who give their time and their services deserve special recognition for all they do to ensure any member of our community can receive proper dental care.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Dr. Dan Henry as a Northwest Florida leader and international inspiration. My wife Vicki and I wish Dan, his wife Melinda, and his children Matthew and Kelly, all the best for continued success.

CELEBRATING THE 49TH ANNIVERSARY OF THE PEACE CORPS AND THE CONTRIBUTIONS OF SENATOR HARRIS WOFFORD

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. FATTAH. Madam Speaker, March 1 to 7 is Peace Corps Week, a time to officially celebrate one of the greatest ideas and most beloved international initiatives in our nation's history—49 years of hands-on good will by nearly 200,000 volunteers dispatched to 139 countries.

It is also an opportunity to pay tribute to my fellow Philadelphian Harris Wofford, the Father of National Service, who developed, nurtured and led the Peace Corps as it grew to reality from then-Senator John F. Kennedy's challenge to college students to serve in the cause of peace.

Harris Wofford has devoted his life and his creative energies to the civil society, civil rights and service to humanity. In addition to his seminal work in founding the Peace Corps, he served as Chief Executive Officer of the Corporation for National and Community Service—our domestic Peace Corps—which followed an all-too-brief and highly principled four years as United States Senator. He has continued his bipartisan advocacy for responsible and caring citizenship on behalf of America's Promise, Youth Service America, the Points of Light Foundation, and Experience Wave.

The 49th anniversary of the founding of the Peace Corps by President Kennedy on March 1, 1961, is a great cause for celebration. But it's also a time to recognize that the reason we are celebrating is that, for the past 49 years, every week has been Peace Corps Week—over 2,500 Peace Corps Weeks.

Today, more than 7,600 volunteers in 76 nations are carrying out the vision of President Kennedy, Senator Wofford and so many other great and little known Americans who have made the Peace Corps synonymous with American service and sharing, American teaching and know-how, American compassion and peace work. I congratulate all these fine young—and not so young—men and women for their selfless efforts.

The Peace Corps has been the experience building and jumping off point for many prominent Philadelphians—including one notable alumnus from my hometown, ''Hardball's'' Chris Matthews. Today, I want to commend a dazzling dozen current Peace Corps volunteers who have traveled from their homes in the Second Congressional District of Pennsylvania, in Philadelphia and Montgomery County, for two years of service abroad.

They are Kaye Bullemeier, Darline Dameus and Noel C. Kuck, now in Malawi; Lauren J. Mcilhenny and Benjamin J. Stollenberg, in Albania; Emily F. Haimowitz and Daniel R. Merin, Costa Rica; Cara A. George, Guatemala; Imani D. Hulty, Mozambique; Nancy Morisseau, Turkmenistan; Joo Weon J. Park, China; and Danielle Porreca, Jamaica.

I salute these men and women and join with all Americans in extending thanks to entire Peace Corps family, past, present and future. You do us proud.

PERSONAL EXPLANATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. DENT. Madam Speaker, I regret that I was unavoidably absent on the afternoon of Thursday, February 25, 2010, and all day on Friday, February 26, 2010 due to a death in my family. Had I been present I would have voted accordingly: Rollcall No. 67, Concurring in Senate Amendments to H.R. 3961—I would have voted ''aye.'' Rollcall No. 68, H. Con. Res. 227, Supporting the goals and ideals of National Urban Crimes Awareness Week—I would have voted ''aye.'' Rollcall No. 69, H. Amdt. 573 (REYES of Texas) to H.R. 2701—I would have voted ''no.'' Rollcall No. 70, H. Amdt. 575 (HASTINGS of Florida) to H.R. 2701—I would have voted ''aye.'' Rollcall No. 71, H. Amdt. 584 (SCHAUER of Michigan) to H.R. 2701—I would have voted ''aye.'' Rollcall No. 72, Motion to Recommit with Instructions, H.R. 2701—I would have voted ''aye.'' Rollcall No. 73, H.R. 2701, Intelligence Authorization Act for Fiscal Year 2010—I would have voted ''no.'' Rollcall No. 74, H. Con. Res. 238, Recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation—I would have voted ''aye.''

