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118TH CONGRESS
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[Report No. 118–187]

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

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Ms. WARREN (for herself, Mr. MARKEY, Ms. SMITH, Mr. CASEY, Mr. HICKENLOOPER, Mr. BLUMENTHAL, Mr. DURBIN, Mr. PADILLA, Mr. BOOKER, Mr. MERKLEY, Ms. BALDWIN, Ms. HIRONO, Ms. SINEMA, Mr. KELLY, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, Mr. LUJÁN, Mr. WYDEN, Mr. BENNET, Mr. SCHATZ, Ms. CANTWELL, Mr. HEINRICH, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. TESTER, Mr. SANDERS, Ms. MURKOWSKI, Ms. ROSEN, Mrs. FEINSTEIN, Mr. FETTERMAN, Ms. BUTLER, Mr. CARDIN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 8, 2024

Reported by Mr. SCHATZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) assimilation processes, such as the Indian
7 Boarding School Policies, were adopted by the
8 United States Government to strip American Indian,
9 Alaska Native, and Native Hawaiian children of
10 their Indigenous identities, beliefs, and languages to
11 assimilate them into non-Native culture through fed-
12 erally funded and controlled Christian-run schools,
13 which had the intent and, in many cases, the effect,
14 of termination, with dire and intentional con-
15 sequences on the cultures and languages of Indige-
16 nous peoples;

17 (2) assimilation processes can be traced back
18 to—

19 (A) the enactment of the Act of March 3,
20 1819 (3 Stat. 516, chapter 85) (commonly
21 known as the “Indian Civilization Fund Act of
22 1819”), which created a fund to administer the
23 education, healthcare, and rations promised to
24 Tribal nations under treaties those Tribal na-
25 tions had with the United States; and

1 (B) the Grant Administration’s peace pol-
2 icy with Tribal nations in 1868, which, among
3 other things, authorized amounts in the fund
4 established under the Act of March 3, 1819 (3
5 Stat. 516, chapter 85) (commonly known as the
6 “Indian Civilization Fund Act of 1819”), to be
7 used by churches;

8 (3) according to research from the National
9 Native American Boarding School Healing Coalition,
10 the Federal Government funded church-run boarding
11 schools for Native Americans from 1819 through the
12 1960s under the Act of March 3, 1819 (3 Stat. 516,
13 chapter 85), which authorized the forced removal of
14 hundreds of thousands of American Indian and
15 Alaska Native children as young as 3 years old, relo-
16 cating them from their traditional homelands to 1 of
17 at least 367 known Indian boarding schools, of
18 which 73 remain open today, across 30 States;

19 (4) beginning in 1820, missionaries from the
20 United States arrived in Hawai‘i, bringing a similar
21 desire to civilize Native Hawaiians and convert “Ha-
22 waiian heathens”² to Christians, establishing day
23 schools and boarding schools that followed models
24 first imposed on Tribal nations on the East Coast of
25 the United States;

1 (5) as estimated by David Wallace Adams, pro-
2 fessor emeritus of history and education at Cleve-
3 land State University in Ohio, by 1926, nearly 83
4 percent of American Indian and Alaska Native
5 school-age children were enrolled in Indian boarding
6 schools in the United States, but, the full extent of
7 the Indian Boarding School Policies has yet to be
8 fully examined by—

9 (A) the Federal Government or the church-
10 es who ran those schools; or

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

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

18 (7) in 1878, General Pratt brought a group of
19 American Indian warriors held as prisoners of war
20 to what was then known as the Hampton Agricul-
21 tural and Industrial School in Hampton, Virginia,
22 for a residential experiment in the education of In-
23 digenous people;

24 (8) prior to arriving to the Hampton Agricul-
25 tural and Industrial School in 1878, the American

1 Indian warriors held as prisoners of war had already
2 spent 3 years imprisoned, during which time they
3 were forced to shave their traditionally grown hair,
4 dress in military uniforms, participate in Christian
5 worship services, and adopt an English name;

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

11 (10) General Armstrong modeled the Hampton
12 Agricultural and Industrial School after the Hilo
13 Boarding School in Hawai'i, a missionary-run board-
14 ing school that targeted high performing Native Ha-
15 waiians to become indoctrinated in Protestant ide-
16 ology, which was similar to boarding schools led by
17 missionaries in the similarly sovereign Five Tribes of
18 Oklahoma, including the Cherokee and Chickasaw;

19 (11) in addition to bringing a group of Amer-
20 ican Indian warriors held as prisoners of war to the
21 Hampton Agricultural and Industrial School in
22 1878, General Pratt influenced Sheldon Jackson, a
23 Presbyterian missionary who, in 1885, was ap-
24 pointed by the Secretary of the Interior to be a Gen-
25 eral Agent of Education in the Alaska Territory;

1 (12) Hampton Agricultural and Industrial
2 School continued as a boarding school for American
3 Indians, Alaska Natives, and Native Hawaiians until
4 1923;

5 (13) founded in 1879, the Carlisle Indian In-
6 dustrial School set the precedent for government-
7 funded, off-reservation Indian boarding schools in
8 the United States, where more than 10,000 Amer-
9 ican Indian and Alaska Native children were en-
10 rolled from more than 140 Indian Tribes;

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

18 (15) many of the children who were taken to
19 Indian boarding schools did not survive, and of those
20 who did survive, many never returned to their par-
21 ents, extended families, and communities;

22 (16) at the Carlisle Indian Industrial School
23 alone, approximately 180 American Indian and Alas-
24 ka Native children were buried;

1 (17) according to research from the National
2 Native American Boarding School Healing Coal-
3 tion—

4 (A) while attending Indian boarding
5 schools, American Indian, Alaska Native, and
6 Native Hawaiian children suffered additional
7 physical, sexual, psychological, industrial, and
8 spiritual abuse and neglect as they were sent to
9 non-Native homes and businesses for involun-
10 tary and unpaid manual labor work during the
11 summers;

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

19 (C) many American Indian, Alaska Native,
20 and Native Hawaiian children died at hospitals
21 neighboring Indian boarding schools, including
22 the Puyallup Indian School that opened in
23 1860, which was first renamed the Cushman
24 Indian School in 1910 and then the Cushman
25 Hospital in 1918; and

1 (D) many of the American Indian and
2 Alaska Native children who died while attend-
3 ing Indian boarding schools or neighboring hos-
4 pitals were buried in unmarked graves or off-
5 campus cemeteries;

6 (18) according to independent ground pene-
7 trating radar and magnetometry research commis-
8 sioned by the National Native American Boarding
9 School Healing Coalition, evidence of those un-
10 marked graves and off-campus cemeteries has been
11 found, including—

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

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

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

21 (A) less than 38 percent of Indian board-
22 ing school records have been located, from only
23 142 of the at least 367 known Indian boarding
24 schools; and

1 (B) all other records are believed to be
2 held in catalogued and uncatalogued church ar-
3 chives, private collections, or lost or destroyed;

4 (20) parents of the American Indian, Alaska
5 Native, and Native Hawaiian children who were
6 forcibly removed from or coerced into leaving their
7 homes and placed in Indian boarding schools were
8 prohibited from visiting or engaging in correspond-
9 ence with their children;

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

15 (22) in 2013, post-traumatic stress disorder
16 rates among American Indian and Alaska Native
17 youth were 3-times the general public, the same
18 rates for post-traumatic stress disorder among vet-
19 erans;

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

24 (24) the 2018 Broken Promises Report pub-
25 lished by the United States Commission on Civil

1 Rights reported that American Indian and Alaska
2 Native communities continue to experience intergen-
3 erational trauma resulting from experiences in In-
4 dian boarding schools, which divided cultural family
5 structures, damaged Indigenous identities, and in-
6 flicted chronic psychological ramifications on Amer-
7 ican Indian and Alaska Native children and families;

8 (25) the Centers for Disease Control and Pre-
9 vention Kaiser Permanente Adverse Childhood Expe-
10 riences Study shows that adverse or traumatic child-
11 hood experiences disrupt brain development, leading
12 to a higher likelihood of negative health outcomes as
13 adults, including heart disease, obesity, diabetes,
14 autoimmune diseases, and early death;

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

19 (27) the longstanding intended consequences
20 and ramifications of the treatment of American In-
21 dian, Alaska Native, and Native Hawaiian children,
22 families, and communities because of Federal poli-
23 cies and the funding of Indian boarding schools con-
24 tinue to impact Native communities through inter-
25 generational trauma, cycles of violence and abuse;

1 disappearance, health disparities, substance abuse,
2 premature deaths, additional undocumented phys-
3 ical, sexual, psychological, industrial, and spiritual
4 abuse and neglect, and trauma;

5 (28) according to the Child Removal Survey
6 conducted by the National Native American Board-
7 ing School Healing Coalition, the First Nations Re-
8 patriation Institute, and the University of Min-
9 nesota, 75 percent of Indian boarding school sur-
10 vivors who responded to the survey had attempted
11 suicide, and nearly half of respondents to the survey
12 reported being diagnosed with a mental health con-
13 dition;

14 (29) the continuing lasting implications of the
15 Indian Boarding School Policies and the physical,
16 sexual, psychological, industrial, and spiritual abuse
17 and neglect of American Indian and Alaska Native
18 children and families influenced the present-day op-
19 eration of Bureau of Indian Education-operated
20 schools;

21 (30) Bureau of Indian Education-operated
22 schools have often failed to meet the many needs of
23 nearly 50,000 American Indian and Alaska Native
24 students across 23 States;

1 (31) in Alaska, where there are no Bureau of
2 Indian Education-funded elementary and secondary
3 schools, the State public education system often fails
4 to meet the needs of Alaska Native students, fami-
5 lies, and communities;

6 (32) the assimilation policies imposed on Amer-
7 ican Indians, Alaska Natives, and Native Hawaiians
8 during the Indian boarding school era have been
9 replicated through other Federal actions and pro-
10 grams, including the Indian Adoption Project in ef-
11 fect from 1958 to 1967, which placed American In-
12 dian and Alaska Native children in non-Indian
13 households and institutions for foster care or adop-
14 tion;

15 (33) the Association on American Indian Af-
16 fairs reported that the continuation of assimilation
17 policies through Federal American Indian and Alas-
18 ka Native adoption and foster care programs be-
19 tween 1941 to 1967 separated as many as one-third
20 of American Indian and Alaska Native children from
21 their families in Tribal communities;

22 (34) in some States, greater than 50 percent of
23 foster care children in State adoption systems are
24 American Indian, Alaska Native, or Native Hawai-

1 ian children, including in Alaska, where over 60 per-
2 cent of children in foster care are Alaska Native;

3 (35) the general lack of public awareness, ac-
4 countability, education, information, and acknowl-
5 edgment of the ongoing and direct impacts of the
6 Indian Boarding School Policies and related inter-
7 generational trauma persists, signaling the overdue
8 need for an investigative Federal commission to fur-
9 ther document and expose assimilation and termi-
10 nation efforts to eradicate the cultures and lan-
11 guages of Indigenous peoples implemented under In-
12 dian Boarding School Policies; and

13 (36) in the secretarial memorandum entitled
14 “Federal Indian Boarding School Initiative” and
15 dated June 22, 2021, Secretary of the Interior
16 Debra Haaland stated the following: “The
17 assimilationist policies of the past are contrary to
18 the doctrine of trust responsibility, under which the
19 Federal Government must promote Tribal self-gov-
20 ernance and cultural integrity. Nevertheless, the leg-
21 acy of Indian boarding schools remains, manifesting
22 itself in Indigenous communities through intergen-
23 erational trauma, cycles of violence and abuse, dis-
24 appearance, premature deaths, and other undocu-
25 mented bodily and mental impacts.”.

