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

A BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) assimilation processes, such as the Indian Boarding School Policies, were adopted by the United States Government to strip American Indian, Alaska Native, and Native Hawaiian children of their Indigenous identities, beliefs, and languages to assimilate them into non-Native culture through federally funded and controlled Christian-run schools, which had the intent and, in many cases, the effect, of termination, with dire and intentional consequences on the cultures and languages of Indigenous peoples;

(2) assimilation processes can be traced back to—

(A) the enactment of the Act of March 3, 1819 (3 Stat. 516; chapter 85) (commonly known as the “Indian Civilization Fund Act of 1819”), which created a fund to administer the education, healthcare, and rations promised to Tribal nations under treaties those Tribal nations had with the United States; and
(B) the Grant Administration’s peace policy with Tribal nations in 1868, which, among other things, authorized amounts in the fund established under the Act of March 3, 1819 (3 Stat. 516; chapter 85) (commonly known as the “Indian Civilization Fund Act of 1819”), to be used by churches;

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

(4) beginning in 1820, missionaries from the United States arrived in Hawai‘i, bringing a similar desire to civilize Native Hawaiians and convert “Hawaiian heathens” to Christians, establishing day schools and boarding schools that followed models first imposed on Tribal nations on the East Coast of the United States;
as estimated by David Wallace Adams, professor emeritus of history and education at Cleveland State University in Ohio, by 1926, nearly 83 percent of American Indian and Alaska Native school-age children were enrolled in Indian boarding schools in the United States, but, the full extent of the Indian Boarding School Policies has yet to be fully examined by—

(A) the Federal Government or the churches who ran those schools; or

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

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

(7) in 1878, General Pratt brought a group of American Indian warriors held as prisoners of war to what was then known as the Hampton Agricultural and Industrial School in Hampton, Virginia, for a residential experiment in the education of Indigenous people;

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

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

(10) General Armstrong modeled the Hampton Agricultural and Industrial School after the Hilo Boarding School in Hawai‘i, a missionary-run boarding school that targeted high performing Native Hawaiians to become indoctrinated in Protestant ideology, which was similar to boarding schools led by missionaries in the similarly sovereign Five Tribes of Oklahoma, including the Cherokee and Chickasaw;

(11) in addition to bringing a group of American Indian warriors held as prisoners of war to the Hampton Agricultural and Industrial School in 1878, General Pratt influenced Sheldon Jackson, a Presbyterian missionary who, in 1885, was appointed by the Secretary of the Interior to be a General Agent of Education in the Alaska Territory;
(12) Hampton Agricultural and Industrial School continued as a boarding school for American Indians, Alaska Natives, and Native Hawaiians until 1923;

(13) founded in 1879, the Carlisle Indian Industrial School set the precedent for government-funded, off-reservation Indian boarding schools in the United States, where more than 10,000 American Indian and Alaska Native children were enrolled from more than 140 Indian Tribes;

(14) Indian boarding schools, and the policies that created, funded, and fueled their existence, were designed to assimilate American Indian, Alaska Native, and Native Hawaiian children into non-Native culture by stripping them of their cultural identities, often through physical, sexual, psychological, industrial, and spiritual abuse and neglect;

(15) 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, and communities;

(16) at the Carlisle Indian Industrial School alone, approximately 180 American Indian and Alaska Native children were buried;
(17) according to research from the National Native American Boarding School Healing Coalition—

(A) while attending Indian boarding schools, American Indian, Alaska Native, and Native Hawaiian children suffered additional physical, sexual, psychological, industrial, and spiritual abuse and neglect as they were sent to non-Native homes and businesses for involuntary and unpaid manual labor work during the summers;

(B) many American Indian, Alaska Native, and Native Hawaiian children escaped from Indian boarding schools by running away, and then remained missing or died of illnesses due to harsh living conditions, abuse, or sub-standard health care provided by the Indian boarding schools;

