

Text as amended by the Senate Committee on Indian Affairs on June 7, 2023.

AMENDMENT NO.

Calendar No.

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1723

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 2023”.

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. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—COMMISSION AND SUBCOMMITTEES

2

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. FINDINGS.

2 Congress finds that—

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

9 (2) in June 2021, and in light of the long his-
10 tory of the assimilationist policies and practices re-
11 ferred to in paragraph (1) and calls for reform from
12 Native peoples, the Secretary of the Interior directed
13 the Department of the Interior to investigate the

1 role of the Federal Government in supporting those
2 policies and practices and the intergenerational im-
3 pacts of those policies and practices;

4 (3) in May 2022, the Department of the Inte-
5 rior published volume 1 of a report entitled “Federal
6 Indian Boarding School Initiative Investigative Re-
7 port” (referred to in this section as the “Report”),
8 which found that—

9 (A) as early as 1819, and until 1969, the
10 Federal Government directly or indirectly sup-
11 ported approximately 408 Indian Boarding
12 Schools across 37 States;

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

18 (C) Indian Boarding Schools used system-
19 atic, violent, and militarized identity-altering
20 methods, such as physical, sexual, and psycho-
21 logical abuse and neglect, to attempt to forcibly
22 assimilate Native children and strip them of
23 their languages, cultures, and social connec-
24 tions;

4

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

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

6 (ii) dispossessing Native peoples of
7 their ancestral lands;

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

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

17 (G) American Indian, Alaska Native, and
18 Native Hawaiian communities continue to expe-
19 rience intergenerational trauma and cultural
20 and familial disruption from experiences rooted
21 in Indian Boarding Schools Policies, which di-
22 vided family structures, damaged cultures and
23 individual identities, and inflicted chronic phys-
24 ical and psychological ramifications on Amer-

1 ican Indian, Alaska Native, and Native Hawai-
2 ian children, families, and communities;

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

8 (5) the children who perished at Indian Board-
9 ing Schools or in neighboring hospitals and other in-
10 stitutions were buried in on-campus and off-campus
11 cemeteries and unmarked graves;

12 (6) parents of children who were forcibly re-
13 moved from or coerced into leaving their homes and
14 placed in Indian Boarding Schools were prohibited
15 from visiting or engaging in correspondence with
16 their children;

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

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

1 SEC. 3. 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 ac-
13 tion based on the findings of the Commission; and

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

17 SEC. 4. DEFINITIONS.

18 In this Act:

19 (1) COMMISSION.—The term “Commission”
20 means the Truth and Healing Commission on Indian
21 Boarding School Policies in the United States estab-
22 lished by section 101(a).

23 (2) FEDERAL TRUTH AND HEALING ADVISORY
24 COMMITTEE.—The term “Federal Truth and Heal-
25 ing Advisory Committee” means the Federal Truth

1 and Healing Advisory Committee established by sec-
2 tion 211(a).

3 (3) INDIAN.—The term “Indian” has the mean-
4 ing given the term in section 6151 of the Element-
5 ary and Secondary Education Act of 1965 (20
6 U.S.C. 7491).

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

9 (A) a site of an institution that—

10 (i) provided on-site housing or over-
11 night lodging;

12 (ii) was described in Federal records
13 as providing formal academic or vocational
14 training and instruction to American Indi-
15 ans, Alaska Natives, or Native Hawaiians;

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

18 ~~(iv) was operational before 1969; or~~

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

22 (5) INDIAN BOARDING SCHOOL POLICIES.—The
23 term “Indian Boarding School Policies” means Fed-
24 eral laws, policies, and practices purported to “as-
25 similate” and “civilize” American Indians, Alaska

Commented [DJN1]: Original amended text further amended to replace this text with:

(iv) was operational before 1969;

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

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

1 Natives, and Native Hawaiians that included psycho-
2 logical, physical, sexual, and mental abuse, forced
3 removal from home or community, and identity-al-
4 tering practices intended to terminate Native lan-
5 guages, cultures, religions, social organizations, or
6 connections to traditional land.

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

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

13 (A) an Indian; or

14 (B) a Native Hawaiian.

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

21 (9) NATIVE HAWAIIAN.—The term “Native Ha-
22 waiian” has the meaning given the term in section
23 6207 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7517).

1 (10) NATIVE HAWAIIAN ORGANIZATION.—The
2 term “Native Hawaiian organization” means a pri-
3 vate nonprofit organization that—

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

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

8 (C) has Native Hawaiians serving in sub-
9 stantive and policymaking positions; and

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

12 (11) OFFICE OF HAWAIIAN AFFAIRS.—The
13 term “Office of Hawaiian Affairs” has the meaning
14 given the term in section 6207 of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 7517).

