## Calendar No. 185

108TH CONGRESS 1ST SESSION

S. 344

[Report No. 108-85]

Expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

#### IN THE SENATE OF THE UNITED STATES

February 11, 2003

Mr. Akaka (for himself, Mr. Inouye, Mr. Reid, and Mr. Stevens) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

June 27, 2003

Reported by Mr. Campbell, with an amendment

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

## A BILL

Expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

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

#### SECTION 1. FINDINGS.

2	$\sim$	1	4.1	e 11 ·	G. 1.
,	Conoroga	marag	tho	tollowno	r tindinge.
<del>_</del>	Congress	mancs	UIIC	TOHOWINE	<del>findings:</del>

- 3 (1) The Constitution vests Congress with the
  4 authority to address the conditions of the indige5 nous, native people of the United States.
  - (2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.
  - (3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.
  - (4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.
  - (5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres

- of land in the Federal territory that later became
  the State of Hawaii to address the conditions of Native Hawaiians.
  - (6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.
  - (7) Approximately 6,800 Native Hawaiian lesses and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.
  - (8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.
  - (9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands
    Trust and its resources and revenues in order to es-

tablish and maintain native settlements and distinct
 native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

- (11) Native Hawaiians have maintained other distinctly native areas in Hawaii.
- (12) On November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiseite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian Government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also give expression to their rights as native people to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native lan-

guage immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct

1	aboriginal, indigenous, native community to reorga-
2	nize a Native Hawaiian governing entity for the pur-
3	pose of giving expression to their rights as native
4	people to self-determination and self-governance.
5	(20) The United States has declared that—
6	(A) the United States has a special respon-
7	sibility for the welfare of the native peoples of
8	the United States, including Native Hawaiians;
9	(B) Congress has identified Native Hawai-
10	ians as a distinct indigenous group within the
11	scope of its Indian affairs power, and has en-
12	acted dozens of statutes on their behalf pursu-
13	ant to its recognized trust responsibility; and
14	(C) Congress has also delegated broad au-
15	thority to administer a portion of the Federal
16	trust responsibility to the State of Hawaii.
17	(21) The United States has recognized and re-
18	affirmed the special trust relationship with the Na-
19	tive Hawaiian people through the enactment of the
20	Act entitled "An Act to provide for the admission of
21	the State of Hawaii into the Union", approved
22	March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—
23	(A) eeding to the State of Hawaii title to
24	the public lands formerly held by the United
25	States, and mandating that those lands be held

1	in public trust for 5 purposes, one of which is
2	for the betterment of the conditions of Native
3	Hawaiians; and
4	(B) transferring the United States respon
5	sibility for the administration of the Hawaiian
6	Home Lands to the State of Hawaii, but retain
7	ing the authority to enforce the trust, including
8	the exclusive right of the United States to con
9	sent to any actions affecting the lands which
10	comprise the corpus of the trust and any
11	amendments to the Hawaiian Homes Commis
12	sion Act, 1920 (42 Stat. 108, chapter 42) tha
13	are enacted by the legislature of the State o
14	Hawaii affecting the beneficiaries under the
15	Act.
16	(22) The United States continually has recog
17	nized and reaffirmed that—
18	(A) Native Hawaiians have a cultural, his
19	toric, and land-based link to the aboriginal, na
20	tive people who exercised sovereignty over the
21	Hawaiian Islands;
22	(B) Native Hawaiians have never relin
23	quished their claims to sovereignty or their sov
24	ereign lands;

1 (C) the United States extends services to
2 Native Hawaiians because of their unique sta3 tus as the aboriginal, native people of a once
4 sovereign nation with whom the United States
5 has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

#### 11 SEC. 2. DEFINITIONS.

In this Act:

- (1) Aboriginal, indigenous, native people. The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.
- 20 (2) APOLOGY RESOLUTION.—The term "Apol21 ogy Resolution" means Public Law 103–150 (107
  22 Stat. 1510), a joint resolution extending an apology
  23 to Native Hawaiians on behalf of the United States
  24 for the participation of agents of the United States

1	in the January 17, 1893, overthrow of the Kingdom
2	of Hawaii.
3	(3) CEDED LANDS.—The term "ceded lands"
4	means those lands which were ceded to the United
5	States by the Republic of Hawaii under the Joint
6	Resolution to provide for annexing the Hawaiian Is-
7	lands to the United States of July 7, 1898 (30 Stat.
8	750), and which were later transferred to the State
9	of Hawaii in the Act entitled "An Act to provide for
10	the admission of the State of Hawaii into the
11	Union" approved March 18, 1959 (Public Law 86-
12	3; 73 Stat. 4).
13	(4) Indigenous, native people.—The term
14	"indigenous, native people" means the lineal de-
15	seendants of the aboriginal, indigenous, native peo-
16	ple of the United States.
17	(5) Interagency coordinating group.—The
18	term "Interagency Coordinating Group" means the
19	Native Hawaiian Interagency Coordinating Group
20	established under section 5.
21	(6) Native Hawahan.—

(A) Prior to the recognition by the United States of the Native Hawaiian governing entity, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the di-

rect lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

- (B) Following the recognition by the United States of the Native Hawaiian governing entity, the term "Native Hawaiian" shall have the meaning given to such term in the organic governing documents of the Native Hawaiian governing entity.
- (7) NATIVE HAWAHAN GOVERNING ENTITY.—
  The term "Native Hawaiian governing entity"
  means the governing entity organized by the Native
  Hawaiian people.
- 22 (8) SECRETARY.—The term "Secretary" means 23 the Secretary of the Interior.
- 24 SEC. 3. UNITED STATES POLICY AND PURPOSE.
- 25 (a) Policy.—The United States reaffirms that—

