

that we would not even be able to pass the Defense Authorization bill this year because he hadn't scheduled it for consideration on the floor. But he came down and bragged that, yes, here we are; we are going to vote on the NDAA. But it is a conference report that rank-and-file members have never had the chance to debate and amend on the Senate floor. This, again, was a bill negotiated behind closed doors, not in the light of day with Senators—all 100 Senators—having a chance to participate. It was just a railroad job. He acts like the way he handled it was to his credit, but just the opposite is true.

Next, we have the farm bill. A strong and on-time farm bill is essential to the health and well-being of the agriculture industry, the American people, and our economy.

Texas, which I am proud to represent, is home to more than 230,000 farms and ranches—more than any other State in the country. One out of every seven Texans works in an ag-related job, so this legislation provides critical lifelines for the folks back home. And here again, last year, the Senate failed to pass a farm bill on a timely basis and instead kicked the can down the road.

Unfortunately, recently, the chair of the Agriculture Committee—a Democratic chair—waited until November—that was just last month—to release a partisan farm bill that was simply not going to cut it for our farmers and ranchers back home, and it had no chance of passing because it was strictly a party-line, partisan bill. So instead of working together on a bipartisan basis to pass a fair and effective farm bill on time, we had to scramble to include farm assistance in the end-of-the-year continuing resolution. That was part of the 1,500-page bill that the majority leader and others negotiated, which, unfortunately, does not look like it is going to go anywhere—that part of it, the farm assistance.

But we wouldn't have needed to do that, or at least not the scale at which that farm assistance was provided for, if we had simply done our work on time and passed a timely farm bill.

Of course, this continuing resolution, or whatever the House ends up sending to us, doesn't allow producers to plan, doesn't give them certainty for multiple years. The least Congress could do for our farmers and ranchers is to provide them agricultural assistance now.

Playing politics with the livelihoods of the very people who grow our crops and feed the world is unacceptable. That is why getting our work done on the farm bill on time is so important, and it is something that the Republican majority will deliver on next year.

So for this Congress, the Democratic leader, once again, has earned an F for failing to pass a timely farm bill.

With a C-plus on the NDAA and multiple Fs, we have to wonder, What has Senator SCHUMER been doing all year? What has the Senate been doing all

year if we haven't done our work on time? What has happened?

The answer is, we have simply squandered our time. There are 365 days in a year. According to my colleague, the incoming Senate majority leader JOHN THUNE, in 2024, the Senate had been in session only 116 days out of 365—116 days—as of today. Last year, we were in session a little bit longer, 124 days. But this year, we had nine Mondays during the regular session weeks where the Senate took an extra recess day off. So we came in on Tuesday and left on Thursday. Honestly, looking at it, we only worked about 2½ days a week.

I am relieved that the incoming majority leader is going to put this Chamber back to work and produce our work on time next year.

The majority leader has also wasted a significant part of the year with the summer of show votes, when he could have been getting this other essential work done. Show votes are something that he knows are not going to pass but are designed for political messaging or to embarrass the opposing political party.

We voted on a number of bills that were never intended to pass. We voted on a tax package that hadn't even been considered here in the Senate by the Finance Committee mere hours before the Senate was scheduled for a recess.

This is a huge bill that hadn't received any input from the Senate Finance Committee—none. It could not have been more clear that the majority leader was playing games, not actually trying to produce a legislative result.

So the only subject where the Democratic leader was remotely successful was this last one here, procrastination. He gets an A. But no one takes a class in procrastination. Recess is not a subject that receives a grade either.

In short, this is an embarrassing report card for the majority leader and the Democratic majority this last year.

It is no surprise, given this lack luster performance, that the American people chose a different direction in the November 5 election.

While I am disappointed, I am very much looking forward to working with my Republican colleagues and President Trump and any willing Democrat who is willing to join us to make sure we can report back to the American people with some better news and a better report card next year.

I yield the floor.

The PRESIDING OFFICER (Mr. KELLY). The Senator from Hawaii.

#### TRUTH AND HEALING COMMISSION ON INDIAN BOARDING SCHOOL POLICIES ACT

Mr. SCHATZ. Mr. President, earlier this week, I spoke about the historic accomplishments of the Senate Committee on Indian Affairs with my good friend and vice chair LISA MURKOWSKI over the last 4 years.

I made it very clear that the foundation of this success—and continues to

be—Native leaders, communities, and advocates sharing their priorities and telling us what is most important to them.

I also emphasized that we cannot and will not rest on our laurels because our progress is still in progress.

That is why, today, we have to pass S. 1723, the Truth and Healing Commission on Indian Boarding School Policies Act.

This bill would establish a Federal commission to investigate the Federal Indian boarding school era, when the Federal Government partnered with religious institutions in an attempt to assimilate Native children at so-called schools, often far from their homes and families, where they were stripped of their cultures, languages, and identities and beaten and abused, both mentally and physically. Thousands—likely more—died at those schools, and those who returned home were never the same.

The Truth and Healing Commission would turn the page on this shameful era and help begin the healing process for Native survivors, descendants, and communities and those who continue to experience the generational trauma and lasting legacy of these policies today.

S. 1723 passed out of the committee after extensive bipartisan debate. Since then, Vice Chair MURKOWSKI and I have worked with the bill's sponsor, Senator WARREN, the Native American Boarding School Coalition, and other advocates to refine the bill and to accommodate feedback. The current version of this legislation is the result of hundreds of hours—hundreds of hours—of drafting, redrafting, discussion, and tough negotiations.

I will now turn it over to the vice chair for some remarks before I make a unanimous consent request.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I want to thank and acknowledge Senator SCHATZ, as well as his team on the Indian Affairs Committee, for their work as we have sought to advance S. 1723, the Truth and Healing Commission on Indian Boarding School Policies Act.

I also want to acknowledge Senator WARREN for her help on this and, of course, the Native American Boarding School Coalition and so many of the advocates that really, really have helped us advance this.

As the chairman of the committee has noted, we have worked this legislation over a long period of time, and it is a priority for us in the committee because, for too long—for far too long—this dark legacy of the Indian boarding school era has just kind of sat in the corner, unrecognized and unacknowledged.

From 1819 to 1969, the U.S. Government forcibly removed Native children from their families and Tribes and placed them in boarding schools. These Indian boarding schools, as they came

to be called, were not just education institutions, but, oftentimes, they were viewed as tools to eradicate Native cultures, languages, and traditions to “civilize” Native American children—again, a very dark era within our government.

So what we seek to do with this bill is to create a commission to bring light to the generational trauma caused by this time of Indian boarding schools. By allowing people’s stories to be heard, we can help honor the experience of victims and their families, facilitate healing, and foster greater understanding and empathy among all people.

I think this is a good step and an important step in helping the survivors of Indian boarding schools and the families and communities that were impacted, to help them find healing. We have heard stories—I have heard stories—of many in my State who attended boarding schools, some in the State of Alaska, some outside the State of Alaska, in the listening sessions that Secretary Haaland led, as Secretary of the Interior, on this very important issue. Again, these are stories that must be recognized. And, again, I thank those who have shared them because, at many times, they were very painful, uncovering scars from the past. But how we can offer ways to pursue healing is what this commission is all about.

Again, my thanks to Chairman SCHATZ for being such a great partner on this legislation, as well as on so many other matters that we have been able to advance successfully through the committee. And my thanks to the chairman’s team and to mine, as the ranking member on the committee. We have done good work. It has been a successful year for the committee.

I am hoping—hoping—that there is a path somehow and that this legislation will actually be able to be taken up by the House of Representatives and signed into law. That would be a good and a fitting ending.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 432, S. 1723.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1723) to establish the Truth and Healing Commission on Indian Boarding School Policies in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**  
(a) **SHORT TITLE.**—This Act may be cited as the “Truth and Healing Commission on Indian Boarding School Policies Act of 2023”.

