

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7227
OFFERED BY MR. KILEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Truth and Healing Commission on Indian Boarding
4 School Policies Act of 2024”.

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

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

TITLE I—COMMISSION AND SUBCOMMITTEES

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

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

Subtitle B—Duties of the Commission

Sec. 111. Duties of the commission.

Subtitle C—Survivors Truth and Healing Subcommittee

Sec. 121. Survivors truth and healing subcommittee.

TITLE II—ADVISORY COMMITTEES

Subtitle A—Native American Truth and Healing Advisory Committee

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

Subtitle B—Federal Truth and Healing Advisory Committee

Sec. 211. Federal Truth and Healing Advisory Committee.

TITLE III—GENERAL PROVISIONS

Sec. 301. Clarification.

Sec. 302. Burial management.

Sec. 303. Co-stewardship agreements.

Sec. 304. No right of action.

Sec. 305. Severability.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to establish a Truth and Healing Commis-
4 sion on Indian Boarding School Policies in the
5 United States, including other necessary advisory
6 committees and subcommittees;

7 (2) to formally investigate, document, and re-
8 port on the histories of Indian Boarding Schools, In-
9 dian Boarding School Polices, and the systematic
10 and long-term effects of those schools and policies
11 on Native American peoples;

12 (3) to develop recommendations for Federal
13 participation based on the findings of the Commis-
14 sion; and

15 (4) to promote healing for survivors of Indian
16 Boarding Schools, the descendants of those sur-
17 vivors, and the communities of those survivors.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) COMMISSION.—The term “Commission”
21 means the Truth and Healing Commission on Indian

1 Boarding School Policies in the United States estab-
2 lished by section 101(a).

3 (2) FEDERAL TRUTH AND HEALING ADVISORY
4 COMMITTEE.—The term “Federal Truth and Heal-
5 ing Advisory Committee” means the Federal Truth
6 and Healing Advisory Committee established by sec-
7 tion 211(a).

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

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

14 (A) a site of an institution that—

15 (i) provided on-site housing or over-
16 night lodging;

17 (ii) was described in Federal records
18 as providing formal academic or vocational
19 training and instruction to American Indi-
20 ans, Alaska Natives, or Native Hawaiians;

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

23 (iv) was operational before 1969;

24 (B) a site of an institution identified by
25 the Department of the Interior in appendices A

1 and B of the report entitled “Federal Indian
2 Boarding School Initiative Investigative Re-
3 port” and dated May 2022 (or a successor re-
4 port); or

5 (C) any other institution that implemented
6 Indian Boarding School Policies, including an
7 Indian day school.

8 (5) INDIAN BOARDING SCHOOL POLICIES.—The
9 term “Indian Boarding School Policies” means Fed-
10 eral laws, policies, and practices purported to “as-
11 similate” and “civilize” Indians, Alaska Natives, and
12 Native Hawaiians that included psychological, phys-
13 ical, sexual, and mental abuse, forced removal from
14 home or community, and identity-altering practices
15 intended to terminate Native languages, cultures, re-
16 ligions, social organizations, or connections to tradi-
17 tional land.

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

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

24 (A) an Indian; or

25 (B) a Native Hawaiian.

1 (8) NATIVE AMERICAN TRUTH AND HEALING
2 ADVISORY COMMITTEE.—The term “Native Amer-
3 ican Truth and Healing Advisory Committee” means
4 the Native American Truth and Healing Advisory
5 Committee established by the Commission under sec-
6 tion 201(a).

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

11 (10) NATIVE HAWAIIAN ORGANIZATION.—The
12 term “Native Hawaiian organization” means a pri-
13 vate nonprofit organization that—

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

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

18 (C) has Native Hawaiians serving in sub-
19 stantive and policymaking positions; and

20 (D) has expertise in Native Hawaiian af-
21 fairs.

22 (11) OFFICE OF HAWAIIAN AFFAIRS.—The
23 term “Office of Hawaiian Affairs” has the meaning
24 given the term in section 6207 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 7517).

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

7 (13) TRAUMA-INFORMED CARE.—The term
8 “trauma-informed care” means holistic psychological
9 and health care practices that include promoting cul-
10 turally responsive practices, patient psychological,
11 physical, and emotional safety, and environments of
12 healing, trust, peer support, and recovery.