1	(1) Native Hawaiians are a unique and distinct,
2	indigenous, native people, with whom the United
3	States has a political and legal relationship;
4	(2) the United States has a special trust rela-
5	tionship to promote the welfare of Native Hawaiians;
6	(3) Congress possesses the authority under the
7	Constitution to enact legislation to address the con-
8	ditions of Native Hawaiians and has exercised this
9	authority through the enactment of—
10	(A) the Hawaiian Homes Commission Act,
11	1920 (42 Stat. 108, chapter 42);
12	(B) the Act entitled "An Act to provide for
13	the admission of the State of Hawaii into the
14	Union", approved March 18, 1959 (Public Law
15	86-3; 73 Stat. 4); and
16	(C) more than 150 other Federal laws ad-
17	dressing the conditions of Native Hawaiians;
18	(4) Native Hawaiians have—
19	(A) an inherent right to autonomy in their
20	internal affairs;
21	(B) an inherent right of self-determination
22	and self-governance; and
23	(C) the right to reorganize a Native Ha-
24	waiian governing entity; and

1	(5) the United States shall continue to engage
2	in a process of reconciliation and political relations
3	with the Native Hawaiian people.
4	(b) PURPOSE.—It is the intent of Congress that the
5	purpose of this Act is to provide a process for the recogni-
6	tion by the United States of a Native Hawaiian governing
7	entity for purposes of continuing a government-to-govern-
8	ment relationship.
9	SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE
10	FOR NATIVE HAWAIIAN RELATIONS.
11	(a) In General.—There is established within the
12	Office of the Secretary the United States Office for Native
13	Hawaiian Relations.
14	(b) DUTIES OF THE OFFICE.—The United States Of-
15	fice for Native Hawaiian Relations shall—
16	(1) effectuate and coordinate the trust relation-
17	ship between the Native Hawaiian people and the
18	United States, and upon the recognition of the Na-
19	tive Hawaiian governing entity by the United States,
20	between the Native Hawaiian governing entity and
21	the United States through the Secretary, and with
22	all other Federal agencies;
23	(2) continue the process of reconciliation with
24	the Native Hawaiian people, and upon the recogni-
25	tion of the Native Hawaiian governing entity by the

United States, continue the process of reconciliation with the Native Hawaiian governing entity;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian governing entity prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to existing

1	Federal statutes or regulations promulgated under
2	the authority of Federal law.
3	SEC. 5. NATIVE HAWAIIAN INTERAGENCY COORDINATING
4	GROUP.
5	(a) Establishment.—In recognition of the fact that
6	Federal programs authorized to address the conditions of
7	Native Hawaiians are largely administered by Federal
8	agencies other than the Department of the Interior, there
9	is established an interagency coordinating group to be
10	known as the "Native Hawaiian Interagency Coordinating
11	Group".
12	(b) Composition.—The Interagency Coordinating
13	Group shall be composed of officials, to be designated by
14	the President, from—
15	(1) each Federal agency that administers Na-
16	tive Hawaiian programs, establishes or implements
17	policies that affect Native Hawaiians, or whose ac-
18	tions may significantly or uniquely impact on Native
19	Hawaiian resources, rights, or lands; and
20	(2) the United States Office for Native Hawai-
21	ian Relations established under section 4.
22	(e) LEAD AGENCY.—The Department of the Interior
23	shall serve as the lead agency of the Interagency Coordi-
24	nating Group, and meetings of the Interagency Coordi-
25	nating Group shall be convened by the lead agency.

1	(d) Duties.—The responsibilities of the Interagency
2	Coordinating Group shall be—
3	(1) the coordination of Federal programs and
4	policies that affect Native Hawaiians or actions by
5	any agency or agencies of the Federal Government
6	which may significantly or uniquely impact on Na-
7	tive Hawaiian resources, rights, or lands;
8	(2) to assure that each Federal agency develops
9	a policy on consultation with the Native Hawaiian
10	people, and upon recognition of the Native Hawaiian
11	governing entity by the United States, consultation
12	with the Native Hawaiian governing entity; and
13	(3) to assure the participation of each Federal
14	agency in the development of the report to Congress
15	authorized in section $4(b)(5)$ .
16	SEC. 6. PROCESS FOR THE RECOGNITION OF THE NATIVE
17	HAWAIIAN GOVERNING ENTITY.
18	(a) Recognition of the Native Hawahan Gov-
19	ERNING ENTITY.—The right of the Native Hawaiian peo-
20	ple to organize for their common welfare and to adopt ap-
21	propriate organic governing documents is hereby recog-
22	nized by the United States.
23	(b) Process for Recognition.—
24	(1) Submittal of organic governing docu-
25	MENTS.—Following the organization of the Native