(C) many American Indian, Alaska Native, and Native Hawaiian children died at hospitals neighboring Indian boarding schools, including the Puyallup Indian School that opened in 1860, which was first renamed the Cushman Indian School in 1910 and then the Cushman Hospital in 1918; and
(D) many of the American Indian and Alaska Native children who died while attending Indian boarding schools or neighboring hospitals were buried in unmarked graves or off-campus cemeteries;

(18) according to independent ground penetrating radar and magnetometry research commissioned by the National Native American Boarding School Healing Coalition, evidence of those unmarked graves and off-campus cemeteries has been found, including—

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

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

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

(A) less than 38 percent of Indian boarding school records have been located, from only 142 of the at least 367 known Indian boarding schools; and
(B) all other records are believed to be held in catalogued and uncatalogued church archives; private collections; or lost or destroyed;

(20) parents of the American Indian, Alaska Native, and Native Hawaiian 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;

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

(22) in 2013, post-traumatic stress disorder rates among American Indian and Alaska Native youth were 3-times the general public, the same rates for post-traumatic stress disorder among veterans;

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

(24) the 2018 Broken Promises Report published by the United States Commission on Civil
Rights reported that American Indian and Alaska Native communities continue to experience intergenerational trauma resulting from experiences in Indian boarding schools, which divided cultural family structures, damaged Indigenous identities, and inflicted chronic psychological ramifications on American Indian and Alaska Native children and families;

(25) the Centers for Disease Control and Prevention Kaiser Permanente Adverse Childhood Experiences Study shows that adverse or traumatic childhood experiences disrupt brain development, leading to a higher likelihood of negative health outcomes as adults, including heart disease, obesity, diabetes, autoimmune diseases, and early death;

(26) American Indians, Alaska Natives, and Native Hawaiians suffer from disproportional rates of each of the diseases described in paragraph (25) compared to the national average;

(27) the longstanding intended consequences and ramifications of the treatment of American Indian, Alaska Native, and Native Hawaiian children, families, and communities because of Federal policies and the funding of Indian boarding schools continue to impact Native communities through intergenerational trauma, cycles of violence and abuse,
disappearance, health disparities, substance abuse, premature deaths, additional undocumented physical, sexual, psychological, industrial, and spiritual abuse and neglect, and trauma;

(28) according to the Child Removal Survey conducted by the National Native American Boarding School Healing Coalition, the First Nations Repatriation Institute, and the University of Minnesota, 75 percent of Indian boarding school survivors who responded to the survey had attempted suicide; and nearly half of respondents to the survey reported being diagnosed with a mental health condition;

(29) the continuing lasting implications of the Indian Boarding School Policies and the physical, sexual, psychological, industrial, and spiritual abuse and neglect of American Indian and Alaska Native children and families influenced the present-day operation of Bureau of Indian Education-operated schools;

(30) Bureau of Indian Education-operated schools have often failed to meet the many needs of nearly 50,000 American Indian and Alaska Native students across 23 States;
(31) in Alaska, where there are no Bureau of Indian Education–funded elementary and secondary schools; the State public education system often fails to meet the needs of Alaska Native students, families, and communities;

(32) the assimilation policies imposed on American Indians, Alaska Natives, and Native Hawaiians during the Indian boarding school era have been replicated through other Federal actions and programs, including the Indian Adoption Project in effect from 1958 to 1967, which placed American Indian and Alaska Native children in non-Indian households and institutions for foster care or adoption;

(33) the Association on American Indian Affairs reported that the continuation of assimilation policies through Federal American Indian and Alaska Native adoption and foster care programs between 1941 to 1967 separated as many as one-third of American Indian and Alaska Native children from their families in Tribal communities;

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

(35) the general lack of public awareness; accountability, education, information, and acknowledgment of the ongoing and direct impacts of the Indian Boarding School Policies and related intergenerational trauma persists, signaling the overdue need for an investigative Federal commission to further document and expose assimilation and termination efforts to eradicate the cultures and languages of Indigenous peoples implemented under Indian Boarding School Policies; and

(36) in the secretarial memorandum entitled “Federal Indian Boarding School Initiative” and dated June 22, 2021, Secretary of the Interior Debra Haaland stated the following: “The assimilationist policies of the past are contrary to the doctrine of trust responsibility, under which the Federal Government must promote Tribal self-governance and cultural integrity. Nevertheless, the legacy of Indian boarding schools remains, manifesting itself in Indigenous communities through intergenerational trauma, cycles of violence and abuse, disappearance, premature deaths, and other undocumented bodily and mental impacts.”
SEC. 3. PURPOSES.

