

118TH CONGRESS
2D SESSION

H. R. 7227

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2024

Ms. DAVIDS of Kansas (for herself and Mr. COLE) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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.

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

1 and long-term effects of those schools and policies
2 on Native American peoples;

3 (3) to develop recommendations for Federal
4 participation based on the findings of the Commis-
5 sion; and

6 (4) to promote healing for survivors of Indian
7 Boarding Schools, the descendants of those sur-
8 vivors, and the communities of those survivors.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) COMMISSION.—The term “Commission”
12 means the Truth and Healing Commission on Indian
13 Boarding School Policies in the United States estab-
14 lished by section 101(a).

15 (2) FEDERAL TRUTH AND HEALING ADVISORY
16 COMMITTEE.—The term “Federal Truth and Heal-
17 ing Advisory Committee” means the Federal Truth
18 and Healing Advisory Committee established by sec-
19 tion 211(a).

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

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

1 (A) a site of an institution that—

2 (i) provided on-site housing or over-
3 night lodging;

4 (ii) was described in Federal records
5 as providing formal academic or vocational
6 training and instruction to American Indi-
7 ans, Alaska Natives, or Native Hawaiians;

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

10 (iv) was operational before 1969;

11 (B) a site of an institution identified by
12 the Department of the Interior in appendices A
13 and B of the report entitled “Federal Indian
14 Boarding School Initiative Investigative Re-
15 port” and dated May 2022 (or a successor re-
16 port); or

17 (C) any other institution that implemented
18 Indian Boarding School Policies, including an
19 Indian day school.

20 (5) INDIAN BOARDING SCHOOL POLICIES.—The
21 term “Indian Boarding School Policies” means Fed-
22 eral laws, policies, and practices purported to “as-
23 similate” and “civilize” American Indians, Alaska
24 Natives, and Native Hawaiians that included psycho-
25 logical, physical, sexual, and mental abuse, forced

1 removal from home or community, and identity-al-
2 tering practices intended to terminate Native lan-
3 guages, cultures, religions, social organizations, or
4 connections to traditional land.

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

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

11 (A) an Indian; or

12 (B) a Native Hawaiian.

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

19 (9) NATIVE HAWAIIAN.—The term “Native Ha-
20 waiian” has the meaning given the term in section
21 6207 of the Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. 7517).

23 (10) NATIVE HAWAIIAN ORGANIZATION.—The
24 term “Native Hawaiian organization” means a pri-
25 vate nonprofit organization that—

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

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

5 (C) has Native Hawaiians serving in sub-
6 stantive and policymaking positions; and

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

9 (11) OFFICE OF HAWAIIAN AFFAIRS.—The
10 term “Office of Hawaiian Affairs” has the meaning
11 given the term in section 6207 of the Elementary
12 and Secondary Education Act of 1965 (20 U.S.C.
13 7517).

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

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

24 (14) TRIBAL ORGANIZATION.—The term “Trib-
25 al organization” has the meaning given the term in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

3 **TITLE I—COMMISSION AND**
4 **SUBCOMMITTEES**

5 **Subtitle A—Truth and Healing**
6 **Commission on Indian Boarding**
7 **School Policies in the United**
8 **States**

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

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

16 (b) MEMBERSHIP.—

17 (1) MEMBERSHIP.—

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

1 Ranking Member of the Committee on Natural
2 Resources of the House of Representatives,
3 from among the nominees submitted under
4 paragraph (2)(A), of whom—

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

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

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

24 (iv) 1 shall be an individual with ex-
25 tensive experience and expertise in pro-

1 viding and coordinating trauma-informed
2 care and other health-related services to
3 Indian Tribes and Native Americans; and

4 (v) 1 shall be a Native American indi-
5 vidual recognized as a traditional cultural
6 authority by their respective Native com-
7 munity.

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

19 (2) NOMINATIONS.—

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

1 days after the date of the enactment of this
2 Act.

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

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

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

17 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
18 MOVAL.—

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

22 (i) 6 years; and

23 (ii) the life of the Commission.

