

(RIN2120-AA66 (2000-0365)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Ltd, Dart 511, 511-E, 514-7, 528, 528-7E, 529-7E, 532-7, 532-7L, 532-7N, 532-7R, 551-R, and 552-7R Turboprop Engines; docket no. 99-NE-50 [6-23/7-10]" (RIN2120-AA66 (2000-0366)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9932. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Equipment Safety Standards—Final Rule; Response to Petitions for Reconsideration" (RIN2130-AA95 (2000-0001)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Directed Pacific Ocean Perch Fishing in the Western Regulatory Area of the Gulf of Alaska" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch in the Bering Sea and Aleutian Islands" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9935. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pollock Open Access Sector for Inshore Processing in the Bering Sea and Aleutian Islands Management Area" received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9936. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Prohibited Shark Species; Large Coastal Shark Species; Commercial Fishery Closure Change" (I.D. 052500B) received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-350).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2901: An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes (Rept. No. 106-351).

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes (Rept. No. 106-352).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 133: A resolution supporting religious tolerance toward Muslims.

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2516: A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2812: A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 2900: An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Order of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 48: A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 53: A concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN from the Committee on Commerce, Science, and Transportation.

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Francisco J. Sanchez, of Florida, to be an Assistant Secretary of Transportation.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Norman Y. Mineta, of California, to be Secretary of Commerce.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably a nomination list which was printed in the RECORD of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Elizabeth A. Ashburn, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on July 18, 2000.

By Mr. HATCH for the Committee on the Judiciary.

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Daniel Marcus, of Maryland, to be Associate Attorney General.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey.

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERREY (for himself and Mr. HAGEL):

S. 2895. A bill to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office", to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mrs. MURRAY, and Mr. ROBERTS):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 2900. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 2901. An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes; placed on the calendar.

By Mr. BROWNBACK:

S. 2902. A bill to revise the definition of advanced service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mrs. MURRAY):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes.

THE UNITED STATES—CUBA TRADE ACT OF 2000

Mr. BAUCUS. Mr. President, I rise today to speak about the outdated U.S. embargo on Cuba.

Last weekend I traveled to Havana along with my distinguished colleagues Senator ROBERTS and Senator AKAKA. It was a brief trip. But it gave U.S. an opportunity to meet with a wide range of people and to assess Cuba first-hand. We met with Cuban cabinet ministers and dissidents, with the head of the largest NGO in Cuba, with foreign ambassadors and with Fidel Castro.

I left those meetings more convinced than ever that it is time to finally end our Cold War with Cuba policy. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanctions policy. Nobody else in the world supports it. Not even our closest allies. I have long opposed unilateral economic sanctions, unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don't work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool, except that they hurt Americans.

The second reason for ending the embargo is that the U.S. embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people's rights are repressed. Fidel Castro uses the embargo as the scapegoat for Cuba's misery.

As absurd as it sounds, Castro blames the United States for his failed economic policies. Without the embargo, he would have no one to blame except himself.

Mr. President, for the past ten years I have worked towards normalizing our trade with China. My operating guideline has been "Engagement Without Illusions." Trade rules don't automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That's certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba's failed economy and low income, ending the embargo won't cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services. Right now, Cuba's imports are primarily from Europe and Asia. With the embargo lifted, U.S. products and agriculture will replace some of those sales. U.S. exporters will have the advantage of lower transportation costs and easier logistics. It will be a start.

In addition, ending the embargo will increase Cuban exposure to the United States. It will result in more travel by tourists, businessmen, students, and scholars. It will bring U.S. into closer contact with those who will be part of the post-Castro Cuba. It will spur more investment in Cuba's tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

Mr. President, in May of this year, I introduced bipartisan legislation that

would repeal all of the Cuba-specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms-Burton Act.

Today I am introducing further legislation to eliminate impediments to a normal trade relationship with Cuba. I am joined in this effort by my colleagues, Senators LINCOLN and MURRAY. My great friend, Congressman CHARLIE RANGEL, has introduced a companion bill in the House.

