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KALAUPAPA MEMORIAL ACT

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JUNE 16, 2008.—Ordered to be printed
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Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3332]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3332) to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 3332 is to authorize the establishment of a memorial in Kalaupapa National Historical Park in Hawaii to honor and recognize those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

BACKGROUND AND NEED

Kalaupapa National Historical Park, located on the remote Kalaupapa Peninsula on the Island of Molokai in Hawaii, was established in 1980 to honor and preserve two tragic histories: the removal of indigenous people from the area in 1865 and 1895, and the forced relocation and isolation of Hansen's Disease (leprosy) patients to the peninsula from 1866 until 1969. The park contains the physical setting for these stories, including the Hansen's Disease settlements of Kalaupapa and Kalawao, and the churches of Siloama and Saint Philomena associated with the work of Father Damien and Mother Marianne Cope. Today the community of

Kalaupapa is still home for some Hansen's disease patients, whose memories and experiences are of integral value to the park.

H.R. 3332 would authorize the construction of a memorial to honor those who were forcibly removed to the Kalaupapa site.

LEGISLATIVE HISTORY

S. 2502 was introduced by Senators Akaka and Inouye on December 18, 2007. H.R. 3332, sponsored by Representative Hirono, was introduced on August 2, 2007, and passed the House of Representatives by a voice vote on February 12, 2008. The Subcommittee on National Parks held a hearing on H.R. 3332 on April 9, 2008.

At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered H.R. 3332 favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present without amendment, recommends that the Senate pass H.R. 3332.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title "Kalaupapa Memorial Act of 2008".

Section 2 establishes a memorial within Kalaupapa National Historical Park.

Subsection (a) directs the Secretary of the Interior to authorize, a local non-profit organization to establish a memorial at a suitable location with approval by the Secretary.

Subsection (b) provides guidance on the location, size, and design of the memorial with approval by the Secretary.

Subsection (c) authorizes the local non-profit organization to be solely responsible for financial management of the memorial.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 3332—Kalaupapa Memorial Act of 2008

H.R. 3332 would require the National Park Service (NPS) to allow a nonprofit organization to establish a memorial within Kalaupapa National Historical Park in Hawaii. The memorial would honor those who were forcibly relocated to the Kalaupapa Peninsula settlement for patients with Hansen's disease. Based on information provided by the NPS, CBO estimates that implementing the act would have no significant effect on the federal budget and no effect on direct spending or revenues. As required by the act, the Ka'Ohana O Kalaupapa, an organization of Hansen's patients and others, would construct and maintain the memorial at its own expense.

H.R. 3332 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3332. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3332, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the April 23, 2008, hearing on H.R. 3332 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3332 and S. 2502, bills to provide for the establishment of a memorial within Kalaupapa National Historical Park, located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

The Department does not object to the concept of establishing a memorial at Kalaupapa National Historical Park. The Department does, however, prefer the language in H.R. 3332, with one minor amendment, as it clarifies the fundraising requirements by Ka 'Ohana O Kalaupapa and the Secretary's role in approving the final location for the memorial.

H.R. 3332 and S. 2502 direct the Secretary of Interior to authorize Ka 'Ohana O Kalaupapa, a non-profit organization, to establish a memorial at either the Kalaupapa Settlement or Kalawao. The memorial would be designed to display the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, and to also display the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history. Ka 'Ohana O Kalaupapa consists of patient residents at Kalaupapa National Historical Park, and their family members and friends.

Kalaupapa National Historical Park was established in 1980 to honor and preserve two tragic histories: the removal of indigenous people from the area in 1865 and 1895, and the forced relocation and isolation of Hansen's

Disease (leprosy) patients to the peninsula from 1866 until 1969. The park contains the physical setting for these stories, including the Hansen's Disease settlements of Kalaupapa and Kalawao, and the churches of Siloama and Saint Philomena associated with the work of Father Damien and Mother Marianne Cope. Today the community of Kalaupapa is still home for some Hansen Disease patients, whose memories and experiences are of integral value to the Park.

The National Park Service works cooperatively with several organizations to manage the site and preserve the stories of residents. Partners include the State of Hawaii, Department of Health; the Catholic Diocese of Honolulu; the United Church of Christ; State of Hawaii, Department of Land and Natural Resources; and the Department of Transportation. The land owner, State of Hawaii, Department of Hawaiian Homelands, maintains a lease agreement (65 year) with the National Park Service. In addition, the State of Hawaii, Department of Health would need to approve the release of names of patients that are not already available to the public for inclusion in a memorial. Each of these groups would need to be consulted. The National Park Service is committed to working with the patients, partners, and friends' groups to best honor the stories of those for whom the park was founded.

The Department supports the concept of remembering all that has happened at Kalaupapa and believes that the entire park is a memorial to the history and injustice that has occurred on the peninsula. Still, we recognize that the remaining patients and other interested parties support a memorial to the Hansen's Disease patients.

We recommend the legislation be amended to clarify that the memorial be located in the Kalaupapa Settlement, where patients continue to live today, and not at Kalawao. Kalawao is a beautiful and remote location on the peninsula where few structures exist. Few visitors see this area other than in the distance. The Kalaupapa Settlement is a fitting area for such a memorial—it is where patients and visitors will have a lasting reminder of what occurred at Kalaupapa. The proposed amendment is attached to this testimony.

That concludes my testimony. I would be happy to answer any questions you or other members of the committee may have.

Proposed amendment to H.R. 3332 RFS:

On page 2, line 13, strike "at Kalawao or Kalaupapa".

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 3332, as ordered reported.