obey a subpoena issued under paragraph (1), the Commission is authorized to apply to a dis-
strict court of the United States described in
subparagraph (B) for an order requiring that
person to comply with the subpoena.

(B) LOCATION.—An application under sub-
paragraph (A) may be made within the judicial
district where the person described in that sub-
paragraph resides or transacts business.

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

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

(4) SERVICE OF SUBPOENAS.—The subpoenas
of the Commission shall be served in the manner
provided for subpoenas issued by a district court of
the United States under the Federal Rules of Civil
Procedure.
(5) **Service of Process.**—All process of any court to which an application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or transacts business.

(j) **Nondisclosure.**—

(1) **Privacy Act of 1974 Applicability.**—Subsection (b) of section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), shall not apply to the Commission.

(2) **Freedom of Information Act Applicability.**—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(3) **Federal Advisory Committee Act Applicability.**—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Commission.
(k) Consultation or Engagement With Native Americans, Indian Tribes, Tribal Organizations, the Office of Hawaiian Affairs, and Native Hawaiian Organizations.—In carrying out the duties of the Commission under section 111, the Commission shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(l) Authorization of Appropriations.—There is authorized to be appropriated to the Commission to carry out this Act $15,000,000 for each fiscal year, to remain available until expended.

Subtitle B—Duties of the Commission

SEC. 111. DUTIES OF THE COMMISSION.

(a) Investigation.—

(1) In general.—The Commission shall conduct a comprehensive interdisciplinary investigation of Indian Boarding School Policies, including the social, cultural, economic, emotional, and physical effects of Indian Boarding School Policies in the United States on Native American communities, Indian Tribes, survivors of Indian Boarding Schools, families of those survivors, and their descendants.
(2) MATTERS TO BE INVESTIGATED.—The matters to be investigated by the Commission under paragraph (1) shall include, at a minimum—

(A) conducting a comprehensive review of existing research and historical records of Indian Boarding School Policies and any documentation, scholarship, or other resources relevant to the purposes of this Act from—

(i) any archive or any other document storage location, notwithstanding the location of that archive or document storage location; and

(ii) any research conducted by private individuals, private entities, and non-Federal Government entities, whether domestic or foreign, including religious institutions;

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

(i) the Department of the Interior, the Department of Health and Human Services, other relevant Federal agencies, and institutions or organizations, including religious institutions or organizations, that operated an Indian Boarding School, carried
out Indian Boarding School Policies, or
have information the Commission deter-
mines relevant to the investigation of the
Commission; and

(ii) Indian Tribes, Tribal organiza-
tions, Native Americans, the Office of Ha-
awaiian Affairs, and Native Hawaiian orga-
nizations; and

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

(3) RESEARCH RELATED TO OBJECTS, ARTI-
FACTS, AND REAL PROPERTY.—If the Commission
conducts a comprehensive review of research de-
scribed in paragraph (2)(A)(ii) that focuses on ob-
jects, artifacts, or real or personal property that are
in the possession or control of private individuals,
private entities, or non-Federal government entities
within the United States, the Commission may enter
into a contract or agreement to acquire, hold, cu-
rate, or maintain those objects, artifacts, or real or
personal property until the objects, artifacts, or real
or personal property can be properly repatriated or
returned, consistent with applicable Federal law and regulations.

(b) MEETINGS AND CONVENINGS.—

(1) IN GENERAL.—The Commission shall hold, with the advice of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee, and in coordination with, as relevant, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations, as part of its investigation under subsection (a), safe, trauma-informed, and culturally appropriate public or private meetings or convenings to receive testimony relating to that investigation.

(2) REQUIREMENTS.—The Commission shall ensure that meetings and convenings held under paragraph (1) provide access to adequate trauma-informed care services for participants, attendees, and communities during and following the meetings and convenings where the Commission receives testimony, including ensuring private space is available for survivors and descendants of survivors, family members, and other community members to receive trauma-informed care services.

(c) RECOMMENDATIONS.—
(1) IN GENERAL.—The Commission shall make recommendations to Congress relating to the investigation carried out under subsection (a), which shall be included in the final report required under subsection (c)(3).