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

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

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

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

14 (b) **MEMBERSHIP.**—

15 (1) **MEMBERSHIP.**—

16 (A) **IN GENERAL.**—The Commission shall
17 include 5 members, to be jointly appointed by
18 the Speaker of the House of Representatives,
19 the Majority Leader of the Senate, and the Mi-
20 nority Leaders of the House of Representatives
21 and the Senate, in consultation with the Chair-
22 person and Vice Chairperson of the Committee
23 on Indian Affairs of the Senate and the Chair
24 and ranking minority member of the Committee
25 on Natural Resources of the House of Rep-

1 representatives, from among the nominees sub-
2 mitted under paragraph (2)(A), of whom—

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

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

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

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

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

7 (B) ADDITIONAL REQUIREMENTS FOR
8 MEMBERSHIP.—In addition to the requirements
9 described in subparagraph (A), each member of
10 the Commission shall be a person of recognized
11 integrity and empathy, with a demonstrated
12 commitment to the values of truth, reconcili-
13 ation, healing, and expertise in truth and heal-
14 ing endeavors that are traditionally and cul-
15 turally appropriate so as to provide balanced
16 points of view and expertise with respect to the
17 duties of the Commission.

18 (2) NOMINATIONS.—

19 (A) IN GENERAL.—Not later than 90 days
20 after the date of enactment of this Act, Indian
21 Tribes, Tribal organizations, Native Americans,
22 the Office of Hawaiian Affairs, and Native Ha-
23 waiian organizations may submit to the Sec-
24 retary of the Interior nominations for individ-
25 uals to be appointed to the Commission.

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

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

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

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

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

20 (i) 6 years; and

21 (ii) the life of the Commission.

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

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

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

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

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

12 (5) TERMINATION.—The Commission shall ter-
13 minate 6 years after the date of the enactment of
14 this Act.

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

18 (c) BUSINESS MEETINGS.—

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

1 (A) to appoint a Chairperson, a Vice
2 Chairperson, and such other positions as deter-
3 mined necessary by the Commission;

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

6 (C) to appoint members of—

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

10 (ii) the Native American Truth and
11 Healing Advisory Committee under section
12 201(b)(1).

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

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

1 section 201(e)(1)(C), and section 211(c)(1)(B), as
2 applicable.

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

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

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

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

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

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

1 meetings, including public or private meetings to re-
2 ceive testimony in furtherance of the duties of the
3 Commission and the purposes of this Act.

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

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

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

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

20 (g) POWERS OF COMMISSION.—

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

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

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

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

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

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

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

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

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

12 (2) CONTRACTING; VOLUNTEER SERVICES.—

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

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

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

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

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

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

14 (A) GIFTS AND DONATIONS.—

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

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

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

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

5 or

6 (II) archived under subparagraph

7 (E).

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

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

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

23 (E) ARCHIVING.—The Commission shall
24 coordinate with the Library of Congress and
25 the Smithsonian Institution to archive and pre-

1 serve relevant gifts or donations received under
2 subparagraph (A) or (B).

3 (h) CONVENING.—

4 (1) CONVENING PROTOCOL.—

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

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

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

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

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

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

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

14 (B) beginning 1 year after the date of the
15 enactment of this Act, not fewer than 1 con-
16 vening in each quarter to receive testimony each
17 calendar year until the date on which the Com-
18 mission submits the final report of the Commis-
19 sion under section 111(e)(3).

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

25 (i) SUBPOENAS.—

1 (1) IN GENERAL.—

2 (A) ISSUANCE OF SUBPOENAS.—

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

11 (ii) NOTIFICATION.—

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

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

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

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

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

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

15 (2) FAILURE TO OBEY A SUBPOENA.—

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

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

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

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

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

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

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

1 (j) FEDERAL ADVISORY COMMITTEE ACT APPLICA-
2 BILITY.—Chapter 10 of title 5, United States Code (com-
3 monly known as the “Federal Advisory Committee Act”),
4 shall not apply to the Commission.