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

**SEC. 2. FINDINGS.**

Congress finds that—

(1) attempts to destroy Native American cultures, religions, and languages through assimilationist practices and policies can be traced to the early 17th century and the founding charters of some of the oldest educational institutions in the United States;

(2) in June 2021, and in light of the long history of the assimilationist policies and practices referred to in paragraph (1) and calls for reform from Native peoples, the Secretary of the Interior directed the Department of the Interior to investigate the role of the Federal Government in supporting those policies and practices and the intergenerational impacts of those policies and practices;

(3) in May 2022, the Department of the Interior published volume 1 of a report entitled “Federal Indian Boarding School Initiative Investigative Report” (referred to in this section as the “Report”), which found that—

(A) as early as 1819, and until 1969, the Federal Government directly or indirectly supported approximately 408 Indian Boarding Schools across 37 States;

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

(C) Indian Boarding Schools used systematic, violent, and militarized identity-altering methods, such as physical, sexual, and psychological abuse and neglect, to attempt to forcibly assimilate Native children and strip them of their languages, cultures, and social connections;

(D) the violent methods referred to in subparagraph (C) were carried out for the purpose of—

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

(ii) dispossessing Native peoples of their ancestral lands;

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

(F) many of the children who were taken to Indian Boarding Schools and did not survive

were interred in cemeteries and unmarked graves; and

(G) American Indian, Alaska Native, and Native Hawaiian communities continue to experience intergenerational trauma and cultural and familial disruption from experiences rooted in Indian Boarding Schools Policies, which divided family structures, damaged cultures and individual identities, and inflicted chronic physical and psychological ramifications on American Indian, Alaska Native, and Native Hawaiian children, families, and communities;

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

(5) the children who perished at Indian Boarding Schools or in neighboring hospitals and other institutions were buried in on-campus and off-campus cemeteries and unmarked graves;

(6) parents of children who were forcibly removed from or coerced into leaving their homes and placed in Indian Boarding Schools were prohibited from visiting or engaging in correspondence with their children;

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

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

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to establish a Truth and Healing Commission on Indian Boarding School Policies in the United States, including other necessary advisory committees and subcommittees;

(2) to formally investigate, document, and report on the histories of Indian Boarding Schools, Indian Boarding School Policies, and the systematic and long-term effects of those schools and policies on Native American peoples;

(3) to develop recommendations for Federal action based on the findings of the Commission; and

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

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 101(a).

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

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

(4) **INDIAN BOARDING SCHOOL.**—The term “Indian Boarding School” means—

(A) a site of an institution that—

(i) provided on-site housing or overnight lodging;

(ii) was described in Federal records as providing formal academic or vocational training and instruction to American Indians, Alaska Natives, or Native Hawaiians;

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

(iv) was operational before 1969;

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

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

(5) **INDIAN BOARDING SCHOOL POLICIES.**—The term “Indian Boarding School Policies” means Federal laws, policies, and practices purported to “assimilate” and “civilize” American Indians, Alaska Natives, and Native Hawaiians that included psychological, physical, sexual, and mental abuse, forced removal from home or community, and identity-altering practices intended to terminate Native languages, cultures, religions, social organizations, or connections to traditional land.

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

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

(A) an Indian; or

(B) a Native Hawaiian.

(8) **NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE.**—The term “Native American Truth and Healing Advisory Committee” means the Native American Truth and Healing Advisory Committee established by the Commission under section 201(a).

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

(10) **NATIVE HAWAIIAN ORGANIZATION.**—The term “Native Hawaiian organization” means a private nonprofit organization that—

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

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

(C) has Native Hawaiians serving in substantive and policymaking positions; and

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

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

(12) **SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.**—The term “Survivors Truth and Healing Subcommittee” means the Survivors Truth and Healing Subcommittee established by section 121(a).

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

(14) **TRIBAL ORGANIZATION.**—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

## 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.

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

(b) **MEMBERSHIP.**—

(1) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Commission shall include 5 members, to be jointly appointed by the majority and minority leaders of the Senate, in consultation with the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, from among the nominees submitted under paragraph (2)(A), of whom—

(i) 1 shall be an individual with extensive experience and expertise as a principal investigator overseeing or leading complex research initiatives with and for Indian Tribes and Native Americans;

(ii) 1 shall be an individual (barred in good standing) with extensive experience and expertise in the area of indigenous human rights law and policy, including overseeing or leading broad-scale investigations of abuses of indigenous human rights;

(iii) 1 shall be an individual with extensive experience and expertise in Tribal court judicial and restorative justice systems and Federal agencies, such as participation as a Tribal judge, researcher, or former presidentially appointed commissioner;

(iv) 1 shall be an individual with extensive experience and expertise in providing and coordinating trauma-informed care and other health-related services to Indian Tribes and Native Americans; and

(v) 1 shall be a Native American individual recognized as a traditional cultural authority by their respective Native community.

(B) **ADDITIONAL REQUIREMENTS FOR MEMBERSHIP.**—In addition to the requirements described in subparagraph (A), members of the Commission shall be persons of recognized integrity and empathy, with a demonstrated commitment to the values of truth, reconciliation, healing, and expertise in truth and healing endeavors that are traditionally and culturally appropriate so as to provide balanced points of view and expertise with respect to the duties of the Commission.

(2) **NOMINATIONS.**—

(A) **IN GENERAL.**—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Commission not later than 90 days after the date of enactment of this Act.

(B) **NATIVE AMERICAN PREFERENCE.**—Individuals nominated under subparagraph (A) who are Native American shall receive a preference in the selection process for appointment to the Commission under paragraph (1).

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

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

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

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

(i) 6 years; and

(ii) the life of the Commission.

(B) **VACANCIES.**—After all initial members of the Commission are appointed and the initial business meeting of the Commission has been convened under subsection (c)(1), a single vacancy in the Commission—

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

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) **REMOVAL.**—A quorum of members of the Commission may remove a member of the Commission only for neglect of duty or malfeasance.

(5) **TERMINATION.**—The Commission shall terminate 30 days after the date on which the Commission completes its duties under section 111(e)(5)(B).

(6) **LIMITATION.**—No member of the Commission shall be an officer or employee of the Federal Government.

(c) **BUSINESS MEETINGS.**—

(1) **INITIAL BUSINESS MEETING.**—90 days after the date on which all of the members of the Commission are appointed under subsection

(b)(1)(A), the Commission shall hold the initial business meeting of the Commission—

(A) to appoint a Chairperson, a Vice Chairperson, a Secretary, and such other positions as determined necessary by the Commission;

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

(C) to appoint members of—

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

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

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

(3) **ADVISORY AND SUBCOMMITTEE COMMITTEES DESIGNEES.**—Each Commission business meeting shall include participation by 2 non-voting designees from each of the Survivors Truth and Healing Subcommittee, the Native American Truth and Healing Advisory Committee, and the Federal Truth and Healing Advisory Committee, as appointed in accordance with section 121(c)(1)(D), section 201(e)(1)(C), and section 211(c)(1)(C), as applicable.

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

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

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

(e) **RULES.**—The Commission may establish, by a majority vote, any rules for the conduct of Commission business, in accordance with this section and other applicable law.

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

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

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

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

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

(B) interruption or loss of civil service status, benefits, or privileges.

(g) **POWERS OF COMMISSION.**—

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

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

(B) conduct or request such interdisciplinary research, investigation, or analysis of such information and documents, records, or other evidence as the Commission may determine necessary to accomplish the purposes of this Act, including—

(i) securing, directly from a Federal agency, such information as the Commission considers necessary to accomplish the purposes of this Act; and

(ii) requesting the head of any relevant Tribal or State agency to provide to the Commission such information as the Commission considers necessary to accomplish the purposes of this Act;

(C) subject to paragraphs (1) and (2) of subsection (i), require, by subpoena or otherwise, the production of such records, papers, correspondence, memoranda, documents, books, videos, oral histories, recordings, or any other paper or electronic material, as the Commission may determine necessary to accomplish the purposes of this Act;

(D) oversee, direct, and collaborate with the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, and the Survivors Truth and Healing Subcommittee to accomplish the purposes of this Act; and

(E) coordinate with Federal and non-Federal entities to preserve and archive, as appropriate, any gifts, documents, or other property received while carrying out the purposes of this Act.

(2) CONTRACTING; VOLUNTEER SERVICES.—

(A) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, and in accordance with applicable law, enter into contracts and other agreements with public agencies, private organizations, and individuals to enable the Commission to carry out the duties of the Commission under this Act.