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

(A) in light of Tribal and Native Hawaiian law, Tribal customary law, tradition, custom, and practice, how the Federal Government can meaningfully acknowledge the role of the Federal Government in supporting Indian Boarding School Policies in all issue areas that the Commission determines relevant, including appropriate forms of memorialization, preservation of records, objects, artifacts, and burials;

(B) how modification of existing laws, procedures, regulations, policies, budgets, and practices will, in the determination of the Commission, address the findings of the Commission and ongoing effects of Indian Boarding School Policies; and

(C) how the Federal Government can promote public awareness and education of Indian
Boarding School Policies and the impacts of those policies, including through coordinating with the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, the National Museum of the American Indian, and other relevant institutions and organizations.

(d) DUTIES RELATED TO BURIALS.—The Commission shall, with respect to burial sites associated with Indian Boarding Schools—

(1) coordinate, as appropriate, with the Native American Truth and Healing Advisory Committee, the Federal Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, lineal descendants, Indian Tribes, the Office of Hawaiian Affairs, Federal agencies, institutions, and organizations to locate and identify, in a culturally appropriate manner, marked and unmarked burial sites, including cemeteries, unmarked graves, and mass burial sites, where students of Indian Boarding Schools were originally or later interred;

(2) locate, document, analyze, and coordinate the preservation or continued preservation of records and information relating to the interment of students, including any records held by Federal, State,
international, or local entities or religious institutions or organizations; and

(3) share, to the extent practicable, with affected lineal descendants, Indian Tribes, and the Office of Hawaiian Affairs burial locations and the identities of children that attended Indian Boarding Schools.

(c) Reports.—

(1) Annual reports to Congress.—Not less frequently than annually each year until the year before the year in which the Commission submits the final report under paragraph (3), the Commission shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the activities of the Committee during the previous year, including an accounting of funds and gifts received and expenditures made, the progress made, and any barriers encountered in carrying out this Act.

(2) Commission initial report.—Not later than 4 years after the date on which a majority of the members of the Commission are appointed under section 101(b)(1), the Commission shall submit to the individuals described in paragraph (4), and
make publicly available, an initial report containing—

(A) a detailed review of existing research, including documentation, scholarship, or other resources shared with the Commission that further the purposes of this Act;

(B) a detailed statement of the initial findings and conclusions of the Commission; and

(C) a detailed statement of the initial recommendations of the Commission.

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

(4) REPORT RECIPIENTS.—The individuals referred to in paragraphs (2) and (3) are—

(A) the President;
(B) the Secretary of the Interior;
(C) the Attorney General;
(D) the Comptroller General of the United States;
(E) the Secretary of Education;
(F) the Secretary of Health and Human Services;
(G) the Secretary of Defense;
(H) the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate;
(I) the Chairperson and Ranking Member of the Committee on Natural Resources of the House of Representatives;
(J) the Chair and Co-Chair of the Congressional Native American Caucus;
(K) the Executive Director of the White House Council on Native American Affairs;
(L) the Director of the Office of Management and Budget;
(M) the Archivist of the United States;
(N) the Librarian of Congress; and
(O) the Director of the National Museum of the American Indian.
(5) ADDITIONAL COMMISSION RESPONSIBILITIES RELATING TO THE PUBLICATION OF THE INITIAL AND FINAL REPORTS.—

(A) EVENTS RELATING TO INITIAL REPORT.—

(i) IN GENERAL.—The Commission shall hold not fewer than 2 events in each region of the Bureau of Indian Affairs and Hawai‘i following publication of the initial report under paragraph (2) to receive comments on the initial report.

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

(B) EVENTS RELATING TO FINAL REPORT.—Not later than 180 days after the date on which the Commission submits the final report under paragraph (3), the Commission, the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services shall convene 2 jointly-held public educational meetings in each region of the Bureau of Indian Affairs
and Hawai‘i to present the findings of the final report.

(6) **Secretarial response to final report.**—Not later than 120 days after the date on which the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services receive the final report under paragraph (3), the Secretaries shall each make publicly available a written response to recommendations for future action by those agencies, if any, contained in the final report, and submit the written response to—

(A) the President;

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

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

(D) the Comptroller General of the United States.
Subtitle C—Survivors Truth and Healing Subcommittee

SEC. 121. SURVIVORS TRUTH AND HEALING SUB-COMMITTEE.