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. HIRONO. Mr. Speaker, I rise today to provide additional remarks on H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009, a bill the House passed with a clear majority vote of 245–164 on February 23, 2010.

At the end of the 18th century, King Kamehameha I united the separate island chiefdoms under one Hawaiian monarchy, which was recognized by the United States. This unified Native Hawaiian self-rule continued through most of the 19th century, with Native Hawaiians ''constitut[ing] the overwhelming majority of the political community that participated in decisionmaking in the Kingdom,'' (Jon M. Van Dyke, Population, Voting, and Citizenship in the Kingdom of Hawai'i, 28 U. Haw. L. Rev. 81, 81 (2005)), and came to an end only when, in 1893, commercial interests overthrew the Hawaiian monarchy with the support of the U.S. government.

Even after the overthrow of the Hawaiian monarchy, Native Hawaiians have continued to maintain their separate identity as a single distinctly political community through cultural, social, and political institutions, and through efforts to develop programs to provide governmental services to native Hawaiians. For example, the Hawaiian Protective Association—a political organization with by-laws and a constitution that sought to maintain unity among Native Hawaiians, protect Native Hawaiian interests (including by lobbying the legislature), and promote the education, health, and economic development of Native Hawaiians—was ''organized [in 1914] . . . for the sole purpose of protecting the Hawaiian people and of conserving and promoting the best things of their tradition'' (Hearing on H.R. 13500 Before the Committee on Territories, 66th Cong., 3d Sess. 44 (Dec. 14, 1920) (Rev. Akaiko Akana)).

To this end, the Association established twelve standing committees, published a newspaper, and also developed the framework that became the Hawaiian Homes Commission Act (HHCA) in 1921. In 1918, Prince Jonah Kuhio Kalanianaole, a U.S. delegate to Congress, founded the Hawaiian Civic Clubs, the goal of which was to perpetuate the language, history, traditions, music, dances and other cultural traditions of Hawaii. The clubs' first project was to secure enactment of HHCA and the clubs remain in existence today.

Efforts to maintain a distinct political community have continued into the present day. Examples include the 1988 Native Hawaiian Sovereignty Conference; the Kau Inoa organization, which registers Native Hawaiians for a movement toward a Native Hawaiian governing entity; the efforts to protect the North Western Hawaiian Islands because of their cultural and traditional significance; the creation in the Hawaii State Constitution of the Office of Hawaiian Affairs, which serves as an entity to protect Native Hawaiian interests; and the development of traditional justice programs, including a traditional method of alternative dispute resolution, ''ho'oponopono,'' which has been endorsed by the Native Hawaiian Bar Association.

Moreover, as the findings of H.R. 2314 explain, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands.

For example, traditional Native Hawaiian fishing and water rights are protected by state law (Haw. Rev. Stat. § 174C–101(c) & (d) (2008) (stating that certain traditional and customary water rights ''shall not be abridged or denied,'' or ''diminished or extinguished,'' by provision of the State Water Code)]; id. § 187A–23 (1985) (providing for recognition of certain ''vested fishing rights'' linked to ''ancient regulations'').

Hawaii courts have also recognized and upheld traditional gathering and access rights, (See, e.g., Public Access Shoreline Hawaii v. Hawaii County Planning Comm'n, 903 P.2d 1246 (Haw. 1995); State v. Hanapi, 970 P.2d 485 (Haw. 1998); Kalipi v. Hawaiian Trust Co., 656 P.2d 745 (Haw. 1982)). Further, Native Hawaiian traditional practices are often permitted on federal parks land (See, e.g., 16

U.S.C. § 396d (KalokoHonokohau National Historical Park). These practices and legal protections further reinforce the Native Hawaiian community's continuing status as a distinctly native community.