24 (B) VACANCIES.—After all initial members
25 of the Commission are appointed and the initial

1 business meeting of the Commission has been
2 convened under subsection (c)(1), a single va-
3 cancy in the Commission—

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

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

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

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

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

19 (c) BUSINESS MEETINGS.—

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

1 (A) to appoint a Chairperson, a Vice
2 Chairperson, a Secretary, and such other posi-
3 tions as determined necessary by the Commis-
4 sion;

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

7 (C) to appoint members of—

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

11 (ii) the Native American Truth and
12 Healing Advisory Committee under section
13 201(b)(1).

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

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

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

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

6 (5) **QUORUM REQUIRED.**—A business meeting
7 of the Commission may only be held once a quorum,
8 established in accordance with subsection (d), is
9 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 of title 31,
23 United States Code, the Commission may ac-
24 cept and use such voluntary and uncompen-

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

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

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

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

15 (A) GIFTS AND DONATIONS.—

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

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

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

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

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

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

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

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

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

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

3 (h) CONVENING.—

4 (1) CONVENING PROTOCOL.—

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

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

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

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

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

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

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

14 (B) beginning 1 year after the date of the
15 enactment of this Act, not fewer than 1 con-
16 vening per 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, subject to the discretion of
24 the Chairperson of the Commission (or a designee).

25 (i) SUBPOENAS.—

1 (1) IN GENERAL.—

2 (A) ISSUANCE OF SUBPOENAS.—

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

11 (ii) NOTIFICATION.—

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

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

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

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

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

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

15 (2) FAILURE TO OBEY A SUBPOENA.—

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

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

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

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

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

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

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

25 (j) NONDISCLOSURE.—

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

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

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

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

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

3 (l) AUTHORIZATION OF APPROPRIATIONS.—For each
4 fiscal year that the Commission is operational, there is au-
5 thorized to be appropriated \$15,000,000 to the Commis-
6 sion to carry out this Act. Amounts appropriated pursuant
7 to this authorization shall be derived and transferred from
8 the unexpired, unobligated balances of all amounts made
9 available to the Indian Health Service to prevent, prepare
10 for, or respond to coronavirus.

11 (m) RESCISSION.—Of the unobligated balances of
12 funds made available by section 11001 of Public Law
13 117–2, \$90,000,000 are hereby permanently rescinded.

14 **Subtitle B—Duties of the** 15 **Commission**

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

17 (a) INVESTIGATION.—

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

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

4 (A) conducting a comprehensive review of
5 existing research and historical records of In-
6 dian Boarding School Policies and any docu-
7 mentation, scholarship, or other resources rel-
8 evant to the purposes of this Act from—

9 (i) any archive or any other document
10 storage location, notwithstanding the loca-
11 tion of that archive or document storage
12 location; and

13 (ii) any research conducted by private
14 individuals, private entities, and non-Fed-
15 eral Government entities, whether domestic
16 or foreign, including religious institutions;

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

20 (i) the Department of the Interior, the
21 Department of Health and Human Serv-
22 ices, other relevant Federal agencies, and
23 institutions or organizations, including reli-
24 gious institutions or organizations, that op-
25 erated an Indian Boarding School, carried

1 out Indian Boarding School Policies, or
2 have information the Commission deter-
3 mines relevant to the investigation of the
4 Commission; and

5 (ii) Indian Tribes, Tribal organiza-
6 tions, Native Americans, the Office of Ha-
7 waiian Affairs, and Native Hawaiian orga-
8 nizations; and

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

14 (3) RESEARCH RELATED TO OBJECTS, ARTI-
15 FACTS, AND REAL PROPERTY.—If the Commission
16 conducts a comprehensive review of research de-
17 scribed in paragraph (2)(A)(ii) that focuses on ob-
18 jects, artifacts, or real or personal property that are
19 in the possession or control of private individuals,
20 private entities, or non-Federal Government entities
21 within the United States, the Commission may enter
22 into a contract or agreement to acquire, hold, cu-
23 rate, or maintain those objects, artifacts, or real or
24 personal property until the objects, artifacts, or real
25 or personal property can be properly repatriated or

1 returned, consistent with applicable Federal law and
2 regulations, subject to the condition that no Federal
3 funds may be used to purchase those objects, arti-
4 facts, or real or personal property.