This bill, the U.S.-Cuba Trade Act of 2000, would do two things. First, it would remove Cuba from coverage under the Jackson-Vanik amendment. This is the part of the 1974 Trade Act which was enacted to address Jewish emigration from the Soviet Union. Today, it the legal provision which causes an annual review of normal trade relations with countries such as China. It is a Cold War law which is no longer relevant to our 21st century world.

In addition, the U.S.-Cuba Trade Act would eliminate a technical provision that prevents Cuba from obtaining normal WTO tariff rates.

Mr. President, the world has changed since the United States started this embargo forty years ago. Our policy has to change with it. I encourage all of my colleagues to support this effort to put in place a responsible economic policy toward Cuba.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

COMPLETED SHIP DELIVERY METHOD OF ACCOUNTING

• Mr. ROBB. Mr. President, I am pleased to introduce this legislation today with Senators BREAUX, LANDRIEU, SNOWE, and WARNER. This legislation is an important step towards supporting and maintaining a 300 ship Navy to defend our Nation's shores and waters. By allowing military ship builders to go back to the Completed Ship Delivery Method of accounting, more resources will be available for research and development which will ultimately lead to better naval vessels made more inexpensively. Ultimately, this is a win-win situation.

Prior to 1982, ship builders calculated and paid their tax liabilities when they had completed building the vessel. Due to concerns over abuses, this accounting method was changed and military ship builders were required to pay taxes each year based on an approximation of what eventual profits might be. Military ships can take from three to seven years to build. During this period there can be wide fluctuations in various cost factors such as supplies and

labor. Accordingly, it is very hard to predict what the eventual profits will be until the last rivet has been put in place. On the flip side, because even the most protracted ship building project will be completed in no more than seven years, the ability to game the system is limited. To minimize the ability of anyone to abuse this provision, this legislation requires that only ships that take at least two years to build are eligible for this treatment.

It is time to correct this unfair tax treatment. By allowing military ship builders to use the Completed Ship Delivery Method of accounting, the ship builders will continue to pay the same amount of tax and receive the same treatment as non-military ship builders. The only difference is that they will be allowed to pay it when they have an accurate idea of the actual profits on that specific vessel. I look forward to working with my colleagues on this matter.●

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

NOTICE OF ELECTRONIC MONITORING ACT

Mr. SCHUMER. Mr. President, I rise today to introduce the Notice of Electronic Monitoring Act ("NEMA"), which will end the practice of unjustified secret electronic monitoring of workers by their employers. Companion legislation is also being introduced in the House of Representatives by Representatives CANADY and BARR.

With the revolutionary changes that technology and the Internet are bringing to society, come new threats to individual privacy. One of those is electronic employee monitoring. A lot of people don't know this yet, but, for all intents and purposes, the computer you use at work can watch your every move.

Over the course of the past year, new software has been developed that makes it easy and cheap for employers to automatically record an employees' e-mail, web activities, even an employees' every key stroke.

For example, one software product claims that it reviews more than 50,000 e-mail messages per hour, silently, discretely, and continuously auditing e-mail content moving in and out of a company. This product can be run from any workstation, and can be set up and running in minutes. After a free 30-day trial of the software, an employer can buy it for a mere \$400.

My point is not that such software products are per se bad. Indeed, electronic monitoring can sometimes be helpful in protecting corporate trade secrets or preventing employee harassment. My point is that new technologies that allow any employer to

monitor employees without their knowledge is becoming ubiquitous, cheap, and simple to install and use.

And it is becoming a problem. The number of employers who monitor employee e-mail has doubled in the last two years. A recent survey indicates that as of last year, nearly three quarters of large American companies actively record and review either e-mail, Internet usage, computer files, or phone usage.

NEMA puts a check on business that is reasonable and fair. It gives employees the right to know whether, when, and how their employer is watching. We would never stand for it if an employer steamed open an employees' mail, read it, and put it back without her knowledge. It should be the same with email.