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

21 (13) TRAUMA-INFORMED CARE.—The term
22 “trauma-informed care” means holistic psychological
23 and health care practices that include promoting cul-
24 turally responsive practices, patient psychological,

1 physical, and emotional safety, and environments of
2 healing, trust, peer support, and recovery.

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

7 **TITLE I—COMMISSION AND**
8 **SUBCOMMITTEES**

9 **Subtitle A—Truth and Healing**
10 **Commission on Indian Boarding**
11 **School Policies in the United**
12 **States**

13 **SEC. 101. TRUTH AND HEALING COMMISSION ON INDIAN**

14 **BOARDING SCHOOL POLICIES IN THE UNITED**
15 **STATES.**

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

20 (b) MEMBERSHIP.—

21 (1) MEMBERSHIP.—

22 (A) IN GENERAL.—The Commission shall
23 include 5 members, to be jointly appointed by
24 the majority and minority leaders of the Senate,
25 in consultation with the Chairperson and Vice

12

1 former presidentially appointed commis-
2 sioner;

3 (iv) 1 shall be an individual with ex-
4 tensive experience and expertise in pro-
5 viding and coordinating trauma-informed
6 care and other health-related services to
7 Indian Tribes and Native Americans; and

8 (v) 1 shall be a Native American indi-
9 vidual recognized as a traditional cultural
10 authority.

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

22 (2) NOMINATIONS.—

23 (A) IN GENERAL.—Indian Tribes, Tribal
24 organizations, Native Americans, the Office of
25 Hawaiian Affairs, and Native Hawaiian organi-

Commented [DJN2]: Original amended text further amended to insert after “authority:”
by their respective Native community

1 zations may submit to the Secretary of the In-
2 terior nominations for individuals to be ap-
3 pointed to the Commission not later than 90
4 days after the date of enactment of this Act.

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

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

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

19 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
20 MOVAL.—

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

- 24 (i) 6 years; and
25 (ii) the life of the Commission.

1 (B) VACANCIES.—After all initial members
2 of the Commission are appointed and the initial
3 business meeting of the Commission has been
4 convened under subsection (c)(1), a single va-
5 cancy in the Commission—

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

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

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

15 (5) TERMINATION.—The Commission shall ter-
16minate 30 days after the date on which the Commis-
17sion completes its duties under section 111(e)(5)(B).

18 (6) LIMITATION.—No member of the Commis-
19sion shall be an officer or employee of the Federal
20 Government.

21 (c) BUSINESS MEETINGS.—

22 (1) INITIAL BUSINESS MEETING.—90 days after
23 the date on which all of the members of the Com-
24 mission are appointed under subsection (b)(1)(A),

1 the Commission shall hold the initial business meet-
2 ing of the Commission—

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

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

9 (C) to appoint members of—

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

13 (ii) the Native American Truth and
14 Healing Advisory Committee under section
15 201(b)(1).

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

20 (3) ADVISORY AND SUBCOMMITTEE COMMIT-
21 TEES DESIGNEES.—Each Commission business
22 meeting shall include participation by 2 non-voting
23 designees from each of the Survivors Truth and
24 Healing Subcommittee, the Native American Truth
25 and Healing Advisory Committee, and the Federal

1 Truth and Healing Advisory Committee, as ap-
2 pointed in accordance with section 121(c)(1)(D),
3 section 201(e)(1)(C), and section 211(c)(1)(C), as
4 applicable.

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

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

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

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

19 (f) COMMISSION PERSONNEL MATTERS.—

20 (1) COMPENSATION OF COMMISSIONERS.—A
21 member of the Commission shall be compensated at
22 a daily equivalent of the annual rate of basic pay
23 prescribed for grade 14 of the General Schedule
24 under section 5332 of title 5, United States Code,
25 for each day, not to exceed 14 days per month, for

1 which a member is engaged in the performance of
2 their duties under this Act, including convening
3 meetings, including business meetings or public or
4 private meetings to receive testimony in furtherance
5 of the duties of the Commission and the purposes of
6 this Act.

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

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

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

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

23 (g) POWERS OF COMMISSION.—

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

1 (A) hold such hearings and sit and act at
2 such times and places, take such testimony, and
3 receive such evidence, virtually or in-person, as
4 the Commission may determine necessary to ac-
5 complish the purposes of this Act;

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

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

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

21 (C) subject to paragraphs (1) and (2) of
22 subsection (i), require, by subpoena or other-
23 wise, the production of such records, papers,
24 correspondence, memoranda, documents, books,
25 videos, oral histories, recordings, or any other

1 paper or electronic material, as the Commission
2 may determine necessary to accomplish the pur-
3 poses of this Act;

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

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

15 (2) CONTRACTING; VOLUNTEER SERVICES.—

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

24 (B) VOLUNTEER AND UNCOMPENSATED
25 SERVICES.—Notwithstanding section 1342 of

1 title 31, United States Code, the Commission
2 may accept and use such voluntary and uncom-
3 pensated services as the Commission determines
4 to be necessary.