(a) Establishment.—There is established a subcommittee of the Commission, to be known as the “Survivors Truth and Healing Subcommittee”.

(b) Membership, Nomination, and Appointment to the Survivors Truth and Healing Subcommittee.—

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

(A) 13 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and Hawai‘i;

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

(i) not fewer than 2 shall be individuals who graduated during the 5-year period preceding the date of enactment of this Act from—
(I) an Indian Boarding School in operation as of that date of enactment; or

(II) a Bureau of Indian Education-funded school; and

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

(C) 5 shall be descendants of individuals who attended Indian Boarding Schools, who shall represent diverse regions of the United States; and

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

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

(ii) was employed at an Indian Boarding School during the 5-year period preceding the date of enactment of this Act.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Survivors Truth and Healing
Subcommittee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Survivors Truth and Healing Subcommittee from among those nominees.

(3) DATE.—

(A) IN GENERAL.—The Commission shall appoint all members of the Survivors Truth and Healing Subcommittee during the initial business meeting of the Commission under section 101(c)(1).

(B) FAILURE TO APPOINT.—If the Commission fails to appoint all members of the Survivors Truth and Healing Subcommittee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint individuals, in accordance with the requirements of paragraph (1), to all vacant po-
sitions of the Survivors Truth and Healing Sub-
committee not later than 30 days after the date
of the initial business meeting of the Commis-
sion under section 101(e)(1).

(4) Period of Appointment; Vacancies; Re-
moval.—

(A) Period of Appointment.—A mem-
ber of the Survivors Truth and Healing Sub-
committee shall be appointed for an automati-
cally renewable term of 2 years.

(B) Vacancies.—

(i) In General.—A member of the
Survivors Truth and Healing Sub-
committee may self-vacate the position at
any time and for any reason.

(ii) Effect; Filling of Vacancy.—
A vacancy in the Survivors Truth and
Healing Subcommittee—

(I) shall not affect the powers of
the Survivors Truth and Healing Sub-
committee if a simple majority of the
positions of the Survivors Truth and
Healing Subcommittee are filled; and
(II) shall be filled within 90 days in the same manner as was the original appointment.

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

(5) TERMINATION.—The Survivors Truth and Healing Subcommittee shall terminate 90 days after the date on which the Commission submits the final report required under section 111(c)(3).

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

(c) BUSINESS MEETINGS.—

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

(A) to appoint—

(i) a Chairperson, who shall also serve as the Vice Chairperson of the Federal Truth and Healing Advisory Committee;
(ii) a Vice Chairperson, who shall also serve as the Vice Chairperson of the Native American Truth and Healing Advisory Committee; and

(iii) a Secretary;

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

(C) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

(D) to appoint, with the advice of the Commission, 2 members of the Survivors Truth and Healing Subcommittee to serve as non-voting designees on the Commission in accordance with section 101(c)(3).

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

(3) FORMAT OF BUSINESS MEETINGS.—A business meeting of the Survivors Truth and Healing Subcommittee may be conducted in-person, virtually, or via phone.
(4) QUORUM REQUIRED.—A business meeting of the Survivors Truth and Healing Subcommittee may only be held once a quorum, established in accordance with subsection (d), is present.

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

(e) RULES.—The Survivors Truth and Healing Subcommittee, with the advice of the Commission, may establish, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Survivors Truth and Healing Subcommittee shall assist the Commission, the Native American Truth and Healing Advisory Committee, and the Federal Truth and Healing Advisory Committee in coordinating public and private convenings, including—

(1) providing advice to the Commission on developing criteria and protocols for convenings;

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

(3) providing such other advice as may be required by the Commission.
(g) Consultation or Engagement With Native Americans, Indian Tribes, Tribal Organizations, the Office of Hawaiian Affairs, and Native Hawaiian Organizations.—In carrying out the duties of the Survivors Truth and Healing Subcommittee under subsection (f), the Survivors Truth and Healing Subcommittee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) Nondisclosure.—

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

(2) Freedom of Information Act Applicability.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section
552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

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

(i) Personnel Matters.—

(1) Compensation of members.—A member of the Survivors Truth and Healing Subcommittee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 13 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member of the Survivors Truth and Healing Subcommittee is engaged in the performance of their duties under this Act, including the convening of meetings, including public and private meetings to receive testimony in furtherance of the duties of the Survivors Truth and Healing Subcommittee and the purposes of this Act.