(B) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

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

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

(4) GIFTS, FUNDRAISING, AND DISBURSEMENT.—

(A) GIFTS AND DONATIONS.—

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

(ii) RETURN OF GIFTS AND DONATIONS.—On termination of the Commission under subsection (b)(5), any gifts, unspent donations, property, or other record or recording accepted by the Commission under clause (i) shall be—

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

(II) archived under subparagraph (E).

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

(C) DISBURSEMENT.—The Commission may, on the affirmative vote of  $\frac{3}{5}$  of the members of the Commission, approve the expenditure of funds to accomplish the purposes of this Act.

(D) TAX DOCUMENTS.—The Commission (or a designee) shall, on request of a donor under subparagraph (A) or (B), provide tax documentation to that donor for any tax-deductible gift made by that donor under those subparagraphs.

(E) ARCHIVING.—The Commission shall coordinate with the Library of Congress and the National Museum of the American Indian to archive and preserve relevant gifts or donations received under subparagraph (A) or (B).

(h) CONVENING.—

(1) CONVENING PROTOCOL.—

(A) IN GENERAL.—Not later than 45 days after the initial business meeting of the Native American Truth and Healing Advisory Committee, the Commission, 3 designees from the Native American Truth and Healing Advisory Com-

mittee, and 3 designees from the Survivors Truth and Healing Subcommittee shall hold a meeting to establish rules, protocols, and formats for convenings carried out under this subsection.

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

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

(2) ANNOUNCEMENT OF CONVENINGS.—Not later than 30 days before the date of a convening under this subsection, the Commission shall announce the location and details of the convening.

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

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

(B) beginning 1 year after the date of enactment of this Act, not fewer than 1 convening per quarter to receive testimony each calendar year until the date on which the Commission submits the final report of the Commission under section 111(e)(3).

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

(i) SUBPOENAS.—

(1) IN GENERAL.—

(A) ISSUANCE OF SUBPOENAS.—

(i) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may issue, on a unanimous vote of the Commission, a subpoena requiring from a person the production of any written or recorded evidence necessary to carry out the duties of the Commission under section 111.

(ii) NOTIFICATION.—

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

(II) SUBPOENA PROHIBITED BY ATTORNEY GENERAL.—

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

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

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

(2) FAILURE TO OBEY A SUBPOENA.—

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

(B) LOCATION.—An application under subparagraph (A) may be made within the judicial district where the person described in that subparagraph resides or transacts business.

(C) PENALTY.—Any failure to obey an order of a court described in subparagraph (A) may be punished by the court as a civil contempt.

(3) SUBJECT MATTER JURISDICTION.—The district court of the United States in which an ac-

tion is brought under paragraph (2)(B) shall have original jurisdiction over any civil action brought by the Commission to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with the applicable subpoena issued by the Commission.

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

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

(j) NONDISCLOSURE.—

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

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act").

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act"), shall not apply to the Commission.

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

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

**Subtitle B—Duties of the Commission**

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

(a) INVESTIGATION.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive interdisciplinary investigation of Indian Boarding School Policies, including the social, cultural, economic, emotional, and physical effects of Indian Boarding School Policies in the United States on Native American communities, Indian Tribes, survivors of Indian Boarding Schools, families of those survivors, and their descendants.

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

(A) conducting a comprehensive review of existing research and historical records of Indian Boarding School Policies and any documentation, scholarship, or other resources relevant to the purposes of this Act from—

(i) any archive or any other document storage location, notwithstanding the location of that archive or document storage location; and

(ii) any research conducted by private individuals, private entities, and non-Federal Government entities, whether domestic or foreign, including religious institutions;

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

(i) the Department of the Interior, the Department of Health and Human Services, other relevant Federal agencies, and institutions or organizations, including religious institutions or

organizations, that operated an Indian Boarding School, carried out Indian Boarding School Policies, or have information the Commission determines relevant to the investigation of the Commission; and

(ii) Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations; and

(C) conducting a comprehensive assessment of the impacts of Indian Boarding School Policies on American Indian, Alaska Native, and Native Hawaiian cultures, traditions, and languages.

(3) RESEARCH RELATED TO OBJECTS, ARTIFACTS, AND REAL PROPERTY.—If the Commission conducts a comprehensive review of research described in paragraph (2)(A)(ii) that focuses on objects, artifacts, or real or personal property that are in the possession or control of private individuals, private entities, or non-Federal government entities within the United States, the Commission may enter into a contract or agreement to acquire, hold, curate, or maintain those objects, artifacts, or real or personal property until the objects, artifacts, or real or personal property can be properly repatriated or returned, consistent with applicable Federal law and regulations, subject to the condition that no Federal funds may be used to purchase those objects, artifacts, or real or personal property.

(b) MEETINGS AND CONVENINGS.—

(1) IN GENERAL.—The Commission shall hold, with the advice of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee, and in coordination with, as relevant, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations, as part of its investigation under subsection (a), safe, trauma-informed, and culturally appropriate public or private meetings or convenings to receive testimony relating to that investigation.

(2) REQUIREMENTS.—The Commission shall ensure that meetings and convenings held under paragraph (1) provide access to adequate trauma-informed care services for participants, attendees, and communities during and following the meetings and convenings where the Commission receives testimony, including ensuring private space is available for survivors and descendants of survivors, family members, and other community members to receive trauma-informed care services.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall make recommendations to Congress relating to the investigation carried out under subsection (a), which shall be included in the final report required under subsection (e)(3).

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

(A) in light of Tribal and Native Hawaiian law, Tribal customary law, tradition, custom, and practice, how the Federal Government can meaningfully acknowledge the role of the Federal Government in supporting Indian Boarding School Policies in all issue areas that the Commission determines relevant, including appropriate forms of memorialization, preservation of records, objects, artifacts, and burials;

(B) how modification of existing laws, procedures, regulations, policies, budgets, and practices will, in the determination of the Commission, address the findings of the Commission and ongoing effects of Indian Boarding School Policies; and

(C) how the Federal Government can promote public awareness and education of Indian Boarding School Policies and the impacts of those policies, including through coordinating with the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, the National Museum of the American Indian, and other relevant institutions and organizations.

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

(1) coordinate, as appropriate, with the Native American Truth and Healing Advisory Committee, the Federal Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, lineal descendants, Indian Tribes, the Office of Hawaiian Affairs, Federal agencies, institutions, and organizations to locate and identify, in a culturally appropriate manner, marked and unmarked burial sites, including cemeteries, unmarked graves, and mass burial sites, where students of Indian Boarding Schools were originally or later interred;

(2) locate, document, analyze, and coordinate the preservation or continued preservation of records and information relating to the interment of students, including any records held by Federal, State, international, or local entities or religious institutions or organizations; and

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

(e) REPORTS.—

(1) ANNUAL REPORTS TO CONGRESS.—Not less frequently than annually each year until the year before the year in which the Commission submits the final report under paragraph (3), the Commission shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the activities of the Committee during the previous year, including an accounting of funds and gifts received and expenditures made, the progress made, and any barriers encountered in carrying out this Act.

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

(A) a detailed review of existing research, including documentation, scholarship, or other resources shared with the Commission that further the purposes of this Act;

(B) a detailed statement of the initial findings and conclusions of the Commission; and

(C) a detailed statement of the initial recommendations of the Commission.

(3) COMMISSION FINAL REPORT.—Not later than 6 years after the date on which a majority of the members of the Commission are appointed under section 101(b)(1), the Commission shall submit to the individuals described in paragraph (4), and make publicly available, a final report containing the findings, conclusions, and recommendations of the Commission that have been agreed on by the vote of a majority of the members of the Commission and  $\frac{1}{2}$  of the members of each of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee.

