



Committee on Rules
U.S. House of Representatives
H-312 The Capitol
Washington, DC 20515-6269

FOR IMMEDIATE RELEASE
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MEDIA CONTACT
Vince Morris (202) 225-9091

**Rules Approves Native Hawaiian Government Reorganization Bill for
House Consideration**

WASHINGTON-The House Committee on Rules met today and reported a rule for the consideration of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009. A copy of the rule is below.

H.R. 2314 - Native Hawaiian Government Reorganization Act of 2009

1. Structured rule.
2. Provides one hour of debate in the House equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.
3. Waives all points of order against consideration of the bill except clauses 9 or 10 of rule XXI.
4. Provides that the bill shall be considered as read.
5. Waives all points of order against provisions of the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
6. Makes in order the amendment in the nature of a substitute printed in part A of the

report of the Committee on Rules, if offered by Representative Abercrombie of Hawaii or his designee, which shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

7. Waives all points of order against the amendment in the nature of a substitute printed in part A except for clauses 9 or 10 of rule XXI.
8. Makes in order the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Hastings of Washington or his designee, which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.
9. Makes in order the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent
10. Waives all points of order against the amendments printed in part B except for clause 10 of rule XXI.
11. Provides that during consideration of an amendment printed in part B of the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.
12. Provides one motion to recommit with or without instructions.

RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Abercrombie of Hawaii or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; (3) the amendments to the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, each of which may be offered only by a Member designed in the report, shall be in order without intervention of any point of order except those arising under clause 10 of rule XXI, shall be

considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

Sec. 2. During consideration of an amendment printed in part B of the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE IN PART A PROPOSED TO BE MADE IN ORDER

#1 ABERCROMBIE – Amendment in the Nature of a Substitute (ANS)-The substitute addresses several issues raised by the Attorney General of the State of Hawaii and others. In particular the ANS clarifies the definition of “Native Hawaiian” to ensure that the Native Hawaiian governing entity is a distinctly native community. While recognizing and affirming the sovereign immunity of the Native Hawaiian governing entity, the ANS expressly states the Act does not alter the sovereign immunity of the United States or the State of Hawaii allowing for negotiations. The ANS further clarifies that, pending negotiations and subsequent implementation legislation the following will occur: there will be no “Indian Country” within Hawaii; the United States will not take land into trust, nor restrict alienability of land owned by the Native Hawaiian governing entity; the governing entity may not exercise certain powers and authorities such as jurisdiction over non Native Hawaiian individuals without their consent; and the State of Hawaii will retain regulatory and taxation authority over Native Hawaiians and the Native Hawaiian governing entity. (30 minutes)

SUMMARY OF THE AMENDMENTS IN PART B, TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE IN PART A, PROPOSED TO BE MADE IN ORDER

#1 HASTINGS (WA) - The amendment requires that the voters of Hawaii approve the governing documents for the Native Hawaiian governing entity before federal recognition becomes operative. (10 minutes)

#2 Flake - The amendment states that nothing in this Act shall relieve a Native Hawaiian governing authority, from complying with the equal protection clause of the 14th amendment to the United States Constitution. (10 minutes)

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H-312 The Capitol • Washington, DC 20515**

(202) 225-9091 phone • (202) 225-1061 fax • www.rules.house.gov