Congress has recognized the distinct status of the Native Hawaiians by ''extend[ing] services to [them]'' on the basis of that status, recognizing that they are ''the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship.'' (See, e.g., Brief of United States at 4–5 & nn.2–4, Rice v. Cayetano, 528 U.S. 495 (2000) (noting that Congress has ''established special Native Hawaiian programs in the areas of health care, education, employment, and loans,'' ''has enacted statutes to preserve Native Hawaiian culture, language, and historical sites, and ''by classifying Native Hawaiians as 'Native Americans' under numerous federal statutes, . . . has extended to Native Hawaiians many of 'the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities' '' and collecting examples of these congressional acts)).

Other specific examples of Congress' recognition of the distinct status of the Native Hawaiians include the Native American Language Act of 1990, which recognized and clarified the language rights of American Indians, Alaskan Natives, Native Hawaiians, and Pacific Islanders and explicitly allowed exceptions to teacher certification requirements for instruction in Native American languages; the Native Hawaiian Education Act of 1988 (Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988) which awarded $30 million annually in competitive education grants to programs benefitting native Hawaiian students; the Native Hawaiian Assessment Project of 1983; and special education programs specifically targeting Native Hawaiian students.

As the 1993 Apology Resolution and other recent federal statutes extending educational and health benefits to Native Hawaiians make clear, Congress has found that: (1) Native Hawaiians are ''a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago,'' 42 U.S.C. 11701(1); 20 U.S.C. 7902(1); (2) Native Hawaiians exercised sovereignty over the Hawaiian Islands, 20 U.S.C. 80q–14(11); (3) the overthrow of the Kingdom of Hawaii was ''illegal'' and deprived Native Hawaiians of their right to ''self-determination,'' 107 Stat. 1513; (4) the government installed after the overthrow ceded 1.8 million acres of land to the United States ''without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government,'' id. at 1512; (5) ''the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States,'' ibid.; and (6) ''the Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions,'' id. at 1512–1513.

Those findings demonstrate that indigenous Hawaiians, like numerous tribes in the continental United States, share historical and current bonds within their community. Also like tribes in the continental United States, Native Hawaiians, pursuant to Acts of Congress, have substantial lands set aside for their benefit: 200,000 acres of Homestead Act land on which there are thousands of leases to Native Hawaiians that furnish homes to tens of thousands of Hawaiians, and a 20 percent interest in the income generated by 1.2 million acres of public trust lands under the Admission Act.

The fact that the indigenous Hawaiian community does not presently have a central operating tribal government recognized by the U.S. Department of the Interior does not remove that community from the scope of Congress's Indian affairs power. Initially, the Constitution does not limit Congress's Indian affairs power to groups with a particular government structure. ''[S]ome bands of Indians, for example, had little or no tribal organization, while others were highly organized.'' (Fishing Vessel Ass'n, 443 U.S. at 664). Nor does the Constitution limit Congress's power to groups that continue to exercise all aspects of sovereignty. European ''discovery'' and the establishment of the United States necessarily diminished certain aspects of Indian sovereignty (Johnson, 21 U.S. (8 Wheat.) at 574; Cherokee Nation, 30 U.S. (5 Pet.) at 45). Thus, under the Constitution, ''[f]ederal regulation of Indian tribes . . . is governance of once-sovereign political communities'' (Antelope, 430 U.S. at 646).

Moreover, the United States' authority over Indian affairs does not emanate simply from the Commerce Clause's reference to ''Indian Tribes.'' Rather, the Constitution implicitly gives Congress power to manage Indian affairs more generally (Seber, 318 U.S. at 715; Sandoval, 231 U.S. at 45–46; Kagama, 118 U.S. at 383–384). That power does not disintegrate when an indigenous people loses its formal government structure. In the first place, the loss of a particular form of government is not tantamount to termination of all sovereignty or of the prospect that sovereignty might be given expression in the future through governmental or other structures. In the case of Native Hawaiians, a variety of Native Hawaiian organizations are active in a broad range of Native political, cultural, religious, legal, and land-related matters, and furnish vehicles for the expression of self-determination over important aspects of Hawaiian affairs, and thus confirms that Native Hawaiians constitute a present-day ''political'' community (Cf. 25 C.F.R. 83.7(c)).