1	Hawaiian governing entity, the adoption of organic
2	governing documents, and the election of officers of
3	the Native Hawaiian governing entity, the duly elect-
4	ed officers of the Native Hawaiian governing entity
5	shall submit the organic governing documents of the
6	Native Hawaiian governing entity to the Secretary.
7	(2) CERTIFICATIONS.—
8	(A) In General.—Within 90 days of the
9	date that the duly elected officers of the Native
10	Hawaiian governing entity submit the organic
11	governing documents to the Secretary, the Sec-
12	retary shall certify that the organic governing
13	<del>documents—</del>
14	(i) establish the criteria for citizenship
15	in the Native Hawaiian governing entity;
16	(ii) were adopted by a majority vote of
17	the citizens of the Native Hawaiian gov-
18	erning entity;
19	(iii) provide for the exercise of govern-
20	mental authorities by the Native Hawaiian
21	governing entity;
22	(iv) provide for the Native Hawaiian
23	governing entity to negotiate with Federal,
24	State, and local governments, and other
25	entities;

1	(v) prevent the sale, disposition, lease,
2	or encumbrance of lands, interests in
3	lands, or other assets of the Native Hawai-
4	ian governing entity without the consent of
5	the Native Hawaiian governing entity;
6	(vi) provide for the protection of the
7	civil rights of the citizens of the Native
8	Hawaiian governing entity and all persons
9	subject to the authority of the Native Ha-
10	waiian governing entity, and ensure that
11	the Native Hawaiian governing entity exer-
12	eises its authority consistent with the re-
13	quirements of section 202 of the Act of
14	April 11, 1968 (25 U.S.C. 1302); and
15	(vii) are consistent with applicable
16	Federal law and the special trust relation-
17	ship between the United States and the in-
18	digenous native people of the United
19	States.
20	(B) By the secretary.—Within 90 days
21	of the date that the duly elected officers of the
22	Native Hawaiian governing entity submit the
23	organic governing documents to the Secretary,
24	the Secretary shall certify that the State of Ha-
25	waii supports the recognition of a Native Ha-

1	waiian governing entity by the United States as
2	evidenced by a resolution or act of the Hawaii
3	State legislature.
4	(C) RESUBMISSION IN CASE OF NON-
5	COMPLIANCE WITH FEDERAL LAW.—
6	(i) Resubmission by the sec-
7	RETARY.—If the Secretary determines that
8	the organic governing documents, or any
9	part thereof, are not consistent with appli-
10	eable Federal law, the Secretary shall re-
11	submit the organic governing documents to
12	the duly elected officers of the Native Ha-
13	waiian governing entity along with a jus-
14	tification for each of the Secretary's find-
15	ings as to why the provisions are not con-
16	sistent with such law.
17	(ii) Amendment and resubmission
18	BY THE NATIVE HAWAHAN GOVERNING EN-
19	TITY.—If the organic governing documents
20	are resubmitted to the duly elected officers
21	of the Native Hawaiian governing entity by
22	the Secretary under clause (i), the duly
23	elected officers of the Native Hawaiian
24	governing entity shall—

1	(I) amend the organic governing
2	documents to ensure that the docu-
3	ments comply with applicable Federal
4	<del>law;</del> and
5	(II) resubmit the amended or-
6	ganie governing documents to the Sec-
7	retary for certification in accordance
8	with the requirements of this para-
9	<del>graph.</del>
10	(D) CERTIFICATIONS DEEMED MADE.
11	The certifications authorized in subparagraph
12	(B) shall be deemed to have been made if the
13	Secretary has not acted within 90 days of the
14	date that the duly elected officers of the Native
15	Hawaiian governing entity have submitted the
16	organic governing documents of the Native Ha-
17	waiian governing entity to the Secretary.
18	(3) FEDERAL RECOGNITION.—Notwithstanding
19	any other provision of law, upon the election of the
20	officers of the Native Hawaiian governing entity and
21	the certifications by the Secretary required under
22	paragraph (1), the United States hereby extends
23	Federal recognition to the Native Hawaiian gov-
24	erning entity as the representative governing body of

the Native Hawaiian people.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

- 2 There is authorized to be appropriated such sums as
- 3 may be necessary to carry out the activities authorized in
- 4 this Act.
- 5 SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AU-
- 6 THORITY; NEGOTIATIONS.
- 7 (a) REAFFIRMATION.—The delegation by the United
- 8 States of authority to the State of Hawaii to address the
- 9 conditions of the indigenous, native people of Hawaii con-
- 10 tained in the Act entitled "An Act to provide for the ad-
- 11 mission of the State of Hawaii into the Union" approved
- 12 March 18, 1959 (Public Law 86-3; 73 Stat. 5) is hereby
- 13 reaffirmed.
- 14 (b) Negotiations.—Upon the Federal recognition
- 15 of the Native Hawaiian governing entity by the United
- 16 States, the United States is authorized to negotiate and
- 17 enter into an agreement with the State of Hawaii and the
- 18 Native Hawaiian governing entity regarding the transfer
- 19 of lands, resources, and assets dedicated to Native Hawai-
- 20 ian use to the Native Hawaiian governing entity. Nothing
- 21 in this Act is intended to serve as a settlement of any
- 22 claims against the United States.
- 23 SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.
- 24 (a) Indian Gaming Regulatory Act.—Nothing
- 25 contained in this Act shall be construed as an authoriza-
- 26 tion for the Native Hawaiian governing entity to conduct