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

(1) to formally investigate and document—

(A) the attempted termination of cultures and languages of Indigenous peoples, assimilation practices; and human rights violations that occurred against American Indians, Alaska Natives, and Native Hawaiians through Indian Boarding School Policies in furtherance of the motto to “kill the Indian in him and save the man”; and

(B) the impacts and ongoing effects of historical and intergenerational trauma in Native communities, including the effects of the attempted cultural, religious, and linguistic termination of American Indians, Alaska Natives, and Native Hawaiians, resulting from Indian Boarding School Policies;

(2) to hold culturally respectful and meaningful public hearings for American Indian, Alaska Native, and Native Hawaiian survivors, victims, families, communities, organizations, and Tribal leaders to testify, discuss, and add to the documentation of;
the impacts of the physical, psychological, and spiritual violence of Indian boarding schools;

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

(4) to further develop recommendations for the Federal Government to acknowledge and heal the historical and intergenerational trauma caused by the Indian Boarding School Policies and other cultural and linguistic termination practices carried out by the Federal Government and State and local governments, including recommendations—

(A) for resources and assistance that the Federal Government should provide to aid in the healing of the trauma caused by the Indian Boarding School Policies;

(B) to establish a nationwide hotline for survivors, family members, or other community members affected by the Indian Boarding School Policies; and
(C) to prevent the continued removal of American Indian, Alaska Native, and Native Hawaiian children from their families and Native communities under modern-day assimilation practices carried out by State social service departments, foster care agencies, and adoption services.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Truth and Healing Advisory Committee established by the Commission under section 5(g).

(2) COMMISSION.—The term "Commission" means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 5(a).

(3) INDIAN BOARDING SCHOOL POLICIES.—The term "Indian Boarding School Policies" means—

(A) the assimilation policies and practices of the Federal Government, which began with the enactment of the Act of March 3, 1819 (3 Stat. 516, chapter 85) (commonly known as the "Indian Civilization Fund Act of 1819"), and the peace policy with Tribal nations advanced
by President Ulysses Grant in 1868, under which more than 100,000 American Indian and Alaska Native children were forcibly removed from or coerced into leaving their family homes and placed in Bureau of Indian Affairs-operated schools or church-run schools, including at least 367 known Indian boarding schools, at which assimilation and "civilization" practices were inflicted on those children as part of the assimilation efforts of the Federal Government, which were intended to terminate the cultures and languages of Indigenous peoples in the United States; and

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

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

(a) Establishment.—There is established the Truth and Healing Commission on Indian Boarding School Policies in the United States.

(b) Membership.—
(1) **In General.**—The Commission shall include 10 members, of whom—

(A) 2 shall be appointed by the President;

(B) 2 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority leader of the Senate;

(C) 2 shall be appointed by the President pro tempore of the Senate, on the recommendation of the minority leader of the Senate; and

(D) 4 shall be appointed by the Speaker of the House of Representatives, of whom not fewer than 2 shall be appointed on the recommendation of the minority leader of the House of Representatives.

(2) **Requirements for Membership.**—To the maximum extent practicable, the President and the Members of Congress shall appoint members of the Commission under paragraph (1) to represent diverse experiences and backgrounds and so as to include Tribal and Native representatives and experts who will provide balanced points of view with regard to the duties of the Commission, including Tribal and Native representatives and experts—

(A) from diverse geographic areas;
(B) who possess personal experience with, diverse policy experience with, or specific expertise in, Indian boarding school history and the Indian Boarding School Policies; and

(C) who possess expertise in truth and healing endeavors that are traditionally and culturally appropriate.

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

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

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

(A) PERIOD OF APPOINTMENT.—A member of the Commission shall be appointed for a term of 5 years.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and
(ii) shall be filled in the same manner
as the original appointment.

