

118TH CONGRESS
2D SESSION

S. 1723

AN ACT

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; TABLE OF CONTENTS.**

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

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

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

TITLE I—COMMISSION AND SUBCOMMITTEES

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

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

Subtitle B—Duties of the Commission

Sec. 111. Duties of the Commission.

Subtitle C—Survivors Truth and Healing Subcommittee

Sec. 121. Survivors Truth and Healing Subcommittee.

TITLE II—ADVISORY COMMITTEES

Subtitle A—Native American Truth and Healing Advisory Committee

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

Subtitle B—Federal and Religious Truth and Healing Advisory Committee

Sec. 211. Federal and Religious 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.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

9 (1) to establish a Truth and Healing Commis-
 10 sion on Indian Boarding School Policies in the

1 United States, including other necessary advisory
2 committees and subcommittees;

3 (2) to formally investigate, document, and re-
4 port on the histories of Indian Boarding Schools, In-
5 dian Boarding School Policies, and the systematic
6 and long-term effects of those schools and policies
7 on Native American peoples;

8 (3) to develop recommendations for Federal ef-
9 forts based on the findings of the Commission; and

10 (4) to promote healing for survivors of Indian
11 Boarding Schools, the descendants of those sur-
12 vivors, and the communities of those survivors.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

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

19 (2) **FEDERAL AND RELIGIOUS TRUTH AND**
20 **HEALING ADVISORY COMMITTEE.**—The term “Fed-
21 eral and Religious Truth and Healing Advisory
22 Committee” means the Federal and Religious Truth
23 and Healing Advisory Committee established by sec-
24 tion 211(a).

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

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

7 (A) a site of an institution that—

8 (i) provided on-site housing or over-
9 night lodging;

10 (ii) was described in Federal records
11 as providing formal academic or vocational
12 training and instruction to Native Ameri-
13 cans;

14 (iii) received Federal funds or other
15 Federal support; and

16 (iv) was operational before 1969;

17 (B) a site of an institution identified by
18 the Department of the Interior in appendices A
19 and B of the report entitled “Federal Indian
20 Boarding School Initiative Investigative Re-
21 port” and dated May 2022 (or a successor re-
22 port); or

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

1 (5) INDIAN BOARDING SCHOOL POLICIES.—The
2 term “Indian Boarding School Policies” means Fed-
3 eral laws, policies, and practices purported to “as-
4 similate” and “civilize” Native Americans that in-
5 cluded psychological, physical, sexual, and mental
6 abuse, forced removal from home or community, and
7 identity-altering practices intended to terminate Na-
8 tive languages, cultures, religions, social organiza-
9 tions, or connections to traditional land.

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

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

16 (A) an Indian; or

17 (B) a Native Hawaiian.

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

24 (9) NATIVE HAWAIIAN.—The term “Native Ha-
25 waiian” has the meaning given the term in section

1 6207 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7517).

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

6 (A) serves and represents the interests of
7 Native Hawaiians;

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

10 (C) has Native Hawaiians serving in sub-
11 stantive and policymaking positions; and

12 (D) has expertise in Native Hawaiian af-
13 fairs.

14 (11) OFFICE OF HAWAIIAN AFFAIRS.—The
15 term “Office of Hawaiian Affairs” has the meaning
16 given the term in section 6207 of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 7517).

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

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

1 naturally responsive practices, patient psychological,
 2 physical, and emotional safety, and environments of
 3 healing, trust, peer support, and recovery.

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

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

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

14 **SEC. 101. TRUTH AND HEALING COMMISSION ON INDIAN**
 15 **BOARDING SCHOOL POLICIES IN THE UNITED**
 16 **STATES.**

17 (a) ESTABLISHMENT.—There is established in the
 18 legislative branch a commission, to be known as the
 19 “Truth and Healing Commission on Indian Boarding
 20 School Policies in the United States”.

21 (b) MEMBERSHIP.—

22 (1) APPOINTMENT.—Nominees submitted under
 23 paragraph (2)(A) shall be appointed as members to
 24 the Commission as follows:

1 (A) 1 member shall be appointed by the
2 majority leader of the Senate, in consultation
3 with the Chairperson of the Committee on In-
4 dian Affairs of the Senate.

5 (B) 1 member shall be appointed by the
6 minority leader of the Senate, in consultation
7 with the Vice Chairperson of the Committee on
8 Indian Affairs of the Senate.