- 1 gaming activities under the authority of the Indian Gam-
- 2 ing Regulatory Act (25 U.S.C. 2701 et seq.).
- 3 (b) Bureau of Indian Affairs.—Nothing con-
- 4 tained in this Act shall be construed as an authorization
- 5 for eligibility to participate in any programs and services
- 6 provided by the Bureau of Indian Affairs for any persons
- 7 not otherwise eligible for such programs or services.
- 8 SEC. 10. SEVERABILITY.
- 9 In the event that any section or provision of this Act
- 10 is held invalid, it is the intent of Congress that the remain-
- 11 ing sections or provisions of this Act shall continue in full
- 12 force and effect.
- 13 SECTION 1. SHORT TITLE.
- 14 This Act may be cited as the "Native Hawaiian Rec-
- 15 ognition Act of 2003".
- 16 SEC. 2. FINDINGS.
- 17 Congress finds that—
- 18 (1) the Constitution vests Congress with the au-
- 19 thority to address the conditions of the indigenous,
- 20 native people of the United States:
- 21 (2) Native Hawaiians, the native people of the
- 22 Hawaiian archipelago that is now part of the United
- States, are indigenous, native people of the United
- 24 States;

1	(3) the United States has a special political and
2	legal responsibility to promote the welfare of the na-
3	tive people of the United States, including Native Ha-
4	waiians;
5	(4) under the treaty making power of the United
6	States, Congress exercised its constitutional authority
7	to confirm treaties between the United States and the
8	Kingdom of Hawaii, and from 1826 until 1893, the
9	United States—
10	(A) recognized the independence of the
11	$Kingdom\ of\ Hawaii;$
12	(B) accorded full diplomatic recognition to
13	the Kingdom of Hawaii; and
14	(C) entered into treaties and conventions
15	with the Hawaiian monarchs to govern com-
16	merce and navigation in 1826, 1842, 1849, 1875,
17	and 1887;
18	(5) pursuant to the Hawaiian Homes Commis-
19	sion Act, 1920 (42 Stat. 108, chapter 42), the United
20	States set aside 203,500 acres of land in the Federal
21	territory that later became the State of Hawaii to ad-
22	dress the conditions of Native Hawaiians;
23	(6) by setting aside 203,500 acres of land for Na-
24	tive Hawaiian homesteads and farms, the Act assists
25	the Native Hawaiian community in maintaining dis-

1	tinct native settlements throughout the State of Ha-
2	waii;
3	(7) approximately 6,800 Native Hawaiian les-
4	sees and their family members reside on Hawaiian
5	Home Lands and approximately 18,000 Native Ha-
6	waiians who are eligible to reside on the Home Lands
7	are on a waiting list to receive assignments of land;
8	(8)(A) in 1959, as part of the compact admitting
9	Hawaii into the Union, Congress established a public
10	trust (commonly known as the "ceded lands trust"),
11	for 5 purposes, 1 of which is the betterment of the con-
12	ditions of Native Hawaiians;
13	(B) the trust consists of lands, including (sub-
14	merged lands), natural resources, and the revenues de-
15	rived from the lands; and
16	(C) the assets of this public trust have never been
17	completely inventoried or segregated;
18	(9) throughout the years, Native Hawaiians have
19	repeatedly sought access to the ceded lands in order
20	to establish and maintain native settlements and dis-
21	tinct native communities throughout the State;
22	(10) the Hawaiian Home Lands and other ceded
23	lands provide an important foundation for the ability
24	of the Native Hawaiian community to maintain the

practice of Native Hawaiian culture, language, and

1	traditions, and for the survival and economic self-suf-
2	ficiency of the Native Hawaiian people;
3	(11) Native Hawaiians have maintained other
4	distinctly native areas in Hawaii;
5	(12) on November 23, 1993, Public Law 103–150
6	(107 Stat. 1510) (commonly known as the "Apology
7	Resolution") was enacted into law, extending an
8	apology on behalf of the United States to the Native
9	people of Hawaii for the United States role in the
10	overthrow of the Kingdom of Hawaii;
11	(13) the Apology Resolution acknowledges that
12	the overthrow of the Kingdom of Hawaii occurred
13	with the active participation of agents and citizens of
14	the United States and further acknowledges that the
15	Native Hawaiian people never directly relinquished
16	their claims to their inherent sovereignty as a people
17	over their national lands to the United States, either
18	through their monarchy or through a plebiscite or ref-
19	erendum;
20	(14) the Apology Resolution expresses the com-
21	mitment of Congress and the President—
22	(A) to acknowledge the ramifications of the
23	overthrow of the Kingdom of Hawaii;
24	(B) to support reconciliation efforts between
25	the United States and Native Hawaiians: and

1	(C) to have Congress and the President,
2	through the President's designated officials, con-
3	sult with Native Hawaiians on the reconciliation
4	process as called for under the Apology Resolu-
5	tion;
6	(15) despite the overthrow of the Hawaiian Gov-
7	ernment, Native Hawaiians have continued to main-
8	tain their separate identity as a distinct native com-
9	munity through the formation of cultural, social, and
10	political institutions, and to give expression to their
11	rights as native people to self-determination, self-gov-
12	ernance, and economic self-sufficiency;
13	(16) Native Hawaiians also give expression to
14	their rights as native people to self-determination,
15	self-governance, and economic self-sufficiency—
16	(A) through the provision of governmental
17	services to Native Hawaiians, including the pro-
18	vision of—
19	(i) health care services;
20	(ii) educational programs;
21	(iii) employment and training pro-
22	grams;
23	(iv) economic development assistance
24	programs;
25	(v) children's services;