5 (k) CONGRESSIONAL ACCOUNTABILITY ACT APPLI-
6 CABILITY.—For purposes of the Congressional Account-
7 ability Act of 1995 (2 U.S.C. 1301 et seq.)—

8 (1) any individual who is an employee of the
9 Commission shall be considered a covered employee
10 under the Act; and

11 (2) the Commission shall be considered an em-
12 ploying office under the Act.

13 (l) CONSULTATION OR ENGAGEMENT WITH NATIVE
14 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,
15 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-
16 WAIAN ORGANIZATIONS.—In carrying out the duties of
17 the Commission under section 111, the Commission shall
18 meaningfully consult or engage, as appropriate, in a timely
19 manner with Native Americans, Indian Tribes, Tribal or-
20 ganizations, the Office of Hawaiian Affairs, and Native
21 Hawaiian organizations.

22 (m) AUTHORIZATION OF APPROPRIATIONS.—For
23 each fiscal year in which the Commission is operational,
24 there is authorized to be appropriated \$15,000,000 to the
25 Commission to carry out this Act. Amounts appropriated

1 pursuant to this authorization shall be derived and trans-
2 ferred from the unexpired, unobligated balances of all
3 amounts made available to the Indian Health Service to
4 prevent, prepare for, or respond to coronavirus.

5 (n) RESCISSION.—Of the unobligated balances of
6 funds made available by section 11001 of Public Law
7 117–2, \$90,000,000 are hereby permanently rescinded.

8 **Subtitle B—Duties of the** 9 **Commission**

10 **SEC. 111. DUTIES OF THE COMMISSION.**

11 (a) INVESTIGATION.—

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) MEETINGS AND CONVENINGS.—

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

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

22 (c) RECOMMENDATIONS.—

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

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

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

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

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

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

1 Healing Advisory Committee, the Survivors
2 Truth and Healing Subcommittee, the Smithso-
3 nian Institution, and other relevant institutions
4 and organizations.

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

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

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

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

6 (e) REPORTS.—

7 (1) ANNUAL REPORTS TO CONGRESS.—Not less
8 frequently than annually until the year before the
9 year in which the Commission expires, the Commis-
10 sion shall submit to the Committee on Indian Affairs
11 of the Senate and the Committee on Natural Re-
12 sources of the House of Representatives a report
13 that describes the activities of the Commission dur-
14 ing the previous year, including an accounting of
15 funds and gifts received and expenditures made, the
16 progress made, and any barriers encountered in car-
17 rying out this Act.

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

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

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

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

9 (3) COMMISSION FINAL REPORT.—Before the
10 expiration of the Commission, the Commission shall
11 submit to the individuals described in paragraph (4),
12 and make publicly available, a final report con-
13 taining the findings, conclusions, and recommenda-
14 tions of the Commission that have been agreed on
15 by the vote of a majority of the members of the
16 Commission and $\frac{3}{5}$ of the members of each of the
17 Native American Truth and Healing Advisory Com-
18 mittee and the Survivors Truth and Healing Sub-
19 committee.

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

22 (A) the President;

23 (B) the Secretary of the Interior;

24 (C) the Attorney General;

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

3 (E) the Secretary of Education;

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

6 (G) the Secretary of Defense;

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

10 (I) the Chairperson and ranking minority
11 member of the Committee on Natural Re-
12 sources of the House of Representatives;

13 (J) the Co-Chairs of the Congressional Na-
14 tive American Caucus;

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

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

19 (M) the Archivist of the United States;

20 (N) the Librarian of Congress; and

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

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

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

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

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

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

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

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

8 (A) the President;

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

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

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

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

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

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

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

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

7 (A) 12 shall be representatives from each
8 of the 12 regions of the Bureau of Indian Af-
9 fairs and 1 shall be a representative from Ha-
10 wai'i;

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

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

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

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

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

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

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

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

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

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

11 (2) NOMINATIONS.—

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

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

1 Truth and Healing Subcommittee from among
2 those nominees.

3 (3) DATE.—

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

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

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

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

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

3 (B) VACANCIES.—

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

8 (ii) EFFECT; FILLING OF VACANCY.—

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

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

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

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

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

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

3 (6) LIMITATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), no member of the Survivors Truth
6 and Healing Subcommittee shall be an officer
7 or employee of the Federal Government.