1 **SEC. 3. PURPOSES.**

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

5 (1) to formally investigate and document—

6 (A) the attempted termination of cultures
7 and languages of Indigenous peoples; assimi-
8 lation practices; and human rights violations that
9 occurred against American Indians, Alaska Na-
10 tives, and Native Hawaiians through Indian
11 Boarding School Policies in furtherance of the
12 motto to “kill the Indian in him and save the
13 man”; and

14 (B) the impacts and ongoing effects of his-
15 torical and intergenerational trauma in Native
16 communities, including the effects of the at-
17 tempted cultural, religious, and linguistic termi-
18 nation of American Indians, Alaska Natives,
19 and Native Hawaiians, resulting from Indian
20 Boarding School Policies;

21 (2) to hold culturally respectful and meaningful
22 public hearings for American Indian, Alaska Native,
23 and Native Hawaiian survivors, victims, families,
24 communities, organizations, and Tribal leaders to
25 testify, discuss, and add to the documentation of,

1 the impacts of the physical, psychological, and spir-
2 itual violence of Indian boarding schools;

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

10 (4) to further develop recommendations for the
11 Federal Government to acknowledge and heal the
12 historical and intergenerational trauma caused by
13 the Indian Boarding School Policies and other cul-
14 tural and linguistic termination practices carried out
15 by the Federal Government and State and local gov-
16 ernments, including recommendations—

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

21 (B) to establish a nationwide hotline for
22 survivors, family members, or other community
23 members affected by the Indian Boarding
24 School Policies; and

1 (C) to prevent the continued removal of
 2 American Indian, Alaska Native, and Native
 3 Hawaiian children from their families and Na-
 4 tive communities under modern-day assimi-
 5 lation practices carried out by State social service
 6 departments, foster care agencies, and adoption
 7 services.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) **ADVISORY COMMITTEE.**—The term “Advi-
 11 sory Committee” means the Truth and Healing Ad-
 12 visory Committee established by the Commission
 13 under section 5(g).

14 (2) **COMMISSION.**—The term “Commission”
 15 means the Truth and Healing Commission on Indian
 16 Boarding School Policies in the United States estab-
 17 lished by section 5(a).

18 (3) **INDIAN BOARDING SCHOOL POLICIES.**—The
 19 term “Indian Boarding School Policies” means—

20 (A) the assimilation policies and practices
 21 of the Federal Government, which began with
 22 the enactment of the Act of March 3, 1819 (3
 23 Stat. 516, chapter 85) (commonly known as the
 24 “Indian Civilization Fund Act of 1819”), and
 25 the peace policy with Tribal nations advanced

1 by President Ulysses Grant in 1868, under
 2 which more than 100,000 American Indian and
 3 Alaska Native children were forcibly removed
 4 from or coerced into leaving their family homes
 5 and placed in Bureau of Indian Affairs-oper-
 6 ated schools or church-run schools, including at
 7 least 367 known Indian boarding schools, at
 8 which assimilation and “civilization” practices
 9 were inflicted on those children as part of the
 10 assimilation efforts of the Federal Government,
 11 which were intended to terminate the cultures
 12 and languages of Indigenous peoples in the
 13 United States; and

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

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

22 (a) **ESTABLISHMENT.**—There is established the
 23 Truth and Healing Commission on Indian Boarding
 24 School Policies in the United States.

25 (b) **MEMBERSHIP.**—

1 (1) ~~IN GENERAL.~~—The Commission shall in-
2 clude 10 members, of whom—

3 (A) ~~2~~ shall be appointed by the President;

4 (B) ~~2~~ shall be appointed by the President
5 pro tempore of the Senate, on the recommenda-
6 tion of the majority leader of the Senate;

7 (C) ~~2~~ shall be appointed by the President
8 pro tempore of the Senate, on the recommenda-
9 tion of the minority leader of the Senate; and

10 (D) ~~4~~ shall be appointed by the Speaker of
11 the House of Representatives, of whom not
12 fewer than ~~2~~ shall be appointed on the rec-
13 ommendation of the minority leader of the
14 House of Representatives.

15 (2) ~~REQUIREMENTS FOR MEMBERSHIP.~~—To the
16 maximum extent practicable, the President and the
17 Members of Congress shall appoint members of the
18 Commission under paragraph (1) to represent di-
19 verse experiences and backgrounds and so as to in-
20 clude Tribal and Native representatives and experts
21 who will provide balanced points of view with regard
22 to the duties of the Commission, including Tribal
23 and Native representatives and experts—

24 (A) from diverse geographic areas;

1 (B) who possess personal experience with;
 2 diverse policy experience with, or specific exper-
 3 tise in, Indian boarding school history and the
 4 Indian Boarding School Policies; and

5 (C) who possess expertise in truth and
 6 healing endeavors that are traditionally and cul-
 7 turally appropriate.

8 (3) ~~PRESIDENTIAL APPOINTMENT.~~—The Presi-
 9 dent shall make appointments to the Commission
 10 under this subsection in coordination with the Sec-
 11 retary of the Interior and the Director of the Bu-
 12 reau of Indian Education.

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

16 (5) ~~PERIOD OF APPOINTMENT; VACANCIES; RE-~~
 17 ~~MOVAL.~~—

18 (A) ~~PERIOD OF APPOINTMENT.~~—A mem-
 19 ber of the Commission shall be appointed for a
 20 term of 5 years.

21 (B) ~~VACANCIES.~~—A vacancy in the Com-
 22 mission—

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

1 (ii) shall be filled in the same manner
2 as the original appointment.

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

7 (c) MEETINGS.—

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

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

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

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

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

25 (f) COMMISSION PERSONNEL MATTERS.—

1 (1) COMPENSATION OF MEMBERS.—A member
 2 of the Commission who is not an officer or employee
 3 of the Federal Government shall be compensated at
 4 a rate equal to the daily equivalent of the annual
 5 rate of basic pay prescribed for level IV of the Exec-
 6 utive Schedule under section 5315 of title 5, United
 7 States Code, for each day (including travel time)
 8 during which the member is engaged in the perform-
 9 ance of the duties of the Commission.

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

17 (g) TRUTH AND HEALING ADVISORY COMMITTEE.—

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

21 (2) MEMBERSHIP.—The Advisory Committee
 22 shall consist of—

23 (A) 1 representative from each of—

24 (i) the National Native American
 25 Boarding School Healing Coalition;

- 1 (ii) the National Congress of Amer-
2 ican Indians;
- 3 (iii) the National Indian Education
4 Association;
- 5 (iv) the National Indian Child Welfare
6 Association;
- 7 (v) the Alaska Federation of Natives;
- 8 and
- 9 (vi) the Office of Hawaiian Affairs;
- 10 (B) the Director of the Bureau of Indian
11 Education;
- 12 (C) the Director of the Office of Indian
13 Education of the Department of Education;
- 14 (D) the Commissioner of the Administra-
15 tion for Native Americans of the Office of the
16 Administration for Children and Families of the
17 Department of Health and Human Services;
- 18 and
- 19 (E) not fewer than—
- 20 (i) 5 members of different Indian
21 Tribes from diverse geographic areas, to be
22 selected from among nominations sub-
23 mitted by Indian Tribes;
- 24 (ii) 1 member representing Alaska
25 Natives, to be selected by the Alaska Fed-

1 eration of Natives from nominations sub-
2 mitted by an Alaska Native individual, or-
3 ganization, or village;

4 (iii) 1 member representing Native
5 Hawaiians, to be selected by a process ad-
6 ministered by the Office of Hawaiian Af-
7 fairs;

8 (iv) 2 health care or mental health
9 practitioners, Native healers, counselors, or
10 providers with experience in working with
11 former students, or descendants of former
12 students, of Indian boarding schools, to be
13 selected from among nominations of Tribal
14 chairs or elected Tribal leadership local to
15 the region in which the practitioner, coun-
16 selor, or provider works, in order to ensure
17 that the Commission considers culturally
18 responsive supports for victims, families,
19 and communities;

20 (v) 3 members of different national
21 American Indian, Alaska Native, or Native
22 Hawaiian organizations, regional American
23 Indian, Alaska Native, or Native Hawaiian
24 organizations, or urban Indian organiza-
25 tions that are focused on, or have relevant

1 expertise studying, the history and sys-
2 temic and ongoing trauma associated with
3 the Indian Boarding School Policies;

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

8 (vii) 4 alumni who attended a Bureau
9 of Indian Education-operated school, trib-
10 ally controlled boarding school, State pub-
11 lic boarding school, private nonprofit
12 boarding school formerly operated by the
13 Federal Government, parochial boarding
14 school, or Bureau of Indian Education-op-
15 erated college or university;

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

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

21 (x) 1 representative of the Inter-
22 national Indian Treaty Council or the As-
23 sociation on American Indian Affairs; and

1 (xi) 1 trained archivist who has expe-
 2 rience working with educational or church
 3 records.

4 (3) DUTIES.—The Advisory Committee shall—

5 (A) serve as an advisory body to the Com-
 6 mission; and

7 (B) provide to the Commission advice and
 8 recommendations; and submit to the Commis-
 9 sion materials, documents, testimony, and such
 10 other information as the Commission deter-
 11 mines to be necessary, to carry out the duties
 12 of the Commission under subsection (h).

13 (4) SURVIVORS SUBCOMMITTEE.—The Advisory
 14 Committee shall establish a subcommittee that shall
 15 consist of not fewer than 4 former students or sur-
 16 vivors who attended an Indian boarding school.

17 (h) DUTIES OF THE COMMISSION.—

18 (1) IN GENERAL.—The Commission shall de-
 19 velop recommendations on actions that the Federal
 20 Government can take to adequately hold itself ac-
 21 countable for, and redress and heal, the historical
 22 and intergenerational trauma inflicted by the Indian
 23 Boarding School Policies, including developing rec-
 24 ommendations on ways—

1 (A) to protect unmarked graves and ac-
2 companying land protections;

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

6 (C) to stop the continued removal of Amer-
7 ican Indian, Alaska Native, and Native Hawai-
8 ian children from their families and reserva-
9 tions under modern-day assimilation practices.

10 (2) MATTERS INVESTIGATED.—The matters in-
11 vestigated by the Commission under paragraph (1)
12 shall include—

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

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

17 (ii) church-run Indian boarding
18 schools;

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

24 (C) the impacts and ongoing effects of the
25 Indian Boarding School Policies;

1 (~~D~~) the location of American Indian, Alas-
2 ka Native, and Native Hawaiian children who
3 are still, as of the date of enactment of this
4 Act, buried at Indian boarding schools and off-
5 campus cemeteries, including notifying the
6 Tribal nation from which the children were
7 taken; and

8 (~~E~~) church and government records, in-
9 cluding records relating to attendance, infir-
10 mary, deaths, land, Tribal affiliation, and other
11 correspondence.