(2) Travel expenses.—A member of the Survivors Truth and Healing Subcommittee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of
agencies under subchapter I of chapter 57 of title 5,
United States Code, while away from their homes or
regular places of business in the performance of
services for the Survivors Truth and Healing Sub-
committee.

TITLE II—ADVISORY
COMMITTEES
Subtitle A—Native American Truth
and Healing Advisory Committee

SEC. 201. NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE.

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

(b) Membership, Nomination, and Appointment
to the Native American Truth and Healing Advisory
Committee .—

(1) Membership.—

(A) In general.—The Native American
Truth and Healing Advisory Committee shall
include 19 members, to be appointed by the
Commission from among the nominees sub-
mitted under paragraph (2)(A), of whom—

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

(ii) 1 shall be the Vice Chairperson of
the Survivors Truth and Healing Sub-
committee, who shall serve as the Vice
Chairperson of the Native American Truth
and Healing Advisory Committee;

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

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

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

(vi) 1 shall represent the National As-
association of Tribal Historic Preservation
Officers; and

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

(B) ADDITIONAL REQUIREMENTS.—Not
fewer than 2 members of the Native American
Truth and Healing Advisory Committee shall
have experience with health care or mental health, traditional healing or cultural practices, counseling, or working with survivors, or descendants of survivors, of Indian Boarding Schools to ensure that the Commission considers culturally responsive support for survivors, families, and communities.

(2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Native American Truth and Healing Advisory Committee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Native American Truth and Healing Advisory Committee from among those nominees.

(3) DATE.—
(A) In general.—The Commission shall appoint all members of the Native American Truth and Healing Advisory Committee during the initial business meeting of the Commission under section 101(c)(1).

(B) Failure to appoint.—If the Commission fails to appoint all members of the Native American Truth and Healing Advisory Committee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint, in accordance with the requirements of paragraph (1), individuals to all vacant positions of the Native American Truth and Healing Advisory Committee not later than 30 days after the date of the initial business meeting of the Commission under section 101(c)(1).

(4) Period of appointment; vacancies.—

(A) Period of appointment.—A member of the Native American Truth and Healing Advisory Committee shall be appointed for an automatically renewable term of 2 years.
(B) Vacancies.—A vacancy in the Native American Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Native American Truth and Healing Advisory Committee if a simple majority of the positions of the Native American Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(5) Termination.—The Native American Truth and Healing Advisory Committee shall terminate 90 days after the date on which the Commission submits the final report required under section 111(e)(3).

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

(e) Quorum.—A simple majority of the members of the Native American Truth and Healing Committee shall constitute a quorum.
(d) REMOVAL.—A quorum of members of the Native American Truth and Healing Committee may remove another member only for neglect of duty or malfeasance.

(e) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—Not later than 30 days after the date on which all members of the Native American Truth and Healing Advisory Committee are appointed under subsection (b)(1)(A), the Native American Truth and Healing Advisory Committee shall hold an initial business meeting—

(A) to establish rules for the Native American Truth and Healing Advisory Committee;

(B) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

(C) to appoint 2 members of the Native American Truth and Healing Advisory Committee to serve non-voting as designees on the Commission in accordance with section 101(c)(3).

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

(3) **Format of Business Meetings.**—A meeting of the Native American Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

(4) **Quorum Required.**—A business meeting of the Native American Truth and Healing Advisory Committee may only be held once a quorum, established in accordance with subsection (c), is present.

(f) **Rules.**—The Native American Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(g) **Duties.**—The Native American Truth and Healing Advisory Committee shall—

(1) serve as an advisory body to the Commission;

(2) assist the Commission in organizing and carrying out culturally appropriate public and private convenings relating to the duties of the Commission;

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

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

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

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

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

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

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

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

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Native American Truth and Healing Advisory Committee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for
grade 13 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member is engaged in the performance of their duties under this Act, including the convening of meetings, including public and private meetings to receive testimony in furtherance of the duties of the Native American Truth and Healing Advisory Committee and the purposes of this Act.

(2) TRAVEL EXPENSES.—A member of the Native American Truth and Healing Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Native American Truth and Healing Advisory Committee.

Subtitle B—Federal Truth and Healing Advisory Committee

SEC. 211. FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.