1	$(vi)\ conservation\ programs;$
2	(vii) fish and wildlife protection;
3	(viii) agricultural programs;
4	(ix) native language immersion pro-
5	grams;
6	(x) native language immersion schools
7	from kindergarten through high school;
8	(xi) college and master's degree pro-
9	grams in native language immersion in-
10	struction; and
11	(xii) traditional justice programs; and
12	(B) by continuing their efforts to enhance
13	Native Hawaiian self-determination and local
14	control;
15	(17) Native Hawaiians are actively engaged in
16	Native Hawaiian cultural practices, traditional agri-
17	cultural methods, fishing and subsistence practices,
18	maintenance of cultural use areas and sacred sites,
19	protection of burial sites, and the exercise of their tra-
20	ditional rights to gather medicinal plants and herbs,
21	and food sources;
22	(18) the Native Hawaiian people wish to pre-
23	serve, develop, and transmit to future Native Hawai-
24	ian generations their lands and Native Hawaiian po-
25	litical and cultural identity in accordance with their

traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

### (20) Congress—

- (A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;
- (B) has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and
- (C) has delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

1 (21) the United States has recognized and re2 affirmed the special political and legal relationship
3 with the Native Hawaiian people through the enact4 ment of the Act entitled "An Act to provide for the
5 admission of the State of Hawaii into the Union",
6 approved March 18, 1959 (Public Law 86–3; 73 Stat.
7 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, 1 of which is for

the betterment of the conditions of Native Ha-

13 waiians: and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under that Act;

1	(22) the United States continually has recog-
2	nized and reaffirmed that—
3	(A) Native Hawaiians have a cultural, his-
4	toric, and land-based link to the aboriginal, na-
5	tive people who exercised sovereignty over the
6	Hawaiian Islands;
7	(B) Native Hawaiians have never relin-
8	quished their claims to sovereignty or their sov-
9	ereign lands;
10	(C) the United States extends services to
11	Native Hawaiians because of their unique status
12	as the aboriginal, native people of a once sov-
13	ereign nation with whom the United States has
14	a political and legal relationship; and
15	(D) the special trust relationship of Amer-
16	ican Indians, Alaska Natives, and Native Ha-
17	waiians to the United States arises out of their
18	status as aboriginal, indigenous, native people of
19	the United States; and
20	(23) the State of Hawaii supports the recogni-
21	tion of the Native Hawaiian governing entity by the
22	United States as evidenced by 2 unanimous resolu-
23	tions enacted by the Hawaii State Legislature in the
24	2000 and 2001 sessions of the Legislature and by the
25	testimony of the Governor of the State of Hawaii be-

1 fore the Committee on Indian Affairs of the Senate on 2 February 25, 2003. 3 SEC. 3. DEFINITIONS. 4 In this Act: (1) Aboriginal, indigenous, native 6 PLE.—The term "aboriginal, indigenous, native peo-7 ple" means people whom Congress has recognized as the original inhabitants of the lands and who exer-8 9 cised sovereignty prior to Western contact in the areas 10 that later became part of the United States. 11 (2) Adult member.—The term "adult member" 12 means a Native Hawaiian who has attained the age 13 of 18 at the time the preparation of the roll author-14 ized under section 7(b)(1)(A) is initiated. 15 (3) APOLOGY RESOLUTION.—The term "Apology 16 Resolution" means Public Law 103–150 (107 Stat. 17 1510), a Joint Resolution extending an apology to 18 Native Hawaiians on behalf of the United States for 19 the participation of agents of the United States in the 20 January 17, 1893, overthrow of the Kingdom of Ha-21 waii. 22 (4) Council.—The term "council" means the Native Hawaiian Interim Governing Council estab-23

24

lished under section 7(b)(2).

1	(5) Indigenous, native people.—The term
2	"indigenous, native people" means the lineal descend-
3	ants of the aboriginal, indigenous, native people of the
4	United States.
5	(6) Interagency coordinating group.—The
6	term "Interagency Coordinating Group" means the
7	Native Hawaiian Interagency Coordinating Group
8	established under section 6.
9	(7) Native Hawaiian.—For the purpose of es-
10	tablishing the roll authorized under section $7(b)(1)$
11	and before the recognition by the United States of the
12	Native Hawaiian governing entity, the term "Native
13	Hawaiian" means—
14	(A) an individual who is a member of the
15	indigenous, native people of Hawaii who are the
16	direct lineal descendants of the aboriginal, indig-
17	enous, native people who—
18	(i) resided on or before January 1,
19	1893, in the islands that now comprise the
20	State of Hawaii; and
21	(ii) occupied and exercised sovereignty
22	in the Hawaiian archipelago, including the
23	area that now constitutes the State of Ha-
24	waii; and

1	(B) an individual who was a Native Ha-
2	waiian eligible during 1921 for the programs au-
3	thorized by the Hawaiian Homes Commission
4	Act (42 Stat. 108, chapter 42) (including lineal
5	descendants of that individual).
6	(8) Native Hawaiian governing entity.—The
7	term "Native Hawaiian governing entity" means the
8	governing entity organized by the Native Hawaiian
9	people.
10	(9) Office.—The term "Office" means the
11	United States Office for Native Hawaiian Relations
12	$established\ under\ section\ 5(a).$
13	(10) Secretary.—The term "Secretary" means
14	the Secretary of the Interior.
15	SEC. 4. UNITED STATES POLICY AND PURPOSE.
16	(a) Policy.—The United States reaffirms that—
17	(1) Native Hawaiians are a unique and distinct,
18	indigenous, native people, with whom the United
19	States has a special political and legal relationship;
20	(2) the United States has a special political and
21	legal responsibility to promote the welfare of Native
22	Hawaiians;
23	(3) Congress possesses the authority under the
24	Constitution to enact legislation to address the condi-