12 (~~3~~) ~~ADDITIONAL DUTIES.~~—In carrying out
13 paragraph (1), the Commission shall—

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

17 (~~B~~) locate, document, analyze, and pre-
18 serve records from schools described in para-
19 graph (~~2~~)(~~A~~), including any records held at
20 State and local levels; and

21 (~~C~~) provide to, and receive from, the De-
22 partment of the Interior any information that
23 the Commission determines to be relevant—

24 (~~i~~) to the work of the Commission; or

1 (ii) to any investigation of the Indian
2 Boarding School Policies being conducted
3 by the Department of the Interior.

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

6 (A) survivors of schools described in para-
7 graph (2)(A), in order to identify how the expe-
8 rience of those survivors impacts their lives, so
9 that their stories will be remembered as part of
10 the history of the United States; and

11 (B) American Indian, Alaska Native, and
12 Native Hawaiian individuals, tribes, and organi-
13 zations directly impacted by assimilation prac-
14 tices supported by the Federal Government, in-
15 cluding assimilation practices promoted by—

16 (i) religious groups receiving funding,
17 or working closely with, the Federal Gov-
18 ernment;

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

21 (iii) any other local, State, or terri-
22 torial government body or agency; and

23 (iv) any other private entities; and

24 (C) those who have access to, or knowledge
25 of, historical events, documents, and items re-

1 relating to the Indian Boarding School Policies
2 and the impacts of those policies, including—

- 3 (i) churches;
- 4 (ii) the Federal Government;
- 5 (iii) State and local governments;
- 6 (iv) individuals; and
- 7 (v) organizations.

8 (5) REPORTS.—

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

- 22 (i) a detailed statement of the find-
23 ings and conclusions of the Commission;
- 24 (ii) the recommendations of the Com-
25 mission for such legislation and adminis-

1 trative actions as the Commission con-
2 siders appropriate;

3 (iii) the recommendations of the Com-
4 mission to provide or increase Federal
5 funding to adequately fund—

6 (I) American Indian, Alaska Na-
7 tive, and Native Hawaiian programs
8 for mental health and traditional heal-
9 ing programs;

10 (II) a nationwide hotline for sur-
11 vivors, family members, or other com-
12 munity members affected by the In-
13 dian Boarding School Policies; and

14 (III) the development of mate-
15 rials to be offered for possible use in
16 K–12 Native American and United
17 States history curricula to address the
18 history of Indian Boarding School
19 Policies; and

20 (iv) other recommendations of the
21 Commission to identify—

22 (I) possible ways to address his-
23 torical and intergenerational trauma
24 inflicted on American Indian, Alaska
25 Native, and Native Hawaiian commu-

1 nities by the Indian Boarding School
2 Policies; and

3 ~~(H) ongoing and harmful prac-~~
4 ~~tices and policies relating to or result-~~
5 ~~ing from the Indian Boarding School~~
6 ~~Policies that continue in public edu-~~
7 ~~cation systems.~~

8 ~~(B) FINAL REPORT.—Not later than 5~~
9 ~~years after the date of enactment of this Act,~~
10 ~~the Commission shall make available and sub-~~
11 ~~mit a final report in accordance with the re-~~
12 ~~quirements under subparagraph (A) that have~~
13 ~~been agreed on by the vote of a majority of the~~
14 ~~members of the Commission.~~

15 ~~(i) POWERS OF COMMISSION.—~~

16 ~~(1) HEARINGS AND EVIDENCE.—The Commis-~~
17 ~~sion may, for the purpose of carrying out this sec-~~
18 ~~tion—~~

19 ~~(A) hold such hearings and sit and act at~~
20 ~~such times and places, take such testimony, re-~~
21 ~~ceive such evidence, and administer such oaths,~~
22 ~~virtually or in-person, as the Commission may~~
23 ~~determine advisable; and~~

24 ~~(B) subject to subparagraphs (A) and (B)~~
25 ~~of paragraph (2), require, by subpoena or oth-~~

1 erwise, the attendance and testimony of such
2 witnesses and the production of such books,
3 records, correspondence, memoranda, papers,
4 videos, oral histories, recordings, documents, or
5 any other paper or electronic material, virtually
6 or in-person, as the Commission may determine
7 advisable.

8 (2) SUBPOENAS.—

9 (A) IN GENERAL.—

10 (i) ISSUANCE OF SUBPOENAS.—Sub-
11 ject to subparagraph (B), the Commission
12 may issue subpoenas requiring the attend-
13 ance and testimony of witnesses and the
14 production of any evidence relating to any
15 matter that the Commission is empowered
16 to investigate under this section.

17 (ii) VOTE.—Subpoenas shall be issued
18 under clause (i) by agreement between the
19 Chairperson and Vice Chairperson of the
20 Commission, or by the vote of a majority
21 of the members of the Commission.

22 (iii) ATTENDANCE OF WITNESSES AND
23 PRODUCTION OF EVIDENCE.—The attend-
24 ance of witnesses and the production of
25 evidence may be required from any place

1 within the United States at any designated
2 place of hearing within the United States.

3 ~~(B)~~ PROTECTION OF PERSON SUBJECT TO

4 A SUBPOENA.—

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

8 (I) consider the cultural, emo-
9 tional, and psychological well-being of
10 survivors, family members, and com-
11 munity members affected by the In-
12 dian Boarding School Policies; and

13 (II) take reasonable steps to
14 avoid imposing undue burden, includ-
15 ing cultural, emotional, and psycho-
16 logical trauma, on a survivor, family
17 member, or community member af-
18 fected by the Indian Boarding School
19 Policies.

20 (ii) QUASHING OR MODIFYING A SUB-
21 POENA.—On a timely motion, the district
22 court of the United States in the judicial
23 district in which compliance with the sub-
24 poena is required shall quash or modify a

1 subpoena that subjects a person to undue
2 burden as described in clause (i)(II):

3 (C) FAILURE TO OBEY A SUBPOENA.—

4 (i) ORDER FROM A DISTRICT COURT
5 OF THE UNITED STATES.—If a person does
6 not obey a subpoena issued under subpara-
7 graph (A), the Commission is authorized to
8 apply to a district court of the United
9 States for an order requiring that person
10 to appear before the Commission to give
11 testimony, produce evidence, or both, relat-
12 ing to the matter under investigation.

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

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

23 (D) SUBJECT MATTER JURISDICTION.—

24 The district court of the United States in which
25 an action is brought under subparagraph (C)(i)

1 shall have original jurisdiction over any civil ac-
2 tion brought by the Commission to enforce, se-
3 cure a declaratory judgment concerning the va-
4 lidity of, or prevent a threatened refusal or fail-
5 ure to comply with, the applicable subpoena
6 issued by the Commission.

7 (E) SERVICE OF SUBPOENAS.—The sub-
8 poenas of the Commission shall be served in the
9 manner provided for subpoenas issued by a dis-
10 trict court of the United States under the Fed-
11 eral Rules of Civil Procedure.

12 (F) SERVICE OF PROCESS.—All process of
13 any court to which an application is made
14 under subparagraph (C) may be served in the
15 judicial district in which the person required to
16 be served resides or may be found.

17 (3) ADDITIONAL PERSONNEL AND SERVICES.—

18 (A) IN GENERAL.—The Chairperson of the
19 Commission may procure additional personnel
20 and services to ensure that the work of the
21 Commission avoids imposing an undue burden,
22 including cultural, emotional, and psychological
23 trauma, on survivors, family members, or other
24 community members affected by the Indian
25 Boarding School Policies.

1 (B) COMPENSATION.—The Chairperson of
2 the Commission may fix the compensation of
3 personnel procured under subparagraph (A)
4 without regard to chapter 51 and subchapter
5 III of chapter 53 of title 5, United States Code,
6 relating to classification of positions and Gen-
7 eral Schedule pay rates, except that the rate of
8 pay for such personnel may not exceed the rate
9 payable for level V of the Executive Schedule
10 under section 5316 of that title.

11 (4) 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 (5) GIFTS.—The Commission may accept, use,
16 and dispose of gifts or donations of services or prop-
17 erty relating to the purpose of the Commission

18 (j) APPLICATION.—The Commission shall be subject
19 to chapter 10 of title 5, United States Code (commonly
20 known as the “Federal Advisory Committee Act”).

21 (k) CONSULTATION WITH INDIAN TRIBES.—In ear-
22 rying out the duties of the Commission under subsection
23 (h), the Commission shall consult with Indian Tribes.

24 (l) COLLABORATION BY THE DEPARTMENT OF THE
25 INTERIOR.—The Department of the Interior shall collabo-

1 rate and exchange relevant information with the Commis-
 2 sion in order for the Commission to effectively carry out
 3 the duties of the Commission under subsection (h).

4 (m) **TERMINATION OF COMMISSION.**—The Commis-
 5 sion shall terminate 90 days after the date on which the
 6 Commission submits the final report required under sub-
 7 section (h)(5)(B).

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

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

13 (a) *SHORT TITLE.*—*This Act may be cited as the*
 14 *“Truth and Healing Commission on Indian Boarding*
 15 *School Policies Act of 2023”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. Definitions.

TITLE I—COMMISSION AND SUBCOMMITTEES

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

*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 role*
14 *of the Federal Government in supporting those poli-*
15 *cies and practices and the intergenerational impacts*
16 *of those policies and practices;*17 *(3) in May 2022, the Department of the Interior*
18 *published volume 1 of a report entitled “Federal In-*

1 *dian Boarding School Initiative Investigative Re-*
2 *port” (referred to in this section as the “Report”),*
3 *which found that—*

4 *(A) as early as 1819, and until 1969, the*
5 *Federal Government directly or indirectly sup-*
6 *ported approximately 408 Indian Boarding*
7 *Schools across 37 States;*

8 *(B) American Indian, Alaska Native, and*
9 *Native Hawaiian children, as young as 3 years*
10 *old, were forcibly removed from their homes and*
11 *sent to Indian Boarding Schools located through-*
12 *out the United States;*

13 *(C) Indian Boarding Schools used system-*
14 *atic, violent, and militarized identity-altering*
15 *methods, such as physical, sexual, and psycho-*
16 *logical abuse and neglect, to attempt to forcibly*
17 *assimilate Native children and strip them of*
18 *their languages, cultures, and social connections;*

19 *(D) the violent methods referred to in sub-*
20 *paragraph (C) were carried out for the purpose*
21 *of—*

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

24 *(ii) dispossessing Native peoples of*
25 *their ancestral lands;*

1 (E) many of the children who were taken to
2 Indian Boarding Schools did not survive, and of
3 those who did survive, many never returned to
4 their parents, extended families, or communities;

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

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

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

24 (5) the children who perished at Indian Board-
25 ing Schools or in neighboring hospitals and other in-

1 stitutions were buried in on-campus and off-campus
2 cemeteries and unmarked graves;