5 (b) MEETINGS AND CONVENINGS.—

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

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

1 members, and other community members to receive
2 trauma-informed care services.

3 (c) RECOMMENDATIONS.—

4 (1) IN GENERAL.—The Commission shall make
5 recommendations to Congress relating to the inves-
6 tigation carried out under subsection (a), which shall
7 be included in the final report required under sub-
8 section (e)(3).

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

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

21 (B) how modification of existing laws, pro-
22 cedures, regulations, policies, budgets, and
23 practices will, in the determination of the Com-
24 mission, address the findings of the Commission

1 and ongoing effects of Indian Boarding School
2 Policies; and

3 (C) how the Federal Government can pro-
4 mote public awareness and education of Indian
5 Boarding School Policies and the impacts of
6 those policies, including through coordinating
7 with the Native American Truth and Healing
8 Advisory Committee, the Survivors Truth and
9 Healing Subcommittee, the National Museum
10 of the American Indian, and other relevant in-
11 stitutions and organizations.

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

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

1 (2) locate, document, analyze, and coordinate
2 the preservation or continued preservation of records
3 and information relating to the interment of stu-
4 dents, including any records held by Federal, State,
5 international, or local entities or religious institu-
6 tions or organizations; and

7 (3) share, to the extent practicable, with af-
8 fected lineal descendants, Indian Tribes, and the Of-
9 fice of Hawaiian Affairs burial locations and the
10 identities of children that attended Indian Boarding
11 Schools.

12 (e) REPORTS.—

13 (1) ANNUAL REPORTS TO CONGRESS.—Not less
14 frequently than annually each year until the year be-
15 fore the year in which the Commission expires, the
16 Commission shall submit to the Committee on In-
17 dian Affairs of the Senate and the Committee on
18 Natural Resources of the House of Representatives
19 a report that describes the activities of the Com-
20 mittee during the previous year, including an ac-
21 counting of funds and gifts received and expendi-
22 tures made, the progress made, and any barriers en-
23 countered in carrying out this Act.

24 (2) COMMISSION INITIAL REPORT.—Not later
25 than 4 years after the date on which a majority of

1 the members of the Commission are appointed under
2 section 101(b)(1), the Commission shall submit to
3 the individuals described in paragraph (4), and
4 make publicly available, an initial report con-
5 taining—

6 (A) a detailed review of existing research,
7 including documentation, scholarship, or other
8 resources shared with the Commission that fur-
9 ther the purposes of this Act;

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

12 (C) a detailed statement of the initial rec-
13 ommendations of the Commission.

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

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

3 (A) the President;

4 (B) the Secretary of the Interior;

5 (C) the Attorney General;

6 (D) the Comptroller General of the United
7 States;

8 (E) the Secretary of Education;

9 (F) the Secretary of Health and Human
10 Services;

11 (G) the Secretary of Defense;

12 (H) the Chairperson and Vice Chairperson
13 of the Committee on Indian Affairs of the Sen-
14 ate;

15 (I) the Chairperson and Ranking Member
16 of the Committee on Natural Resources of the
17 House of Representatives;

18 (J) the Co-Chairs of the Congressional Na-
19 tive American Caucus;

20 (K) the Executive Director of the White
21 House Council on Native American Affairs;

22 (L) the Director of the Office of Manage-
23 ment and Budget;

24 (M) the Archivist of the United States;

25 (N) the Librarian of Congress; and

1 (O) the Director of the National Museum
2 of the American Indian.

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

6 (A) EVENTS RELATING TO INITIAL RE-
7 PORT.—

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

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

19 (B) PUBLICATION OF FINAL REPORT.—
20 Not later than 180 days after the date on which
21 the Commission submits the final report under
22 paragraph (3), the Commission, the Secretary
23 of the Interior, the Secretary of Education, the
24 Secretary of Defense, and the Secretary of
25 Health and Human Services shall each make

1 the final report publicly available on the website
2 of the applicable agency.