Employees are going to occasionally write personal emails like a message to a spouse about a financial problem, or use the Internet to do a personal search for a medical question they have. All employees should know before doing a search or sending an email, whether they have privacy or not.

NEMA requires employers to notify their employees of any monitoring of communications or computer usage. It covers reading or scanning of employee e-mail, keystroke monitoring, or programs that monitor employee web use, as well as monitoring of telephone conversations.

Importantly, NEMA does not prohibit any monitoring techniques, it merely requires employers to give clear and conspicuous notice annually and whenever policies change. And if the employer has good reason to believe that an employee is causing significant harm to the employer or any other person, the employer can monitor that person without any notice at all.

If an employer secretly monitors in violation of the Act, they are subject to suit by the employee for at most \$20,000 in damages. However, I believe that such lawsuits will be few and far between because employers will simply abide by the modest terms of the Act and give annual notice.

New technology has made it cheap and easy for employers to secretly monitor everything an employee does on line. This legislation provides workers a first line of defense against a practice that can sometimes amount to nothing more than a blatant invasion of privacy. NEMA is a moderate and fair step that addresses an important threat to employee privacy that is quietly but quickly spreading to most workplaces.

By Mr. AKAKA (for himself and Mr. INOUE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Ha-

waiians, and for other purposes; to the Committee on Indian Affairs.

UNITED STATES' RELATIONSHIP WITH NATIVE HAWAIIANS

Mr. AKAKA. Mr. President, I stand before you today to introduce a bill on behalf of myself and my dear friend and colleague, Senator INOUE, that is of great significance to the indigenous peoples of Hawaii—the Native Hawaiians. This measure clarifies the political relationship between Native Hawaiians and the United States. For years, Congress has legislated on behalf of Native Hawaiians as the aboriginal, indigenous, native peoples of Hawaii. This measure clarifies that political relationship and provides a process for Native Hawaiians to form a Native Hawaiian governing body to engage in a government-to-government relationship with the United States.

The United States has declared a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians. This relationship has been acknowledged by the United States since the inception of Hawaii's status as a territory. This relationship was most explicitly affirmed by the enactment of the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land in Hawaii for homesteading by Native Hawaiians. Legislative history clearly shows that in addressing this situation, Congress based this action and subsequent legislation on the constitutional precedent in programs enacted for the benefit of American Indians.

Since Hawaii's admission into the Union, Congress has continued to legislate on behalf of Native Hawaiians as indigenous peoples. Native Hawaiians have been included as Native Americans in a number of federal statutes which have addressed the conditions of Native Hawaiians. This political relationship has been discussed within the Native Hawaiian community for many, many years. A large portion of the discussion has centered around the history of Hawaii's indigenous peoples and the United States' role in that history.

In 1993, Congress passed P.L. 103-150, the Apology Resolution, which extended 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. The Apology Resolution also expressed 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. The process of reconciliation is ongoing.

Mr. President, this legislation is important not only to Native Hawaiians, but also to all people in Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and

the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but within the State of Hawaii. The essence of Hawaii is characterized not by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. This measure furthers these actions.

Mr. President, the clarification of the political relationship between Native Hawaiians and the United States is one that has been long in coming and is well-deserved. The history and the timing of Hawaii's admission to the United States, unfortunately, did not provide the appropriate structure for a government-to-government relationship between Hawaii's indigenous native peoples and the United States. The time has come to correct this injustice.