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

(e) MEETINGS.—

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

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

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

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

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

(f) COMMISSION PERSONNEL MATTERS.—
(1) Compensation of members.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(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.

(g) Truth and Healing Advisory Committee.—

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

(2) Membership.—The Advisory Committee shall consist of—

(A) 4 representative from each of—

(i) the National Native American Boarding School Healing Coalition;
(ii) the National Congress of American Indians;

(iii) the National Indian Education Association;

(iv) the National Indian Child Welfare Association;

(v) the Alaska Federation of Natives;

and

(vi) the Office of Hawaiian Affairs;

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

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

(D) the Commissioner of the Administration for Native Americans of the Office of the Administration for Children and Families of the Department of Health and Human Services; and

(E) not fewer than—

(i) 5 members of different Indian Tribes from diverse geographic areas; to be selected from among nominations submitted by Indian Tribes;

(ii) 1 member representing Alaska Natives, to be selected by the Alaska Fed-
eration of Natives from nominations submitted by an Alaska Native individual, organization, or village;

(iii) 1 member representing Native Hawaiians; to be selected by a process administered by the Office of Hawaiian Affairs;

(iv) 2 health care or mental health practitioners, Native healers, counselors, or providers with experience in working with former students; or descendants of former students; of Indian boarding schools; to be selected from among nominations of Tribal chairs or elected Tribal leadership local to the region in which the practitioner, counselor, or provider works; in order to ensure that the Commission considers culturally responsive supports for victims, families, and communities;

(v) 3 members of different national American Indian, Alaska Native, or Native Hawaiian organizations; regional American Indian; Alaska Native; or Native Hawaiian organizations; or urban Indian organizations that are focused on, or have relevant
expertise studying, the history and systemic and ongoing trauma associated with the Indian Boarding School Policies;

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

(vii) 4 alumni who attended a Bureau of Indian Education-operated school, tribally controlled boarding school, State public boarding school, private nonprofit boarding school formerly operated by the Federal Government, parochial boarding school, or Bureau of Indian Education-operated college or university;

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

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

(x) 1 representative of the International Indian Treaty Council or the Association on American Indian Affairs; and
(xiii) A trained archivist who has experience working with educational or church records.

(3) Duties.—The Advisory Committee shall—

(A) serve as an advisory body to the Commission; and

(B) provide to the Commission advice and recommendations, and submit to the Commission materials, documents, testimony, and such other information as the Commission determines to be necessary, to carry out the duties of the Commission under subsection (h).

(4) Survivors Subcommittee.—The Advisory Committee shall establish a subcommittee that shall consist of not fewer than 4 former students or survivors who attended an Indian boarding school.

(h) Duties of the Commission.—

(1) In general.—The Commission shall develop recommendations on actions that the Federal Government can take to adequately hold itself accountable for, and redress and heal, the historical and intergenerational trauma inflicted by the Indian Boarding School Policies, including developing recommendations on ways—
(A) to protect unmarked graves and accompanying land protections;

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

(C) to stop the continued removal of American Indian, Alaska Native, and Native Hawaiian children from their families and reservations under modern-day assimilation practices.

(2) MATTERS INVESTIGATED.—The matters investigated by the Commission under paragraph (1) shall include—

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

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

(ii) church-run Indian boarding schools;

(B) how the assimilation practices of the Federal Government advanced the attempted cultural, religious, and linguistic termination of American Indians, Alaska Natives, and Native Hawaiians;

(C) the impacts and ongoing effects of the Indian Boarding School Policies;
(D) the location of American Indian, Alaskan Native, and Native Hawaiian children who are still, as of the date of enactment of this Act, buried at Indian boarding schools and off-campus cemeteries, including notifying the Tribal nation from which the children were taken; and

(E) church and government records, including records relating to attendance, infirmary, deaths, land, Tribal affiliation, and other correspondence.