9 (C) 1 member shall be appointed by the
10 Speaker of the House of Representatives, in
11 consultation with the Chair of the Committee
12 on Natural Resources of the House of Rep-
13 resentatives.

14 (D) 1 member shall be appointed by the
15 minority leader of the House of Representa-
16 tives, in consultation with the Ranking Member
17 of the Committee on Natural Resources of the
18 House of Representatives.

19 (E) 1 member shall be jointly appointed by
20 the Chairperson and Vice Chairperson of the
21 Committee on Indian Affairs of the Senate.

22 (2) NOMINATIONS.—

23 (A) IN GENERAL.—Not later than 90 days
24 after the date of the enactment of this Act, In-
25 dian Tribes, Tribal organizations, Native Amer-

1 icans, the Office of Hawaiian Affairs, and Na-
2 tive Hawaiian organizations may submit to the
3 Secretary of the Interior nominations for indi-
4 viduals to be appointed as members of the Com-
5 mission.

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

12 (C) QUALIFICATIONS.—

13 (i) IN GENERAL.—Nominees to serve
14 on the Commission shall have significant
15 experience in matters relating to—

16 (I) overseeing or leading complex
17 research initiatives with and for In-
18 dian Tribes and Native Americans;

19 (II) indigenous human rights law
20 and policy;

21 (III) Tribal court judicial and re-
22 storative justice systems and Federal
23 agencies, such as participation as a
24 Tribal judge, researcher, or former
25 presidentially appointed commissioner;

1 (IV) providing and coordinating
2 trauma-informed care and other
3 health-related services to Indian
4 Tribes and Native Americans; or

5 (V) traditional and cultural re-
6 sources and practices in Native com-
7 munities.

8 (ii) ADDITIONAL QUALIFICATIONS.—

9 In addition to the qualifications described
10 in clause (i), each member of the Commis-
11 sion shall be an individual of recognized in-
12 tegrity and empathy, with a demonstrated
13 commitment to the values of truth, rec-
14 onciliation, healing, and expertise in truth
15 and healing endeavors that are tradition-
16 ally and culturally appropriate so as to
17 provide balanced points of view and exper-
18 tise with respect to the duties of the Com-
19 mission.

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

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

1 (A) PERIOD OF APPOINTMENT.—A mem-
2 ber of the Commission shall be appointed for a
3 term that is the shorter of—

- 4 (i) 6 years; and
5 (ii) the life of the Commission.

6 (B) VACANCIES.—After all initial members
7 of the Commission are appointed and the initial
8 business meeting of the Commission has been
9 convened under subsection (c)(1), a single va-
10 cancy in the Commission—

11 (i) shall not affect the powers of the
12 Commission; and

13 (ii) shall be filled within 90 days in
14 the same manner as was the original ap-
15 pointment.

16 (C) REMOVAL.—A quorum of members of
17 the Commission may remove a member of the
18 Commission only for neglect of duty or malfea-
19 sance.

20 (5) TERMINATION.—The Commission shall ter-
21 minate 6 years after the date of the enactment of
22 this Act.

23 (6) LIMITATION.—No member of the Commis-
24 sion may otherwise be an officer or employee of the
25 Federal Government.

1 (c) BUSINESS MEETINGS.—

2 (1) INITIAL BUSINESS MEETING.—90 days after
3 the date on which all of the members of the Com-
4 mission are appointed under subsection (b)(1)(A),
5 the Commission shall hold the initial business meet-
6 ing of the Commission—

7 (A) to appoint a Chairperson, a Vice
8 Chairperson, and such other positions as deter-
9 mined necessary by the Commission;

10 (B) to establish rules for meetings of the
11 Commission; and

12 (C) to appoint members of—

13 (i) the Survivors Truth and Healing
14 Subcommittee under section 121(b)(1);
15 and

16 (ii) the Native American Truth and
17 Healing Advisory Committee under section
18 201(b)(1).

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

23 (3) ADVISORY AND SUBCOMMITTEE COMMIT-
24 TEES DESIGNEES.—Each Commission business
25 meeting shall include participation by 2 non-voting

1 designees from each of the Survivors Truth and
2 Healing Subcommittee, the Native American Truth
3 and Healing Advisory Committee, and the Federal
4 and Religious Truth and Healing Advisory Com-
5 mittee, as appointed in accordance with section
6 121(c)(1)(D), section 201(e)(1)(C), and section
7 211(c)(1)(B), as applicable.

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

11 (5) **QUORUM REQUIRED.**—A business meeting
12 of the Commission may be held only after a quorum,
13 established in accordance with subsection (d), is
14 present.