Mr. President, I request unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

S. 2899

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the State of Hawaii 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 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii, Native Hawaiians;

(6) by setting aside 200,000 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 lessees 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) the Hawaiian Home Lands continue to provide an important foundation for the ability of the Native Hawaiian community to

maintain the practice of Native Hawaiian culture, language, and traditions, and Native Hawaiians have maintained other distinctly native areas in Hawaii;

(9) 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;

(10) 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 plebiscite or referendum;

(11) 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;

(12) 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;

(13) Native Hawaiians also maintain a distinct Native Hawaiian community 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 language 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;

(14) 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;

(15) 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;

(16) this Act responds to the desire of the Native Hawaiian people for enhanced self-determination by establishing 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 body for the purpose of giving expression to their rights as native

people to self-determination and self-governance;

(17) the United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress 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) Congress has also delegated broad authority to administer a portion of the federal trust responsibility to the State of Hawaii;

(18) the United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(i) 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 the betterment of the conditions of Native Hawaiians; and

(ii) 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 which 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 the Act;

(19) the United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States 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.

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;

(2) **ADULT MEMBERS.**—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the initial roll in the Federal Register, as provided in section 7(a)(4) of this Act.

(3) **APOLOGY RESOLUTION.**—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term “Commission” means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (6)(A).

(5) INDIGENOUS, NATIVE PEOPLE.—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(6) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian governing body under the authority of section 7(d) of this Act, the term “Native Hawaiian” means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

- (i) genealogical records;
- (ii) Native Hawaiian kupuna (elders) verification or affidavits;
- (iii) church or census records; or
- (iv) government birth or death certificates or other vital statistics records;

(B) Following the recognition by the United States of the Native Hawaiian governing body under section 7(d) of this Act, the term “Native Hawaiian” shall have the meaning given to such term in the organic governing documents of the Native Hawaiian governing body.

(7) NATIVE HAWAIIAN GOVERNING BODY.—The term “Native Hawaiian governing body” means the adult members of the governing body of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d) of this Act.

(8) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term “Native Hawaiian Interim Governing Council” means the interim governing council that is authorized to exercise the powers and authorities recognized in section 7(b) of this Act.

(9) ROLL.—The term “roll” means the roll that is developed under the authority of section 7(a) of this Act.

(10) SECRETARY.—The term “Secretary” means the Secretary of the Department of the Interior.

(11) TASK FORCE.—The term “Task Force” means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY.

The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance; and

(C) the right to reorganize a Native Hawaiian governing body; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

SEC. 4. ESTABLISHMENT OF THE OFFICE OF SPECIAL TRUSTEE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary of the Department of the Interior the Office of Special Trustee for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The Office of Special Trustee for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian governing body and the United States through the Secretary, and with all other Federal agencies;

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

(4) consult with the Native Hawaiian Interagency Task Force, 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;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian governing body and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian governing body; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination,

including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(b) of this Act, and the reorganization of the Native Hawaiian governing body as provided for in section 7(c) of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office of the Special Trustee for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing body as provided for in section 7(d) of this Act, in the implementation and protection of the rights of the Native Hawaiian governing body and its political and legal relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the “Native Hawaiian Interagency Task Force”.

(b) COMPOSITION.—The Task Force shall be composed of officials, to be appointed by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the Office of the Special Trustee for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the Office of Special Trustee for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General’s designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The primary responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian governing body by the United States as provided in section 7(d) of this Act, consultation with the Native Hawaiian governing body; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNING BODY, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING BODY.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The adult members of the Native Hawaiian community who

wish to participate in the reorganization of a Native Hawaiian governing body shall prepare a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of—

(A) the adult members of the Native Hawaiian community who wish to become members of a Native Hawaiian governing body and who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

- (i) genealogical records;
- (ii) Native Hawaiian kupuna (elders) verification or affidavits;
- (iii) church or census records; or
- (iv) government birth or death certificates or other vital statistics records; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. The members of the Commission shall have expertise in the certification of Native Hawaiian ancestry.

(B) CERTIFICATION.—The Commission shall certify to the Secretary that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(6)(A) of this Act, and shall submit such roll to the Secretary.

(3) NOTIFICATION.—The Commission shall promptly provide notice to the Secretary if any of the individuals listed on the roll should be removed from the roll on account of death.