1	tions of Native Hawaiians and has exercised this au-
2	thority through the enactment of—
3	(A) the Hawaiian Homes Commission Act,
4	1920 (42 Stat. 108, chapter 42);
5	(B) the Act entitled "An Act to provide for
6	the admission of the State of Hawaii into the
7	Union", approved March 18, 1959 (Public Law
8	86–3; 73 Stat. 4); and
9	(C) more than 150 other Federal laws ad-
10	dressing the conditions of Native Hawaiians;
11	(4) Native Hawaiians have—
12	(A) an inherent right to autonomy in their
13	internal affairs;
14	(B) an inherent right of self-determination
15	and self-governance;
16	(C) the right to reorganize a Native Hawai-
17	ian governing entity; and
18	(D) the right to become economically self-
19	sufficient; and
20	(5) the United States shall continue to engage in
21	a process of reconciliation and political relations with
22	the Native Hawaiian people.
23	(b) Purpose.—The purpose of this Act is to provide
24	a process for the recognition by the United States of the

Native Hawaiian governing entity for purposes of con-
tinuing a government-to-government relationship.
SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RE
LATIONS.
(a) Establishment.—There is established within the
Office of the Secretary the United States Office for Native
Hawaiian Relations.
(b) Duties.—The Office shall—
(1) effectuate and coordinate the special political
and legal responsibility between the Native Hawaiian
people and the United States, and on the recognition
of the Native Hawaiian governing entity by the
United States, between the Native Hawaiian gov-
erning entity and the United States through the Sec-
retary, and with all other Federal agencies;
(2) continue the process of reconciliation with
the Native Hawaiian people, and on the recognition
of the Native Hawaiian governing entity by the
United States, continue the process of reconciliation
with the Native Hawaiian governing entity;
(3) fully integrate the principle and practice of
meaningful, regular, and appropriate consultation
with the Native Hawaiian governing entity by pro-
viding timely notice to, and consulting with, the Na-

tive Hawaiian people and the Native Hawaiian gov-

- 1 erning entity before taking any actions that may have 2 the potential to significantly affect Native Hawaiian 3 resources, rights, or lands;
  - (4) consult with the Interagency Coordinating Group, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and
    - (5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

# 20 SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING 21 GROUP.

22 (a) ESTABLISHMENT.—In recognition that Federal 23 programs authorized to address the conditions of Native 24 Hawaiians are largely administered by Federal agencies 25 other than the Department of the Interior, there is estab-

5

6

7

8

9

10

11

12

13

14

15

16

17

18

1	lished an interagency coordinating group to be known as
2	the "Native Hawaiian Interagency Coordinating Group".
3	(b) Composition.—The Interagency Coordinating
4	Group shall be composed of officials, to be designated by
5	the President, from—
6	(1) each Federal agency that administers Native
7	Hawaiian programs, establishes or implements poli-
8	cies that affect Native Hawaiians, or whose actions
9	may significantly or uniquely impact Native Hawai-
10	ian resources, rights, or lands; and
11	(2) the Office.
12	(c) Lead Agency.—
13	(1) In general.—The Department of the Inte-
14	rior shall serve as the lead agency of the Interagency
15	$Coordinating\ Group.$
16	(2) Meetings.—The Secretary shall convene
17	meetings of the Interagency Coordinating Group.
18	(d) Duties.—The Interagency Coordinating Group
19	shall—
20	(1) coordinate Federal programs and policies
21	that affect Native Hawaiians or actions by any agen-
22	cy or agencies of the Federal Government that may
23	significantly or uniquely impact on Native Hawaiian
24	resources, rights, or lands;

1	(2) ensure that each Federal agency develops a
2	policy on consultation with the Native Hawaiian peo-
3	ple, and on recognition of the Native Hawaiian gov-
4	erning entity by the United States, consultation with
5	the Native Hawaiian governing entity; and
6	(3) ensure the participation of each Federal
7	agency in the development of the report to Congress
8	authorized in section $5(b)(5)$ .
9	SEC. 7. PROCESS FOR THE RECOGNITION OF THE NATIVE
10	HAWAIIAN GOVERNING ENTITY.
11	(a) Recognition of the Native Hawaiian Gov-
12	Erning Entity.—The right of the Native Hawaiian people
13	to organize for their common welfare and to adopt appro-
14	priate organic governing documents is recognized by the
15	United States.
16	(b) Process for Recognition.—
17	(1) Roll.—
18	(A) Preparation of roll.—
19	(i) In General.—The Office, in con-
20	sultation with the adult members of the Na-
21	tive Hawaiian community who elect to par-
22	ticipate in the reorganization of the Native
23	Hawaiian governing entity, shall prepare
24	and maintain a roll for the purpose of the

1	reorganization of the Native Hawaiian gov-
2	erning entity.
3	(ii) Contents.—The roll shall include
4	the names of the adult members of the Na-
5	tive Hawaiian community who elect to par-
6	ticipate in the reorganization of the Native
7	Hawaiian governing entity.
8	(B) Certification of roll.—
9	(i) In general.—The adult members
10	of the Native Hawaiian community, in con-
11	sultation with the Office, shall certify to the
12	Secretary that the individuals listed on the
13	roll meet the definition of section 3(7).
14	(ii) Publication.—On certification of
15	the roll, the Secretary shall publish the roll.
16	(C) Appeal.—The Secretary may establish
17	a mechanism for an appeal for any person whose
18	name is excluded from the roll who meets the def-
19	inition under section $3(7)$ .
20	(D) Publication; update.—The Secretary
21	shall—
22	(i) publish the roll regardless of wheth-
23	er appeals are pending; and

