

U.S. HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE REPUBLICANS

CONGRESSMAN DOC HASTINGS, RANKING MEMBER

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CONTACT: [Jill Strait](#) or [Spencer Pederson](#)  
202-226-2311

## House Expected to Vote Next Week on Native Hawaiian Recognition Bill

**WASHINGTON, D.C.** – House Natural Resources Committee Ranking Member Doc Hastings (WA-04) released the following statement today regarding next week’s possible floor consideration of an unknown version of the Native Hawaiian Government Reorganization Act of 2009:

*“Once again the Democrat majority is writing bills behind closed doors without any contribution or consideration from the minority. When the Native Hawaiian bill passed out of the Natural Resources Committee in December, it was clear there was more work to be done before the bill was brought before the full House and I asked that everyone have the opportunity to thoroughly review and comment on any changes—obviously that request hasn’t been met when the House is expected to be voting in a few days and we don’t even have a copy of the rewritten bill.*

*“Subdividing Americans into sovereign nations based on race or ethnicity is a serious matter and is something that should be debated openly, not in backrooms with restricted input. Whatever bill comes to the floor next week, I can only hope that its authors took time to address the serious constitutional issues of the underlying legislation.”*

### **Background**

The Native Hawaiian Government Reorganization Act of 2009 would recognize Native Hawaiians as a sovereign governing entity – essentially an Indian tribe. The bill could provide them with the ability to transfer lands, negotiate with other government entities, set their own criminal and civil jurisdictions separate from the United States, and exempt them from some taxation. Because Native Hawaiians do not share the same kind of political and legal history as federally recognized Indian tribes, there is great doubt that Congress possesses the authority to extend tribal recognition to them. The Supreme Court has voiced such doubt in its *Rice v. Cayetano* opinion.

On December 16, 2009 the House Natural Resources Committee approved the original text of the Native Hawaiian Recognition Bill ([H.R. 2314](#)). It was only after Committee Republicans followed through on [their pledge](#) to use every tool available to them to try and block Committee passage of a last-minute complete rewrite of the bill that Democrats on the Committee abandoned their attempts to push through the [re-written bill](#). Hawaii’s Governor and Attorney General [announced](#) their strong opposition to the last-minute rewrite of the entire bill that was not subjected to public scrutiny.

On December 17, 2009 the Senate Indian Affairs Committee approved the rewritten version of the bill.

It is unclear what text that the House will be considering next week, though it is known that private negotiations on a rewritten text have been occurring. Fundamental concerns raised by the [U.S. Commission on Civil Rights](#) and the [Department of Justice](#) about the unconstitutionality of this legislation remain unanswered.

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