(4) PUBLICATION.—Within 45 days of the receipt by the Secretary of the roll developed under the authority of this subsection and certified by the Commission under the authority of paragraph (2), the Secretary shall certify that the roll is consistent with applicable Federal law by publishing the roll in the Federal Register.

(5) EFFECT OF PUBLICATION.—The publication of the roll developed under the authority of this subsection shall be for the purpose of providing any member of the public with an opportunity to—

(A) petition the Secretary to add to the roll the name of an individual who meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, and who is not listed on the roll; or

(B) petition the Secretary to remove from the roll the name of an individual who does not meet such definition.

(6) DEADLINE FOR PETITIONS.—Any petition described in paragraph (5) shall be filed with the Secretary within 90 days of the date of the publication of the roll in the Federal Register, as authorized under paragraph (4).

(7) CERTIFICATION OF ADDITIONAL NATIVE HAWAIIANS FOR INCLUSION ON THE ROLL.—

(A) SUBMISSION.—Within 30 days of receiving a petition to add the name of an individual to the roll, the Secretary shall submit the name of each individual who is the subject of a petition to add his or her name to the roll to the Commission for certification that the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(B) CERTIFICATION.—Within 30 days of receiving a petition from the Secretary to

have a name added to or removed from the roll, the Commission shall certify to the Secretary that—

(i) the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) the individual does not meet the definition of Native Hawaiian, as so defined.

Upon such certification, the Secretary shall add or remove the name of the individual on the roll, as appropriate.

(8) HEARING.—

(A) IN GENERAL.—The Secretary shall conduct a hearing on the record within 45 days of the receipt by the Secretary of—

(i) a certification by the Commission that an individual does not meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) a petition to remove the name of any individual listed on the roll submitted to the Secretary by the Commission.

(B) TESTIMONY.—At the hearing conducted in accordance with this paragraph, the Secretary may receive testimony from the petitioner, a representative of the Commission, the individual whose name is the subject of the petition, and any other individuals who may have the necessary expertise to provide the Secretary with relevant information regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(C) FINAL DETERMINATION.—Within 30 days of the date of the conclusion of the hearing conducted in accordance with this paragraph, the Secretary shall make a determination regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. Such a determination shall be a final determination for purposes of judicial review.

(9) JUDICIAL REVIEW.—

(A) FINAL JUDGMENT.—The United States District Court for the District of Hawaii shall have jurisdiction to review the record of the decision developed by the Secretary and the Secretary's final determination under paragraph (8) and shall make a final judgment regarding such determination.

(B) NOTICE.—If the district court determines that an individual's name should be added to the roll because that individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, or that an individual's name should be removed from the roll because that individual does not meet such definition, the district court shall so advise the Secretary and the Secretary shall add or remove the individual's name from the roll, consistent with the instructions of the district court.

(10) PUBLICATION OF FINAL ROLL.—Except for those petitions which remain the subject of judicial review under the authority of paragraph (9), the Secretary shall—

(A) publish a final roll in the Federal Register within 290 days of the receipt by the Secretary of the roll prepared under the authority of paragraph (1); and

(B) subsequently publish in the Federal Register the names of any individuals that the district court directs be added or removed from the roll.

(11) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council.

(b) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—

(A) DATE OF GENERAL MEETING.—Within 90 days of the date of the publication of the final roll in the Federal Register, the Secretary shall announce the date of a general meeting of the adult members of those listed on the roll to nominate candidates from among the adult members listed on the roll for election to the Native Hawaiian Interim Governing Council. The criteria for candidates to serve on the Native Hawaiian Interim Governing Council shall be developed by the adult members listed on the roll at the general meeting. The general meeting may consist of meetings on each island or at such sites as to secure the maximum participation of the adult members listed on the roll. Such general meeting (or meetings) shall be held within 30 days of the Secretary's announcement.

(B) ELECTION.—Within 45 days of the general meeting (or meetings), the Secretary shall assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council from among the nominees submitted to the Secretary from the general meeting. The ballots shall provide for write-in votes.