1	(ii) update the roll and the publication
2	of the roll on the final disposition of any
3	appeal.
4	(E) Failure to act.—If the Secretary
5	fails to publish the roll, not later than 90 days
6	after the date on which the roll is submitted to
7	the Secretary, the Office shall publish the roll
8	notwithstanding any order or directive issued by
9	the Secretary or any other official of the Depart-
10	ment of the Interior to the contrary.
11	(F) Effect of publication.—The publi-
12	cation of the roll shall serve as the basis for the
13	eligibility of adult members of the Native Ha-
14	waiian community whose names are listed on
15	the roll to participate in all referenda and elec-
16	tions associated with the reorganization of the
17	Native Hawaiian governing entity.
18	(2) Organization of the native Hawaiian in-
19	TERIM GOVERNING COUNCIL.—
20	(A) Organization.—The adult members of
21	the Native Hawaiian community listed on the
22	roll published under this subsection may—
23	(i) develop criteria for candidates to be
24	elected to serve on the Native Hawaiian In-
25	terim Governing Council;

1	(ii) determine the structure of the
2	Council; and
3	(iii) elect members from individuals
4	listed on the roll published under this sub-
5	section to the Council.
6	(B) Election.—On the request of the adult
7	members of the Native Hawaiian community
8	listed on the roll published under this subsection,
9	the Office may assist individuals listed on the
10	roll in holding an election by secret ballot (in-
11	cluding, at the option of the Office, absentee and
12	mail balloting) to elect the membership of the
13	Council.
14	(C) Powers.—
15	(i) In general.—The Council may—
16	(I) represent individuals on the
17	roll published under this subsection in
18	the implementation of this Act; and
19	(II) shall have no powers other
20	than powers given to the Council under
21	$this\ Act.$
22	(ii) Funding.—The Council may enter
23	into a contract with, or obtain a grant
24	from, any Federal or State agency to carry
25	out clause (iii).

1	(iii) Activities.—
2	(I) In General.—The Council
3	may conduct a referendum among the
4	adult members of the Native Hawaiian
5	community listed on the roll published
6	under this subsection for the purpose of
7	determining—
8	(aa) the proposed elements of
9	the organic governing documents
10	of the Native Hawaiian governing
11	entity;
12	(bb) the proposed criteria for
13	citizenship of the Native Hawai-
14	ian governing entity;
15	(cc) the proposed powers and
16	authorities to be exercised by the
17	Native Hawaiian governing enti-
18	ty, as well as the proposed privi-
19	leges and immunities of the Na-
20	tive Hawaiian governing entity;
21	(dd) the proposed civil rights
22	and protection of the rights of the
23	citizens of the Native Hawaiian
24	governing entity and all persons
25	subject to the authority of the Na-

1	tive Hawaiian governing entity;
2	and
3	(ee) other issues determined
4	appropriate by the Council.
5	(II) DEVELOPMENT OF ORGANIC
6	GOVERNING DOCUMENTS.—Based on
7	the referendum, the Council may de-
8	velop proposed organic governing docu-
9	ments for the Native Hawaiian gov-
10	erning entity.
11	(III) Distribution.—The Coun-
12	cil may distribute to all adult members
13	of the Native Hawaiian community
14	listed on the roll published under this
15	subsection—
16	(aa) a copy of the proposed
17	organic governing documents, as
18	drafted by the Council; and
19	(bb) a brief impartial de-
20	scription of the proposed organic
21	governing documents.
22	(IV) Elections.—
23	(aa) In GENERAL.—The
24	Council may hold elections for the
25	purpose of ratifying the proposed

1	organic governing documents and,
2	on certification of the organic gov-
3	erning documents by the Sec-
4	retary in accordance with para-
5	graph (4), hold elections of the of-
6	ficers of the Native Hawaiian gov-
7	$erning\ entity.$
8	(bb) Assistance.—On the
9	request of the Council, the Office
10	may assist the Council in con-
11	ducting the elections.
12	(D) TERMINATION.—The Council shall cease
13	to exist, and shall have no power or authority
14	under this Act, after the duly elected officers of
15	the Native Hawaiian governing entity take of-
16	fice.
17	(3) Submittal of organic governing docu-
18	MENTS.—Following the organization of the Native
19	Hawaiian governing entity and the adoption of or-
20	ganic governing documents, the Council shall submit
21	the organic governing documents of the Native Ha-
22	waiian governing entity to the Secretary.
23	(4) Certifications.—
24	(A) In general.—Not later than 90 days
25	after the date on which the Council submits the

1	organic governing documents to the Secretary,
2	the Secretary shall certify that the organic gov-
3	erning documents—
4	(i) establish the criteria for citizenship
5	in the Native Hawaiian governing entity;
6	(ii) were adopted by a majority vote of
7	adult members of the Native Hawaiian
8	community whose names are listed on the
9	roll published by the Secretary;
10	(iii) provide for the exercise of govern-
11	mental authorities by the Native Hawaiian
12	governing entity;
13	(iv) provide authority for the Native
14	Hawaiian governing entity to negotiate
15	with Federal, State, and local governments,
16	and other entities;
17	(v) prevent the sale, disposition, lease,
18	or encumbrance of lands, interests in lands,
19	or other assets of the Native Hawaiian gov-
20	erning entity without the consent of the Na-
21	tive Hawaiian governing entity;
22	(vi) provide for the protection of the
23	civil rights of the citizens of the Native Ha-
24	waiian governing entity and all persons
25	subject to the authority of the Native Ha-