(4) REPORT RECIPIENTS.—The individuals referred to in paragraphs (2) and (3) are—

(A) the President;

(B) the Secretary of the Interior;

(C) the Attorney General;

(D) the Comptroller General of the United States;

(E) the Secretary of Education;

(F) the Secretary of Health and Human Services;

(G) the Secretary of Defense;

(H) the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate;

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

(J) the Chair and Co-Chair of the Congressional Native American Caucus;

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

(L) the Director of the Office of Management and Budget;

(M) the Archivist of the United States;

(N) the Librarian of Congress; and

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

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

(A) EVENTS RELATING TO INITIAL REPORT.—

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

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

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

(6) SECRETARIAL RESPONSE TO FINAL REPORT.—Not later than 120 days after the date on which the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services receive the final report under paragraph (3), the Secretaries shall each make publicly available a written response to recommendations for future action by those agencies, if any, contained in the final report, and submit the written response to—

(A) the President;

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

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

(D) the Comptroller General of the United States.

### Subtitle C—Survivors Truth and Healing Subcommittee

#### SEC. 121. SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.

(a) ESTABLISHMENT.—There is established a subcommittee of the Commission, to be known as the "Survivors Truth and Healing Subcommittee".

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

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

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

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

(i) not fewer than 2 shall be individuals who graduated during the 5-year period preceding the date of enactment of this Act from—

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

(II) a Bureau of Indian Education-funded school; and

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

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

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

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

(ii) was employed at an Indian Boarding School during the 5-year period preceding the date of enactment of this Act.

## (2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Survivors Truth and Healing Subcommittee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Survivors Truth and Healing Subcommittee from among those nominees.

## (3) DATE.—

(A) IN GENERAL.—The Commission shall appoint all members of the Survivors Truth and Healing Subcommittee during the initial business meeting of the Commission under section 101(c)(1).

(B) FAILURE TO APPOINT.—If the Commission fails to appoint all members of the Survivors Truth and Healing Subcommittee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint individuals, in accordance with the requirements of paragraph (1), to all vacant positions of the Survivors Truth and Healing Subcommittee not later than 30 days after the date of the initial business meeting of the Commission under section 101(c)(1).

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Survivors Truth and Healing Subcommittee shall be appointed for an automatically renewable term of 2 years.

## (B) VACANCIES.—

(i) IN GENERAL.—A member of the Survivors Truth and Healing Subcommittee may self-vacate the position at any time and for any reason.

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

(I) shall not affect the powers of the Survivors Truth and Healing Subcommittee if a simple majority of the positions of the Survivors Truth and Healing Subcommittee are filled; and

(II) shall be filled within 90 days in the same manner as was the original appointment.

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

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

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

## (c) BUSINESS MEETINGS.—

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

## (A) to appoint—

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

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

## (iii) a Secretary;

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

(C) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

(D) to appoint, with the advice of the Commission, 2 members of the Survivors Truth and

Healing Subcommittee to serve as non-voting designees on the Commission in accordance with section 101(c)(3).

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

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

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

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

(e) RULES.—The Survivors Truth and Healing Subcommittee, with the advice of the Commission, may establish, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Survivors Truth and Healing Subcommittee shall—

(1) assist the Commission, the Native American Truth and Healing Advisory Committee, and the Federal Truth and Healing Advisory Committee in coordinating public and private convenings, including—

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

(B) providing advice and evaluating Committee recommendations relating to the commemoration and public education relating to Indian Boarding Schools and Indian Boarding School Policies; and

(2) provide advice to, or fulfill such other requests by, the Commission as the Commission may require to carry out the purposes described in section 3.

(g) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Survivors Truth and Healing Subcommittee under subsection (f), the Survivors Truth and Healing Subcommittee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

## (h) NONDISCLOSURE.—

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

(2) FREEDOM OF INFORMATION ACT APPLICABILITY.—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(3) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Survivors Truth and Healing Subcommittee.

## (i) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Survivors Truth and Healing Subcommittee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 13 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member of the Survivors Truth and Healing

Subcommittee is engaged in the performance of their duties under this Act, including the convening of meetings, including public and private meetings to receive testimony in furtherance of the duties of the Survivors Truth and Healing Subcommittee and the purposes of this Act.

(2) TRAVEL EXPENSES.—A member of the Survivors Truth and Healing Subcommittee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the 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.**

(a) ESTABLISHMENT.—The Commission shall establish an advisory committee, to be known as the “Native American Truth and Healing Advisory Committee”.

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

## (1) MEMBERSHIP.—

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

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

(ii) 1 shall be the Vice Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Native American Truth and Healing Advisory Committee;

(iii) 1 shall be the Secretary of the Interior, or a designee, who shall serve as the Secretary of the Native American Truth and Healing Advisory Committee;

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

(v) 1 shall represent the National Native American Boarding School Healing Coalition;

(vi) 1 shall represent the National Association of Tribal Historic Preservation Officers; and

(vii) 1 shall represent the National Indian Education Association.

(B) ADDITIONAL REQUIREMENTS.—Not fewer than 2 members of the Native American Truth and Healing Advisory Committee shall have experience with health care or mental health, traditional healing or cultural practices, counseling, or working with survivors, or descendants of survivors, of Indian Boarding Schools to ensure that the Commission considers culturally responsive support for survivors, families, and communities.

## (2) NOMINATIONS.—

(A) IN GENERAL.—Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed to the Native American Truth and Healing Advisory Committee not later than 90 days after the date of enactment of this Act.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Native American Truth and Healing Advisory Committee from among those nominees.

## (3) DATE.—

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

(B) **FAILURE TO APPOINT.**—If the Commission fails to appoint all members of the Native American Truth and Healing Advisory Committee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint, in accordance with the requirements of paragraph (1), individuals to all vacant positions of the Native American Truth and Healing Advisory Committee not later than 30 days after the date of the initial business meeting of the Commission under section 101(c)(1).

(A) **PERIOD OF APPOINTMENT; VACANCIES.**—

(A) **PERIOD OF APPOINTMENT.**—A member of the Native American Truth and Healing Advisory Committee shall be appointed for an automatically renewable term of 2 years.

(B) **VACANCIES.**—A vacancy in the Native American Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Native American Truth and Healing Advisory Committee if a simple majority of the positions of the Native American Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

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

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

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

(d) **REMOVAL.**—A quorum of members of the Native American Truth and Healing Committee may remove another member only for neglect of duty or malfeasance.

(e) **BUSINESS MEETINGS.**—

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

(A) to establish rules for the Native American Truth and Healing Advisory Committee;

(B) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

(C) to appoint 2 members of the Native American Truth and Healing Advisory Committee to serve non-voting as designees on the Commission in accordance with section 101(c)(3).

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

(3) **FORMAT OF BUSINESS MEETINGS.**—A meeting of the Native American Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

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

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

(g) **DUTIES.**—The Native American Truth and Healing Advisory Committee shall—

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

(2) assist the Commission in organizing and carrying out culturally appropriate public and

private convenings relating to the duties of the Commission;

(3) assist the Commission in determining what documentation from Federal and religious organizations and institutions may be necessary to fulfill the duties of the Commission;

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

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

(6) provide advice to, or fulfill such other requests by, the Commission as the Commission may require to carry out the purposes described in section 3.

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

(i) **NONDISCLOSURE.**—

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

(2) **FREEDOM OF INFORMATION ACT APPLICABILITY.**—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

(3) **FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.**—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Native American Truth and Healing Advisory Committee.

(j) **PERSONNEL MATTERS.**—

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

(2) **TRAVEL EXPENSES.**—A member of the Native American Truth and Healing Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Native American Truth and Healing Advisory Committee.

#### **Subtitle B—Federal Truth and Healing Advisory Committee**

### **SEC. 211. FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.**

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

(b) **MEMBERSHIP AND APPOINTMENT TO THE FEDERAL TRUTH AND HEALING ADVISORY COMMITTEE.**—

(1) **MEMBERSHIP.**—The Federal Truth and Healing Advisory Committee shall include 17 members, of whom—

(A) 1 shall be the Chairperson of the Commission, who shall serve as the Chairperson of the Federal Truth and Healing Advisory Committee;

(B) 1 shall be the Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Federal Truth and Healing Advisory Committee;

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

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

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

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

(G) 1 shall be the Director of the Department of the Interior Library (or a designee);

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

(I) 1 shall be the Assistant Secretary for Mental Health and Substance Abuse of the Department of Health and Human Services (or a designee);

(J) 1 shall be the Commissioner of the Administration for Native Americans of the Department of Health and Human Services (or a designee);

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

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

(M) 1 shall be the Director of the Office of Indian Education of the Department of Education (or a designee);

(N) 1 shall be the Director of the Rural, Insular, and Native American Achievement Programs of the Department of Education (or a designee);

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

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

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

(2) **PERIOD OF SERVICE; VACANCIES; REMOVAL.**—

(A) **PERIOD OF SERVICE.**—A member of the Federal Truth and Healing Advisory Committee shall serve for an automatically renewable term of 2 years.