3 (6) parents of children who were forcibly re-
4 moved from or coerced into leaving their homes and
5 placed in Indian Boarding Schools were prohibited
6 from visiting or engaging in correspondence with
7 their children;

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

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

15 **SEC. 3. PURPOSES.**

16 *The purposes of this Act are—*

17 (1) to establish a Truth and Healing Commis-
18 sion on Indian Boarding School Policies in the
19 United States, including other necessary advisory
20 committees and subcommittees;

21 (2) to formally investigate, document, and report
22 on the histories of Indian Boarding Schools, Indian
23 Boarding School Polices, and the systematic and
24 long-term effects of those schools and policies on Na-
25 tive American peoples;

1 (3) *to develop recommendations for Federal ac-*
 2 *tion based on the findings of the Commission; and*

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

6 **SEC. 4. DEFINITIONS.**

7 *In this Act:*

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

12 (2) *FEDERAL TRUTH AND HEALING ADVISORY*
 13 *COMMITTEE.*—*The term “Federal Truth and Healing*
 14 *Advisory Committee” means the Federal Truth and*
 15 *Healing Advisory Committee established by section*
 16 *211(a).*

17 (3) *INDIAN.*—*The term “Indian” has the mean-*
 18 *ing given the term in section 6151 of the Elementary*
 19 *and Secondary Education Act of 1965 (20 U.S.C.*
 20 *7491).*

21 (4) *INDIAN BOARDING SCHOOL.*—*The term “In-*
 22 *dian Boarding School” means—*

23 (A) *a site of an institution that—*

24 (i) *provided on-site housing or over-*
 25 *night lodging;*

1 (ii) was described in Federal records as
2 providing formal academic or vocational
3 training and instruction to American Indi-
4 ans, Alaska Natives, or Native Hawaiians;
5 (iii) received Federal funds or other
6 Federal support; and
7 (iv) was operational before 1969;
8 (B) a site of an institution identified by the
9 Department of the Interior in appendices A and
10 B of the report entitled “Federal Indian Board-
11 ing School Initiative Investigative Report” and
12 dated May 2022 (or a successor report); or
13 (C) any other institution that implemented
14 Indian Boarding School Policies, including an
15 Indian day school.

16 (5) INDIAN BOARDING SCHOOL POLICIES.—The
17 term “Indian Boarding School Policies” means Fed-
18 eral laws, policies, and practices purported to “as-
19 similate” and “civilize” American Indians, Alaska
20 Natives, and Native Hawaiians that included psycho-
21 logical, physical, sexual, and mental abuse, forced re-
22 moval from home or community, and identity-alter-
23 ing practices intended to terminate Native languages,
24 cultures, religions, social organizations, or connec-
25 tions to traditional land.

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

5 (7) *NATIVE AMERICAN*.—*The term “Native*
 6 *American” means an individual who is—*

7 (A) *an Indian; or*

8 (B) *a Native Hawaiian.*

9 (8) *NATIVE AMERICAN TRUTH AND HEALING AD-*
 10 *VISORY COMMITTEE*.—*The term “Native American*
 11 *Truth and Healing Advisory Committee” means the*
 12 *Native American Truth and Healing Advisory Com-*
 13 *mittee established by the Commission under section*
 14 *201(a).*

15 (9) *NATIVE HAWAIIAN*.—*The term “Native Ha-*
 16 *waiian” has the meaning given the term in section*
 17 *6207 of the Elementary and Secondary Education*
 18 *Act of 1965 (20 U.S.C. 7517).*

19 (10) *NATIVE HAWAIIAN ORGANIZATION*.—*The*
 20 *term “Native Hawaiian organization” means a pri-*
 21 *vate nonprofit organization that—*

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

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

1 (C) has Native Hawaiians serving in sub-
2 stantive and policymaking positions; and

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

5 (11) OFFICE OF HAWAIIAN AFFAIRS.—The term
6 “Office of Hawaiian Affairs” has the meaning given
7 the term in section 6207 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 7517).

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

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

19 (14) TRIBAL ORGANIZATION.—The term “Tribal
20 organization” has the meaning given the term in sec-
21 tion 4 of the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 5304).

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

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

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

13 (b) *MEMBERSHIP.*—

14 (1) *MEMBERSHIP.*—

15 (A) *IN GENERAL.*—*The Commission shall*
 16 *include 5 members, to be jointly appointed by*
 17 *the majority and minority leaders of the Senate,*
 18 *in consultation with the Chairperson and Vice*
 19 *Chairperson of the Committee on Indian Affairs*
 20 *of the Senate, the Speaker of the House of Rep-*
 21 *resentatives, the minority leader of the House of*
 22 *Representatives, and the Chair and Ranking*
 23 *Member of the Committee on Natural Resources*
 24 *of the House of Representatives, from among the*

1 *nominees submitted under paragraph (2)(A), of*
2 *whom—*

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

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

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

21 *(iv) 1 shall be an individual with ex-*
22 *tensive experience and expertise in pro-*
23 *viding and coordinating trauma-informed*
24 *care and other health-related services to In-*
25 *dian Tribes and Native Americans; and*

1 (v) 1 shall be a Native American indi-
2 vidual recognized as a traditional cultural
3 authority by their respective Native commu-
4 nity.

5 (B) *ADDITIONAL REQUIREMENTS FOR MEM-*
6 *BERSHIP.*—*In addition to the requirements de-*
7 *scribed in subparagraph (A), members of the*
8 *Commission shall be persons of recognized integ-*
9 *egrity and empathy, with a demonstrated commit-*
10 *ment to the values of truth, reconciliation, heal-*
11 *ing, and expertise in truth and healing endeav-*
12 *ors that are traditionally and culturally appro-*
13 *priate so as to provide balanced points of view*
14 *and expertise with respect to the duties of the*
15 *Commission.*

16 (2) *NOMINATIONS.*—

17 (A) *IN GENERAL.*—*Indian Tribes, Tribal*
18 *organizations, Native Americans, the Office of*
19 *Hawaiian Affairs, and Native Hawaiian organi-*
20 *zations may submit to the Secretary of the Inte-*
21 *rior nominations for individuals to be appointed*
22 *to the Commission not later than 90 days after*
23 *the date of enactment of this Act.*

24 (B) *NATIVE AMERICAN PREFERENCE.*—*Indi-*
25 *viduals nominated under subparagraph (A) who*

1 *are Native American shall receive a preference in*
2 *the selection process for appointment to the Com-*
3 *mission under paragraph (1).*

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

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

13 (4) *PERIOD OF APPOINTMENT; VACANCIES; RE-*
14 *MOVAL.*—

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

18 (i) *6 years; and*

19 (ii) *the life of the Commission.*

20 (B) *VACANCIES.*—*After all initial members*
21 *of the Commission are appointed and the initial*
22 *business meeting of the Commission has been*
23 *convened under subsection (c)(1), a single va-*
24 *cancy in the Commission—*

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

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

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

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

13 (6) LIMITATION.—No member of the Commission
14 shall be an officer or employee of the Federal Govern-
15 ment.

16 (c) BUSINESS MEETINGS.—

17 (1) INITIAL BUSINESS MEETING.—90 days after
18 the date on which all of the members of the Commis-
19 sion are appointed under subsection (b)(1)(A), the
20 Commission shall hold the initial business meeting of
21 the Commission—

22 (A) to appoint a Chairperson, a Vice Chair-
23 person, a Secretary, and such other positions as
24 determined necessary by the Commission;

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

3 (C) to appoint members of—

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

6 (ii) the Native American Truth and
7 Healing Advisory Committee under section
8 201(b)(1).

9 (2) *SUBSEQUENT BUSINESS MEETINGS.*—After
10 the initial business meeting of the Commission is held
11 under paragraph (1), the Commission shall meet at
12 the call of the Chairperson.

13 (3) *ADVISORY AND SUBCOMMITTEE COMMITTEES*
14 *DESIGNEES.*—Each Commission business meeting
15 shall include participation by 2 non-voting designees
16 from each of the Survivors Truth and Healing Sub-
17 committee, the Native American Truth and Healing
18 Advisory Committee, and the Federal Truth and
19 Healing Advisory Committee, as appointed in accord-
20 ance with section 121(c)(1)(D), section 201(e)(1)(C),
21 and section 211(c)(1)(C), as applicable.

22 (4) *FORMAT OF MEETINGS.*—A business meeting
23 of the Commission may be conducted in-person, vir-
24 tually, or via phone.

1 (5) *QUORUM REQUIRED.*—A business meeting of
2 the Commission may only be held once a quorum, es-
3 tablished in accordance with subsection (d), is
4 present.

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

8 (e) *RULES.*—The Commission may establish, by a ma-
9 jority vote, any rules for the conduct of Commission busi-
10 ness, in accordance with this section and other applicable
11 law.

12 (f) *COMMISSION PERSONNEL MATTERS.*—

13 (1) *COMPENSATION OF COMMISSIONERS.*—A
14 member of the Commission shall be compensated at a
15 daily equivalent of the annual rate of basic pay pre-
16 scribed for grade 14 of the General Schedule under
17 section 5332 of title 5, United States Code, for each
18 day, not to exceed 14 days per month, for which a
19 member is engaged in the performance of their duties
20 under this Act, including convening meetings, includ-
21 ing business meetings or public or private meetings to
22 receive testimony in furtherance of the duties of the
23 Commission and the purposes of this Act.

24 (2) *TRAVEL EXPENSES.*—A member of the Com-
25 mission shall be allowed travel expenses, including

1 *per diem in lieu of subsistence, at rates authorized for*
2 *employees of agencies under subchapter I of chapter*
3 *57 of title 5, United States Code, while away from*
4 *their homes or regular places of business in the per-*
5 *formance of services for the Commission.*

6 (3) *DETAIL OF GOVERNMENT EMPLOYEES.—Any*
7 *Federal Government employee, with the approval of*
8 *the head of the appropriate Federal agency and at the*
9 *request of the Commission, may be detailed to the*
10 *Commission without—*

11 (A) *reimbursement to the agency of that em-*
12 *ployee; and*

13 (B) *interruption or loss of civil service sta-*
14 *tus, benefits, or privileges.*

15 (g) *POWERS OF COMMISSION.—*

16 (1) *HEARINGS AND EVIDENCE.—The Commission*
17 *may, for the purpose of carrying out this Act—*

18 (A) *hold such hearings and sit and act at*
19 *such times and places, take such testimony, and*
20 *receive such evidence, virtually or in-person, as*
21 *the Commission may determine necessary to ac-*
22 *complish the purposes of this Act;*

23 (B) *conduct or request such interdiscipli-*
24 *nary research, investigation, or analysis of such*
25 *information and documents, records, or other*

1 *evidence as the Commission may determine nec-*
2 *essary to accomplish the purposes of this Act, in-*
3 *cluding—*

4 *(i) securing, directly from a Federal*
5 *agency, such information as the Commis-*
6 *sion considers necessary to accomplish the*
7 *purposes of this Act; and*

8 *(ii) requesting the head of any relevant*
9 *Tribal or State agency to provide to the*
10 *Commission such information as the Com-*
11 *mission considers necessary to accomplish*
12 *the purposes of this Act;*