15 (d) **QUORUM.**—A simple majority of the members of
16 the Commission shall constitute a quorum for a business
17 meeting.

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

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

23 (1) **COMPENSATION OF COMMISSIONERS.**—A
24 member of the Commission shall be compensated at
25 a daily equivalent of the annual rate of basic pay

1 prescribed for grade 5 of the General Schedule
2 under section 5332 of title 5, United States Code,
3 for each day, not to exceed 10 days per month, for
4 which a member is engaged in the performance of
5 their duties under this Act, limited to convening
6 meetings, including public or private meetings to re-
7 ceive testimony in furtherance of the duties of the
8 Commission and the purposes of this Act.

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

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

21 (A) reimbursement to the agency of that
22 employee; and

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

25 (g) POWERS OF COMMISSION.—

1 (1) CONVENINGS AND INFORMATION.—The
2 Commission may, for the purpose of carrying out
3 this Act—

4 (A) hold such convenings and sit and act
5 at such times and places, take such testimony,
6 and receive such information, virtually or in-
7 person, as the Commission may determine nec-
8 essary to accomplish the purposes of this Act;

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

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

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

24 (C) request such records, papers, cor-
25 respondence, memoranda, documents, books,

1 videos, oral histories, recordings, or any other
2 paper or electronic material, as the Commission
3 may determine necessary to accomplish the pur-
4 poses of this Act;

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

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

16 (2) CONTRACTING; VOLUNTEER SERVICES.—

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

1 (B) VOLUNTEER AND UNCOMPENSATED
2 SERVICES.—Notwithstanding section 1342 of
3 title 31, United States Code, the Commission
4 may accept and use such voluntary and uncom-
5 pensated services as the Commission determines
6 to be necessary.

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

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

17 (4) GIFTS, FUNDRAISING, AND DISBURSE-
18 MENT.—

19 (A) GIFTS AND DONATIONS.—

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

1 (ii) RETURN OF GIFTS AND DONA-
2 TIONS.—On termination of the Commis-
3 sion under subsection (b)(5), any gifts,
4 unspent donations, property, or other
5 record or recording accepted by the Com-
6 mission under clause (i) shall be—

7 (I) returned to the donor that
8 made the donation under that clause;
9 or

10 (II) archived under subparagraph
11 (E).

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

16 (C) DISBURSEMENT.—The Commission
17 may, on the affirmative vote of $\frac{3}{5}$ of the mem-
18 bers of the Commission, approve a spending
19 plan of funds to accomplish the purposes of this
20 Act.

21 (D) TAX DOCUMENTS.—The Commission
22 (or a designee) shall, on request of a donor
23 under subparagraph (A) or (B), provide tax
24 documentation to that donor for any tax-de-

1 ductible gift made by that donor under those
2 subparagraphs.

3 (E) ARCHIVING.—The Commission shall
4 coordinate with the Library of Congress and
5 the Smithsonian Institution to archive and pre-
6 serve relevant gifts or donations received under
7 subparagraph (A) or (B).

8 (h) CONVENING.—

9 (1) CONVENING PROTOCOL.—

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

20 (B) RULES AND PROTOCOLS.—Not later
21 than 45 days after the initial meeting described
22 in subparagraph (A), the Commission shall fi-
23 nalize rules, protocols, and formats for
24 convenings carried out under this subsection by

1 a $\frac{3}{5}$ majority in attendance at a meeting of the
2 Commission.

3 (C) ADDITIONAL MEETINGS.—The Com-
4 mission and designees described in subpara-
5 graph (A) may hold additional meetings, as
6 necessary, to amend, by a $\frac{3}{5}$ majority in at-
7 tendance at a meeting of the Commission, the
8 rules, protocols, and formats for convenings es-
9 tablished under that subparagraph.

10 (2) ANNOUNCEMENT OF CONVENINGS.—Not
11 later than 30 days before the date of a convening
12 under this subsection, the Commission shall an-
13 nounce the location and details of the convening.

14 (3) MINIMUM NUMBER OF CONVENINGS.—The
15 Commission shall hold—

16 (A) not fewer than 1 convening in each of
17 the 12 regions of the Bureau of Indian Affairs
18 and in Hawai'i during the life of the Commis-
19 sion; and

20 (B) beginning 1 year after the date of the
21 enactment of this Act, not fewer than 1 con-
22 vening in each quarter to receive testimony each
23 calendar year until the date on which the Com-
24 mission submits the final report of the Commis-
25 sion under section 111(e)(3).