8 (B) EXCEPTION.—Subparagraph (A) shall
9 not apply to an employee of a Bureau school
10 (as defined in section 1141 of the Education
11 Amendments of 1978 (25 U.S.C. 2021)).

12 (c) BUSINESS MEETINGS.—

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

19 (A) to appoint—

20 (i) a Chairperson, who shall also serve
21 as the Vice Chairperson of the Federal
22 Truth and Healing Advisory Committee;

23 (ii) a Vice Chairperson, who shall also
24 serve as the Vice Chairperson of the Na-

1 tive American Truth and Healing Advisory
2 Committee; and

3 (iii) a Secretary;

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

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

10 (D) to appoint, with the advice of the
11 Commission, 2 members of the Survivors Truth
12 and Healing Subcommittee to serve as non-vot-
13 ing designees on the Commission in accordance
14 with section 101(c)(3).

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

20 (3) FORMAT OF BUSINESS MEETINGS.—A busi-
21 ness meeting of the Survivors Truth and Healing
22 Subcommittee may be conducted in-person or vir-
23 tually.

24 (4) QUORUM REQUIRED.—A business meeting
25 of the Survivors Truth and Healing Subcommittee

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

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

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

11 (f) DUTIES.—The Survivors Truth and Healing Sub-
12 committee shall assist the Commission, the Native Amer-
13 ican Truth and Healing Advisory Committee, and the Fed-
14 eral Truth and Healing Advisory Committee in coordi-
15 nating public and private convenings, including—

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

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

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

24 (g) CONSULTATION OR ENGAGEMENT WITH NATIVE
25 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,

1 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-
2 WAIAN ORGANIZATIONS.—In carrying out the duties of
3 the Survivors Truth and Healing Subcommittee under
4 subsection (f), the Survivors Truth and Healing Sub-
5 committee shall meaningfully consult or engage, as appro-
6 priate, in a timely manner with Native Americans, Indian
7 Tribes, Tribal organizations, the Office of Hawaiian Af-
8 fairs, and Native Hawaiian organizations.

9 (h) FEDERAL ADVISORY COMMITTEE ACT APPLICA-
10 BILITY.—Chapter 10 of title 5, United States Code (com-
11 monly known as the “Federal Advisory Committee Act”),
12 shall not apply to the Survivors Truth and Healing Sub-
13 committee.

14 (i) CONGRESSIONAL ACCOUNTABILITY ACT APPLICA-
15 BILITY.—For purposes of the Congressional Account-
16 ability Act of 1995 (2 U.S.C. 1301 et seq.)—

17 (1) any individual who is an employee of the
18 Survivors Truth and Healing Subcommittee shall be
19 considered a covered employee under the Act; and

20 (2) the Survivors Truth and Healing Sub-
21 committee shall be considered an employing office
22 under the Act.

23 (j) PERSONNEL MATTERS.—

24 (1) COMPENSATION OF MEMBERS.—A member
25 of the Survivors Truth and Healing Subcommittee

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

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

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

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

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

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

13 (1) **MEMBERSHIP.**—

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

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

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

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

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

7 (iv) 12 shall be representatives from
8 each of the 12 regions of the Bureau of In-
9 dian Affairs and 1 shall be a representative
10 from Hawai'i;

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

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

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

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

1 Schools to ensure that the Commission con-
2 siders culturally responsive support for sur-
3 vivors, families, and communities.

4 (2) NOMINATIONS.—

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

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

22 (3) DATE.—

23 (A) IN GENERAL.—The Commission shall
24 appoint all members of the Native American
25 Truth and Healing Advisory Committee during

1 the initial business meeting of the Commission
2 under section 101(c)(1).

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

17 (4) PERIOD OF APPOINTMENT; VACANCIES.—

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

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

1 (i) shall not affect the powers of the
2 Native American Truth and Healing Advi-
3 sory Committee if a simple majority of the
4 positions of the Native American Truth
5 and Healing Advisory Committee are filled;
6 and

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

10 (5) TERMINATION.—The Native American
11 Truth and Healing Advisory Committee shall termi-
12 nate 90 days after the date on which the Commis-
13 sion submits the final report required under section
14 111(e)(3).