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

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

(B) locate, document, analyze, and preserve records from schools described in paragraph (2)(A), including any records held at State and local levels; and

(C) provide to, and receive from, the Department of the Interior any information that the Commission determines to be relevant—

(i) to the work of the Commission; or
(ii) to any investigation of the Indian Boarding School Policies being conducted by the Department of the Interior.

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

(A) survivors of schools described in paragraph (2)(A), in order to identify how the experience of those survivors impacts their lives; so that their stories will be remembered as part of the history of the United States; and

(B) American Indian, Alaska Native, and Native Hawaiian individuals, tribes, and organizations directly impacted by assimilation practices supported by the Federal Government, including assimilation practices promoted by—

(i) religious groups receiving funding, or working closely with, the Federal Government;

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

(iii) any other local, State, or territorial government body or agency; and

(iv) any other private entities; and

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

(i) churches;

(ii) the Federal Government;

(iii) State and local governments;

(iv) individuals; and

(v) organizations.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 3
years after the date of enactment of this Act,
the Commission shall make publicly available
and submit to the President, the White House
Council on Native American Affairs; the Sec-
retary of the Interior; the Secretary of Edu-
cation; the Secretary of Health and Human
Services; the Committee on Indian Affairs of
the Senate; the Committee on Natural Re-
sources of the House of Representatives; and
the Members of Congress making appointments
under subsection (b)(1), an initial report con-
taining—

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

(ii) the recommendations of the Com-
mision for such legislation and adminis-
trative actions as the Commission considers appropriate;

(iii) the recommendations of the Commission to provide or increase Federal funding to adequately fund—

(I) American Indian, Alaska Native, and Native Hawaiian programs for mental health and traditional healing programs;

(II) a nationwide hotline for survivors, family members, or other community members affected by the Indian Boarding School Policies; and

(III) the development of materials to be offered for possible use in K–12 Native American and United States history curricula to address the history of Indian Boarding School Policies; and

(iv) other recommendations of the Commission to identify—

(I) possible ways to address historical and intergenerational trauma inflicted on American Indian, Alaska Native, and Native Hawaiian commu-
nities by the Indian Boarding School Policies; and

(II) ongoing and harmful practices and policies relating to or resulting from the Indian Boarding School Policies that continue in public education systems.

(B) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Commission shall make available and submit a final report in accordance with the requirements under subparagraph (A) that have been agreed on by the vote of a majority of the members of the Commission.

(i) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths, virtually or in-person, as the Commission may determine advisable; and

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

(2) Subpoenas.—

(A) In general.—

(i) Issuance of subpoenas.—Subject to subparagraph (B), the Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate under this section.

(ii) Vote.—Subpoenas shall be issued under clause (i) by agreement between the Chairperson and Vice Chairperson of the Commission, or by the vote of a majority of the members of the Commission.

(iii) Attendance of witnesses and production of evidence.—The attendance of witnesses and the production of evidence may be required from any place
within the United States at any designated place of hearing within the United States.

(B) PROTECTION OF PERSON SUBJECT TO A SUBPOENA—

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

(I) consider the cultural, emotional, and psychological well-being of survivors, family members, and community members affected by the Indian Boarding School Policies; and

(II) take reasonable steps to avoid imposing undue burden, including cultural, emotional, and psychological trauma, on a survivor, family member, or community member affected by the Indian Boarding School Policies.

(ii) QUASHING OR MODIFYING A SUBPOENA.—On a timely motion, the district court of the United States in the judicial district in which compliance with the subpoena is required shall quash or modify a
subpoena that subjects a person to undue burden as described in clause (i)(II).

(C) FAILURE TO OBEY A SUBPOENA.—

(i) ORDER FROM A DISTRICT COURT OF THE UNITED STATES.—If a person does not obey a subpoena issued under subparagraph (A), the Commission is authorized to apply to a district court of the United States for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation.

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

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

(D) SUBJECT MATTER JURISDICTION.—

The district court of the United States in which an action is brought under subparagraph (C)(i)
shall have original jurisdiction over any civil action brought by the Commission to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with, the applicable subpoena issued by the Commission.

(E) 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.