Further, the Supreme Court has made clear that a central operating tribal government is not a predicate for legislation on behalf of indigenous people. For example, in John, 437 U.S. at 634, the Court upheld the power of Congress to provide for a group of Mississippi Choctaw Indians that did not have a federally recognized tribal government. The United States had entered into a treaty under which the Choctaw Indians would leave Mississippi by 1833. In the 1890s, however, the United States became aware that a group of Choctaws had not left Mississippi. Even though the United States did not regard that remaining group as members of a federally recognized tribe, it began to provide services and land to individual Choctaws in Mississippi.

In 1939, Congress declared that the lands that had been purchased for individual Choctaws would be held in trust for Choctaw Indians of one-half or more Indian blood, resident in Mississippi, and in 1944, Congress made those lands a reservation. Finally, in 1945, Mississippi Choctaws of one-half or more Indian blood adopted a constitution and bylaws, which were then approved by the appropriate federal officials.

Against that background, Mississippi argued that Congress lacked constitutional authority to establish federal criminal jurisdiction in the Choctaw Reservation (John, 437 U.S. at 652). The U.S. Supreme Court rejected that argument, explaining: ''[I]n view of the elaborate history of relations between the Mississippi Choctaws and the United States, we do not agree that Congress and the Executive Branch have less power to deal with the affairs of the Mississippi Choctaws than with the affairs of other Indian groups. Neither the fact that the Choctaws in Mississippi are merely a remnant of a larger group of Indians, long ago removed from Mississippi, nor the fact that federal supervision over them has not been continuous, destroys the federal power to deal with them.''

I would like to take this opportunity to provide clarification on the legislative intent of H.R. 2314, particularly for Sections 2, 3, 4, 5, 7, 8, and 9. My remarks for Sections 3 and 9 are supplementary to the remarks previously made by Congressman Abercrombie.

SEC. 2. FINDINGS

Section 2 sets forth Congressional findings that support this legislation. These findings, among other things, identify some of the key respects in which Congress has previously legislated for the benefit of the Native Hawaiian people—thereby recognizing them as a distinctly native community and thus within Congress's power to legislate in respect of Indian tribes—and discusses some of the past and current ways in which the Native Hawaiian peoples have preserved their culture, traditions, and identity as a distinctly native people, and given expression to their rights as native peoples to self-determination and self-governance.

SEC. 3. DEFINITIONS

Congressman Abercrombie, the bill's chief sponsor, has extensively discussed this section of the bill. To supplement his remarks, I would like to clarify that Kuleana lands are parcels of land granted to Native Hawaiian tenant farmers between 1850 and 1855. In 1848, in what is known as the Great Mahele, King Kamehameha III divided up land among the Kingdom, high-ranking chiefs, and the territorial government, ''subject to the rights of the native tenants (2 Rev. Laws Haw. 2152 (1925)).

The Kuleana Act of August 6, 1850, provided a process by which native tenants who had occupied and improved the land could apply to the Land Commission for a royal patent and obtain fee title to those parcels of land (Jon J. Chinen, The Great Mahele: Hawaii's Land Division at 29, 31 (1958)). Approximately 28,600 acres of land were awarded under the Kuleana Act (U.S. Departments of Interior and Justice, From Mauka to Makai: The River of Justice Must Flow Freely, at 24 (2000)).

Also, it should be noted that in its tribal acknowledgment process, the U.S. Department of the Interior has repeatedly relied on participation in community organizations as an important indicator of the existence of a distinct community. Community activities that the Department has cited in support of the existence

of a community include churches, organizations devoted to management of group cemeteries, the existence of organized social functions or collective economic activity, and organized participation in political activities and debate (Branch of Acknowledgment and Research, Acknowledgment Precedent Manual at 26–32 (2002)).