1 (4) OPPORTUNITY TO PROVIDE TESTIMONY.—
2 No person or entity shall be denied the opportunity
3 to provide relevant testimony or information at a
4 convening held under this subsection, except at the
5 discretion of the Chairperson of the Commission (or
6 a designee).

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

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

14 (1) any individual who is an employee of the
15 Commission shall be considered a covered employee
16 under the Act; and

17 (2) the Commission shall be considered an em-
18 ploying office under the Act; and

19 (3) a member of the Commission shall be con-
20 sidered a covered employee under the Act.

21 (k) CONSULTATION OR ENGAGEMENT WITH NATIVE
22 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,
23 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-
24 WAIAN ORGANIZATIONS.—In carrying out the duties of
25 the Commission under section 111, the Commission shall

1 meaningfully consult or engage, as appropriate, in a timely
 2 manner with Native Americans, Indian Tribes, Tribal or-
 3 ganizations, the Office of Hawaiian Affairs, and Native
 4 Hawaiian organizations.

5 (l) FUNDING.—Of the amounts authorized to be ap-
 6 propriated pursuant to section 105 of the Indian Land
 7 Consolidation Act Amendments of 2000 (25 U.S.C. 2201
 8 note; Public Law 106–462) and section 403 of the Indian
 9 Financing Act of 1974 (25 U.S.C. 1523), \$90,000,000
 10 shall be used to carry out this Act.

11 **Subtitle B—Duties of the** 12 **Commission**

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

14 (a) INVESTIGATION.—

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

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

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

6 (i) any archive or any other document
7 storage location, notwithstanding the loca-
8 tion of that archive or document storage
9 location; and

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

14 (B) collaborating with the Federal and Re-
15 ligious Truth and Healing Advisory Committee
16 to obtain all relevant information from—

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

1 termines to be relevant to the investigation
2 of the Commission; and

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

7 (C) conducting a comprehensive assess-
8 ment of the impacts of Indian Boarding School
9 Policies on Native American students and alum-
10 ni, including the impact on cultures, traditions,
11 and languages.

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

1 be used to purchase those objects, artifacts, or real
2 or personal property.

3 (b) MEETINGS AND CONVENINGS.—

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

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

25 (c) RECOMMENDATIONS.—

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

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

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

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

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

1 Indian Boarding School Policies and the im-
2 pacts of those policies, including through co-
3 ordinating with the Native American Truth and
4 Healing Advisory Committee, the Survivors
5 Truth and Healing Subcommittee, the Smithso-
6 nian Institution, and other relevant institutions
7 and organizations; and

8 (D) the views of religious institutions.

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

12 (1) coordinate, as appropriate, with the Native
13 American Truth and Healing Advisory Committee,
14 the Federal and Religious Truth and Healing Advi-
15 sory Committee, the Survivors Truth and Healing
16 Subcommittee, lineal descendants, Indian Tribes, the
17 Office of Hawaiian Affairs, Federal agencies, institu-
18 tions, and organizations to locate and identify, in a
19 culturally appropriate manner, marked and un-
20 marked burial sites, including cemeteries, unmarked
21 graves, and mass burial sites, where students of In-
22 dian Boarding Schools were originally or later in-
23 terred;

24 (2) locate, document, analyze, and coordinate
25 the preservation or continued preservation of records

1 and information relating to the interment of stu-
2 dents, including any records held by Federal, State,
3 international, or local entities or religious institu-
4 tions or organizations; and

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

10 (e) REPORTS.—

11 (1) ANNUAL REPORTS TO CONGRESS.—Not less
12 frequently than annually until the year before the
13 year in which the Commission terminates, the Com-
14 mission shall submit to the Committee on Indian Af-
15 fairs of the Senate and the Committee on Natural
16 Resources of the House of Representatives a report
17 that describes the activities of the Commission dur-
18 ing the previous year, including an accounting of
19 funds and gifts received and expenditures made, the
20 progress made, and any barriers encountered in car-
21 rying out this Act.

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

1 the individuals described in paragraph (4), and
2 make publicly available, an initial report con-
3 taining—

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

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

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

12 (3) COMMISSION FINAL REPORT.—Before the
13 termination of the Commission, the Commission
14 shall submit to the individuals described in para-
15 graph (4), and make publicly available, a final report
16 containing the findings, conclusions, and rec-
17 ommendations of the Commission that have been
18 agreed on by the vote of a majority of the members
19 of the Commission and $\frac{3}{5}$ of the members of each
20 of the Native American Truth and Healing Advisory
21 Committee and the Survivors Truth and Healing
22 Subcommittee.