(F) Service of Process.—All process of any court to which an application is made under subparagraph (C) may be served in the judicial district in which the person required to be served resides or may be found.

(G) Additional Personnel and Services.—

(A) In General.—The Chairperson of the Commission may procure additional personnel and services to ensure that the work of the Commission avoids imposing an undue burden, including cultural, emotional, and psychological trauma, on survivors, family members, or other community members affected by the Indian Boarding School Policies.
(B) Compensation.—The Chairperson of the Commission may fix the compensation of personnel procured under subparagraph (A) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(4) 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.

(5) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property relating to the purpose of the Commission.

(j) Application.—The Commission shall be subject to chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act").

(k) Consultation With Indian Tribes.—In carrying out the duties of the Commission under subsection (h), the Commission shall consult with Indian Tribes.

(l) Collaboration by the Department of the Interior.—The Department of the Interior shall collabo-
rate and exchange relevant information with the Commission in order for the Commission to effectively carry out the duties of the Commission under subsection (h).

(m) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report required under subsection (h)(5)(B).

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Truth and Healing Commission on Indian Boarding School Policies Act of 2023".

(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.

1 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 impacts of those policies and practices;

(3) in May 2022, the Department of the Interior published volume 1 of a report entitled “Federal In-
KAT24420 KFP S.L.C.

39

...dian Boarding School Initiative Investigative Report” (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 supported 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 systematic, violent, and militarized identity-altering methods, such as physical, sexual, and psychological abuse and neglect, to attempt to forcibly assimilate Native children and strip them of their languages, cultures, and social connections;

(D) the violent methods referred to in subparagraph (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 communities;

(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 experience intergenerational trauma and cultural and familial disruption from experiences rooted in Indian Boarding Schools Policies, which divided family structures, damaged cultures and individual identities, and inflicted chronic physical and psychological ramifications on American 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 in-
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;

(B) a site of an institution identified by the Department of the Interior in appendices A and B of the report entitled “Federal Indian Boarding School Initiative Investigative Report” and dated May 2022 (or a successor report); or

(C) 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.—

(1) 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) 1 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 by their respective Native community.

(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 organizations 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 Com-
mission 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; RE-
MOVAL.—

(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 va-
cancy 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(c)(5)(B).

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

(c) 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 Committees 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(c)(1)(D), section 201(e)(1)(C), and section 211(c)(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 pro-
bursable 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 Commission 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 members of the Commission, approve the expenditure 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-deductible gift made by that donor under those subparagraphs.

(E) ARCHIVING.—The Commission shall coordinate with the Library of Congress and the National Museum of the American Indian to archive and preserve relevant gifts or donations 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 Committee, the Commission, 3 designees from the Na-
tive 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 formats for convenings carried out under this subsection.

(B) RULES AND PROTOCOLS.—Not later than 45 days after the initial meeting described in subparagraph (A), the Commission shall finalize 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 Commission and designees described in subparagraph (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 1 year after 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 unanimous vote 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.—

(I) In general.—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.

(II) Subpoena prohibited by attorney general.—

(aa) In general.—The Attorney General, on receiving a notice under subclause (I), may, on a showing of a procedural or substantive defect, and after the Commission has a reasonable opportunity to cure, prohibit the issuance of the applicable subpoena described in that notice.

(bb) Notification to Congress.—On prohibition of the issuance of a subpoena under item (aa), the Attorney General shall
submit to Congress a report detailing the reasons for that prohibition.

(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 district 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 subparagraph (A) may be made within the judicial district where the person described in that subparagraph 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 contempt.

(3) Subject matter jurisdiction.—The district court of the United States in which an action is brought under paragraph (2)(B) shall have original
jurisdiction over any civil action brought by the Commission to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened 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 Com-
mittee, 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 Com-
mittee Act”), shall not apply to the Commission.