3 (6) SECRETARIAL RESPONSE TO FINAL RE-
4 PORT.—Not later than 120 days after the date on
5 which the Secretary of the Interior, the Secretary of
6 Education, the Secretary of Defense, and the Sec-
7 retary of Health and Human Services receive the
8 final report under paragraph (3), the Secretaries
9 shall each make publicly available a written response
10 to recommendations for future action by those agen-
11 cies, if any, contained in the final report, and submit
12 the written response to—

13 (A) the President;

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

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

18 (D) the Comptroller General of the United
19 States.

1 **Subtitle C—Survivors Truth and**
2 **Healing Subcommittee**

3 **SEC. 121. SURVIVORS TRUTH AND HEALING SUB-**
4 **COMMITTEE.**

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

8 (b) MEMBERSHIP, NOMINATION, AND APPOINTMENT
9 TO THE SURVIVORS TRUTH AND HEALING SUB-
10 COMMITTEE.—

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

17 (A) 13 shall be representatives from each
18 of the 12 regions of the Bureau of Indian Af-
19 fairs and Hawai’i;

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

22 (i) not fewer than 2 shall be individ-
23 uals who graduated during the 5-year pe-
24 riod preceding the date of the enactment of
25 this Act from—

1 (I) an Indian Boarding School in
2 operation as of that date of the enact-
3 ment; or

4 (II) a Bureau of Indian Edu-
5 cation-funded school; and

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

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

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

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

16 (ii) was employed at an Indian Board-
17 ing School during the 5-year period pre-
18 ceding the date of the enactment of this
19 Act.

20 (2) NOMINATIONS.—

21 (A) IN GENERAL.—Indian Tribes, Tribal
22 organizations, Native Americans, the Office of
23 Hawaiian Affairs, and Native Hawaiian organi-
24 zations may submit to the Secretary of the In-
25 terior nominations for individuals to be ap-

1 pointed to the Survivors Truth and Healing
2 Subcommittee not later than 90 days after the
3 date of the enactment of this Act.

4 (B) SUBMISSION.—The Secretary of the
5 Interior shall provide the Commission with
6 nominations submitted under subparagraph (A)
7 at the initial business meeting of the Commis-
8 sion under section 101(c)(1) and the Commis-
9 sion shall select the members of the Survivors
10 Truth and Healing Subcommittee from among
11 those nominees.

12 (3) DATE.—

13 (A) IN GENERAL.—The Commission shall
14 appoint all members of the Survivors Truth and
15 Healing Subcommittee during the initial busi-
16 ness meeting of the Commission under section
17 101(c)(1).

18 (B) FAILURE TO APPOINT.—If the Com-
19 mission fails to appoint all members of the Sur-
20 vivors Truth and Healing Subcommittee in ac-
21 cordance with subparagraph (A), the Chair of
22 the Committee on Indian Affairs of the Senate,
23 with the concurrence of the Vice Chair of the
24 Committee on Indian Affairs of the Senate,
25 shall appoint individuals, in accordance with the

1 requirements of paragraph (1), to all vacant po-
2 sitions of the Survivors Truth and Healing Sub-
3 committee not later than 30 days after the date
4 of the initial business meeting of the Commis-
5 sion under section 101(c)(1).

6 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
7 MOVAL.—

8 (A) PERIOD OF APPOINTMENT.—A mem-
9 ber of the Survivors Truth and Healing Sub-
10 committee shall be appointed for an automati-
11 cally renewable term of 2 years.

12 (B) VACANCIES.—

13 (i) IN GENERAL.—A member of the
14 Survivors Truth and Healing Sub-
15 committee may self-vacate the position at
16 any time and for any reason.

17 (ii) EFFECT; FILLING OF VACANCY.—
18 A vacancy in the Survivors Truth and
19 Healing Subcommittee—

20 (I) shall not affect the powers of
21 the Survivors Truth and Healing Sub-
22 committee if a simple majority of the
23 positions of the Survivors Truth and
24 Healing Subcommittee are filled; and

1 (II) shall be filled within 90 days
2 in the same manner as was the origi-
3 nal appointment.