13 *(C) subject to paragraphs (1) and (2) of*
14 *subsection (i), require, by subpoena or otherwise,*
15 *the production of such records, papers, cor-*
16 *respondence, memoranda, documents, books, vid-*
17 *eos, oral histories, recordings, or any other paper*
18 *or electronic material, as the Commission may*
19 *determine necessary to accomplish the purposes*
20 *of this Act;*

21 *(D) oversee, direct, and collaborate with the*
22 *Federal Truth and Healing Advisory Committee,*
23 *the Native American Truth and Healing Advi-*
24 *sory Committee, and the Survivors Truth and*

1 *Healing Subcommittee to accomplish the pur-*
2 *poses of this Act; and*

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

8 (2) *CONTRACTING; VOLUNTEER SERVICES.—*

9 *(A) CONTRACTING.—The Commission may,*
10 *to such extent and in such amounts as are pro-*
11 *vided in appropriations Acts, and in accordance*
12 *with applicable law, enter into contracts and*
13 *other agreements with public agencies, private*
14 *organizations, and individuals to enable the*
15 *Commission to carry out the duties of the Com-*
16 *mission under this Act.*

17 *(B) VOLUNTEER AND UNCOMPENSATED*
18 *SERVICES.—Notwithstanding section 1342 of*
19 *title 31, United States Code, the Commission*
20 *may accept and use such voluntary and uncom-*
21 *pensated services as the Commission determines*
22 *to be necessary.*

23 *(C) GENERAL SERVICES ADMINISTRATION.—*
24 *The Administrator of General Services shall pro-*
25 *vide, on request of the Commission, on a reim-*

1 *bursable basis, administrative support and other*
2 *services for the performance of the functions of*
3 *the Commission under this Act.*

4 (3) *POSTAL SERVICES.—The Commission may*
5 *use the United States mails in the same manner and*
6 *under the same conditions as other agencies of the*
7 *Federal Government.*

8 (4) *GIFTS, FUNDRAISING, AND DISBURSEMENT.—*

9 (A) *GIFTS AND DONATIONS.—*

10 (i) *IN GENERAL.—The Commission*
11 *may accept, use, and dispose of any gift,*
12 *donation, service, property, or other record*
13 *or recording to accomplish the purposes of*
14 *this Act.*

15 (ii) *RETURN OF GIFTS AND DONA-*
16 *TIONS.—On termination of the Commission*
17 *under subsection (b)(5), any gifts, unspent*
18 *donations, property, or other record or re-*
19 *coding accepted by the Commission under*
20 *clause (i) shall be—*

21 (I) *returned to the applicable*
22 *donor that made the donation under*
23 *that clause; or*

24 (II) *archived under subparagraph*
25 *(E).*

1 (B) *FUNDRAISING.*—*The Commission may,*
 2 *on the affirmative vote of $\frac{3}{5}$ of the members of*
 3 *the Commission, solicit funds to accomplish the*
 4 *purposes of this Act.*

5 (C) *DISBURSEMENT.*—*The Commission*
 6 *may, on the affirmative vote of $\frac{3}{5}$ of the mem-*
 7 *bers of the Commission, approve the expenditure*
 8 *of funds to accomplish the purposes of this Act.*

9 (D) *TAX DOCUMENTS.*—*The Commission (or*
 10 *a designee) shall, on request of a donor under*
 11 *subparagraph (A) or (B), provide tax docu-*
 12 *mentation to that donor for any tax-deductible*
 13 *gift made by that donor under those subpara-*
 14 *graphs.*

15 (E) *ARCHIVING.*—*The Commission shall co-*
 16 *ordinate with the Library of Congress and the*
 17 *National Museum of the American Indian to ar-*
 18 *chive and preserve relevant gifts or donations re-*
 19 *ceived under subparagraph (A) or (B).*

20 (h) *CONVENING.*—

21 (1) *CONVENING PROTOCOL.*—

22 (A) *IN GENERAL.*—*Not later than 45 days*
 23 *after the initial business meeting of the Native*
 24 *American Truth and Healing Advisory Com-*
 25 *mittee, the Commission, 3 designees from the Na-*

1 *tive American Truth and Healing Advisory*
2 *Committee, and 3 designees from the Survivors*
3 *Truth and Healing Subcommittee shall hold a*
4 *meeting to establish rules, protocols, and formats*
5 *for convenings carried out under this subsection.*

6 (B) *RULES AND PROTOCOLS.*—*Not later*
7 *than 45 days after the initial meeting described*
8 *in subparagraph (A), the Commission shall fi-*
9 *nalize rules, protocols, and formats for*
10 *convenings carried out under this subsection by*
11 *a $\frac{3}{5}$ majority in attendance at a meeting of the*
12 *Commission.*

13 (C) *ADDITIONAL MEETINGS.*—*The Commis-*
14 *sion and designees described in subparagraph*
15 *(A) may hold additional meetings, as necessary,*
16 *to amend, by a $\frac{3}{5}$ majority in attendance at a*
17 *meeting of the Commission, the rules, protocols,*
18 *and formats for convenings established under*
19 *that subparagraph.*

20 (2) *ANNOUNCEMENT OF CONVENINGS.*—*Not later*
21 *than 30 days before the date of a convening under*
22 *this subsection, the Commission shall announce the lo-*
23 *cation and details of the convening.*

24 (3) *MINIMUM NUMBER OF CONVENINGS.*—*The*
25 *Commission shall hold—*

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

5 (B) *beginning 1 year after the date of enact-*
 6 *ment of this Act, not fewer than 1 convening per*
 7 *quarter to receive testimony each calendar year*
 8 *until the date on which the Commission submits*
 9 *the final report of the Commission under section*
 10 *111(e)(3).*

11 (4) *OPPORTUNITY TO PROVIDE TESTIMONY.—No*
 12 *person or entity shall be denied the opportunity to*
 13 *provide relevant testimony at a convenings held under*
 14 *this subsection, subject to the discretion of the Chair-*
 15 *person of the Commission (or a designee).*

16 (i) *SUBPOENAS.—*

17 (1) *IN GENERAL.—*

18 (A) *ISSUANCE OF SUBPOENAS.—*

19 (i) *IN GENERAL.—If a person fails to*
 20 *supply information requested by the Com-*
 21 *mission, the Commission may issue, on a*
 22 *unanimous vote of the Commission, a sub-*
 23 *poena requiring from a person the produc-*
 24 *tion of any written or recorded evidence*

1 *necessary to carry out the duties of the*
2 *Commission under section 111.*

3 *(ii) NOTIFICATION.—*

4 *(I) IN GENERAL.—Not later than*
5 *10 days before the date on which the*
6 *Commission issues a subpoena under*
7 *clause (i), the Commission shall submit*
8 *to the Attorney General a confidential,*
9 *written notice of the intent to issue the*
10 *subpoena.*

11 *(II) SUBPOENA PROHIBITED BY*
12 *ATTORNEY GENERAL.—*

13 *(aa) IN GENERAL.—The At-*
14 *torney General, on receiving a no-*
15 *tice under subclause (I), may, on*
16 *a showing of a procedural or sub-*
17 *stantive defect, and after the Com-*
18 *mission has a reasonable oppor-*
19 *tunity to cure, prohibit the*
20 *issuance of the applicable sub-*
21 *poena described in that notice.*

22 *(bb) NOTIFICATION TO CON-*
23 *GRESS.—On prohibition of the*
24 *issuance of a subpoena under item*
25 *(aa), the Attorney General shall*

1 *submit to Congress a report de-*
2 *tailing the reasons for that prohi-*
3 *bition.*

4 (B) *PRODUCTION OF EVIDENCE.*—*The pro-*
5 *duction of evidence may be required from any*
6 *place within the United States.*

7 (2) *FAILURE TO OBEY A SUBPOENA.*—

8 (A) *ORDER FROM A DISTRICT COURT OF*
9 *THE UNITED STATES.*—*If a person does not obey*
10 *a subpoena issued under paragraph (1), the*
11 *Commission is authorized to apply to a district*
12 *court of the United States described in subpara-*
13 *graph (B) for an order requiring that person to*
14 *comply with the subpoena.*

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

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

23 (3) *SUBJECT MATTER JURISDICTION.*—*The dis-*
24 *trict court of the United States in which an action*
25 *is brought under paragraph (2)(B) shall have original*

1 *jurisdiction over any civil action brought by the Com-*
2 *mission to enforce, secure a declaratory judgment con-*
3 *cerning the validity of, or prevent a threatened refusal*
4 *or failure to comply with the applicable subpoena*
5 *issued by the Commission.*

6 (4) *SERVICE OF SUBPOENAS.—The subpoenas of*
7 *the Commission shall be served in the manner pro-*
8 *vided for subpoenas issued by a district court of the*
9 *United States under the Federal Rules of Civil Proce-*
10 *dure.*

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

16 (j) *NONDISCLOSURE.—*

17 (1) *PRIVACY ACT OF 1974 APPLICABILITY.—Sub-*
18 *section (b) of section 552a of title 5, United States*
19 *Code (commonly known as the “Privacy Act of*
20 *1974”), shall not apply to the Commission.*

21 (2) *FREEDOM OF INFORMATION ACT APPLICA-*
22 *BILITY.—Records and other communications provided*
23 *to, from, between, or within the Commission, the Fed-*
24 *eral Truth and Healing Advisory Committee, the Na-*
25 *tive American Truth and Healing Advisory Com-*

1 *mittee, the Survivors Truth and Healing Sub-*
2 *committee, and related agencies shall be exempt from*
3 *disclosure under subsection (b)(3)(B) of section 552 of*
4 *title 5, United States Code (commonly known as the*
5 *“Freedom of Information Act”).*

6 (3) *FEDERAL ADVISORY COMMITTEE ACT APPLI-*
7 *CABILITY.—Chapter 10 of title 5, United States Code*
8 *(commonly known as the “Federal Advisory Com-*
9 *mittee Act”), shall not apply to the Commission.*

10 (k) *CONSULTATION OR ENGAGEMENT WITH NATIVE*
11 *AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE*
12 *OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN*
13 *ORGANIZATIONS.—In carrying out the duties of the Com-*
14 *mission under section 111, the Commission shall meaning-*
15 *fully consult or engage, as appropriate, in a timely manner*
16 *with Native Americans, Indian Tribes, Tribal organiza-*
17 *tions, the Office of Hawaiian Affairs, and Native Hawaiian*
18 *organizations.*

19 (l) *AUTHORIZATION OF APPROPRIATIONS.—There is*
20 *authorized to be appropriated to the Commission to carry*
21 *out this Act \$15,000,000 for each fiscal year, to remain*
22 *available until expended.*

1 **Subtitle B—Duties of the**
2 **Commission**

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

4 (a) *INVESTIGATION.*—

5 (1) *IN GENERAL.*—*The Commission shall conduct*
6 *a comprehensive interdisciplinary investigation of In-*
7 *Indian Boarding School Policies, including the social,*
8 *cultural, economic, emotional, and physical effects of*
9 *Indian Boarding School Policies in the United States*
10 *on Native American communities, Indian Tribes, sur-*
11 *vivors of Indian Boarding Schools, families of those*
12 *survivors, and their descendants.*