For example, in concluding that it was appropriate to acknowledge the Jena Band of Choctaw Indians as a sovereign Tribe, the Department cited, among other considerations, the Tribe's collective maintenance of a cemetery and associated traditional practices, and the existence of a Tribal organization that "conducts Choctaw language and history classes at the tribal center after school hours and during the summer" (Proposed Finding for Federal Acknowledgment of the Jena Band of Choctaw Indians, 59 Fed. Reg. 54,496 (Oct. 31, 1994); see also 60 Fed. Reg. 28,480 (May 31, 1995) (final acknowledgment)). Likewise, the ability of leaders to organize a community to address a particular issue has been cited as evidence of the existence of internal political organization, another criterion for acknowledgment. For example, the Acknowledgment Precedent Manual cites the ability of a Narragansett leader to organize opposition to the draining of a cedar swamp as evidence supporting acknowledgment of that group ((Branch of Acknowledgment and Research, Acknowledgment Precedent Manual at 40 (2002)).

SEC. 4. UNITED STATES POLICY AND PURPOSE

In Section 4, the United States reaffirms its political and legal relationship with the Native Hawaiian people, and the distinct nature of the Native Hawaiian community. Section 4 also explains that Congress is exercising its ability to enact legislation directed to Native Hawaiians, and reaffirms that Native Hawaiians have an inherent right to autonomy in their internal affairs and an inherent right to self-determination and self-governance.

In acting to promote Native Hawaiian autonomy and self-government, Congress is acting in accord with the United States' policy over the last several decades toward Indian tribes generally (See, e.g., Indian Self-Determination and Education Assistance Act of 1975, Pub. L. No. 93–638, 88 Stat. 2203 (codified as amended at 25 U.S.C. §§ 450–458bbb–2 (2007) (recognizing the obligation of the United States to advance Indian "self-determination by assuring maximum Indian participation in the direction of . . . Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities"); Indian Financing Act of 1974, as amended, 25 U.S.C. § 1451 (2007) (expressing Congress's policy ". . . to help develop and utilize Indian resources . . . to a point where the Indians will fully exercise responsibility and management of their own resources"). See also Executive Order 13175, 59 Fed. Reg. 22951 (Nov. 9, 2000) ("The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.")).

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS

The United States Office for Native Hawaiian Relations, established by section 5, and the Native Hawaiian Interagency Working Group, established by section 6, are required to consult with the Native Hawaiian governing entity on federal programs or policies that may affect Native Hawaiian rights, resources, or lands. The nature and form of this consultation is expected to parallel the consultation process for Indian tribes, which is guided presently by the requirements of Executive Order 13175 and by the President's November 5, 2009 memorandum on the implementation of that Order. Executive Order 13175 requires that federal agencies have in place a process to allow meaningful input from tribes in the development of regulations and policies that have significant implications for tribes. The Hawaii Congressional Delegation anticipates that the consultation envisioned by this section will proceed in a similar manner.

SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE

This section provides for the U.S. Department of Justice to designate an official to assist the Office of Native Hawaiian Relations in carrying out its functions. The Department of Justice already has an office that performs a similar function with respect to the Department's relationship with Indian tribes, the Office of Tribal Justice. The Hawaii Congressional Delegation anticipates that the official designated under this section will carry out his or her functions in a similar manner.

SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.

Federal recognition of a Native Hawaiian governing entity does not occur immediately upon enactment of the bill. Only after the certification requirements described in section 8(c)(4) are met would the United States reaffirm its special political and legal relationship with the Native Hawaiian governing entity, and extend federal recognition to the Native Hawaiian governing entity. Sec. 8(c)(6).