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

(i) shall not affect the powers of the Federal Truth and Healing Advisory Committee if a simple majority of the positions of the Federal Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) **REMOVAL.**—A quorum of members of the Federal Truth and Healing Advisory Committee may remove a member of the Federal Truth and Healing Advisory Committee only for neglect of duty or malfeasance.

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

(c) **BUSINESS MEETINGS.**—

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

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

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

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

(3) **FORMAT OF BUSINESS MEETINGS.**—A business meeting of the Federal Truth and Healing Advisory Committee may be conducted in-person, virtually, or via phone.

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

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

(e) **RULES.**—The Federal Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) **DUTIES.**—The Federal Truth and Healing Advisory Committee shall—

(1) ensure the effective and timely coordination between Federal agencies in furtherance of the purposes of this Act;

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

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

(B) the collection, organization, and preservation of information obtained from witnesses and by other Federal agencies; and

(3) ensure the timely submission to the Commission of materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission.

(g) **CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.**—In carrying out the duties of the Federal Truth and Healing Advisory Committee under subsection (f), the Federal Truth and Healing Advisory Committee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) **NONDISCLOSURE.**—

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

(2) **FREEDOM OF INFORMATION ACT APPLICABILITY.**—Records and other communications provided to, from, between, or within the Commission, the Federal Truth and Healing Advisory Committee, the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, and related agencies shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

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

### TITLE III—GENERAL PROVISIONS

#### SEC. 301. CLARIFICATION.

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

#### SEC. 302. BURIAL MANAGEMENT.

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

#### SEC. 303. CO-STEWARDSHIP AGREEMENTS.

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

#### SEC. 304. NO RIGHT OF ACTION.

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

Mr. SCHATZ. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Schatz-Murkowski substitute amendment at the desk be considered and agreed to; and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 3351) in the nature of a substitute was agreed to, as follows:

(The amendment is printed in today’s RECORD (legislative day of December 16, 2024) under “Text of Amendments.”)

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHATZ. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill, as amended?

Hearing none, the bill having been read the third time, the question is, Shall the bill, as amended, pass?

The bill (S. 1723), as amended, was passed as follows:

S. 1723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a Truth and Healing Commission on Indian Boarding School Policies in the United States, including other necessary advisory committees and subcommittees;

(2) to formally investigate, document, and report on the histories of Indian Boarding Schools, Indian Boarding School Policies, and the systematic and long-term effects of those schools and policies on Native American peoples;

(3) to develop recommendations for Federal efforts based on the findings of the Commission; and

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

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **COMMISSION.**—The term “Commission” means the Truth and Healing Commission on Indian Boarding School Policies in the United States established by section 101(a).

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

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

(4) **INDIAN BOARDING SCHOOL.**—The term “Indian Boarding School” means—

(A) a site of an institution that—

(i) provided on-site housing or overnight lodging;

(ii) was described in Federal records as providing formal academic or vocational training and instruction to Native Americans;

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

(iv) was operational before 1969;

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

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

(5) **INDIAN BOARDING SCHOOL POLICIES.**—The term “Indian Boarding School Policies” means Federal laws, policies, and practices purported to “assimilate” and “civilize” Native Americans that included psychological, physical, sexual, and mental abuse, forced removal from home or community, and identity-altering practices intended to terminate Native languages, cultures, religions, social organizations, or connections to traditional land.

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

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



(A) an Indian; or

(B) a Native Hawaiian.

(8) NATIVE AMERICAN TRUTH AND HEALING ADVISORY COMMITTEE.—The term “Native American Truth and Healing Advisory Committee” means the Native American Truth and Healing Advisory Committee established by the Commission under section 201(a).

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

(10) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” means a private nonprofit organization that—

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

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

(C) has Native Hawaiians serving in substantive and policymaking positions; and

(D) has expertise in Native Hawaiian affairs.

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

(12) SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.—The term “Survivors Truth and Healing Subcommittee” means the Survivors Truth and Healing Subcommittee established by section 121(a).

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

(14) TRIBAL ORGANIZATION.—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

## 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.

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

(b) MEMBERSHIP.—

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

(A) 1 member shall be appointed by the majority leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate.

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

(C) 1 member shall be appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Natural Resources of the House of Representatives.

(D) 1 member shall be appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives.

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

(2) NOMINATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act,

Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed as members of the Commission.

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

(C) QUALIFICATIONS.—

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

(I) overseeing or leading complex research initiatives with and for Indian Tribes and Native Americans;

(II) indigenous human rights law and policy;

(III) Tribal court judicial and restorative justice systems and Federal agencies, such as participation as a Tribal judge, researcher, or former presidentially appointed commissioner;

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

(V) traditional and cultural resources and practices in Native communities.

(ii) ADDITIONAL QUALIFICATIONS.—In addition to the qualifications described in clause (i), each member of the Commission shall be an individual of recognized integrity and empathy, with a demonstrated commitment to the values of truth, reconciliation, healing, and expertise in truth and healing endeavors that are traditionally and culturally appropriate so as to provide balanced points of view and expertise with respect to the duties of the Commission.

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

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

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

(i) 6 years; and

(ii) the life of the Commission.

(B) VACANCIES.—After all initial members of the Commission are appointed and the initial business meeting of the Commission has been convened under subsection (c)(1), a single vacancy in the Commission—

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

(ii) shall be filled within 90 days in the same manner as was the original appointment.

(C) REMOVAL.—A quorum of members of the Commission may remove a member of the Commission only for neglect of duty or malfeasance.

(5) TERMINATION.—The Commission shall terminate 6 years after the date of the enactment of this Act.

(6) LIMITATION.—No member of the Commission may otherwise be an officer or employee of the Federal Government.

(c) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—90 days after the date on which all of the members of the Commission are appointed under subsection (b)(1)(A), the Commission shall hold the initial business meeting of the Commission—

(A) to appoint a Chairperson, a Vice Chairperson, and such other positions as determined necessary by the Commission;

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

(C) to appoint members of—

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

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

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

(3) ADVISORY AND SUBCOMMITTEE COMMITTEES DESIGNEES.—Each Commission business meeting shall include participation by 2 non-voting designees from each of the Survivors Truth and Healing Subcommittee, the Native American Truth and Healing Advisory Committee, and the Federal and Religious Truth and Healing Advisory Committee, as appointed in accordance with section 121(c)(1)(D), section 201(e)(1)(C), and section 211(c)(1)(B), as applicable.

(4) FORMAT OF MEETINGS.—A business meeting of the Commission may be conducted in-person or virtually.

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

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

(e) RULES.—The Commission may establish, by a majority vote, any rules for the conduct of Commission business, in accordance with this section and other applicable law.

(f) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF COMMISSIONERS.—A member of the Commission shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 5 of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 10 days per month, for which a member is engaged in the performance of their duties under this Act, limited to convening meetings, including public or private meetings to receive testimony in furtherance of the duties of the Commission and the purposes of this Act.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

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

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

(B) interruption or loss of civil service status, benefits, or privileges.

(g) POWERS OF COMMISSION.—

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

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

(B) conduct or request such interdisciplinary research, investigation, or analysis of such information and documents, records, or other data as the Commission may determine necessary to accomplish the purposes of this Act, including—

(i) securing, directly from a Federal agency, such information as the Commission considers necessary to accomplish the purposes of this Act; and

(ii) requesting the head of any relevant Tribal or State agency to provide to the Commission such information as the Commission considers necessary to accomplish the purposes of this Act;

(C) request such records, papers, correspondence, memoranda, documents, books, videos, oral histories, recordings, or any other paper or electronic material, as the Commission may determine necessary to accomplish the purposes of this Act;

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

(E) coordinate with Federal and non-Federal entities to preserve and archive, as appropriate, any gifts, documents, or other property received while carrying out the purposes of this Act.