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

(b) Membership and Appointment to the Federal Truth and Healing Advisory Committee.—

(1) Membership.—The Federal Truth and Healing Advisory Committee shall include 17 members, of whom—

(A) 1 shall be the Chairperson of the Commission, who shall serve as the Chairperson of the Federal Truth and Healing Advisory Committee;

(B) 1 shall be the Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Federal Truth and Healing Advisory Committee;

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

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

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

(F) 1 shall be the Librarian of Congress (or a designee);
(G) 1 shall be the Director of the Department of the Interior Library (or a designee);

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

(I) 1 shall be the Assistant Secretary for Mental Health and Substance Abuse of the Department of Health and Human Services (or a designee);

(J) 1 shall be the Commissioner of the Administration for Native Americans of the Department of Health and Human Services (or a designee);

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

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

(M) 1 shall be the Director of the Office of Indian Education of the Department of Education (or a designee);

(N) 1 shall be the Director of the Rural, Insular, and Native American Achievement Programs of the Department of Education (or a designee);
(O) I shall be the Executive Director of the Advisory Council on Historic Preservation (or a designee);

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

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

(2) Period of Service; Vacancies; Removal.—

(A) Period of Service.—A member of the Federal Truth and Healing Advisory Committee shall serve for an automatically renewable term of 2 years.

(B) Vacancies.—A vacancy in the Federal Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Federal Truth and Healing Advisory Committee if a simple majority of the positions of the Federal Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

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

(3) TERMINATION.—The Federal Truth and
Healing Advisory Committee shall terminate 90 days
after the date on which the Commission submits the
final report required under section 111(e)(3).

(c) BUSINESS MEETINGS.—

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

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

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

(C) to appoint 2 members of the Federal
Truth and Healing Advisory Committee to
serve as non-voting designees on the Commiss-
ion in accordance with section 101(e)(3).

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

(3) FORMAT OF BUSINESS MEETINGS.—A business meeting of the Federal Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

(4) QUORUM REQUIRED.—A business meeting of the Federal Truth and Healing Advisory Committee may only be held once a quorum, established in accordance with subsection (d), is present.

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

(e) RULES.—The Federal Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Federal Truth and Healing Advisory Committee shall—

(1) ensure the effective and timely coordination between Federal agencies in furtherance of the purposes of this Act;
(2) assist the Commission and the Native American Truth and Healing Advisory Committee in coordinating—

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

(B) the collection, organization, and preservation of information obtained from witnesses and by other Federal agencies; and

(3) ensure the timely submission to the Commission of materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission.

(g) **Consultation or Engagement With Native Americans, Indian Tribes, Tribal Organizations, the Office of Hawaiian Affairs, and Native Hawaiian Organizations.**—In carrying out the duties of the Federal Truth and Healing Advisory Committee under subsection (f), the Federal Truth and Healing Advisory Committee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) **Nondisclosure.**—
(1) **Privacy Act of 1974 Applicability.**—Subsection (b) of section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”), shall not apply to the Federal Truth and Healing Advisory Committee.

(2) **Freedom of Information Act Applicability.**—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(3) **Federal Advisory Committee Act Applicability.**—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Federal Truth and Healing Advisory Committee.

**TITLE III—GENERAL PROVISIONS**

**SEC. 301. CLARIFICATION.**

Any human remains or associated or unassociated funerary objects located on Federal land, on land managed
by a Federal agency, or land otherwise curated by a Federal agency and relating to an Indian Boarding School shall be considered collections or holdings over which a Federal agency has possession or control and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) shall apply.

SEC. 302. BURIAL MANAGEMENT.

A Federal agency that carries out activities pursuant to this Act or that created or controls a cemetery with remains of an individual who attended an Indian Boarding School may rebury the remains of that individual and any associated funerary items that have been repatriated pursuant to section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005), consistent with Tribal practices, on any Federal land as agreed to by the relevant parties.

SEC. 303. CO-STEWARDSHIP AGREEMENTS.

A Federal agency that carries out activities pursuant to this Act or that created or controls a cemetery with remains of an individual who attended an Indian Boarding School or an Indian Boarding School may enter into a co-stewardship agreement for the management of the cemetery or Indian Boarding School.
SEC. 304. NO RIGHT OF ACTION.

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