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

25 (A) the President;

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

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

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

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

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

17 (B) PUBLICATION OF FINAL REPORT.—

18 Not later than 180 days after the date on which
19 the Commission submits the final report under
20 paragraph (3), the Commission, the Secretary
21 of the Interior, the Secretary of Education, the
22 Secretary of Defense, and the Secretary of
23 Health and Human Services shall each make
24 the final report publicly available on the website
25 of the applicable agency.

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

11 (A) the President;

12 (B) the Committee on Indian Affairs of the
 13 Senate;

14 (C) the Committee on Natural Resources
 15 of the House of Representatives; and

16 (D) the Comptroller General of the United
 17 States.

18 **Subtitle C—Survivors Truth and**
 19 **Healing Subcommittee**

20 **SEC. 121. SURVIVORS TRUTH AND HEALING SUB-**
 21 **COMMITTEE.**

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

1 (b) MEMBERSHIP, NOMINATION, AND APPOINTMENT
2 TO THE SURVIVORS TRUTH AND HEALING SUB-
3 COMMITTEE.—

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

10 (A) 12 shall be representatives from each
11 of the 12 regions of the Bureau of Indian Af-
12 fairs and 1 shall be a representative from
13 Hawai'i;

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

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

20 (I) an Indian Boarding School in
21 operation as of that date of the enact-
22 ment; or

23 (II) a Bureau of Indian Edu-
24 cation-funded school; and

1 (ii) all shall represent diverse regions
2 of the United States;

3 (C) 5 shall be descendants of individuals
4 who attended Indian Boarding Schools, who
5 shall represent diverse regions of the United
6 States; and

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

9 (i) is employed at an Indian Boarding
10 School; or

11 (ii) was employed at an Indian Board-
12 ing School during the 5-year period pre-
13 ceding the date of the enactment of this
14 Act.

15 (2) NOMINATIONS.—

16 (A) IN GENERAL.—Not later than 90 days
17 after the date of the enactment of this Act, In-
18 dian Tribes, Tribal organizations, Native Amer-
19 icans, the Office of Hawaiian Affairs, and Na-
20 tive Hawaiian organizations may submit to the
21 Secretary of the Interior nominations for indi-
22 viduals to be appointed as members of the Sur-
23 vivors Truth and Healing Subcommittee.

24 (B) SUBMISSION.—The Secretary of the
25 Interior shall provide the Commission with

1 nominations submitted under subparagraph (A)
2 at the initial business meeting of the Commis-
3 sion under section 101(c)(1) and the Commis-
4 sion shall select the members of the Survivors
5 Truth and Healing Subcommittee from among
6 those nominees.

7 (3) DATE.—

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

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

1 (4) PERIOD OF APPOINTMENT; VACANCIES; RE-
2 MOVAL.—

3 (A) PERIOD OF APPOINTMENT.—A mem-
4 ber of the Survivors Truth and Healing Sub-
5 committee shall be appointed for an automati-
6 cally renewable term of 2 years.

7 (B) VACANCIES.—

8 (i) IN GENERAL.—A member of the
9 Survivors Truth and Healing Sub-
10 committee may vacate the position at any
11 time and for any reason.

12 (ii) EFFECT; FILLING OF VACANCY.—
13 A vacancy in the Survivors Truth and
14 Healing Subcommittee—

15 (I) shall not affect the powers of
16 the Survivors Truth and Healing Sub-
17 committee if a simple majority of the
18 positions of the Survivors Truth and
19 Healing Subcommittee are filled; and

20 (II) shall be filled within 90 days
21 in the same manner as was the origi-
22 nal appointment.

23 (C) REMOVAL.—A quorum of members of
24 the Commission may remove a member of the

1 Survivors Truth and Healing Subcommittee
2 only for neglect of duty or malfeasance.

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

7 (6) LIMITATION.—No member of the Survivors
8 Truth and Healing Subcommittee may otherwise be
9 an officer or employee of the Federal Government.