(2) CONTRACTING; VOLUNTEER SERVICES.—

(A) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, and in accordance with applicable law, enter into contracts and other agreements with public agencies, private organizations, and individuals to enable the Commission to carry out the duties of the Commission under this Act.

(B) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

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

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

(4) GIFTS, FUNDRAISING, AND DISBURSEMENT.—

(A) GIFTS AND DONATIONS.—

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

(ii) RETURN OF GIFTS AND DONATIONS.—On termination of the Commission under subsection (b)(5), any gifts, unspent donations, property, or other record or recording accepted by the Commission under clause (i) shall be—

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

(II) archived under subparagraph (E).

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

(C) DISBURSEMENT.—The Commission may, on the affirmative vote of  $\frac{3}{5}$  of the members of the Commission, approve a spending plan of funds to accomplish the purposes of this Act.

(D) TAX DOCUMENTS.—The Commission (or a designee) shall, on request of a donor under subparagraph (A) or (B), provide tax documentation to that donor for any tax-deductible gift made by that donor under those subparagraphs.

(E) ARCHIVING.—The Commission shall coordinate with the Library of Congress and the Smithsonian Institution to archive and preserve relevant gifts or donations received under subparagraph (A) or (B).

(h) CONVENING.—

(1) CONVENING PROTOCOL.—

(A) IN GENERAL.—Not later than 45 days after the initial business meeting of the Na-

tive American Truth and Healing Advisory Committee, the Commission, 3 designees from the Native American Truth and Healing Advisory Committee, and 3 designees from the Survivors Truth and Healing Subcommittee shall hold a meeting to recommend rules, protocols, and formats for convenings carried out under this subsection.

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

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

(2) ANNOUNCEMENT OF CONVENINGS.—Not later than 30 days before the date of a convening under this subsection, the Commission shall announce the location and details of the convening.

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

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

(B) beginning 1 year after the date of the enactment of this Act, not fewer than 1 convening in each quarter to receive testimony each calendar year until the date on which the Commission submits the final report of the Commission under section 111(e)(3).

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

(i) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the "Federal Advisory Committee Act"), shall not apply to the Commission.

(j) CONGRESSIONAL ACCOUNTABILITY ACT APPLICABILITY.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.)—

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

(2) the Commission shall be considered an employing office under the Act; and

(3) a member of the Commission shall be considered a covered employee under the Act.

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

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

**Subtitle B—Duties of the Commission**

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

(a) INVESTIGATION.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive interdisciplinary

investigation of Indian Boarding School Policies, including the social, cultural, economic, emotional, and physical effects of Indian Boarding School Policies in the United States on Native American communities, Indian Tribes, survivors of Indian Boarding Schools, families of those survivors, and their descendants.

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

(A) conducting a comprehensive review of existing research and historical records of Indian Boarding School Policies and any documentation, scholarship, or other resources relevant to the purposes of this Act from—

(i) any archive or any other document storage location, notwithstanding the location of that archive or document storage location; and

(ii) any research conducted by private individuals, private entities, and non-Federal Government entities, whether domestic or foreign, including religious institutions;

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

(i) the Department of the Interior, the Department of Health and Human Services, other relevant Federal agencies, and institutions or organizations, including religious institutions or organizations, that operated an Indian Boarding School, carried out Indian Boarding School Policies, or have information that the Commission determines to be relevant to the investigation of the Commission; and

(ii) Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations; and

(C) conducting a comprehensive assessment of the impacts of Indian Boarding School Policies on Native American students and alumni, including the impact on cultures, traditions, and languages.

(3) RESEARCH RELATED TO OBJECTS, ARTIFACTS, AND REAL PROPERTY.—If the Commission conducts a comprehensive review of research described in paragraph (2)(A)(ii) that focuses on objects, artifacts, or real or personal property that are in the possession or control of private individuals, private entities, or non-Federal Government entities within the United States, the Commission may enter into a contract or agreement to acquire, hold, curate, or maintain those objects, artifacts, or real or personal property until the objects, artifacts, or real or personal property can be properly repatriated or returned, consistent with applicable Federal law, subject to the condition that no Federal funds may be used to purchase those objects, artifacts, or real or personal property.

(b) MEETINGS AND CONVENINGS.—

(1) IN GENERAL.—The Commission shall hold, with the advice of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee, and in coordination with, as relevant, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations, as part of its investigation under subsection (a), safe, trauma-informed, and culturally appropriate public or private meetings or convenings to receive testimony relating to that investigation.

(2) REQUIREMENTS.—The Commission shall ensure that meetings and convenings held under paragraph (1) provide access to adequate trauma-informed care services for participants, attendees, and communities during and following the meetings and convenings where the Commission receives testimony, including ensuring that private

space is available for survivors and descendants of survivors, family members, and other community members to receive trauma-informed care services.

(c) **RECOMMENDATIONS.**—

(1) **IN GENERAL.**—The Commission shall make recommendations to Congress relating to the investigation carried out under subsection (a), which shall be included in the final report required under subsection (e)(3).

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

(A) in light of Tribal and Native Hawaiian law, Tribal customary law, tradition, custom, and practice, how the Federal Government can meaningfully acknowledge the role of the Federal Government in supporting Indian Boarding School Policies in all issue areas that the Commission determines relevant, including appropriate forms of memorialization, preservation of records, objects, artifacts, and burials;

(B) how modification of existing statutes, procedures, regulations, policies, budgets, and practices will, in the determination of the Commission, address the findings of the Commission and ongoing effects of Indian Boarding School Policies;

(C) how the Federal Government can promote public awareness of, and education about, Indian Boarding School Policies and the impacts of those policies, including through coordinating with the Native American Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, the Smithsonian Institution, and other relevant institutions and organizations; and

(D) the views of religious institutions.

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

(1) coordinate, as appropriate, with the Native American Truth and Healing Advisory Committee, the Federal and Religious Truth and Healing Advisory Committee, the Survivors Truth and Healing Subcommittee, lineal descendants, Indian Tribes, the Office of Hawaiian Affairs, Federal agencies, institutions, and organizations to locate and identify, in a culturally appropriate manner, marked and unmarked burial sites, including cemeteries, unmarked graves, and mass burial sites, where students of Indian Boarding Schools were originally or later interred;

(2) locate, document, analyze, and coordinate the preservation or continued preservation of records and information relating to the interment of students, including any records held by Federal, State, international, or local entities or religious institutions or organizations; and

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

(e) **REPORTS.**—

(1) **ANNUAL REPORTS TO CONGRESS.**—Not less frequently than annually until the year before the year in which the Commission terminates, the Commission shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the activities of the Commission during the previous year, including an accounting of funds and gifts received and expenditures made, the progress made, and any barriers encountered in carrying out this Act.

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

scribed in paragraph (4), and make publicly available, an initial report containing—

(A) a detailed review of existing research, including documentation, scholarship, or other resources shared with the Commission that further the purposes of this Act;

(B) a detailed statement of the initial findings and conclusions of the Commission; and

(C) a detailed statement of the initial recommendations of the Commission.

(3) **COMMISSION FINAL REPORT.**—Before the termination of the Commission, the Commission shall submit to the individuals described in paragraph (4), and make publicly available, a final report containing the findings, conclusions, and recommendations of the Commission that have been agreed on by the vote of a majority of the members of the Commission and  $\frac{2}{3}$  of the members of each of the Native American Truth and Healing Advisory Committee and the Survivors Truth and Healing Subcommittee.

(4) **REPORT RECIPIENTS.**—The individuals referred to in paragraphs (2) and (3) are—

(A) the President;

(B) the Secretary of the Interior;

(C) the Attorney General;

(D) the Comptroller General of the United States;

(E) the Secretary of Education;

(F) the Secretary of Health and Human Services;

(G) the Secretary of Defense;

(H) the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate;

(I) the Chairperson and ranking minority member of the Committee on Natural Resources of the House of Representatives;

(J) the Co-Chairs of the Congressional Native American Caucus;

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

(L) the Director of the Office of Management and Budget;

(M) the Archivist of the United States;

(N) the Librarian of Congress; and

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

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

(A) **EVENTS RELATING TO INITIAL REPORT.**—

(i) **IN GENERAL.**—The Commission shall hold not fewer than 2 events in each region of the Bureau of Indian Affairs and in Hawai'i following publication of the initial report under paragraph (2) to receive comments on the initial report.

