

S 1011

Native Hawaiian Government Reorganization Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: May 7, 2009

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 314.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 314. (Mar 11, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/1011>

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		May 7, 2009
Sen. Begich, Mark [D-AK]	D · AK		Aug 5, 2009
Sen. Dorgan, Byron L. [D-ND]	D · ND		Aug 5, 2009
Sen. Murkowski, Lisa [R-AK]	R · AK		Aug 5, 2009
Sen. Durbin, Richard J. [D-IL]	D · IL		May 6, 2010
Sen. Dodd, Christopher J. [D-CT]	D · CT		Jun 8, 2010
Sen. Burris, Roland [D-IL]	D · IL		Jun 10, 2010

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Mar 11, 2010

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
111 S 3945	Related bill	Nov 15, 2010: Read twice and referred to the Committee on Indian Affairs.
111 HR 2314	Identical bill	Mar 16, 2010: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 319.
111 HR 862	Related bill	Jul 23, 2009: Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
111 HR 1711	Related bill	Mar 25, 2009: Referred to the House Committee on Natural Resources.
111 S 708	Related bill	Mar 25, 2009: Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S3798-3801)
111 S 381	Related bill	Feb 4, 2009: Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S1547-1550)

Native Hawaiian Government Reorganization Act of 2009 - (Sec. 3) Defines terms, including "qualified Native Hawaiian constituent." Includes among the requirements to be such a constituent that the individual be an individual who: (1) is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who resided in the islands that now comprise the state of Hawaii on or before January 1, 1893, or is an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920; (2) wishes to participate in the reorganization of the Native Hawaiian governing entity; (3) is 18 years old or older; (4) is a U.S. citizen; and (5) maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as specified.

(Sec. 5) Establishes the United States Office for Native Hawaiian Relations in the Office of the Secretary of the Interior.

Directs the Office: (1) to continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution (P.L. 103-150, a Joint Resolution extending 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); (2) upon the reaffirmation of the government-to-government relationship between the single Native Hawaiian governing entity and the United States, to 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) to provide timely notice to, and consult with, the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands; (4) to work with the Interagency Coordinating Group, other federal agencies, and the state of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and (5) to prepare and submit to specified congressional committees an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and may provide recommendations for any necessary changes to federal law or regulations promulgated under the authority of federal law.

(Sec 6) Establishes the Native Hawaiian Interagency Coordinating Group to be composed of: (1) each federal agency whose actions may significantly or uniquely impact Native Hawaiian programs, resources, rights, or lands; and (2) the Office.

Designates the Department of the Interior and the White House Office of Intergovernmental Affairs to serve as the leaders of the Group.

Directs the Interagency Coordinating Group to: (1) coordinate federal programs and policies that affect Native Hawaiians or actions by any federal agency or agencies that may significantly or uniquely affect Native Hawaiian resources, rights, or lands; (2) consult with the Native Hawaiian governing entity, but only after the satisfaction of conditions specified in section 8; and (3) ensure the participation of each federal agency in the development of the report to Congress authorized in section 5.

(Sec. 7) Directs the Attorney General to designate an appropriate official within the Department of Justice (DOJ) to assist the Office 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 entity, in the implementation and protection of the rights of the Native Hawaiian governing entity and its political and legal relationship with the United States.

(Sec. 8) Recognizes the right of qualified Native Hawaiian people to reorganize the single 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 qualified Native Hawaiian constituents; and (2) certify that those on the roll meet the definition of a qualified Native Hawaiian constituent. Specifies Commission composition and membership requirements.

Sets forth requirements related to inclusion on, and publication of, the roll and appeal rights of those excluded.

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

Reaffirms the special political and legal relationship between the United States and the Native Hawaiian governing entity upon certification required by the Secretary of 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.

(Sec. 9) Reaffirms the delegation by the United States of authority to the state of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in P.L. 86-3, commonly known as the Hawaii Statehood Admission Act.

Authorizes, upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the state of Hawaii to enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as: (1) the transfer of state of Hawaii lands and surplus federal lands, natural resources, and other assets; (2) the protection of existing rights related to such lands or resources; (3) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use; (4) the exercise of civil and criminal jurisdiction; (5) the exercise of other powers and authorities that are recognized by the United States as powers and authorities typically exercised by governments representing indigenous, native people of the United States; (6) any residual responsibilities of the United States and the State of Hawaii; and (7) historical wrongs committed against Native Hawaiians by the United States or by the state of Hawaii.

Vests the Native Hawaiian governing entity with the inherent powers and privileges of self-government of a native government under existing law, except as set forth in section 10.

Provides that once the United States extends federal recognition to the Native Hawaiian governing entity, the United States will recognize and affirm the Native Hawaiian governing entity's inherent power and authority to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a qualified Native Hawaiian constituent under this Act.

(Sec. 10) Specifies the applicability of certain federal laws, including: (1) prohibiting gaming; and (2) stating that nothing in this Act extends eligibility for any Indian program or service to the Native Hawaiian governing entity or its members unless a statute governing such a program or service expressly provides that Native Hawaiians or the Native Hawaiian governing entity is eligible for such program or service.

(Sec. 12) Authorizes appropriations.

Actions Timeline

- **Mar 11, 2010:** Committee on Indian Affairs. Reported by Senator Dorgan with an amendment in the nature of a substitute. With written report No. 111-162. Additional views filed.
- **Mar 11, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 314.
- **Dec 17, 2009:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Aug 6, 2009:** Committee on Indian Affairs. Hearings held.
- **May 7, 2009:** Introduced in Senate
- **May 7, 2009:** Read twice and referred to the Committee on Indian Affairs.