

HR 4282

Native Hawaiian Government Reorganization Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Native Americans

Introduced: May 5, 2004

Current Status: Placed on the Union Calendar, Calendar No. 460.

Latest Action: Placed on the Union Calendar, Calendar No. 460. (Oct 6, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4282>

Sponsor

Name: Rep. Abercrombie, Neil [D-HI-1]

Party: Democratic • State: HI • Chamber: House

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Del. Faleomavaega, Eni F. H. [D-AS-At Large]	D · AS		May 5, 2004
Rep. Case, Ed [D-HI-2]	D · HI		May 5, 2004
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		May 5, 2004
Rep. Young, Don [R-AK-At Large]	R · AK		May 5, 2004
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		May 6, 2004
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Jun 15, 2004
Rep. Moran, James P. [D-VA-8]	D · VA		Jun 15, 2004
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Jul 15, 2004

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported By	Oct 6, 2004

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
108 S 344	Related bill	Apr 21, 2004: Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Native Hawaiian Government Reorganization Act of 2004 - (Sec. 4) Declares that the United States reaffirms that: (1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship; (2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting their welfare; and (3) Congress possesses the authority under the U.S. Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of specified laws.

Declares that Native Hawaiians have: (1) an inherent right to autonomy in their internal affairs; (2) an inherent right of self-determination and self-governance; (3) the right to reorganize a Native Hawaiian governing entity; and (4) the right to become economically self-sufficient.

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

Declares that the purpose of this Act is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

(Sec. 5) Establishes the U.S. Office for Native Hawaiian Relations within the Office of the Secretary of the Interior to: (1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution (Public Law 103-150, a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of U.S. agents in the January 17, 1893, overthrow of the Kingdom of Hawaii); (2) effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies; (3) provide timely notice to, and consult with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands; and (4) consult with the Interagency Coordinating Group (established by this Act), other Federal agencies, the Governor of Hawaii and relevant State agencies on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands.

(Sec. 6) Establishes the Native Hawaiian Interagency Coordinating Group to: (1) coordinate Federal programs, policies and actions that may affect Native Hawaiians or, significantly or uniquely, Native Hawaiian resources, rights, or lands; and (2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people and the Native Hawaiian governing entity.

(Sec. 7) Recognizes the right of the Native Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents.

Establishes a Commission to: (1) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in such reorganization; and (2) certify that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian.

Outlines the process for the reorganization, which includes forming a Native Hawaiian Governing Council.

(Sec. 8) Reaffirms the political and legal relationship between the United States and the Native Hawaiian governing entity upon certification required by the Secretary regarding the organic governing documents and the election of the entity's officers. Extends Federal recognition to the governing entity as the representative governing body of the Native Hawaiian people.

Authorizes the United States, upon such reaffirmation, to negotiate with the governing entity for an agreement addressing specified matters, including the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources.

Declares that nothing in this Act serves as a settlement of any claim against the United States.

Sets 20 years after the extension of Federal recognition to the Native Hawaiian governing entity as the statute of limitations for any claim against the United States under Federal law that: (1) is in existence on the date of enactment of this Act; (2) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and (3) relates to the legal and political relationship between the United States and the Native Hawaiian people.

(Sec. 9) States that nothing in this Act: (1) shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the Indian Gaming Regulatory Act; or (2) provides an authorization for eligibility to participate in any programs and services of the Bureau of Indian Affairs for any persons not otherwise eligible for them.

(Sec. 10) Authorizes appropriations.

Actions Timeline

- **Oct 6, 2004:** Reported by the Committee on Resources. H. Rept. 108-742.
- **Oct 6, 2004:** Reported by the Committee on Resources. H. Rept. 108-742.
- **Oct 6, 2004:** Placed on the Union Calendar, Calendar No. 460.
- **Sep 15, 2004:** Committee Consideration and Mark-up Session Held.
- **Sep 15, 2004:** Ordered to be Reported by Unanimous Consent.
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Introduced in House
- **May 5, 2004:** Referred to the House Committee on Resources.