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

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

(6) **SECRETARIAL RESPONSE TO FINAL REPORT.**—Not later than 120 days after the date on which the Secretary of the Interior, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services receive the final report under paragraph (3), the Secretaries shall each make publicly available a written response to recommendations for future action by those agencies, if any, contained in the final report, and submit the written response to—

(A) the President;

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

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

(D) the Comptroller General of the United States.

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

**SEC. 121. SURVIVORS TRUTH AND HEALING SUBCOMMITTEE.**

(a) **ESTABLISHMENT.**—There is established a subcommittee of the Commission, to be known as the “Survivors Truth and Healing Subcommittee”.

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

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

(A) 12 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and 1 shall be a representative from Hawai'i;

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

(i) not fewer than 2 shall be individuals who graduated during the 5-year period preceding the date of the enactment of this Act from—

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

(II) a Bureau of Indian Education-funded school; and

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

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

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

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

(ii) was employed at an Indian Boarding School during the 5-year period preceding the date of the enactment of this Act.

(2) **NOMINATIONS.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed as members of the Survivors Truth and Healing Subcommittee.

(B) **SUBMISSION.**—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Survivors Truth and Healing Subcommittee from among those nominees.

(3) **DATE.**—

(A) **IN GENERAL.**—The Commission shall appoint all members of the Survivors Truth and Healing Subcommittee during the initial business meeting of the Commission under section 101(c)(1).

(B) **FAILURE TO APPOINT.**—If the Commission fails to appoint all members of the Survivors Truth and Healing Subcommittee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint individuals, in accordance with the requirements of paragraph (1), to all vacant positions of the Survivors Truth and Healing Subcommittee not later than 30 days after the date of the initial business meeting of the Commission under section 101(c)(1).

(4) PERIOD OF APPOINTMENT; VACANCIES; REMOVAL.—

(A) PERIOD OF APPOINTMENT.—A member of the Survivors Truth and Healing Subcommittee shall be appointed for an automatically renewable term of 2 years.

(B) VACANCIES.—

(i) IN GENERAL.—A member of the Survivors Truth and Healing Subcommittee may vacate the position at any time and for any reason.

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

(I) shall not affect the powers of the Survivors Truth and Healing Subcommittee if a simple majority of the positions of the Survivors Truth and Healing Subcommittee are filled; and

(II) shall be filled within 90 days in the same manner as was the original appointment.

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

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

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

(c) BUSINESS MEETINGS.—

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

(A) to appoint—

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

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

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

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

(C) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

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

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

(3) FORMAT OF BUSINESS MEETINGS.—A business meeting of the Survivors Truth and Healing Subcommittee may be conducted in-person or virtually.

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

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

(e) RULES.—The Survivors Truth and Healing Subcommittee, with the advice of the

Commission, may establish, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(f) DUTIES.—The Survivors Truth and Healing Subcommittee shall—

(1) assist the Commission, the Native American Truth and Healing Advisory Committee, and the Federal and Religious Truth and Healing Advisory Committee in coordinating public and private convenings, including providing advice to the Commission on developing criteria and protocols for convenings;

(2) provide advice and evaluate Committee recommendations relating to the commemoration and public education relating to Indian Boarding Schools and Indian Boarding School Policies;

(3) assist the Commission—

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

(B) by providing such other advice, or fulfilling such other requests, as may be required by the Commission; and

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

(g) CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.—In carrying out the duties of the Survivors Truth and Healing Subcommittee under subsection (f), the Survivors Truth and Healing Subcommittee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Survivors Truth and Healing Subcommittee.

(i) CONGRESSIONAL ACCOUNTABILITY ACT APPLICABILITY.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), any individual who is a member of the Survivors Truth and Healing Subcommittee shall be considered a covered employee under the Act.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Survivors Truth and Healing Subcommittee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 7, step 1, of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 10 days per month, for which a member of the Survivors Truth and Healing Subcommittee is engaged in the performance of their duties under this Act limited to convening meetings, including public and private meetings to receive testimony in furtherance of the duties of the Survivors Truth and Healing Subcommittee and the purposes of this Act.

(2) TRAVEL EXPENSES.—A member of the Survivors Truth and Healing Subcommittee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the 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.

(a) ESTABLISHMENT.—The Commission shall establish an advisory committee, to be known as the “Native American Truth and Healing Advisory Committee”.

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

(1) MEMBERSHIP.—

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

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

(ii) 1 shall be the Vice Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Native American Truth and Healing Advisory Committee;

(iii) 1 shall be the Secretary of the Interior, or a designee, who shall serve as the Secretary of the Native American Truth and Healing Advisory Committee;

(iv) 12 shall be representatives from each of the 12 regions of the Bureau of Indian Affairs and 1 shall be a representative from Hawai‘i;

(v) 1 shall represent the National Native American Boarding School Healing Coalition;

(vi) 1 shall represent the National Association of Tribal Historic Preservation Officers; and

(vii) 1 shall represent the National Indian Education Association.

(B) ADDITIONAL REQUIREMENTS.—Not fewer than 2 members of the Native American Truth and Healing Advisory Committee shall have experience with health care or mental health, traditional healing or cultural practices, counseling, or working with survivors, or descendants of survivors, of Indian Boarding Schools to ensure that the Commission considers culturally responsive support for survivors, families, and communities.

(2) NOMINATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, Indian Tribes, Tribal organizations, Native Americans, the Office of Hawaiian Affairs, and Native Hawaiian organizations may submit to the Secretary of the Interior nominations for individuals to be appointed as members of the Native American Truth and Healing Advisory Committee.

(B) SUBMISSION.—The Secretary of the Interior shall provide the Commission with nominations submitted under subparagraph (A) at the initial business meeting of the Commission under section 101(c)(1) and the Commission shall select the members of the Native American Truth and Healing Advisory Committee from among those nominees.

(3) DATE.—

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

(B) FAILURE TO APPOINT.—If the Commission fails to appoint all members of the Native American Truth and Healing Advisory Committee in accordance with subparagraph (A), the Chair of the Committee on Indian Affairs of the Senate, with the concurrence of the Vice Chair of the Committee on Indian Affairs of the Senate, shall appoint, in accordance with the requirements of paragraph (1), individuals to all vacant positions of the

Native American Truth and Healing Advisory Committee not later than 30 days after the date of the initial business meeting of the Commission under section 101(c)(1).

(4) PERIOD OF APPOINTMENT; VACANCIES.—

(A) PERIOD OF APPOINTMENT.—A member of the Native American Truth and Healing Advisory Committee shall be appointed for an automatically renewable term of 2 years.

(B) VACANCIES.—A vacancy in the Native American Truth and Healing Advisory Committee—

(i) shall not affect the powers of the Native American Truth and Healing Advisory Committee if a simple majority of the positions of the Native American Truth and Healing Advisory Committee are filled; and

(ii) shall be filled within 90 days in the same manner as was the original appointment.

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

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

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

(d) REMOVAL.—A quorum of members of the Native American Truth and Healing Advisory Committee may remove another member only for neglect of duty or malfeasance.

(e) BUSINESS MEETINGS.—

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

(A) to establish rules for the Native American Truth and Healing Advisory Committee;

(B) to appoint 3 designees to fulfill the responsibilities described in section 101(h)(1)(A); and

(C) to appoint 2 members of the Native American Truth and Healing Advisory Committee to serve as non-voting designees on the Commission in accordance with section 101(c)(3).

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

(3) FORMAT OF BUSINESS MEETINGS.—A meeting of the Native American Truth and Healing Advisory Committee may be conducted in-person or virtually.