1	waiian governing entity, and ensure that
2	the Native Hawaiian governing entity exer-
3	cises its authority in a manner consistent
4	with section 202 of the Act of April 11,
5	1968 (25 U.S.C. 1302); and
6	(vii) are consistent with applicable
7	Federal law and the special political and
8	legal relationship between the United States
9	and the indigenous native people of the
10	United States.
11	(B) Resubmission in case of noncompli-
12	ANCE WITH FEDERAL LAW.—
13	(i) Resubmission by the sec-
14	RETARY.—If the Secretary determines that
15	the organic governing documents, or any
16	part of the documents, are not consistent
17	with applicable Federal law, the Secretary
18	shall resubmit the organic governing docu-
19	ments to the Council, along with a justifica-
20	tion for each of the Secretary's findings as
21	to why the provisions are not consistent
22	with the law.
23	(ii) Amendment and resubmission
24	OF ORGANIC GOVERNING DOCUMENTS.—If
25	the organic governing documents are resub-

1	mitted to the Council by the Secretary
2	under clause (i), the Council shall—
3	(I) amend the organic governing
4	documents to ensure that the docu-
5	ments comply with applicable Federal
6	law; and
7	(II) resubmit the amended organic
8	governing documents to the Secretary
9	for certification in accordance with
10	this paragraph.
11	(C) CERTIFICATIONS DEEMED MADE.—The
12	certifications under subparagraph (B) shall be
13	deemed to have been made if the Secretary has
14	not acted within 90 days after the date on which
15	the Council has submitted the organic governing
16	documents of the Native Hawaiian governing en-
17	tity to the Secretary.
18	(5) Elections.—On completion of the certifi-
19	cations by the Secretary under paragraph (4), the
20	Council may hold elections of the officers of the Native
21	Hawaiian governing entity.
22	(6) FEDERAL RECOGNITION.—Notwithstanding
23	any other provision of law, upon the election of the
24	officers of the Native Hawaiian governing entity and
25	the certifications by the Secretary required under

1	paragraph (4), the United States extends Federal rec-
2	ognition to the Native Hawaiian governing entity as
3	the representative governing body of the Native Ha-
4	waiian people.
5	SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AU-
6	THORITY; NEGOTIATIONS.
7	(a) Reaffirmation.—The delegation by the United
8	States of authority to the State of Hawaii to address the
9	conditions of the indigenous, native people of Hawaii con-
10	tained in the Act entitled "An Act to provide for the admis-
11	sion of the State of Hawaii into the Union" approved
12	March 18, 1959 (Public Law 86–3; 73 Stat. 5) is re-
13	affirmed.
14	(b) Negotiations.—
15	(1) In general.—Upon the Federal recognition
16	of the Native Hawaiian governing entity by the
17	United States, the United States and the State of Ha-
18	waii may enter into negotiations with the Native Ha-
19	waiian governing entity designed to lead to an agree-
20	ment addressing such matters as—
21	(A) the transfer of lands, natural resources,
22	and other assets; and
23	(B) the exercise of governmental authority
24	over those lands, natural resources, and other as-
25	sets.

- 1 (2) Claims.—Nothing in this Act serves as a set-
- 2 tlement of any claim against the United States.

#### 3 SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

- 4 (a) Indian Gaming Regulatory Act.—Nothing in
- 5 this Act authorizes the Native Hawaiian governing entity
- 6 to conduct gaming activities under the Indian Gaming Reg-
- 7 ulatory Act (25 U.S.C. 2701 et seq.).
- 8 (b) Bureau of Indian Affairs.—Nothing contained
- 9 in this Act provides an authorization for eligibility to par-
- 10 ticipate in any programs and services provided by the Bu-
- 11 reau of Indian Affairs for any persons not otherwise eligible
- 12 for the programs or services.
- 13 **SEC. 10. ETHICS.**
- 14 The provisions of section 208(a) of title 18, United
- 15 States Code, prohibiting involvement by a Federal govern-
- 16 ment officer or employee in particular matters if the officer
- 17 or employee, or spouse or minor child of the officer or em-
- 18 ployee, has a financial interest shall not apply to Native
- 19 Hawaiians employed by the Office if the financial interest
- 20 that would be affected by the particular matter involved re-
- 21 sults solely from the status as a Native Hawaiian of the
- 22 officer or employee, or of the spouse or minor child.

## 1 SEC. 11. SEVERABILITY.

- 2 If any section or provision of this Act is held invalid,
- 3 it is the intent of Congress that the remaining sections or
- 4 provisions shall continue in full force and effect.

# 5 SEC. 12. AUTHORIZATION OF APPROPRIATIONS

- 6 There are authorized to be appropriated such sums as
- 7 are necessary to carry out this Act.

## Calendar No. 185

108TH CONGRESS 1ST SESSION

S. 344

[Report No. 108-85]

# A BILL

Expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

 $\mathrm{June}\ 27,\ 2003$ 

Reported with an amendment