Section 8 sets out the process for the reorganization of the single Native Hawaiian governing entity. As previously discussed, Congress has a long history of enacting such legislation under its Indian affairs power. The process in H.R. 2314 for recognizing a Native Hawaiian self-governing entity is analogous to the process established by prior tribal reorganization legislation, and also to the process by which the United States recognizes Indian tribes.

For example, H.R. 2314 would establish a "roll of Native Hawaiian constituents" that would define initial membership in the Native Hawaiian self-governing community based on lineal descent and continued connection to the Native Hawaiian community and Native Hawaiian lands. Prior tribal restoration acts have similarly relied on an initial roll in determining eligibility to participate in tribal reorganization elections (See, e.g., 25 U.S.C. § 711b(a) & (b)).

Current federal regulations similarly require newly recognized tribes to submit a "base roll" of members, and these rolls can be based in part on rolls prepared by the Department of the Interior for purposes of federal allotments (See 25 CFR §§ 83.7(e)(1)(i), 83.12(b); see also 25 U.S.C. § 476(a) ("Indian Reorganization Act of 1934") (providing that Indian Tribes "shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe . . . at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe")).

Section 8 goes on to provide for verification of eligibility by a Commission established by the Secretary of the Interior, and an initial election for members of a Native Hawaiian Interim Governing Council through a series of meetings organized by the Commission in consultation with the Secretary. It also provides that the Council, after developing organic governing documents, shall submit them to the Secretary for certification. These procedures closely track the procedures set forth in previous reorganization legislation enacted with respect to Indian tribes (See, e.g., 25 U.S.C. § 711a et seq.).

In general, Section 8 calls for the federal government to play a relatively minor role in setting the rules for the election of officers of the Native Hawaiian governing entity. In particular, while the federally created Commission will call an initial meeting for persons on the roll, it is these roll members who will determine the criteria for candidates to serve on the Council, determine the structure of the Council, and elect its members. The degree of federal involvement contemplated by H.R. 2314 is thus consistent with the historical role Congress has played in assisting Indian tribes in reorganizing politically (See 25 U.S.C. § 476(a) (noting that special elections for ratifying tribal constitutions and bylaws may be "authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe"); 25 U.S.C. § 711a et seq).

SECTION 8(B). COMMISSION.

Section 8(b) provides for the creation of a Commission to oversee the preparation of a roll of qualified Native Hawaiian constituents. As specified in section 8(b)(2), the Commission is expected to be an expert body, with particular expertise in Native Hawaiian genealogy and culture. The Hawaii Congressional Delegation recognizes that the task of compiling a roll of qualified Native Hawaiian constituents is likely to be complex, and may require technical decisions as to which individuals have a sufficient connection to the Native Hawaiian community, based on the criteria set forth in this legislation.

Relevant types of determinations will include decisions as to which types of documentation are sufficient under section 8(c)(1)(C), and as to how the definition of "qualified Native Hawaiian constituent" that appears in section 3(12) will be interpreted and applied. The Commission, as the expert body with authority to compile the roll, is charged with resolving these questions. The Hawaii Congressional Delegation expects that courts and government agencies will accord significant deference to the Commission's expert decisions, and will allow the Commission to make eligibility decisions in the first instance. There is a provision in section 8(c) for an administrative appeal for any person whose name is excluded from the roll.

Moreover, the Hawaii Congressional Delegation emphasizes that the Commission is expected to complete a roll of qualified Native Hawaiian constituents without delay, in order to allow the organizing process set forth in section 8 to proceed on schedule. The Delegation anticipates that the Commission will establish appropriate deadlines, rules of procedure, and other requirements to allow the timetables set forth in this legislation to be met

while giving due consideration to the claims of those seeking to be included on the roll.

SEC. 8(C). PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.

Sec. 8(c)(1) Roll: The sole purpose of the roll established by the Commission is to compile a list of those qualified Native Hawaiian constituents who can take part in the initial reorganization of a Native Hawaiian government.