10 (c) BUSINESS MEETINGS.—

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

17 (A) to appoint—

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

22 (ii) a Vice Chairperson, who shall also
23 serve as the Vice Chairperson of the Na-
24 tive American Truth and Healing Advisory
25 Committee; and

1 (iii) other positions, as determined
2 necessary by the Survivors Truth and
3 Healing Subcommittee;

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

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

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

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

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

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

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

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

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

11 (f) DUTIES.—The Survivors Truth and Healing Sub-
12 committee shall—

13 (1) assist the Commission, the Native American
14 Truth and Healing Advisory Committee, and the
15 Federal and Religious Truth and Healing Advisory
16 Committee in coordinating public and private
17 convenings, including providing advice to the Com-
18 mission on developing criteria and protocols for
19 convenings;

20 (2) provide advice and evaluate Committee rec-
21 ommendations relating to the commemoration and
22 public education relating to Indian Boarding Schools
23 and Indian Boarding School Policies;

24 (3) assist the Commission—

1 (A) in the production of the initial and
2 final reports required under paragraphs (2) and
3 (3), respectively, of section 111(e); and

4 (B) by providing such other advice, or ful-
5 filling such other requests, as may be required
6 by the Commission; and

7 (4) coordinate with the Commission, the Native
8 American Truth and Healing Advisory Committee,
9 and the Federal and Religious Truth and Healing
10 Advisory Committee.

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

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

1 (i) CONGRESSIONAL ACCOUNTABILITY ACT APPLICA-
2 BILITY.—For purposes of the Congressional Account-
3 ability Act of 1995 (2 U.S.C. 1301 et seq.), any individual
4 who is a member of the Survivors Truth and Healing Sub-
5 committee shall be considered a covered employee under
6 the Act.

7 (j) PERSONNEL MATTERS.—

8 (1) COMPENSATION OF MEMBERS.—A member
9 of the Survivors Truth and Healing Subcommittee
10 shall be compensated at a daily equivalent of the an-
11 nual rate of basic pay prescribed for grade 7, step
12 1, of the General Schedule under section 5332 of
13 title 5, United States Code, for each day, not to ex-
14 ceed 10 days per month, for which a member of the
15 Survivors Truth and Healing Subcommittee is en-
16 gaged in the performance of their duties under this
17 Act limited to convening meetings, including public
18 and private meetings to receive testimony in further-
19 ance of the duties of the Survivors Truth and Heal-
20 ing Subcommittee and the purposes of this Act.

21 (2) TRAVEL EXPENSES.—A member of the Sur-
22 vivors Truth and Healing Subcommittee shall be al-
23 lowed travel expenses, including per diem in lieu of
24 subsistence, at rates authorized for employees of
25 agencies under subchapter I of chapter 57 of title 5,

1 United States Code, while away from their homes or
 2 regular places of business in the performance of
 3 services for the Survivors Truth and Healing Sub-
 4 committee.

5 **TITLE II—ADVISORY**
 6 **COMMITTEES**

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

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

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

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

17 (1) MEMBERSHIP.—

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

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

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

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

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

12 (iv) 12 shall be representatives from
13 each of the 12 regions of the Bureau of In-
14 dian Affairs and 1 shall be a representative
15 from Hawai'i;

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

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

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

24 (B) ADDITIONAL REQUIREMENTS.—Not
25 fewer than 2 members of the Native American

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

9 (2) NOMINATIONS.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of the enactment of this Act, In-
12 dian Tribes, Tribal organizations, Native Amer-
13 icans, the Office of Hawaiian Affairs, and Na-
14 tive Hawaiian organizations may submit to the
15 Secretary of the Interior nominations for indi-
16 viduals to be appointed as members of the Na-
17 tive American Truth and Healing Advisory
18 Committee.

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

1 American Truth and Healing Advisory Com-
2 mittee from among those nominees.

3 (3) DATE.—

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

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

23 (4) PERIOD OF APPOINTMENT; VACANCIES.—

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

1 Advisory Committee shall be appointed for an
2 automatically renewable term of 2 years.

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

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

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

15 (5) TERMINATION.—The Native American
16 Truth and Healing Advisory Committee shall termi-
17 nate 90 days after the date on which the Commis-
18 sion submits the final report required under section
19 111(e)(3).

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

1 (c) QUORUM.—A simple majority of the members of
2 the Native American Truth and Healing Advisory Com-
3 mittee shall constitute a quorum.

4 (d) REMOVAL.—A quorum of members of the Native
5 American Truth and Healing Advisory Committee may re-
6 move another member only for neglect of duty or malfea-
7 sance.