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

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

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

15 (c) BUSINESS MEETINGS.—

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

22 (A) to appoint—

23 (i) a Chairperson, who shall also serve
24 as the Vice Chairperson of the Federal
25 Truth and Healing Advisory Committee;

1 (ii) a Vice Chairperson, who shall also
2 serve as the Vice Chairperson of the Na-
3 tive American Truth and Healing Advisory
4 Committee; and

5 (iii) a Secretary;

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

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

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

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

22 (3) FORMAT OF BUSINESS MEETINGS.—A busi-
23 ness meeting of the Survivors Truth and Healing
24 Subcommittee may be conducted in-person, virtually,
25 or via phone.

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

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

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

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

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

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

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

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

11 (h) NONDISCLOSURE.—

12 (1) PRIVACY ACT OF 1974 APPLICABILITY.—
13 Subsection (b) of section 552a of title 5, United
14 States Code (commonly known as the “Privacy Act
15 of 1974”), shall not apply to the Survivors Truth
16 and Healing Subcommittee.

17 (2) FREEDOM OF INFORMATION ACT APPLICA-
18 BILITY.—Records and other communications pro-
19 vided to, from, between, or within the Commission,
20 the Federal Truth and Healing Advisory Committee,
21 the Native American Truth and Healing Advisory
22 Committee, the Survivors Truth and Healing Sub-
23 committee, and related agencies shall be exempt
24 from disclosure under subsection (b)(3)(B) of section

1 552 of title 5, United States Code (commonly known
2 as the “Freedom 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 Survivors
7 Truth and Healing Subcommittee.

8 (i) PERSONNEL MATTERS.—

9 (1) COMPENSATION OF MEMBERS.—A member
10 of the Survivors Truth and Healing Subcommittee
11 shall be compensated at a daily equivalent of the an-
12 nual rate of basic pay prescribed for grade 13 of the
13 General Schedule under section 5332 of title 5,
14 United States Code, for each day, not to exceed 14
15 days per month, for which a member of the Sur-
16 vivors Truth and Healing Subcommittee is engaged
17 in the performance of their duties under this Act
18 limited to convening meetings, including public and
19 private meetings to receive testimony in furtherance
20 of the duties of the Survivors Truth and Healing
21 Subcommittee and the purposes of this Act.

22 (2) TRAVEL EXPENSES.—A member of the Sur-
23 vivors Truth and Healing Subcommittee shall be al-
24 lowed travel expenses, including per diem in lieu of
25 subsistence, at rates authorized for employees of

1 agencies under subchapter I of chapter 57 of title 5,
 2 United States Code, while away from their homes or
 3 regular places of business in the performance of
 4 services for the Survivors Truth and Healing Sub-
 5 committee.

6 **TITLE II—ADVISORY** 7 **COMMITTEES**

8 **Subtitle A—Native American Truth** 9 **and Healing Advisory Committee**

10 **SEC. 201. NATIVE AMERICAN TRUTH AND HEALING ADVI-** 11 **SORY COMMITTEE.**

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

15 (b) MEMBERSHIP, NOMINATION, AND APPOINTMENT
 16 TO THE NATIVE AMERICAN TRUTH AND HEALING ADVI-
 17 SORY COMMITTEE.—

18 (1) MEMBERSHIP.—

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

24 (i) 1 shall be the Vice Chairperson of
 25 the Commission, who shall serve as the

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

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

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

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

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

18 (vi) 1 shall represent the National As-
19 sociation of Tribal Historic Preservation
20 Officers; and

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

23 (B) ADDITIONAL REQUIREMENTS.—Not
24 fewer than 2 members of the Native American
25 Truth and Healing Advisory Committee shall

1 have experience with health care or mental
2 health, traditional healing or cultural practices,
3 counseling, or working with survivors, or de-
4 scendants of survivors, of Indian Boarding
5 Schools to ensure that the Commission con-
6 siders culturally responsive support for sur-
7 vivors, families, and communities.