Sec. 8(c)(1)(C)(III): Permits elderly Native Hawaiians and other qualified Native Hawaiian participants lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from two or more qualified Native Hawaiian participants. This provision was included to address cases of hardship, and is not expected to be applied routinely. The Hawaii Congressional Delegation anticipates that the Commission will establish specific prerequisites allowing individuals to demonstrate that they are unable to obtain a birth certificate.

Sec. 8(c)(1)(I): Directs the Commission to publish the notice of the certification of the roll ''regardless of whether appeals are pending.'' This provision is meant to ensure that challenges to the roll do not delay organization of the Native Hawaiian governing entity. The Hawaii Congressional Delegation emphasizes the importance of the deadlines established by this legislation. Barring unusual circumstances, the existence of pending disputes as to the inclusion of particular individuals on the roll should not be allowed to delay the reorganization process set forth in this section.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS

Congressman Abercrombie has also extensively discussed Section 9 of H.R. 2314. To supplement his remarks, I would like to add that ''Indian country'' is a term codified by federal statute (18 U.S.C. 1151). Although section 1151 defines ''Indian country'' for the purpose of delineating the scope of federal criminal jurisdiction over Indians, the Supreme Court has applied the definition to determine the scope of tribal territorial jurisdiction, as well (Alaska v. Native Village of Venetie, 522 U.S. 520, 527 (1998); DeCoteau v. District County, 420 U.S. 425, 427, n.2 (1975)).

Because section 1151 expressly refers to ''Indian country,'' ''Indian reservation[s],'' ''dependent Indian communities,'' and ''Indian allotments''—but never refers expressly to ''Native Hawaiians'' or to the ''Native Hawaiian governing entity''—the bill neither creates nor recognizes any ''Indian country'' within the State of Hawaii (See Sec. 10(c)(2)). The scope of the Native Hawaiian governing entity's jurisdiction could be changed by further legislation, including legislation enacted to implement an agreement negotiated under paragraphs (1) and (2) of section 9(c).

Likewise, the Secretary of Interior lacks statutory authority to take land into trust on behalf of the Native Hawaiian sovereign. Such authority will only exist if Congress specifically provides for it in future legislation. Nor would such territorial jurisdiction arise by another method, absent express Congressional direction.

There has been extensive litigation relating to land claims, claims for money damages, and other types of claims, dating back at least to 1910 (E.g., Hawaii v. OHA, 129 S. Ct. 1436 (2009); Han v. Department of Justice, 824 F. Supp. 1480, 1486 (D. Haw. 1993), affd, 45 F.3d 333 (9th Cir. 1995); Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n, 588 F.2d 1216, 1224 n. 7 (9th Cir. 1979); Naiwiona Kupuna O mokapu v. Dalton, 894 F. Supp. 1397 (D. Haw. 1995); Liliuokalani v. United States, 45 Ct. Cl. 418 (1910). See also Burgert v. Lokelani Bernice Pauahi Bishop Trust, 200 F.3d 661 (9th Cir. 2000); 'Ohana v. United States, 76 F.3d 280 (9th Cir. 1996); Price v. Akaka, 3 F.3d 1220 (9th Cir. 1995); Ulaleo v. Paty, 902 F.2d 1395 (9th Cir. 1990); Territory v. Kapiolani, 18 Haw. 640, 645–46 (1908); Territory v. Puahi, 18 Haw. 649 (1908); Bush v. Watson, 918 P.2d 1130 (Haw. 1996); Aged Hawaiians v. Hawaiian Homes Comm'n, 891 P.2d 279 (Haw. 1995); Bush v. Hawaiian Homes Comm'n, 870 P.2d 1272 (Haw. 1994); Pele Defense Fund v. Paty, 837 P.2d 1247 (Haw. 1992)).

The Hawaii Congressional Delegation envisions that issues concerning asserted historic or moral claims may be the subject of negotiations among the new Native Hawaiian governing entity, the State of Hawaii, and the United States, together with the other issues encompassed within the process set forth in section 9(c) of this Act, and that such negotiations will provide an appropriate forum in which to address these claims questions. H.R. 2314 will not limit claims by the Native Hawaiian governing entity that first arise after recognition of the Native Hawaiian governing entity.