(C) APPROVAL.—The Secretary shall approve the Native Hawaiian Interim Governing Council elected pursuant to this subsection if the requirements of this section relating to the nominating and election process have been met.

(2) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council shall represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time which the duly elected officers of the Native Hawaiian governing body take office.

(3) DUTIES.—

(A) REFERENDUM.—The Native Hawaiian Interim Governing Council shall conduct a referendum of the adult members listed on the roll for the purpose of determining (but not limited to) the following:

(i) The proposed elements of the organic governing documents of a Native Hawaiian governing body.

(ii) The proposed powers and authorities to be exercised by a Native Hawaiian governing body, as well as the proposed privileges and immunities of a Native Hawaiian governing body.

(iii) The proposed civil rights and protection of such rights of the members of a Native Hawaiian governing body and all persons subject to the authority of a Native Hawaiian governing body.

(B) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum authorized in subparagraph (A), the Native Hawaiian Interim Governing Council shall develop proposed organic governing documents for a Native Hawaiian governing body.

(C) DISTRIBUTION.—The Council shall distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(D) CONSULTATION.—The Native Hawaiian Interim Governing Council shall freely consult with those listed on the roll concerning the text and description of the proposed organic governing documents.

(4) ELECTIONS.—

(A) IN GENERAL.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold an election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the election.

(B) FAILURE TO ADOPT GOVERNING DOCUMENTS.—If the proposed organic governing documents are not adopted by a majority vote of the adult members listed on the roll, the Native Hawaiian Interim Governing Council shall consult with the adult members listed on the roll to determine which elements of the proposed organic governing documents were found to be unacceptable, and based upon such consultation, the Council shall propose changes to the proposed organic governing documents.

(C) ELECTION.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold a second election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the second election.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING BODY.—

(1) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian governing body of the indigenous, native people of Hawaii to organize for its common welfare, and to adopt appropriate organic governing documents is hereby recognized by the United States.

(2) RATIFICATION.—The organic governing documents of the Native Hawaiian governing body shall become effective when ratified by a majority vote of the adult members listed on the roll, and approved by the Secretary upon the Secretary's determination that the organic governing documents are consistent with applicable Federal law and the special trust relationship between the United States and its native people. If the Secretary fails to make such a determination within 45 days of the ratification of the organic governing documents by the adult members listed on the roll, the organic governing documents shall be deemed to have been approved by the Secretary.

(3) ELECTION OF GOVERNING OFFICERS.—Within 45 days after the Secretary has approved the organic governing documents or the organic governing documents are deemed approved, the Secretary shall assist the Native Hawaiian Interim Governing Council in holding an election by secret ballot for the purpose of determining the individuals who will serve as governing body officers as provided in the organic governing documents.

(4) VOTING ELIGIBILITY.—For the purpose of this initial election and notwithstanding any provision in the organic governing documents to the contrary, absentee balloting shall be permitted and all adult members of the Native Hawaiian governing body shall be entitled to vote in the election.

(5) FUTURE ELECTIONS.—All further elections of governing body officers shall be conducted as provided for in the organic governing documents and ordinances adopted in accordance with this Act.

(6) REVOCATION; RATIFICATION OF AMENDMENTS.—When ratified by a majority vote of the adult members of those listed on the roll, the organic governing documents shall be revocable by an election open to the adult members of the Native Hawaiian governing body, and amendments to the organic governing documents may be ratified by the same process.

(7) ADDITIONAL RIGHTS AND POWERS.—In addition to all powers vested in the Native Hawaiian governing body by the duly ratified organic governing documents, the organic governing documents shall also vest in the Native Hawaiian governing body the rights and powers to—

(A) exercise those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(B) provide for the protection of the civil rights of the members of the Native Hawaiian governing body and all persons subject to the authority of the Native Hawaiian governing body, and to assure that the Native Hawaiian governing body exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(C) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing body without the consent of the Native Hawaiian governing body;

(D) determine the membership in the Native Hawaiian governing body; and

(E) negotiate with Federal, State, and local governments, and other entities.