13 (2) *MATTERS TO BE INVESTIGATED.*—*The mat-*
14 *ters to be investigated by the Commission under para-*
15 *graph (1) shall include, at a minimum—*

16 (A) *conducting a comprehensive review of*
17 *existing research and historical records of Indian*
18 *Boarding School Policies and any documenta-*
19 *tion, scholarship, or other resources relevant to*
20 *the purposes of this Act from—*

21 (i) *any archive or any other document*
22 *storage location, notwithstanding the loca-*
23 *tion of that archive or document storage lo-*
24 *cation; and*

1 (ii) any research conducted by private
2 individuals, private entities, and non-Fed-
3 eral Government entities, whether domestic
4 or foreign, including religious institutions;

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

8 (i) the Department of the Interior, the
9 Department of Health and Human Services,
10 other relevant Federal agencies, and institu-
11 tions or organizations, including religious
12 institutions or organizations, that operated
13 an Indian Boarding School, carried out In-
14 dian Boarding School Policies, or have in-
15 formation the Commission determines rel-
16 evant to the investigation of the Commis-
17 sion; and

18 (ii) Indian Tribes, Tribal organiza-
19 tions, Native Americans, the Office of Ha-
20 waiian Affairs, and Native Hawaiian orga-
21 nizations; and

22 (C) conducting a comprehensive assessment
23 of the impacts of Indian Boarding School Poli-
24 cies on American Indian, Alaska Native, and

1 *Native Hawaiian cultures, traditions, and lan-*
2 *guages.*

3 (3) *RESEARCH RELATED TO OBJECTS, ARTI-*
4 *FACTS, AND REAL PROPERTY.—If the Commission*
5 *conducts a comprehensive review of research described*
6 *in paragraph (2)(A)(ii) that focuses on objects, arti-*
7 *facts, or real or personal property that are in the pos-*
8 *session or control of private individuals, private enti-*
9 *ties, or non-Federal government entities within the*
10 *United States, the Commission may enter into a con-*
11 *tract or agreement to acquire, hold, curate, or main-*
12 *tain those objects, artifacts, or real or personal prop-*
13 *erty until the objects, artifacts, or real or personal*
14 *property can be properly repatriated or returned,*
15 *consistent with applicable Federal law and regula-*
16 *tions, subject to the condition that no Federal funds*
17 *may be used to purchase those objects, artifacts, or*
18 *real or personal property.*

19 (b) *MEETINGS AND CONVENINGS.—*

20 (1) *IN GENERAL.—The Commission shall hold,*
21 *with the advice of the Native American Truth and*
22 *Healing Advisory Committee and the Survivors Truth*
23 *and Healing Subcommittee, and in coordination*
24 *with, as relevant, Indian Tribes, Tribal organiza-*
25 *tions, the Office of Hawaiian Affairs, and Native Ha-*

1 *waiian organizations, as part of its investigation*
2 *under subsection (a), safe, trauma-informed, and cul-*
3 *turally appropriate public or private meetings or*
4 *convenings to receive testimony relating to that inves-*
5 *tigation.*

6 (2) *REQUIREMENTS.—The Commission shall en-*
7 *sure that meetings and convenings held under para-*
8 *graph (1) provide access to adequate trauma-informed*
9 *care services for participants, attendees, and commu-*
10 *nities during and following the meetings and*
11 *convenings where the Commission receives testimony,*
12 *including ensuring private space is available for sur-*
13 *vivors and descendants of survivors, family members,*
14 *and other community members to receive trauma-in-*
15 *formed care services.*

16 (c) *RECOMMENDATIONS.—*

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

22 (2) *INCLUSIONS.—Recommendations made under*
23 *paragraph (1) shall include, at a minimum, rec-*
24 *ommendations relating to—*

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

10 (B) *how modification of existing laws, pro-*
11 *cedures, regulations, policies, budgets, and prac-*
12 *tices will, in the determination of the Commis-*
13 *sion, address the findings of the Commission and*
14 *ongoing effects of Indian Boarding School Poli-*
15 *cies; and*

16 (C) *how the Federal Government can pro-*
17 *mote public awareness and education of Indian*
18 *Boarding School Policies and the impacts of*
19 *those policies, including through coordinating*
20 *with the Native American Truth and Healing*
21 *Advisory Committee, the Survivors Truth and*
22 *Healing Subcommittee, the National Museum of*
23 *the American Indian, and other relevant institu-*
24 *tions and organizations.*

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

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

15 (2) *locate, document, analyze, and coordinate the*
16 *preservation or continued preservation of records and*
17 *information relating to the interment of students, in-*
18 *cluding any records held by Federal, State, inter-*
19 *national, or local entities or religious institutions or*
20 *organizations; and*

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

25 (e) *REPORTS.—*

1 (1) *ANNUAL REPORTS TO CONGRESS.*—Not less
2 *frequently than annually each year until the year be-*
3 *fore the year in which the Commission submits the*
4 *final report under paragraph (3), the Commission*
5 *shall submit to the Committee on Indian Affairs of*
6 *the Senate and the Committee on Natural Resources*
7 *of the House of Representatives a report that describes*
8 *the activities of the Committee during the previous*
9 *year, including an accounting of funds and gifts re-*
10 *ceived and expenditures made, the progress made, and*
11 *any barriers encountered in carrying out this Act.*

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

18 (A) *a detailed review of existing research,*
19 *including documentation, scholarship, or other*
20 *resources shared with the Commission that fur-*
21 *ther the purposes of this Act;*

22 (B) *a detailed statement of the initial find-*
23 *ings and conclusions of the Commission; and*

24 (C) *a detailed statement of the initial rec-*
25 *ommendations of the Commission.*

1 (3) *COMMISSION FINAL REPORT.*—Not later than
2 6 years after the date on which a majority of the
3 members of the Commission are appointed under sec-
4 tion 101(b)(1), the Commission shall submit to the in-
5 dividuals described in paragraph (4), and make pub-
6 licly available, a final report containing the findings,
7 conclusions, and recommendations of the Commission
8 that have been agreed on by the vote of a majority of
9 the members of the Commission and $\frac{3}{5}$ of the mem-
10 bers of each of the Native American Truth and Heal-
11 ing Advisory Committee and the Survivors Truth and
12 Healing Subcommittee.

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

15 (A) *the President;*

16 (B) *the Secretary of the Interior;*

17 (C) *the Attorney General;*

18 (D) *the Comptroller General of the United*
19 *States;*

20 (E) *the Secretary of Education;*

21 (F) *the Secretary of Health and Human*
22 *Services;*

23 (G) *the Secretary of Defense;*

1 (H) *the Chairperson and Vice Chairperson*
 2 *of the Committee on Indian Affairs of the Sen-*
 3 *ate;*

4 (I) *the Chairperson and Ranking Member of*
 5 *the Committee on Natural Resources of the*
 6 *House of Representatives;*

7 (J) *the Chair and Co-Chair of the Congres-*
 8 *sional Native American Caucus;*

9 (K) *the Executive Director of the White*
 10 *House Council on Native American Affairs;*

11 (L) *the Director of the Office of Manage-*
 12 *ment and Budget;*

13 (M) *the Archivist of the United States;*

14 (N) *the Librarian of Congress; and*

15 (O) *the Director of the National Museum of*
 16 *the American Indian.*

17 (5) *ADDITIONAL COMMISSION RESPONSIBILITIES*
 18 *RELATING TO THE PUBLICATION OF THE INITIAL AND*
 19 *FINAL REPORTS.—*

20 (A) *EVENTS RELATING TO INITIAL RE-*
 21 *PORT.—*

22 (i) *IN GENERAL.—The Commission*
 23 *shall hold not fewer than 2 events in each*
 24 *region of the Bureau of Indian Affairs and*
 25 *Hawai'i following publication of the initial*

1 report under paragraph (2) to receive com-
2 ments on the initial report.

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

8 (B) *PUBLICATION OF FINAL REPORT.*—Not
9 later than 180 days after the date on which the
10 Commission submits the final report under para-
11 graph (3), the Commission, the Secretary of the
12 Interior, the Secretary of Education, the Sec-
13 retary of Defense, and the Secretary of Health
14 and Human Services shall each make the final
15 report publicly available on the website of the
16 applicable agency.

17 (6) *SECRETARIAL RESPONSE TO FINAL RE-*
18 *PORT.*—Not later than 120 days after the date on
19 which the Secretary of the Interior, the Secretary of
20 Education, the Secretary of Defense, and the Sec-
21 retary of Health and Human Services receive the
22 final report under paragraph (3), the Secretaries
23 shall each make publicly available a written response
24 to recommendations for future action by those agen-

1 cies, if any, contained in the final report, and submit
2 the written response to—

3 (A) the President;

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

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

8 (D) the Comptroller General of the United
9 States.

10 ***Subtitle C—Survivors Truth and***
11 ***Healing Subcommittee***

12 **SEC. 121. SURVIVORS TRUTH AND HEALING SUB-**
13 **COMMITTEE.**

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

17 (b) *MEMBERSHIP, NOMINATION, AND APPOINTMENT TO*
18 *THE SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.*—

19 (1) *MEMBERSHIP.*—The Survivors Truth and
20 Healing Subcommittee shall include 15 members, to
21 be appointed by the Commission, in consultation with
22 the National Native American Boarding School Heal-
23 ing Coalition, from among the nominees submitted
24 under paragraph (2)(A), of whom—

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

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

6 (i) not fewer than 2 shall be individ-
7 uals who graduated during the 5-year pe-
8 riod preceding the date of enactment of this
9 Act from—

10 (I) an Indian Boarding School in
11 operation as of that date of enactment;
12 or

13 (II) a Bureau of Indian Edu-
14 cation-funded school; and

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

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

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

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

1 (ii) was employed at an Indian Board-
2 ing School during the 5-year period pre-
3 ceding the date of enactment of this Act.

4 (2) NOMINATIONS.—

5 (A) IN GENERAL.—Indian Tribes, Tribal
6 organizations, Native Americans, the Office of
7 Hawaiian Affairs, and Native Hawaiian organi-
8 zations may submit to the Secretary of the Inte-
9 rior nominations for individuals to be appointed
10 to the Survivors Truth and Healing Sub-
11 committee not later than 90 days after the date
12 of enactment of this Act.

13 (B) SUBMISSION.—The Secretary of the In-
14 terior shall provide the Commission with nomi-
15 nations submitted under subparagraph (A) at
16 the initial business meeting of the Commission
17 under section 101(c)(1) and the Commission
18 shall select the members of the Survivors Truth
19 and Healing Subcommittee from among those
20 nominees.