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

20 (c) QUORUM.—A simple majority of the appointed
21 members of the Native American Truth and Healing Advi-
22 sory Committee shall constitute a quorum.

23 (d) REMOVAL.—A quorum of members of the Native
24 American Truth and Healing Advisory Committee may re-

1 move another member only for neglect of duty or malfea-
2 sance.

3 (e) BUSINESS MEETINGS.—

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

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

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

16 (C) to appoint 2 members of the Native
17 American Truth and Healing Advisory Com-
18 mittee to serve as non-voting designees on the
19 Commission in accordance with section
20 101(c)(3).

21 (2) SUBSEQUENT BUSINESS MEETINGS.—After
22 the initial business meeting of the Native American
23 Truth and Healing Advisory Committee is held
24 under paragraph (1), the Native American Truth

1 and Healing Advisory Committee shall meet at the
2 call of the Chairperson.

3 (3) **FORMAT OF BUSINESS MEETINGS.**—A meet-
4 ing of the Native American Truth and Healing Advi-
5 sory Committee may be conducted in-person or vir-
6 tually.

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

11 (f) **RULES.**—The Native American Truth and Heal-
12 ing Advisory Committee may establish, with the advice of
13 the Commission, by a majority vote, any rules for the con-
14 duct of business, in accordance with this section and other
15 applicable law.

16 (g) **DUTIES.**—The Native American Truth and Heal-
17 ing Advisory Committee shall—

18 (1) serve as an advisory body to the Commis-
19 sion;

20 (2) assist the Commission in organizing and
21 carrying out culturally appropriate public and pri-
22 vate convenings relating to the duties of the Com-
23 mission;

24 (3) assist the Commission in determining what
25 documentation from Federal and religious organiza-

1 tions and institutions may be necessary to fulfill the
2 duties of the Commission;

3 (4) assist the Commission in the production of
4 the initial report and final report required under
5 paragraphs (2) and (3), respectively, of section
6 111(e);

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

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

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

1 (i) FEDERAL ADVISORY COMMITTEE ACT APPLICA-
2 BILITY.—Chapter 10 of title 5, United States Code (com-
3 monly known as the “Federal Advisory Committee Act”),
4 shall not apply to the Native American Truth and Healing
5 Advisory Committee.

6 (j) CONGRESSIONAL ACCOUNTABILITY ACT APPLICA-
7 BILITY.—For purposes of the Congressional Account-
8 ability Act of 1995 (2 U.S.C. 1301 et seq.)—

9 (1) any individual who is an employee of the
10 Native American Truth and Healing Advisory Com-
11 mittee shall be considered a covered employee under
12 the Act; and

13 (2) the Native American Truth and Healing
14 Advisory Committee shall be considered an employ-
15 ing office under the Act.

16 (k) PERSONNEL MATTERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) BUSINESS MEETINGS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (h) NONDISCLOSURE.—

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

20 (2) FREEDOM OF INFORMATION ACT APPLICA-
21 BILITY.—Records and other communications in the
22 possession of the Federal Truth and Healing Advi-
23 sory Committee shall be exempt from disclosure
24 under section (b)(3)(B) of section 552 of title 5,

1 United States Code (commonly known as the “Free-
2 dom of Information Act”).

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

8 **TITLE III—GENERAL** 9 **PROVISIONS**

10 **SEC. 301. CLARIFICATION.**

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

19 **SEC. 302. BURIAL MANAGEMENT.**

20 A Federal agency that carries out activities pursuant
21 to this Act or that created or controls a cemetery with
22 remains of an individual who attended an Indian Boarding
23 School may rebury the remains of that individual and any
24 associated funerary items that have been repatriated pur-
25 suant to section 7 of the Native American Graves Protec-

1 tion and Repatriation Act (25 U.S.C. 3005), consistent
2 with Tribal practices, on any Federal land as agreed to
3 by the relevant parties.

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

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

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

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

14 **SEC. 305. SEVERABILITY.**

15 If any provision of this Act is held invalid, the re-
16 mainder of this Act shall not be affected thereby.