8 (2) NOMINATIONS.—

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

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

1 (3) DATE.—

2 (A) IN GENERAL.—The Commission shall
3 appoint all members of the Native American
4 Truth and Healing Advisory Committee during
5 the initial business meeting of the Commission
6 under section 101(c)(1).

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

21 (4) PERIOD OF APPOINTMENT; VACANCIES.—

22 (A) PERIOD OF APPOINTMENT.—A mem-
23 ber of the Native American Truth and Healing
24 Advisory Committee shall be appointed for an
25 automatically renewable term of 2 years.

1 (B) VACANCIES.—A vacancy in the Native
2 American Truth and Healing Advisory Com-
3 mittee—

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

10 (ii) shall be filled within 90 days in
11 the same manner as was the original ap-
12 pointment.

13 (5) TERMINATION.—The Native American
14 Truth and Healing Advisory Committee shall termi-
15 nate 90 days after the date on which the Commis-
16 sion submits the final report required under section
17 111(e)(3).

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

23 (c) QUORUM.—A simple majority of the members of
24 the Native American Truth and Healing Committee shall
25 constitute a quorum.

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

4 (e) BUSINESS MEETINGS.—

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

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

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

17 (C) to appoint 2 members of the Native
18 American Truth and Healing Advisory Com-
19 mittee to serve non-voting as designees on the
20 Commission in accordance with section
21 101(c)(3).

22 (2) SUBSEQUENT BUSINESS MEETINGS.—After
23 the initial business meeting of the Native American
24 Truth and Healing Advisory Committee is held
25 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, vir-
6 tually, or via phone.

7 (4) **QUORUM REQUIRED.**—A business meeting
8 of the Native American Truth and Healing Advisory
9 Committee may only be held 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.

25 (i) NONDISCLOSURE.—

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

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

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

21 (j) PERSONNEL MATTERS.—

22 (1) COMPENSATION OF MEMBERS.—A member
23 of the Native American Truth and Healing Advisory
24 Committee shall be compensated at a daily equiva-
25 lent of the annual rate of basic pay prescribed for

1 grade 13 of the General Schedule under section
2 5332 of title 5, United States Code, for each day,
3 not to exceed 14 days per month, for which a mem-
4 ber is engaged in the performance of their duties
5 under this Act, limited to convening meetings, in-
6 cluding public and private meetings to receive testi-
7 mony in furtherance of the duties of the Native
8 American Truth and Healing Advisory Committee
9 and the purposes of this Act.

10 (2) TRAVEL EXPENSES.—A member of the Na-
11 tive American Truth and Healing Advisory Com-
12 mittee shall be allowed travel expenses, including per
13 diem in lieu of subsistence, at rates authorized for
14 employees of agencies under subchapter I of chapter
15 57 of title 5, United States Code, while away from
16 their homes or regular places of business in the per-
17 formance of services for the Native American Truth
18 and Healing Advisory Committee.

19 **Subtitle B—Federal Truth and** 20 **Healing Advisory Committee**

21 **SEC. 211. FEDERAL TRUTH AND HEALING ADVISORY COM-** 22 **MITTEE.**

23 (a) ESTABLISHMENT.—There is established within
24 the Department of the Interior an advisory committee, to

1 be known as the “Federal Truth and Healing Advisory
2 Committee”.

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

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

8 (A) 1 shall be the Chairperson of the Com-
9 mission, who shall serve as the Chairperson of
10 the Federal Truth and Healing Advisory Com-
11 mittee;

12 (B) 1 shall be the Chairperson of the Sur-
13 vivors Truth and Healing Subcommittee, who
14 shall serve as the Vice Chairperson of the Fed-
15 eral Truth and Healing Advisory Committee;

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

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

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

24 (F) 1 shall be the Librarian of Congress
25 (or a designee);

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

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

5 (I) 1 shall be the Assistant Secretary for
6 Mental Health and Substance Abuse of the De-
7 partment of Health and Human Services (or a
8 designee);