(d) FEDERAL RECOGNITION.—

(1) RECOGNITION.—Notwithstanding any other provision of law, upon the approval by the Secretary of the organic governing documents of the Native Hawaiian governing body and the election of officers of the Native Hawaiian governing body, Federal recognition is hereby extended to the Native Hawaiian governing body as the representative governing body of the Native Hawaiian people.

(2) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

(e) INCORPORATION OF THE NATIVE HAWAIIAN GOVERNING BODY.—

(1) CHARTER OF INCORPORATION.—Upon petition of the Native Hawaiian governing body, the Secretary may issue a charter of incorporation to the Native Hawaiian governing body. Upon the issuance of such charter of incorporation, the Native Hawaiian governing body shall have the same status under Federal law when acting in its corporate capacity as the status of Indian tribes that have been issued a charter of incorporation under the authority of section 17 of the Indian Reorganization Act (25 U.S.C. 477).

(2) ENUMERATED POWERS.—Such charter may authorize the incorporated Native Hawaiian governing body to exercise the power to purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase lands and to issue an exchange of interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, and that are not inconsistent with law.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in sections 4, 6, and 7 of this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of

Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian governing body pursuant to section 7(d) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian governing body regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian governing body.

SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States.

SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

Mr. INOUE. Mr. President, I rise today to support and cosponsor a bill, introduced by my dear friend and colleague Senator DANIEL AKAKA, which formally expresses the policy of the United States with regard to its relationship with Native Hawaiians.

Mr. President, I have had the honor of serving as the Senator from Hawai'i since 1962. And for twenty of those years I have been privileged to sit on the Committee on Indian Affairs where I have been a staunch supporter of rights for American Indians, Alaska Natives, and Native Hawaiians. The bill reaffirms that the United States has not only a legal and political relationship with the native people of Hawai'i, but a special trust relationship to promote the welfare of the Native Hawaiian people.

The Constitution empowers the Congress to direct the United States' relationship with American Indians as aboriginal, indigenous, native people. As territory was added to the United States, it came to be understood that Congress also has the authority to address the conditions of the native people of those areas that have become part of the United States, namely Alaska Natives and Native Hawaiians. Although the three groups of native people are ethnically and culturally unique and distinct from one another, the United States recognizes that it has a special trust relationship with each group. This special relationship allows Congress to treat native people differently than its other citizens.

Over the course of the last 80 years, the Congress has enacted over 150 public laws that recognize and affect Native Hawaiians as native people. And

most recently, the United States filed an amicus curiae brief in the United States Supreme Court that clearly established that the United States has a political and legal relationship with Native Hawaiians. The United States, through the actions of its legislative and executive branches, has viewed and treated Native Hawaiians as aboriginal, indigenous, native people.

This bill clarifies that the United States has a legal and political relationship with Native Hawaiians as the aboriginal, indigenous, native people of Hawai'i and reaffirms the Constitutional authority of the Congress to address the conditions of Native Hawaiians through legislation. The bill also reaffirms the policy of the United States that Native Hawaiians have the inherent right to self-determination, self-governance, and the right to autonomy in their internal affairs. Most importantly this bill establishes a process by which Native Hawaiians can reorganize their governing body.

Mr. President, since I have served in the Congress, the United States' policy toward its native people has been one of self-determination. We now deal with American Indian Tribes and Alaska Natives Villages on a sovereign-to-sovereign basis. I think that this is the appropriate policy. Unfortunately, Native Hawaiians have not had the opportunity to fully enjoy this self-determination policy because we have failed to establish the framework for a government-to-government relationship. This bill would provide that framework. This bill is just, right, and long overdue.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1064

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1064, a bill to provide for the location of the National Museum of the United States Army.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the

basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2476

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2729

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2729, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes.

At the request of Mr. SMITH of Oregon, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. FRIST), the Senator from Florida (Mr. MACK), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2729, supra.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2781

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market