(k) **Consultation or Engagement With Native Americans, Indian Tribes, Tribal Organiza-
tions, the Office of Hawaiian Affairs, and Native Hawaiian
Organizations.**—In carrying out the duties of the Com-
mission under section 111, the Commission shall meaning-
fully consult or engage, as appropriate, in a timely manner
with Native Americans, Indian Tribes, Tribal organiza-
tions, 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 determines relevant to the investigation of the Commission; and

(ii) Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations; and

(C) conducting a comprehensive assessment 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, artifacts, and real property.—If the Commission conducts a comprehensive review of research described in paragraph (2)(A)(ii) that focuses on objects, 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, curate, 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, subject to the condition that no Federal funds may be used to purchase those objects, artifacts, or real or personal property.

(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 Ha-
waian 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 (e)(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.

(e) 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 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) PUBLICATION OF 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 each make the final report publicly available on the website of the applicable agency.

(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 agen-
cies, 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 sub-
committee of the Commission, to be known as the “Sur-
vivors 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 Heal-
ing 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 busi-
ness 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 positions of the Survivors Truth and Healing Subcommittee 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; removal.—

(A) Period of appointment.—A member of the Survivors Truth and Healing Subcommittee shall be appointed for an automatically renewable term of 2 years.

(B) Vacancies.—

(i) In general.—A member of the Survivors Truth and Healing Subcommittee
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 Subcommittee 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(e)(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 sub-
section (b)(1), the Survivors Truth and Healing Sub-
committee 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 Com-
mission, rules for the Survivors Truth and Heal-
ing Subcommittee;

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

(D) to appoint, with the advice of the Com-
mission, 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—

(1) assist the Commission, the Native American Truth and Healing Advisory Committee, and the Fed-
eral Truth and Healing Advisory Committee in co-
ordinating public and private convenings, includ-
ing—

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

(B) providing advice and evaluating Com-
mittee recommendations relating to the com-
memoration and public education relating to In-
dian Boarding Schools and Indian Boarding
School Policies; and

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

(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 Sur-
vivors 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 or-
ganizations, the Office of Hawaiian Affairs, and Native
Hawaiian organizations.
(h) NONDISCLOSURE.—

(1) PRIVACY ACT OF 1974 APPLICABILITY.—Sub-
section (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 APPLICA-
BILITY.—Records and other communications provided
to, from, between, or within the Commission, the Fed-
eral Truth and Healing Advisory Committee, the Na-
tive American Truth and Healing Advisory Com-
mittee, the Survivors Truth and Healing Sub-
committee, 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 APPLI-
CABILITY.—Chapter 10 of title 5, United States Code
(commonly known as the “Federal Advisory Com-
mittee 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 Subcommittee.
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 establish 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 submitted 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 Subcommittee, who shall serve as the Vice
Chairperson of the Native American Truth and Healing Advisory Committee;

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

(iv) 1 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and Hawai‘i;

(v) 1 shall represent the National Native American Boarding School Healing Coalition;

(vi) 1 shall represent the National Association of Tribal Historic Preservation Officers; and

(vii) 1 shall represent the National Indian 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
(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.

(c) 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 organizations 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 requests by, the Commission as the Commission may require to carry out the purposes described in section 3.

(h) 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 Native American Truth and Healing Advisory Committee under subsection (g), the Native American 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.

(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 Com-
mittee, the Survivors Truth and Healing Sub-
committee, 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 APPLI-
CABILITY.**—Chapter 10 of title 5, United States Code
(commonly known as the “Federal Advisory Com-
mittee 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, includ-
ing the convening of meetings, including public and
private meetings to receive testimony in furtherance
of the duties of the Native American Truth and Heal-
ing 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 De-
partment of Health and Human Services (or a designee);

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

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

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

(N) I 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 Chair 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 Committee 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 Fed-
eral Truth and Healing Advisory Committee shall
hold an initial business meeting—

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

(B) to appoint 2 members of the Federal
Truth and Healing Advisory Committee 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 Federal Truth and
Healing Advisory Committee is held under paragraph
(1), the Federal Truth and Healing Advisory Com-
mittee shall meet at the call of the Chairperson.

(3) FORMAT OF BUSINESS MEETINGS.—A busi-
ness meeting of the Federal Truth and Healing Advi-
sory Committee may be conducted in-person, vir-
tually, 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 ac-
cordance 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.