8 (e) BUSINESS MEETINGS.—

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

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

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

21 (C) to appoint 2 members of the Native
22 American Truth and Healing Advisory Com-
23 mittee to serve as non-voting designees on the
24 Commission in accordance with section
25 101(c)(3).

1 (2) SUBSEQUENT BUSINESS MEETINGS.—After
2 the initial business meeting of the Native American
3 Truth and Healing Advisory Committee is held
4 under paragraph (1), the Native American Truth
5 and Healing Advisory Committee shall meet at the
6 call of the Chairperson.

7 (3) FORMAT OF BUSINESS MEETINGS.—A meet-
8 ing of the Native American Truth and Healing Advi-
9 sory Committee may be conducted in-person or vir-
10 tually.

11 (4) QUORUM REQUIRED.—A business meeting
12 of the Native American Truth and Healing Advisory
13 Committee may be held only after a quorum, estab-
14 lished in accordance with subsection (c), is present.

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

20 (g) DUTIES.—The Native American Truth and Heal-
21 ing Advisory Committee shall—

22 (1) serve as an advisory body to the Commis-
23 sion;

24 (2) assist the Commission in organizing and
25 carrying out culturally appropriate public and pri-

1 vate convenings relating to the duties of the Com-
2 mission;

3 (3) assist the Commission in determining what
4 documentation from Federal and religious organiza-
5 tions and institutions may be necessary to fulfill the
6 duties of the Commission;

7 (4) assist the Commission in the production of
8 the initial report and final report required under
9 paragraphs (2) and (3), respectively, of section
10 111(e);

11 (5) coordinate with the Commission, the Fed-
12 eral and Religious Truth and Healing Advisory
13 Committee, and the Survivors Truth and Healing
14 Subcommittee; and

15 (6) provide advice to, or fulfill such other re-
16 quests by, the Commission as the Commission may
17 require to carry out the purposes described in sec-
18 tion 2.

19 (h) CONSULTATION OR ENGAGEMENT WITH NATIVE
20 AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS,
21 THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HA-
22 WAIAN ORGANIZATIONS.—In carrying out the duties of
23 the Native American Truth and Healing Advisory Com-
24 mittee under subsection (g), the Native American Truth
25 and Healing Advisory Committee shall meaningfully con-

1 sult or engage, as appropriate, in a timely manner with
2 Native Americans, Indian Tribes, Tribal organizations,
3 the Office of Hawaiian Affairs, and Native Hawaiian orga-
4 nizations.

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

10 (j) CONGRESSIONAL ACCOUNTABILITY ACT APPLICA-
11 BILITY.—For purposes of the Congressional Account-
12 ability Act of 1995 (2 U.S.C. 1301 et seq.), any individual
13 who is a member of the Native American Truth and Heal-
14 ing Advisory Committee shall be considered a covered em-
15 ployee under the Act.

16 (k) PERSONNEL MATTERS.—

17 (1) COMPENSATION OF MEMBERS.—A member
18 of the Native American Truth and Healing Advisory
19 Committee shall be compensated at a daily equiva-
20 lent of the annual rate of basic pay prescribed for
21 grade 7, step 1, of the General Schedule under sec-
22 tion 5332 of title 5, United States Code, for each
23 day, not to exceed 14 days per month, for which a
24 member is engaged in the performance of their du-
25 ties under this Act, limited to convening meetings,

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

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

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

17 **SEC. 211. FEDERAL AND RELIGIOUS TRUTH AND HEALING**
 18 **ADVISORY COMMITTEE.**

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

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

1 (1) MEMBERSHIP.—The Federal and Religious
2 Truth and Healing Advisory Committee shall include
3 20 members, of whom—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (O) 1 shall be the Chair of the Advisory
24 Council on Historic Preservation (or a des-
25 ignee);

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

3 (Q) 1 shall be the Director of the Bureau
4 of Indian Education (or a designee); and

5 (R) 3 shall be representatives employed by,
6 or representatives of, religious institutions, to
7 be appointed by the White House Office of
8 Faith-Based and Neighborhood Partnerships in
9 consultation with relevant religious institutions.

10 (2) PERIOD OF SERVICE; VACANCIES; RE-
11 MOVAL.—

12 (A) PERIOD OF SERVICE.—A member of
13 the Federal and Religious Truth and Healing
14 Advisory Committee shall serve for an auto-
15 matically renewable term of 2 years.