21 (3) DATE.—

22 (A) IN GENERAL.—The Commission shall
23 appoint all members of the Survivors Truth and
24 Healing Subcommittee during the initial busi-

1 *ness meeting of the Commission under section*
2 *101(c)(1).*

3 *(B) FAILURE TO APPOINT.—If the Commis-*
4 *sion fails to appoint all members of the Sur-*
5 *vivors Truth and Healing Subcommittee in ac-*
6 *cordance with subparagraph (A), the Chair of*
7 *the Committee on Indian Affairs of the Senate,*
8 *with the concurrence of the Vice Chair of the*
9 *Committee on Indian Affairs of the Senate, shall*
10 *appoint individuals, in accordance with the re-*
11 *quirements of paragraph (1), to all vacant posi-*
12 *tions of the Survivors Truth and Healing Sub-*
13 *committee not later than 30 days after the date*
14 *of the initial business meeting of the Commission*
15 *under section 101(c)(1).*

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

18 *(A) PERIOD OF APPOINTMENT.—A member*
19 *of the Survivors Truth and Healing Sub-*
20 *committee shall be appointed for an automati-*
21 *cally renewable term of 2 years.*

22 *(B) VACANCIES.—*

23 *(i) IN GENERAL.—A member of the*
24 *Survivors Truth and Healing Subcommittee*

1 *may self-vacate the position at any time*
2 *and for any reason.*

3 (ii) *EFFECT; FILLING OF VACANCY.—A*
4 *vacancy in the Survivors Truth and Heal-*
5 *ing Subcommittee—*

6 (I) *shall not affect the powers of*
7 *the Survivors Truth and Healing Sub-*
8 *committee if a simple majority of the*
9 *positions of the Survivors Truth and*
10 *Healing Subcommittee are filled; and*

11 (II) *shall be filled within 90 days*
12 *in the same manner as was the origi-*
13 *nal appointment.*

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

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

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

25 (c) *BUSINESS MEETINGS.—*

1 (1) *INITIAL MEETING.*—Not later 30 days after
2 the date on which all members of the Survivors Truth
3 and Healing Subcommittee are appointed under sub-
4 section (b)(1), the Survivors Truth and Healing Sub-
5 committee shall hold an initial business meeting—

6 (A) to appoint—

7 (i) a Chairperson, who shall also serve
8 as the Vice Chairperson of the Federal
9 Truth and Healing Advisory Committee;

10 (ii) a Vice Chairperson, who shall also
11 serve as the Vice Chairperson of the Native
12 American Truth and Healing Advisory
13 Committee; and

14 (iii) a Secretary;

15 (B) to establish, with the advice of the Com-
16 mission, rules for the Survivors Truth and Heal-
17 ing Subcommittee;

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

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

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

6 (3) *FORMAT OF BUSINESS MEETINGS.*—A busi-
7 ness meeting of the Survivors Truth and Healing
8 Subcommittee may be conducted in-person, virtually,
9 or via phone.

10 (4) *QUORUM REQUIRED.*—A business meeting of
11 the Survivors Truth and Healing Subcommittee may
12 only be held once a quorum, established in accordance
13 with subsection (d), is present.

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

17 (e) *RULES.*—The Survivors Truth and Healing Sub-
18 committee, with the advice of the Commission, may estab-
19 lish, by a majority vote, any rules for the conduct of busi-
20 ness, in accordance with this section and other applicable
21 law.

22 (f) *DUTIES.*—The Survivors Truth and Healing Sub-
23 committee shall—

24 (1) assist the Commission, the Native American
25 Truth and Healing Advisory Committee, and the Fed-

1 *eral Truth and Healing Advisory Committee in co-*
2 *ordinating public and private convenings, includ-*
3 *ing—*

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

7 *(B) providing advice and evaluating Com-*
8 *mittee recommendations relating to the com-*
9 *memoration and public education relating to In-*
10 *Indian Boarding Schools and Indian Boarding*
11 *School Policies; and*

12 *(2) provide advice to, or fulfill such other re-*
13 *quests by, the Commission as the Commission may re-*
14 *quire to carry out the purposes described in section*
15 *3.*

16 *(g) CONSULTATION OR ENGAGEMENT WITH NATIVE*
17 *AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE*
18 *OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN*
19 *ORGANIZATIONS.—In carrying out the duties of the Sur-*
20 *vivors Truth and Healing Subcommittee under subsection*
21 *(f), the Survivors Truth and Healing Subcommittee shall*
22 *meaningfully consult or engage, as appropriate, in a timely*
23 *manner with Native Americans, Indian Tribes, Tribal or-*
24 *ganizations, the Office of Hawaiian Affairs, and Native*
25 *Hawaiian organizations.*

1 (h) *NONDISCLOSURE.*—

2 (1) *PRIVACY ACT OF 1974 APPLICABILITY.*—Sub-
3 section (b) of section 552a of title 5, United States
4 Code (commonly known as the “Privacy Act of
5 1974”), shall not apply to the Survivors Truth and
6 Healing Subcommittee.

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

17 (3) *FEDERAL ADVISORY COMMITTEE ACT APPLI-*
18 *CABILITY.*—Chapter 10 of title 5, United States Code
19 (commonly known as the “Federal Advisory Com-
20 mittee Act”), shall not apply to the Survivors Truth
21 and Healing Subcommittee.

22 (i) *PERSONNEL MATTERS.*—

23 (1) *COMPENSATION OF MEMBERS.*—A member of
24 the Survivors Truth and Healing Subcommittee shall
25 be compensated at a daily equivalent of the annual

1 *rate of basic pay prescribed for grade 13 of the Gen-*
2 *eral Schedule under section 5332 of title 5, United*
3 *States Code, for each day, not to exceed 14 days per*
4 *month, for which a member of the Survivors Truth*
5 *and Healing Subcommittee is engaged in the perform-*
6 *ance of their duties under this Act, including the con-*
7 *vening of meetings, including public and private*
8 *meetings to receive testimony in furtherance of the*
9 *duties of the Survivors Truth and Healing Sub-*
10 *committee and the purposes of this Act.*

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

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

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

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

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

13 (1) *MEMBERSHIP.*—

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

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

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

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

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

7 *(iv) 13 shall be representatives from*
8 *each of the 12 regions of the Bureau of In-*
9 *Indian Affairs and Hawai'i;*

10 *(v) 1 shall represent the National Na-*
11 *tive American Boarding School Healing Co-*
12 *alition;*

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

16 *(vii) 1 shall represent the National In-*
17 *Indian Education Association.*

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

1 *culturally responsive support for survivors, fami-*
2 *lies, and communities.*

3 (2) *NOMINATIONS.*—

4 (A) *IN GENERAL.*—*Indian Tribes, Tribal*
5 *organizations, Native Americans, the Office of*
6 *Hawaiian Affairs, and Native Hawaiian organi-*
7 *zations may submit to the Secretary of the Inte-*
8 *rior nominations for individuals to be appointed*
9 *to the Native American Truth and Healing Ad-*
10 *visory Committee not later than 90 days after*
11 *the date of enactment of this Act.*

12 (B) *SUBMISSION.*—*The Secretary of the In-*
13 *terior shall provide the Commission with nomi-*
14 *nations submitted under subparagraph (A) at*
15 *the initial business meeting of the Commission*
16 *under section 101(c)(1) and the Commission*
17 *shall select the members of the Native American*
18 *Truth and Healing Advisory Committee from*
19 *among those nominees.*

20 (3) *DATE.*—

21 (A) *IN GENERAL.*—*The Commission shall*
22 *appoint all members of the Native American*
23 *Truth and Healing Advisory Committee during*
24 *the initial business meeting of the Commission*
25 *under section 101(c)(1).*

1 (B) *FAILURE TO APPOINT.*—*If the Commis-*
2 *sion fails to appoint all members of the Native*
3 *American Truth and Healing Advisory Com-*
4 *mittee in accordance with subparagraph (A), the*
5 *Chair of the Committee on Indian Affairs of the*
6 *Senate, with the concurrence of the Vice Chair of*
7 *the Committee on Indian Affairs of the Senate,*
8 *shall appoint, in accordance with the require-*
9 *ments of paragraph (1), individuals to all va-*
10 *cant positions of the Native American Truth and*
11 *Healing Advisory Committee not later than 30*
12 *days after the date of the initial business meet-*
13 *ing of the Commission under section 101(c)(1).*

14 (4) *PERIOD OF APPOINTMENT; VACANCIES.*—

15 (A) *PERIOD OF APPOINTMENT.*—*A member*
16 *of the Native American Truth and Healing Advi-*
17 *sory Committee shall be appointed for an auto-*
18 *matically renewable term of 2 years.*

19 (B) *VACANCIES.*—*A vacancy in the Native*
20 *American Truth and Healing Advisory Com-*
21 *mittee—*

22 (i) *shall not affect the powers of the*
23 *Native American Truth and Healing Advi-*
24 *sory Committee if a simple majority of the*

1 *positions of the Native American Truth and*
2 *Healing Advisory Committee are filled; and*
3 *(ii) shall be filled within 90 days in*
4 *the same manner as was the original ap-*
5 *pointment.*

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

10 (6) *LIMITATION.*—*No member of the Native*
11 *American Truth and Healing Advisory Committee*
12 *(other than the member described in paragraph*
13 *(1)(A)(iii)) shall be an officer or employee of the Fed-*
14 *eral Government.*

15 (c) *QUORUM.*—*A simple majority of the members of*
16 *the Native American Truth and Healing Committee shall*
17 *constitute a quorum.*

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

21 (e) *BUSINESS MEETINGS.*—

22 (1) *INITIAL BUSINESS MEETING.*—*Not later than*
23 *30 days after the date on which all members of the*
24 *Native American Truth and Healing Advisory Com-*
25 *mittee are appointed under subsection (b)(1)(A), the*

1 *Native American Truth and Healing Advisory Com-*
2 *mittee shall hold an initial business meeting—*

3 *(A) to establish rules for the Native Amer-*
4 *ican Truth and Healing Advisory Committee;*

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

7 *and*

8 *(C) to appoint 2 members of the Native*
9 *American Truth and Healing Advisory Com-*
10 *mittee to serve non-voting as designees on the*
11 *Commission in accordance with section*
12 *101(c)(3).*

13 *(2) SUBSEQUENT BUSINESS MEETINGS.—After*
14 *the initial business meeting of the Native American*
15 *Truth and Healing Advisory Committee is held under*
16 *paragraph (1), the Native American Truth and Heal-*
17 *ing Advisory Committee shall meet at the call of the*
18 *Chairperson.*

19 *(3) FORMAT OF BUSINESS MEETINGS.—A meet-*
20 *ing of the Native American Truth and Healing Advi-*
21 *sory Committee may be conducted in-person, vir-*
22 *tually, or via phone.*

23 *(4) QUORUM REQUIRED.—A business meeting of*
24 *the Native American Truth and Healing Advisory*

1 *Committee may only be held once a quorum, estab-*
2 *lished in accordance with subsection (c), is present.*

3 *(f) RULES.—The Native American Truth and Healing*
4 *Advisory Committee may establish, with the advice of the*
5 *Commission, by a majority vote, any rules for the conduct*
6 *of business, in accordance with this section and other appli-*
7 *cable law.*

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

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

11 *(2) assist the Commission in organizing and car-*
12 *rying out culturally appropriate public and private*
13 *convenings relating to the duties of the Commission;*

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

18 *(4) assist the Commission in the production of*
19 *the initial report and final report required under*
20 *paragraphs (2) and (3), respectively, of section*
21 *111(e);*

22 *(5) coordinate with the Federal Truth and Heal-*
23 *ing Advisory Committee and the Survivors Truth and*
24 *Healing Subcommittee; and*

1 (6) *provide advice to, or fulfill such other re-*
2 *quests by, the Commission as the Commission may re-*
3 *quire to carry out the purposes described in section*
4 3.