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

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

15 (4) GIFTS, FUNDRAISING, AND DISBURSE-
16 MENT.—

17 (A) GIFTS AND DONATIONS.—

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

23 (ii) RETURN OF GIFTS AND DONA-
24 TIONS.—On termination of the Commis-
25 sion under subsection (b)(5), any gifts,

1 unspent donations, property, or other
2 record or recording accepted by the Com-
3 mission under clause (i) shall be—

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

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

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

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

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

24 (E) ARCHIVING.—The Commission shall
25 coordinate with the Library of Congress and

1 the National Museum of the American Indian
2 to archive and preserve relevant gifts or dona-
3 tions received under subparagraph (A) or (B).

4 (h) CONVENING.—

5 (1) CONVENING PROTOCOL.—

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

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

23 (C) ADDITIONAL MEETINGS.—The Com-
24 mission and designees described in subpara-
25 graph (A) may hold additional meetings, as

1 necessary, to amend, by a $\frac{3}{5}$ majority in at-
2 tendance at a meeting of the Commission, the
3 rules, protocols, and formats for convenings es-
4 tablished under that subparagraph.

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

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

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

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

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

1 (i) SUBPOENAS.—

2 (1) IN GENERAL.—

3 (A) ISSUANCE OF SUBPOENAS.—

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

12 ~~(ii) NOTIFICATION.—Not later than~~
13 ~~10 days before the date on which the Com-~~
14 ~~mission issues a subpoena under clause (i),~~
15 ~~the Commission shall submit to the Attor-~~
16 ~~ney General a confidential, written notice~~
17 ~~of the intent to issue the subpoena.~~

18 (B) PRODUCTION OF EVIDENCE.—The
19 production of evidence may be required from
20 any place within the United States.

21 (2) FAILURE TO OBEY A SUBPOENA.—

22 (A) ORDER FROM A DISTRICT COURT OF
23 THE UNITED STATES.—If a person does not
24 obey a subpoena issued under paragraph (1),
25 the Commission is authorized to apply to a dis-

Commented [DJN3]: Replace with:
unanimous vote of the Commission

Commented [DJN4]: Original amended text further amended to replace this text with:

(ii) NOTIFICATION.—

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

(II) SUBPOENA PROHIBITED BY ATTORNEY GENERAL.—

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

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

1 trict court of the United States described in
2 subparagraph (B) for an order requiring that
3 person to comply with the subpoena.

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

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

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

20 (4) SERVICE OF SUBPOENAS.—The subpoenas
21 of the Commission shall be served in the manner
22 provided for subpoenas issued by a district court of
23 the United States under the Federal Rules of Civil
24 Procedure.

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

6 (j) NONDISCLOSURE.—

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

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

21 (3) FEDERAL ADVISORY COMMITTEE ACT AP-
22 PPLICABILITY.—Chapter 10 of title 5, United States
23 Code (commonly known as the “Federal Advisory
24 Committee Act”), shall not apply to the Commission.

1 (k) CONSULTATION OR ENGAGEMENT WITH NATIVE
2 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,
3 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-
4 WAIIAN ORGANIZATIONS.—In carrying out the duties of
5 the Commission under section 111, the Commission shall
6 meaningfully consult or engage, as appropriate, in a timely
7 manner with Native Americans, Indian Tribes, Tribal or-
8 ganizations, the Office of Hawaiian Affairs, and Native
9 Hawaiian organizations.

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

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.

3 (b) MEETINGS AND CONVENINGS.—

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

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

25 (c) RECOMMENDATIONS.—

Commented [DJN5]: Original amended text further amended to insert after “regulations:”

, subject to the condition that no Federal funds may be used to purchase those objects, artifacts, or real or personal property

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

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

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

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

24 (C) how the Federal Government can pro-
25 mote public awareness and education of Indian

1 Boarding School Policies and the impacts of
2 those policies, including through coordinating
3 with the Native American Truth and Healing
4 Advisory Committee, the Survivors Truth and
5 Healing Subcommittee, the National Museum
6 of the American Indian, and other relevant in-
7 stitutions and organizations.

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

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

22 (2) locate, document, analyze, and coordinate
23 the preservation or continued preservation of records
24 and information relating to the interment of stu-
25 dents, including any records held by Federal, State,

1 international, or local entities or religious institu-
2 tions or organizations; and

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

8 (e) REPORTS.—

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

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

1 make publicly available, an initial report con-
2 taining—

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

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

9 (C) a detailed statement of the initial rec-
10 ommendations of the Commission.