16 (B) VACANCIES.—A vacancy in the Fed-
17 eral and Religious Truth and Healing Advisory
18 Committee—

19 (i) shall not affect the powers of the
20 Federal and Religious Truth and Healing
21 Advisory Committee if a simple majority of
22 the positions of the Federal and Religious
23 Truth and Healing Advisory Committee
24 are filled; and

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

4 (C) REMOVAL.—A quorum of members of
5 the Federal and Religious Truth and Healing
6 Advisory Committee may remove a member of
7 the Federal and Religious Truth and Healing
8 Advisory Committee only for neglect of duty or
9 malfeasance.

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

15 (c) BUSINESS MEETINGS.—

16 (1) INITIAL BUSINESS MEETING.—Not later
17 than 30 days after the date of the initial business
18 meeting of the Commission under section 101(c)(1),
19 the Federal and Religious Truth and Healing Advi-
20 sory Committee shall hold an initial business meet-
21 ing—

22 (A) to establish rules for the Federal and
23 Religious Truth and Healing Advisory Com-
24 mittee; and

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

6 (2) SUBSEQUENT BUSINESS MEETINGS.—After
7 the initial business meeting of the Federal and Reli-
8 gious Truth and Healing Advisory Committee is held
9 under paragraph (1), the Federal and Religious
10 Truth and Healing Advisory Committee shall meet
11 at the call of the Chairperson.

12 (3) FORMAT OF BUSINESS MEETINGS.—A busi-
13 ness meeting of the Federal and Religious Truth
14 and Healing Advisory Committee may be conducted
15 in-person or virtually.

16 (4) QUORUM REQUIRED.—A business meeting
17 of the Federal and Religious Truth and Healing Ad-
18 visory Committee may be held only after a quorum,
19 established in accordance with subsection (d), is
20 present.

21 (d) QUORUM.—A simple majority of the members of
22 the Federal and Religious Truth and Healing Advisory
23 Committee shall constitute a quorum for a business meet-
24 ing.

1 (e) RULES.—The Federal and Religious Truth and
2 Healing Advisory Committee may establish, with the ad-
3 vice of the Commission, by a majority vote, any rules for
4 the conduct of business, in accordance with this section
5 and other applicable law.

6 (f) DUTIES.—The Federal and Religious Truth and
7 Healing Advisory Committee shall—

8 (1) ensure the effective and timely coordination
9 among Federal agencies and religious institutions in
10 furtherance of the purposes of this Act;

11 (2) assist the Commission and the Native
12 American Truth and Healing Advisory Committee in
13 coordinating—

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

16 (B) the collection, organization, and pres-
17 ervation of information obtained from witnesses
18 and by other Federal agencies and religious in-
19 stitutions;

20 (3) ensure the timely submission to the Com-
21 mission of materials, documents, testimony, and
22 such other information as the Commission deter-
23 mines to be necessary to carry out the duties of the
24 Commission; and

1 (4) coordinate with the Commission, the Native
2 American Truth and Healing Advisory Committee,
3 and the Survivors Truth and Healing Subcommittee
4 to carry out the purposes of this Act.

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

16 (h) NONDISCLOSURE.—

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

22 (2) FREEDOM OF INFORMATION ACT APPLICA-
23 BILITY.—Records and other communications in the
24 possession of the Federal and Religious Truth and
25 Healing Advisory Committee shall be exempt from

1 disclosure under subsection (b)(3)(B) of section 552
2 of title 5, United States Code (commonly known as
3 the “Freedom of Information Act”).

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

9 **TITLE III—GENERAL** 10 **PROVISIONS**

11 **SEC. 301. CLARIFICATION.**

12 The Native American Graves Protection and Repatri-
13 ation Act (25 U.S.C. 3001 et seq.) shall apply to cultural
14 items (as defined in section 2 of that Act (25 U.S.C.
15 3001)) relating to an Indian Boarding School or Indian
16 Boarding School Policies regardless of interpretation of
17 applicability by a Federal agency.

18 **SEC. 302. BURIAL MANAGEMENT.**

19 Federal agencies shall permit reburial of cultural
20 items relating to an Indian Boarding School or Indian
21 Boarding School Policies that have been repatriated pur-
22 suant to the Native American Graves Protection and Re-
23 patriation Act (25 U.S.C. 3001 et seq.), or returned to
24 a lineal descendant, Indian Tribe, or Native Hawaiian or-

1 ganization by any other disinterment process, on any Fed-
2 eral land as agreed to by the relevant parties.

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

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

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

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

Passed the Senate December 20 (legislative day, De-
cember 16), 2024.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION

S. 1723

AN ACT

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