9 (J) 1 shall be the Commissioner of the Ad-
10 ministration for Native Americans of the De-
11 partment of Health and Human Services (or a
12 designee);

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

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

18 (M) 1 shall be the Director of the Office
19 of Indian Education of the Department of Edu-
20 cation (or a designee);

21 (N) 1 shall be the Director of the Rural,
22 Insular, and Native American Achievement Pro-
23 grams of the Department of Education (or a
24 designee);

1 (O) 1 shall be the Executive Director of
2 the Advisory Council on Historic Preservation
3 (or a designee);

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

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

8 (2) PERIOD OF SERVICE; VACANCIES; RE-
9 MOVAL.—

10 (A) PERIOD OF SERVICE.—A member of
11 the Federal Truth and Healing Advisory Com-
12 mittee shall serve for an automatically renew-
13 able term of 2 years.

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

16 (i) shall not affect the powers of the
17 Federal Truth and Healing Advisory Com-
18 mittee if a simple majority of the positions
19 of the Federal Truth and Healing Advisory
20 Committee are filled; and

21 (ii) shall be filled within 90 days in
22 the same manner as was the original ap-
23 pointment.

24 (C) REMOVAL.—A quorum of members of
25 the Federal Truth and Healing Advisory Com-

1 mittee may remove a member of the Federal
2 Truth and Healing Advisory Committee only
3 for neglect of duty or malfeasance.

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

8 (c) BUSINESS MEETINGS.—

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

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

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

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

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

5 (4) **QUORUM REQUIRED.**—A business meeting
6 of the Federal Truth and Healing Advisory Com-
7 mittee may only be held once a quorum, established
8 in accordance with subsection (d), is present.

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

12 (e) **RULES.**—The Federal Truth and Healing Advi-
13 sory Committee may establish, with the advice of the Com-
14 mission, by a majority vote, any rules for the conduct of
15 business, in accordance with this section and other appli-
16 cable law.

17 (f) **DUTIES.**—The Federal Truth and Healing Advi-
18 sory Committee shall—

19 (1) ensure the effective and timely coordination
20 between Federal agencies in furtherance of the pur-
21 poses of this Act;

22 (2) assist the Commission and the Native
23 American Truth and Healing Advisory Committee in
24 coordinating—

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

3 (B) the collection, organization, and pres-
4 ervation of information obtained from witnesses
5 and by other Federal agencies; and

6 (3) ensure the timely submission to the Com-
7 mission of materials, documents, testimony, and
8 such other information as the Commission deter-
9 mines to be necessary to carry out the duties of the
10 Commission.

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

21 (h) NONDISCLOSURE.—

22 (1) PRIVACY ACT OF 1974 APPLICABILITY.—
23 Subsection (b) of section 552a of title 5, United
24 States Code (commonly known as the “Privacy Act

1 of 1974”), shall not apply to the Federal Truth and
2 Healing Advisory Committee.

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

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

18 **TITLE III—GENERAL** 19 **PROVISIONS**

20 **SEC. 301. CLARIFICATION.**

21 Any human remains or associated or unassociated fu-
22 nerary objects located on Federal land, on land managed
23 by a Federal agency, or land otherwise curated by a Fed-
24 eral agency and relating to an Indian Boarding School
25 shall be considered collections or holdings over which a

1 Federal agency has possession or control and the Native
2 American Graves Protection and Repatriation Act (25
3 U.S.C. 3001 et seq.) shall apply.

4 **SEC. 302. BURIAL MANAGEMENT.**

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 may rebury the remains of that individual and any
9 associated funerary items that have been repatriated pur-
10 suant to section 7 of the Native American Graves Protec-
11 tion and Repatriation Act (25 U.S.C. 3005), consistent
12 with Tribal practices, on any Federal land as agreed to
13 by the relevant parties.

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

15 A Federal agency that carries out activities pursuant
16 to this Act or that created or controls a cemetery with
17 remains of an individual who attended an Indian Boarding
18 School or an Indian Boarding School may enter into a
19 co-stewardship agreement for the management of the cem-
20 etery or Indian Boarding School.

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

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

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