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

(f) RULES.—The Native American Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

(g) DUTIES.—The Native American Truth and Healing Advisory Committee shall—

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

(2) assist the Commission in organizing and carrying out culturally appropriate public and private convenings relating to the duties of the Commission;

(3) assist the Commission in determining what documentation from Federal and religious organizations and institutions may be necessary to fulfill the duties of the Commission;

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

(5) coordinate with the Commission, the Federal and Religious Truth and Healing Advisory Committee, and the Survivors Truth and Healing Subcommittee; and

(6) provide advice to, or fulfill such other requests by, the Commission as the Commission may require to carry out the purposes described in section 2.

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

(i) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—Chapter 10 of title 5, United States Code (commonly known as the “Federal Advisory Committee Act”), shall not apply to the Native American Truth and Healing Advisory Committee.

(j) CONGRESSIONAL ACCOUNTABILITY ACT APPLICABILITY.—For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.), any individual who is a member of the Native American Truth and Healing Advisory Committee shall be considered a covered employee under the Act.

(k) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Native American Truth and Healing Advisory Committee shall be compensated at a daily equivalent of the annual rate of basic pay prescribed for grade 7, step 1, of the General Schedule under section 5332 of title 5, United States Code, for each day, not to exceed 14 days per month, for which a member is engaged in the performance of their duties under this Act, limited to convening meetings, including public and private meetings to receive testimony in furtherance of the duties of the Native American Truth and Healing Advisory Committee and the purposes of this Act.

(2) TRAVEL EXPENSES.—A member of the Native American Truth and Healing Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the 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.**

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

(b) MEMBERSHIP AND APPOINTMENT TO THE FEDERAL AND RELIGIOUS TRUTH AND HEALING ADVISORY COMMITTEE.—

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

(A) 1 shall be the Chairperson of the Commission, who shall serve as the Chairperson

of the Federal and Religious Truth and Healing Advisory Committee;

(B) 1 shall be the Chairperson of the Survivors Truth and Healing Subcommittee, who shall serve as the Vice Chairperson of the Federal and Religious Truth and Healing Advisory Committee;

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

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

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

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

(G) 1 shall be the Director of the Department of the Interior Library (or a designee);

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

(I) 1 shall be the Assistant Secretary for Mental Health and Substance Abuse of the Department of Health and Human Services (or a designee);

(J) 1 shall be the Commissioner of the Administration for Native Americans of the Department of Health and Human Services (or a designee);

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

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

(M) 1 shall be the Director of the Office of Indian Education of the Department of Education (or a designee);

(N) 1 shall be the Director of the Rural, Insular, and Native American Achievement Programs of the Department of Education (or a designee);

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

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

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

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

(2) PERIOD OF SERVICE; VACANCIES; REMOVAL.—

(A) PERIOD OF SERVICE.—A member of the Federal and Religious Truth and Healing Advisory Committee shall serve for an automatically renewable term of 2 years.

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

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

(ii) shall be filled within 90 days in the same manner as was the original appointment.

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

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

(c) BUSINESS MEETINGS.—

(1) INITIAL BUSINESS MEETING.—Not later than 30 days after the date of the initial business meeting of the Commission under

section 101(c)(1), the Federal and Religious Truth and Healing Advisory Committee shall hold an initial business meeting—

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

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

(2) **SUBSEQUENT BUSINESS MEETINGS.**—After the initial business meeting of the Federal and Religious Truth and Healing Advisory Committee is held under paragraph (1), the Federal and Religious Truth and Healing Advisory Committee shall meet at the call of the Chairperson.

(3) **FORMAT OF BUSINESS MEETINGS.**—A business meeting of the Federal and Religious Truth and Healing Advisory Committee may be conducted in-person or virtually.

(4) **QUORUM REQUIRED.**—A business meeting of the Federal and Religious Truth and Healing Advisory Committee may be held only after a quorum, established in accordance with subsection (d), is present.

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

(e) **RULES.**—The Federal and Religious Truth and Healing Advisory Committee may establish, with the advice of the Commission, by a majority vote, any rules for the conduct of business, in accordance with this section and other applicable law.

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

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

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

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

(B) the collection, organization, and preservation of information obtained from witnesses and by other Federal agencies and religious institutions;

(3) ensure the timely submission to the Commission of materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission; and

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

(g) **CONSULTATION OR ENGAGEMENT WITH NATIVE AMERICANS, INDIAN TRIBES, TRIBAL ORGANIZATIONS, THE OFFICE OF HAWAIIAN AFFAIRS, AND NATIVE HAWAIIAN ORGANIZATIONS.**—In carrying out the duties of the Federal and Religious Truth and Healing Advisory Committee under subsection (f), the Federal and Religious Truth and Healing Advisory Committee shall meaningfully consult or engage, as appropriate, in a timely manner with Native Americans, Indian Tribes, Tribal organizations, the Office of Hawaiian Affairs, and Native Hawaiian organizations.

(h) **NONDISCLOSURE.**—

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

(2) **FREEDOM OF INFORMATION ACT APPLICABILITY.**—Records and other communications in the possession of the Federal and Religious Truth and Healing Advisory Com-

mittee shall be exempt from disclosure under subsection (b)(3)(B) of section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”).

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

### TITLE III—GENERAL PROVISIONS

#### SEC. 301. CLARIFICATION.

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

#### SEC. 302. BURIAL MANAGEMENT.

Federal agencies shall permit reburial of cultural items relating to an Indian Boarding School or Indian Boarding School Policies that have been repatriated pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or returned to a lineal descendant, Indian Tribe, or Native Hawaiian organization by any other disinterment process, on any Federal land as agreed to by the relevant parties.

#### SEC. 303. CO-STEWARDSHIP AGREEMENTS.

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

#### SEC. 304. NO RIGHT OF ACTION.

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

Mr. SCHATZ. I ask that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1723

Mr. SCHATZ. Mr. President, it is no small task for us to confront the unbearable burden of our history. Yet to stand before that history in silence and to remain idle while these wounds persist is to turn away from one of the most fundamental acts of justice and healing that we are in a position to do something about. We have to turn the light on and let the truth out.

This is the work that we have done in the Senate now, and we do hope the House takes action and passes this incredibly important measure into law.

I yield the floor.

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—S. 993

Ms. MASTO. Mr. President, throughout my career, I have been committed to tackling the drug problem in this country and protecting our communities. I have passed bills to hold criminals accountable and crack down on fentanyl manufacturing and trafficking.

But I am here today because our work to protect Americans from these

harmful drugs is far from over. As we continue our work to keep our families safe from fentanyl, we must also focus on new drugs that are emerging, like xylazine. Drug traffickers have been adding xylazine to fentanyl to increase the potency of the drug and to boost their profits.

Its nickname is “tranq” because it is an animal tranquilizer, and it is surging, unfortunately, across the United States. I have been hearing from law enforcement in Nevada about how xylazine is spreading to the West. Between the years 2019 and 2022, the number of overdose deaths in this country related to xylazine skyrocketed by 276 percent.

Xylazine can do catastrophic damage to our communities, and, right now, it is almost entirely unregulated. We have to get ahead of that. That is why I have introduced the bipartisan, bicameral Combating Illicit Xylazine Act with Senators CHUCK GRASSLEY and MAGGIE HASSAN. This bill has the support of over 115 bipartisan Members of Congress in both Chambers because it is essential.

This legislation would make xylazine a schedule III drug and give the DEA, or the Drug Enforcement Administration, and local law enforcement the resources they need to get it off our streets, while also protecting its use as a veterinary tranquilizer for our farmers and ranchers.

Let me stress this again. This legislation also gives our veterinarians the ability to still have access to this drug, which they need, as a tranquilizer for their animals.

This is not a partisan issue. We all want to keep our families safe from horrific drugs like xylazine. We must act now to pass the Combating Illicit Xylazine Act and get this harmful drug out of our neighborhoods and out of the hands of our kids so that we can save lives.

So, Mr. President, as if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 993 and the Senate proceed to its immediate consideration; further, that the Cortez Masto-Grassley substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. MARKEY. Mr. President, reserving the right to object, I thank Senator CORTEZ MASTO for being such a leader on fighting the opioid epidemic. She is on the frontline of conducting that battle against this scourge. We are both here on the floor today in an effort to find the best solutions for addressing this crisis.

We lost over 105,000 Americans to overdose last year. That is over 1 million people in a decade who have died,