

## HR 2314

### Native Hawaiian Government Reorganization Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Native Americans

**Introduced:** May 7, 2009

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 319.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 319. (Mar 16, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/2314>

### Sponsor

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

**Party:** Democratic • **State:** HI • **Chamber:** House

### Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Hirono, Mazie K. [D-HI-2]	D · HI		May 7, 2009
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		Jun 4, 2009
Del. Faleomavaega, Eni F. H. [D-AS-At Large]	D · AS		Jun 4, 2009
Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]	D · MP		Jun 11, 2009
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Jun 11, 2009
Rep. Cole, Tom [R-OK-4]	R · OK		Jun 12, 2009
Rep. Moran, James P. [D-VA-8]	D · VA		Jun 26, 2009
Rep. Young, Don [R-AK-At Large]	R · AK		Jun 26, 2009
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Jul 10, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported By	Feb 22, 2010

### Subjects & Policy Tags

#### Policy Area:

Native Americans

## Related Bills

Bill	Relationship	Last Action
111 S 3945	Related bill	<b>Nov 15, 2010:</b> Read twice and referred to the Committee on Indian Affairs.
111 S 1011	Identical bill	<b>Mar 11, 2010:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 314.
111 HRES 1083	Procedurally related	<b>Feb 23, 2010:</b> Motion to reconsider laid on the table Agreed to without objection.
111 HR 862	Related bill	<b>Jul 23, 2009:</b> Referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.
111 HR 1711	Related bill	<b>Mar 25, 2009:</b> Referred to the House Committee on Natural Resources.
111 S 708	Related bill	<b>Mar 25, 2009:</b> Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S3798-3801)
111 S 381	Related bill	<b>Feb 4, 2009:</b> Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S1547-1550)

Native Hawaiian Government Reorganization Act of 2010 - (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 U.S. Office for Native Hawaiian Relations within the Office of the Secretary of the Interior.

Directs the Office to: (1) 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, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary of the Interior, and with all other federal agencies; (3) 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) 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) 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.

(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 Interagency Coordinating 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.

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.

Authorizes the United States, upon the reaffirmation of such political and legal relationship, together with the state of Hawaii, to enter into negotiations with the governing entity to lead to an agreement addressing specified matters, including: (1) the transfer of federal and Hawaiian lands, natural resources, and other assets; (2) the protection of existing rights related to such lands or resources; (3) the exercise of authority over such lands, resources, and assets; (4) the exercise of the authority to tax and other authorities related to governance; and (4) historical wrongs committed by the United States or the state of Hawaii.

(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

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- **Mar 16, 2010:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 319.
- **Mar 15, 2010:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Feb 24, 2010:** Received in the Senate.
- **Feb 23, 2010:** Rule H. Res. 1083 passed House.
- **Feb 23, 2010:** Considered under the provisions of rule H. Res. 1083. (consideration: CR H700-714, H714-731; text of measure as reported in House: CR H700-704)
- **Feb 23, 2010:** Rule provides for consideration of H.R. 2314 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Feb 23, 2010:** DEBATE - The House proceeded with one hour of debate on H.R. 2314.
- **Feb 23, 2010:** DEBATE - Pursuant to the provisions of H. Res. 1083, the House proceeded with 30 minutes of debate on the Abercrombie amendment in the nature of a substitute.
- **Feb 23, 2010:** DEBATE - Pursuant to the provisions of H. Res. 1083, the House proceeded with 10 minutes of debate on the Hastings (WA) amendment to the Abercrombie amendment in the nature of a substitute.
- **Feb 23, 2010:** POSTPONED VOTE - At the conclusion of debate on the Hastings (WA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Hastings (WA) demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Feb 23, 2010:** DEBATE - Pursuant to the provisions of H. Res. 1083, the House proceeded with 10 minutes of debate on the Flake amendment to the Abercrombie amendment in the nature of a substitute.
- **Feb 23, 2010:** POSTPONED VOTE - At the conclusion of debate on the Flake amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Flake demanded the yeas and nays and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Feb 23, 2010:** UNFINISHED BUSINESS - The Chair announced that proceedings would now resume on amendments debated earlier and on which further proceedings had been postponed.
- **Feb 23, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H730)
- **Feb 23, 2010:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 245 - 164 (Roll no. 59).
- **Feb 23, 2010:** On passage Passed by the Yeas and Nays: 245 - 164 (Roll no. 59).
- **Feb 23, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 22, 2010:** Reported by the Committee on Natural Resources. H. Rept. 111-412.
- **Feb 22, 2010:** Placed on the Union Calendar, Calendar No. 241.
- **Feb 22, 2010:** Rules Committee Resolution H. Res. 1083 Reported to House. Rule provides for consideration of H.R. 2314 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.
- **Dec 16, 2009:** Committee Consideration and Mark-up Session Held.
- **Dec 16, 2009:** Ordered to be Reported by the Yeas and Nays: 26 - 13.
- **Jun 11, 2009:** Committee Hearings Held.
- **May 7, 2009:** Introduced in House
- **May 7, 2009:** Referred to the House Committee on Natural Resources.