5 (h) *CONSULTATION OR ENGAGEMENT WITH NATIVE*
6 *AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE*
7 *OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN*
8 *ORGANIZATIONS.—In carrying out the duties of the Native*
9 *American Truth and Healing Advisory Committee under*
10 *subsection (g), the Native American Truth and Healing Ad-*
11 *visory Committee shall meaningfully consult or engage, as*
12 *appropriate, in a timely manner with Native Americans,*
13 *Indian Tribes, Tribal organizations, the Office of Hawaiian*
14 *Affairs, and Native Hawaiian organizations.*

15 (i) *NONDISCLOSURE.—*

16 (1) *PRIVACY ACT OF 1974 APPLICABILITY.—Sub-*
17 *section (b) of section 552a of title 5, United States*
18 *Code (commonly known as the “Privacy Act of*
19 *1974”), shall not apply to the Native American Truth*
20 *and Healing Advisory Committee.*

21 (2) *FREEDOM OF INFORMATION ACT APPLICA-*
22 *BILITY.—Records and other communications provided*
23 *to, from, between, or within the Commission, the Fed-*
24 *eral Truth and Healing Advisory Committee, the Na-*
25 *tive American Truth and Healing Advisory Com-*

1 *mittee, the Survivors Truth and Healing Sub-*
2 *committee, and related agencies shall be exempt from*
3 *disclosure under subsection (b)(3)(B) of section 552 of*
4 *title 5, United States Code (commonly known as the*
5 *“Freedom of Information Act”).*

6 (3) *FEDERAL ADVISORY COMMITTEE ACT APPLI-*
7 *CABILITY.—Chapter 10 of title 5, United States Code*
8 *(commonly known as the “Federal Advisory Com-*
9 *mittee Act”), shall not apply to the Native American*
10 *Truth and Healing Advisory Committee.*

11 (j) *PERSONNEL MATTERS.—*

12 (1) *COMPENSATION OF MEMBERS.—A member of*
13 *the Native American Truth and Healing Advisory*
14 *Committee shall be compensated at a daily equivalent*
15 *of the annual rate of basic pay prescribed for grade*
16 *13 of the General Schedule under section 5332 of title*
17 *5, United States Code, for each day, not to exceed 14*
18 *days per month, for which a member is engaged in*
19 *the performance of their duties under this Act, includ-*
20 *ing the convening of meetings, including public and*
21 *private meetings to receive testimony in furtherance*
22 *of the duties of the Native American Truth and Heal-*
23 *ing Advisory Committee and the purposes of this Act.*

24 (2) *TRAVEL EXPENSES.—A member of the Native*
25 *American Truth and Healing Advisory Committee*

1 *shall be allowed travel expenses, including per diem*
 2 *in lieu of subsistence, at rates authorized for employ-*
 3 *ees of agencies under subchapter I of chapter 57 of*
 4 *title 5, United States Code, while away from their*
 5 *homes or regular places of business in the perform-*
 6 *ance of services for the Native American Truth and*
 7 *Healing Advisory Committee.*

8 ***Subtitle B—Federal Truth and***
 9 ***Healing Advisory Committee***

10 ***SEC. 211. FEDERAL TRUTH AND HEALING ADVISORY COM-***
 11 ***MITTEE.***

12 *(a) ESTABLISHMENT.—There is established within the*
 13 *Department of the Interior an advisory committee, to be*
 14 *known as the “Federal Truth and Healing Advisory Com-*
 15 *mittee”.*

16 *(b) MEMBERSHIP AND APPOINTMENT TO THE FED-*
 17 *ERAL TRUTH AND HEALING ADVISORY COMMITTEE.—*

18 *(1) MEMBERSHIP.—The Federal Truth and*
 19 *Healing Advisory Committee shall include 17 mem-*
 20 *bers, of whom—*

21 *(A) 1 shall be the Chairperson of the Com-*
 22 *mission, who shall serve as the Chairperson of*
 23 *the Federal Truth and Healing Advisory Com-*
 24 *mittee;*

1 (B) 1 shall be the Chairperson of the Sur-
2 vivors Truth and Healing Subcommittee, who
3 shall serve as the Vice Chairperson of the Federal
4 Truth and Healing Advisory Committee;

5 (C) 1 shall be the White House Domestic
6 Policy Advisor, who shall serve as the Secretary
7 of the Federal Truth and Healing Advisory Com-
8 mittee;

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

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

13 (F) 1 shall be the Librarian of Congress (or
14 a designee);

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

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

19 (I) 1 shall be the Assistant Secretary for
20 Mental Health and Substance Abuse of the De-
21 partment of Health and Human Services (or a
22 designee);

23 (J) 1 shall be the Commissioner of the Ad-
24 ministration for Native Americans of the De-

1 *partment of Health and Human Services (or a*
 2 *designee);*

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

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

8 *(M) 1 shall be the Director of the Office of*
 9 *Indian Education of the Department of Edu-*
 10 *cation (or a designee);*

11 *(N) 1 shall be the Director of the Rural, In-*
 12 *sular, and Native American Achievement Pro-*
 13 *grams of the Department of Education (or a des-*
 14 *ignee);*

15 *(O) 1 shall be the Chair of the Advisory*
 16 *Council on Historic Preservation (or a designee);*

17 *(P) 1 shall be the Assistant Secretary of In-*
 18 *dian Affairs (or a designee); and*

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

21 *(2) PERIOD OF SERVICE; VACANCIES; RE-*
 22 *MOVAL.—*

23 *(A) PERIOD OF SERVICE.—A member of the*
 24 *Federal Truth and Healing Advisory Committee*

1 *shall serve for an automatically renewable term*
2 *of 2 years.*

3 (B) *VACANCIES.*—*A vacancy in the Federal*
4 *Truth and Healing Advisory Committee—*

5 (i) *shall not affect the powers of the*
6 *Federal Truth and Healing Advisory Com-*
7 *mittee if a simple majority of the positions*
8 *of the Federal Truth and Healing Advisory*
9 *Committee are filled; and*

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

13 (C) *REMOVAL.*—*A quorum of members of*
14 *the Federal Truth and Healing Advisory Com-*
15 *mittee may remove a member of the Federal*
16 *Truth and Healing Advisory Committee only for*
17 *neglect of duty or malfeasance.*

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

22 (c) *BUSINESS MEETINGS.*—

23 (1) *INITIAL BUSINESS MEETING.*—*Not later than*
24 *30 days after the date of the initial business meeting*
25 *of the Commission under section 101(c)(1), the Fed-*

1 *eral Truth and Healing Advisory Committee shall*
2 *hold an initial business meeting—*

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

5 *(B) to appoint 2 members of the Federal*
6 *Truth and Healing Advisory Committee to serve*
7 *as non-voting designees on the Commission in*
8 *accordance with section 101(c)(3).*

9 *(2) SUBSEQUENT BUSINESS MEETINGS.—After*
10 *the initial business meeting of the Federal Truth and*
11 *Healing Advisory Committee is held under paragraph*
12 *(1), the Federal Truth and Healing Advisory Com-*
13 *mittee shall meet at the call of the Chairperson.*

14 *(3) FORMAT OF BUSINESS MEETINGS.—A busi-*
15 *ness meeting of the Federal Truth and Healing Advi-*
16 *sory Committee may be conducted in-person, vir-*
17 *tually, or via phone.*

18 *(4) QUORUM REQUIRED.—A business meeting of*
19 *the Federal Truth and Healing Advisory Committee*
20 *may only be held once a quorum, established in ac-*
21 *cordance with subsection (d), is present.*

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

1 (e) *RULES.*—*The Federal Truth and Healing Advisory*
2 *Committee may establish, with the advice of the Commis-*
3 *sion, by a majority vote, any rules for the conduct of busi-*
4 *ness, in accordance with this section and other applicable*
5 *law.*

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

8 (1) *ensure the effective and timely coordination*
9 *between Federal agencies in furtherance of the pur-*
10 *poses of this Act;*

11 (2) *assist the Commission and the Native Amer-*
12 *ican Truth and Healing Advisory Committee in co-*
13 *ordinating—*

14 (A) *meetings and other related public and*
15 *private convenings; and*

16 (B) *the collection, organization, and preser-*
17 *vation of information obtained from witnesses*
18 *and by other Federal agencies; and*

19 (3) *ensure the timely submission to the Commis-*
20 *sion of materials, documents, testimony, and such*
21 *other information as the Commission determines to be*
22 *necessary to carry out the duties of the Commission.*

23 (g) *CONSULTATION OR ENGAGEMENT WITH NATIVE*
24 *AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE*
25 *OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN*

1 *ORGANIZATIONS.—In carrying out the duties of the Federal*
 2 *Truth and Healing Advisory Committee under subsection*
 3 *(f), the Federal Truth and Healing Advisory Committee*
 4 *shall meaningfully consult or engage, as appropriate, in a*
 5 *timely manner with Native Americans, Indian Tribes,*
 6 *Tribal organizations, the Office of Hawaiian Affairs, and*
 7 *Native Hawaiian organizations.*

8 *(h) NONDISCLOSURE.—*

9 *(1) PRIVACY ACT OF 1974 APPLICABILITY.—Sub-*
 10 *section (b) of section 552a of title 5, United States*
 11 *Code (commonly known as the “Privacy Act of*
 12 *1974”), shall not apply to the Federal Truth and*
 13 *Healing Advisory Committee.*

14 *(2) FREEDOM OF INFORMATION ACT APPLICA-*
 15 *BILITY.—Records and other communications provided*
 16 *to, from, between, or within the Commission, the Fed-*
 17 *eral Truth and Healing Advisory Committee, the Na-*
 18 *tive American Truth and Healing Advisory Com-*
 19 *mittee, the Survivors Truth and Healing Sub-*
 20 *committee, and related agencies shall be exempt from*
 21 *disclosure under subsection (b)(3)(B) of section 552 of*
 22 *title 5, United States Code (commonly known as the*
 23 *“Freedom of Information Act”).*

24 *(3) FEDERAL ADVISORY COMMITTEE ACT APPLI-*
 25 *CABILITY.—Chapter 10 of title 5, United States Code*

1 *(commonly known as the “Federal Advisory Com-*
2 *mittee Act”)*, shall not apply to the Federal Truth
3 *and Healing Advisory Committee.*

4 **TITLE III—GENERAL**
5 **PROVISIONS**

6 **SEC. 301. CLARIFICATION.**

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

15 **SEC. 302. BURIAL MANAGEMENT.**

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

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

2 *A Federal agency that carries out activities pursuant*
3 *to this Act or that created or controls a cemetery with re-*
4 *mains of an individual who attended an Indian Boarding*
5 *School or an Indian Boarding School may enter into a co-*
6 *stewardship agreement for the management of the cemetery*
7 *or Indian Boarding School.*

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

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

Calendar No. 432

118TH CONGRESS
2^D SESSION

S. 1723

[Report No. 118-187]

A BILL

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

JULY 8, 2024

Reported with an amendment