

S 344

Native Hawaiian Recognition Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Feb 11, 2003

Current Status: Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute

Latest Action: Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably. (Apr 21, 2004)

Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/344

Sponsor

Name: Sen. Akaka, Daniel K. [D-HI]

Party: Democratic • State: HI • Chamber: Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Feb 11, 2003
Sen. Reid, Harry [D-NV]	D · NV		Feb 27, 2003
Sen. Stevens, Ted [R-AK]	R · AK		Mar 17, 2003
Sen. Hatch, Orrin G. [R-UT]	R · UT		Nov 12, 2003
Sen. Smith, Gordon H. [R-OR]	R · OR		Dec 9, 2003
Sen. Campbell, Ben Nighthorse [R-CO]	R · CO		Apr 21, 2004
Sen. Carper, Thomas R. [D-DE]	D · DE		Jun 24, 2004

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Markup By	Apr 21, 2004

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
108 HR 4282	Related bill	Oct 6, 2004: Placed on the Union Calendar, Calendar No. 460.
108 HR 665	Identical bill	Feb 27, 2003: Executive Comment Requested from Interior.

Native Hawaiian Recognition Act of 2003 - (Sec. 5) Establishes the U.S. Office for Native Hawaiian Relations (Office) within the Office of the Secretary of the Interior.

(Sec. 6) Establishes the Native Hawaiian Interagency Coordinating Group to: (1) coordinate Federal programs and policies or actions that may significantly or uniquely affect Native Hawaiian resources, rights, or lands; (2) ensure that each Federal agency develops a policy on consultation with Native Hawaiians; and (3) ensure the participation of such agencies in the development of an annual report to Congress.

(Sec. 7) Recognizes the right of the Native Hawaiian people to adopt organic governing documents.

Requires the Office to maintain a roll of the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity. Provides for: (1) certification of the roll; (2) its publication; (3) appeal by any eligible person excluded from it; (4) its publication when an appeal is pending; (5) its update and publication on the final disposition of an appeal; and (6) publication of the roll by the Office if the Secretary fails to publish it within 90 days after its submission to the Secretary.

Requires the published roll to serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on it to participate in all referenda and elections associated with the reorganization.

Authorizes the adult members to: (1) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council; (2) determine the structure of the Council; and (3) elect to the Council members from individuals listed on the published roll.

Authorizes the Council to conduct a referendum among the adult members of the Native Hawaiian community listed on the published roll to determine, among other things, the proposed: (1) elements of the organic governing documents; (2) criteria for citizenship of the government; (3) powers and authorities to be exercised by the government as well as its proposed privileges and immunities; and (4) civil rights and protection of the rights of the citizens of the government and all persons subject to its authority.

Authorizes the Council to: (1) develop proposed organic governing documents for the governing entity and distribute them to all adult members of the Native Hawaiian community listed on the published roll; (2) hold elections to ratify the proposed documents; and (3) when the documents are certified by the Secretary, hold elections of the officers of the Native Hawaiian government.

Authorizes the Office, on the Council's request, to assist in conducting the election.

Terminates the Council and rescinds its power or authority under this Act after the duly elected officers take office.

Provides that following the organization of a Native Hawaiian governing entity and the adoption of such documents, the Council shall submit those documents to the Secretary. Requires the Secretary to certify that such documents meet specified criteria. Authorizes the Council, after the certification, to hold elections of the officers of the Native Hawaiian government.

Extends Federal recognition to the governing entity as the representative governing body of the Native Hawaiian people upon election of officers and certification by the Secretary.

(Sec. 8) Authorizes the United States and the State of Hawaii, upon Federal recognition of the Native Hawaiian governing entity, to enter into an agreement with such governing entity regarding: (1) the transfer of lands, natural resources, and other assets; and (2) the exercise of governmental authority over them.

(Sec. 10) Declares that the prohibition under Federal criminal law against involvement by a Federal government officer or employee in particular matters if the officer or employee, or spouse or minor child of the officer or employee, has a financial interest shall not apply to Native Hawaiians employed by the Office, if the financial interest that would be affected by the particular matter involved results solely from the status of the individual, spouse, or minor child as a Native Hawaiian.

(Sec. 12) Authorizes appropriations.

Actions Timeline

- **Apr 21, 2004:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 2, 2003:** Star Print ordered on the reported bill.
- **Jun 27, 2003:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-85.
- **Jun 27, 2003:** Committee on Indian Affairs. Reported by Senator Campbell with an amendment in the nature of a substitute. With written report No. 108-85.
- **Jun 27, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 185.
- **May 14, 2003:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 25, 2003:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-27.
- **Feb 11, 2003:** Introduced in Senate
- **Feb 11, 2003:** Sponsor introductory remarks on measure. (CR S2201-2202)
- **Feb 11, 2003:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S2202-2204)