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

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

25 (A) the President;

35

- 1 (B) the Secretary of the Interior;
2 (C) the Attorney General;
3 (D) the Comptroller General of the United
4 States;
5 (E) the Secretary of Education;
6 (F) the Secretary of Health and Human
7 Services;
8 (G) the Secretary of Defense;
9 (H) the Chairperson and Vice Chairperson
10 of the Committee on Indian Affairs of the Sen-
11 ate;
12 (I) the Chairperson and Ranking Member
13 of the Committee on Natural Resources of the
14 House of Representatives;
15 (J) the Chair and Co-Chair of the Con-
16 gressional Native American Caucus;
17 (K) the Executive Director of the White
18 House Council on Native American Affairs;
19 (L) the Director of the Office of Manage-
20 ment and Budget;
21 (M) the Archivist of the United States;
22 (N) the Librarian of Congress; and
23 (O) the Director of the National Museum
24 of the American Indian.

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

4 (A) EVENTS RELATING TO INITIAL RE-
5 PORT.—

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

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

17 ~~(B) EVENTS RELATING TO FINAL RE-~~
18 ~~PORT.— Not later than 180 days after the date~~
19 ~~on which the Commission submits the final re-~~
20 ~~port under paragraph (3), the Commission, the~~
21 ~~Secretary of the Interior, the Secretary of Edu-~~
22 ~~cation, the Secretary of Defense, and the Sec-~~
23 ~~retary of Health and Human Services shall con-~~
24 ~~vene 2 jointly held public educational meetings~~
25 ~~in each region of the Bureau of Indian Affairs~~

1 — ~~and Hawai'i to present the findings of the final~~
 2 — ~~report.~~

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.

Commented [DJN6]: Original amended text further amended to replace this text with:
 (B) PUBLICATION OF FINAL REPORT.— Not later than 180 days after the date on which the Commission submits the final report under paragraph (3), the Commission, the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services shall each make the final report publicly available on the website 10 of the applicable agency.

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 enactment of
 25 this Act from—

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1 (I) an Indian Boarding School in
2 operation as of that date of 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 enactment of this Act.

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 Survivors Truth and Healing

1 Subcommittee not later than 90 days after the
2 date of enactment of this Act.

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

11 (3) DATE.—

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

17 (B) FAILURE TO APPOINT.—If the Com-
18 mission fails to appoint all members of the Sur-
19 vivors Truth and Healing Subcommittee in ac-
20 cordance with subparagraph (A), the Chair of
21 the Committee on Indian Affairs of the Senate,
22 with the concurrence of the Vice Chair of the
23 Committee on Indian Affairs of the Senate,
24 shall appoint individuals, in accordance with the
25 requirements of paragraph (1), to all vacant po-

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

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

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

11 (B) VACANCIES.—

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

16 (ii) EFFECT; FILLING OF VACANCY.—

17 A vacancy in the Survivors Truth and
18 Healing Subcommittee—

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

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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;

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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 WAIIAN 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 PLICABILITY.—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, in-
18 cluding the convening of meetings, including public
19 and private meetings to receive testimony in further-
20 ance of the duties of the Survivors Truth and Heal-
21 ing 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

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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 sideres 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 enactment of this Act.

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

25 (3) DATE.—

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

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

20 (4) PERIOD OF APPOINTMENT; VACANCIES.—

21 (A) PERIOD OF APPOINTMENT.—A mem-
22 ber of the Native American Truth and Healing
23 Advisory Committee shall be appointed for an
24 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 WAIIAN 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, including the convening of meetings,
6 including public and private meetings to receive tes-
7 timony 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;

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

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

23 (2) SUBSEQUENT BUSINESS MEETINGS.—After
24 the initial business meeting of the Federal Truth
25 and Healing Advisory Committee is held under para-

1 graph (1), the Federal Truth and Healing Advisory
2 Committee shall meet at the call of the Chairperson.

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

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

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

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

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

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

1 (2) assist the Commission and the Native
2 American Truth and Healing Advisory Committee in
3 coordinating—

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

6 (B) the collection, organization, and pres-
7 ervation of information obtained from witnesses
8 and by other Federal agencies; and

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

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

24 (h) 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 Federal Truth and
5 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 Federal
20 Truth and Healing Advisory Committee.

21 **TITLE III—GENERAL**

22 **PROVISIONS**

23 **SEC. 301. CLARIFICATION.**

24 Any human remains or associated or unassociated fu-
25 nerary objects located on Federal land, on land managed

1 by a Federal agency, or land otherwise curated by a Fed-
2 eral agency and relating to an Indian Boarding School
3 shall be considered collections or holdings over which a
4 Federal agency has possession or control and the Native
5 American Graves Protection and Repatriation Act (25
6 U.S.C. 3001 et seq.) shall apply.

7 SEC. 302. BURIAL MANAGEMENT.

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

17 SEC. 303. CO-STEWARDSHIP AGREEMENTS.

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

1 SEC. 304. NO RIGHT OF ACTION.

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