In closing, I thank my colleagues for their votes in support of Native Hawaiians, who, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, aboriginal people. Mahalo nui loa (thank you very much).

TRIBUTE TO J. WILLIAM ''BILL'' TAYLOR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a good friend, Cheraw, South Carolina's 2009 Citizen of the Year, Mr. J. William ''Bill'' Taylor. Mr. Taylor received the Cheraw Chamber of Commerce's award last November.

Bill Taylor was recognized with this distinguished honor for the tremendous work he has done for nearly 29 years as Cheraw's town administrator. He has served in the post under four mayors and numerous members of the town council. Another longtime personal friend, Howard Duvall, the former Cheraw Mayor who hired Bill in May 1981, presented the Citizen of the Year award to him.

Duvall characterized Bill's greatest strength as his management style. He has instilled loyalty and respect among his staff, which has resulted in low turnover and many department heads who have worked for him nearly 20 years. Among his other accomplishments are erecting the Dizzy Gillespie statue honoring the hometown jazz legend, and the development of the Carolina Centre Industrial Park, the Cheraw Community Center, Arrowhead Park, and the Theatre on the Green. Bill earned a Bachelor's degree from Clemson University and a Master's in Public Administration from the University of Georgia. He came back to South Carolina to work for the Upper Savannah Council of Governments. He later worked for the city of Lancaster before becoming Cheraw's town administrator.

He is very involved in the community serving as a former president of the Cheraw Rotary Club, former chairman of the South Carolina Cotton Trail Committee, and as a former board member for the Girls Scouts of Eastern South Carolina. He is a current board member for the South Carolina Advanced Technology Education Center and is a member of the Cheraw Economic Development Corporation, the Carolinas Centre Industrial Park Corporation, and the Chesterfield County Extension Advisory Council.

Bill is also a member of a number of professional organizations including the Alliance for Innovation and the Governor's Drought Response Committee. He serves as the southeastern regional vice president for the International City & County Management Association and is a former member of the organization's executive board. He is also a former state president of the South Carolina City and County Management Association and is a graduate of the South Carolina Executive Institute. Bill and his beloved wife, Mindy, have three children—Olivia, Katie, and Brandon.

Madam Speaker, I ask you and my colleagues to join me in congratulating Bill Taylor on his selection as Cheraw's 2009 Citizen of the Year. This honor is recognition of his long commitment of service to his community and its people. I believe that the highest compliment you can be paid for your work is to be recognized by your peers. This award shows that Bill Taylor's peers appreciate his nearly 29 years of dedication and service. I am pleased to add my voice to those in Cheraw in thanking Bill Taylor for his tremendous contributions.

RECOGNIZING WOLCOTT MILL METROPARK

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mrs. MILLER of Michigan. Madam Speaker, I rise today to honor and recognize Wolcott Mill Metropark in Ray Township, Michigan. On December 8, 2009, Wolcott Mill was listed on the National Historic Places Register thanks to the hard work of volunteer Kathie Lucas of Armada and Supervising Interpreter Bill Thomas.

Wolcott Mill Metropark is a 2,380 acre park which includes a 250 acre working farm, an 18 hole golf course, 10 miles of equestrian trails, and is the home of ''Camp Rotary,'' a camping area for organized youth groups. In 1847 the namesake mill was built and continued operating as a grain grinder until 1967.

This machinery is still viewable and offers visitors an opportunity to see firsthand the importance of old mills and the antique farming equipment used.

I am proud to have Wolcott Mill Metropark in my congressional district and I congratulate the Huron-Clinton Metropolitan Authority on this historic occasion.

Madam Speaker, I ask my colleagues to join me in honoring Wolcott Mill Metropark and congratulating them on this recognition.