

Calendar No. 705

103^D CONGRESS
2^D SESSION

S. 2174

[Report No. 103-393]

A BILL

To provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes.

SEPTEMBER 30 (legislative day, SEPTEMBER 12), 1994

Reported with an amendment

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[Report No. 103-393]

To provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 7), 1994

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 30 (legislative day SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for the administration of the Hawaiian Homes Commission Act, 1920, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hawaiian Home Lands
5 Recovery Act”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

3 (1) **BENEFICIARY.**—The term “beneficiary” has
4 the same meaning as is given the term “native Ha-
5 waiian” under section 201(7) of the Hawaiian
6 Homes Commission Act.

7 (2) **CHAIRPERSON.**—The term “Chairperson”
8 means the Chairperson of the Department of Hawai-
9 ian Home Lands of the State of Hawaii.

10 (3) **COMMISSION.**—The term “Commission”
11 means the Hawaiian Homes Commission established
12 by section 202 of the Hawaiian Homes Commission
13 Act.

14 (4) **HAWAIIAN HOMES COMMISSION ACT.**—The
15 term “Hawaiian Homes Commission Act” means the
16 Hawaiian Homes Commission Act, 1920 (42 Stat.
17 108 et seq., chapter 42).

18 (5) **HAWAII STATE ADMISSIONS ACT.**—The term
19 “Hawaii State Admissions Act” means the Act enti-
20 tled “An Act to provide for the admission of the
21 State of Hawaii into the Union”, approved March
22 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note
23 prec. 491).

24 (6) **SECRETARY.**—The term “Secretary” means
25 the Secretary of the Interior.

1 **SEC. 3. SETTLEMENT OF FEDERAL CLAIMS.**

2 ~~(a) IN GENERAL.—~~

3 ~~(1) IN GENERAL.—~~The Secretary is authorized
4 to settle claims against the United States by bene-
5 ficiaries through negotiations with a representative
6 of the beneficiaries and the State of Hawaii. A set-
7 tlement made under this paragraph may include an
8 exchange of lands under paragraph ~~(2)~~.

9 ~~(2) EXCHANGE.—~~

10 ~~(A) AUTHORIZATION.—(i)~~ Subject to sub-
11 paragraphs ~~(B)~~ and ~~(C)~~, pursuant to a settle-
12 ment entered into under this section, the Sec-
13 retary may convey Federal lands described in
14 subparagraph ~~(C)~~ to the Department of Hawai-
15 ian Home Lands in exchange for the continued
16 retention by the Federal Government of lands
17 described in clause ~~(ii)~~.

18 ~~(ii)~~ The lands described in this clause are
19 lands under the control of the Federal Govern-
20 ment that—

21 ~~(I)~~ were initially designated as Hawai-
22 ian home lands under section 203 of the
23 Hawaiian Homes Commission Act; and

24 ~~(II)~~ were nevertheless transferred to
25 or otherwise acquired by the Federal Gov-
26 ernment.

1 (B) VALUE OF LANDS.—(i) The value of
2 any lands conveyed to the Department of Ha-
3 waiian Home Lands by the Federal Government
4 in accordance with an exchange made under
5 subparagraph (A) may not be less than the
6 value of the lands retained by the Federal Gov-
7 ernment pursuant to such exchange.

8 (ii) For the purposes of this paragraph,
9 the value of any lands exchanged pursuant to
10 subparagraph (A) shall be the value of the
11 lands subject to the exchange on the date that
12 the exchange is carried out, or any other date
13 determined by the Secretary, with the concur-
14 rence of the appropriate official of the State of
15 Hawaii and the representative of the bene-
16 ficiaries referred to in paragraph (1).

17 (C) FEDERAL LANDS FOR EXCHANGE.—(i)
18 Subject to clause (ii), the Federal lands that
19 may be conveyed to the Department of Hawai-
20 ian Home Lands under subparagraph (A) are
21 lands located in Hawaii that—

22 (I) are under the control of the Sec-
23 retary (other than lands within the Na-
24 tional Park System or the National Wild-
25 life Refuge System); or

1 ~~(H)~~ have been declared surplus prop-
2 erty under the Federal Property and Ad-
3 ministrative Services Act of 1949 (40
4 U.S.C. 471 et seq.).

5 ~~(ii)~~ No Federal lands that the Federal
6 Government is required to convey to the State
7 of Hawaii under section 5 of the Hawaii State
8 Admissions Act may be exchanged under sub-
9 paragraph ~~(A)~~.

10 ~~(D)~~ COMPENSATION FOR LOSS OF USE.—
11 The Secretary may convey lands to the Depart-
12 ment of Hawaiian Home Lands under this
13 paragraph as compensation for the lost use of
14 lands described in subparagraph ~~(A)(ii)~~.

15 ~~(E)~~ CONDITIONS.—~~(i)~~ Subject to clause
16 ~~(ii)~~, the Secretary shall require that lands con-
17 veyed to the Department of Hawaiian Home
18 Lands under this paragraph shall have the sta-
19 tus of available lands under the Hawaiian
20 Homes Commission Act.

21 ~~(ii)~~ Notwithstanding any other provision of
22 law, lands conveyed to the Department of Ha-
23 waiian Home Lands under this paragraph may
24 later be exchanged pursuant to section 204(3)
25 of the Hawaiian Homes Commission Act.

1 (3) REPRESENTATIVE OF THE BENE-
2 FICIARIES.—

3 (A) IN GENERAL.—Notwithstanding any
4 other provision of law, for the purpose of nego-
5 tiating and settling claims described in para-
6 graph (1), the actions of the representative of
7 the beneficiaries shall be binding on the bene-
8 ficiaries.

9 (B) CONSULTATION.—In carrying out re-
10 sponsibilities under this Act, the representative
11 of the beneficiaries shall—

12 (i) consult with the beneficiaries and
13 organizations representing the bene-
14 ficiaries; and

15 (ii) report to such organizations on a
16 regular basis concerning the progress of
17 negotiations relating to claims described in
18 paragraph (1).

19 (b) NOTIFICATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), if the Secretary, the representative of the
22 beneficiaries, and the State of Hawaii do not settle
23 all claims described in subsection (a)(1) during the
24 1-year period beginning on the date of enactment of
25 this Act, upon the termination of such period, the

1 Secretary shall provide written notification of the
2 status of the claims to the Committee on Energy
3 and Natural Resources of the Senate and the Com-
4 mittee on Natural Resources of the House of Rep-
5 resentatives.

6 ~~(2) EXTENSION OF NEGOTIATIONS.—~~

7 ~~(A) IN GENERAL.—~~The Secretary, with the
8 concurrence of the representative of the bene-
9 ficiaries and the State of Hawaii, may extend
10 the termination date of the period for negotiat-
11 ing and settling claims specified in paragraph
12 ~~(1)~~ beyond the termination date specified in
13 such paragraph, except that the extended period
14 shall terminate not later than 2 years after the
15 date of enactment of this Act.

16 ~~(B) NOTIFICATION.—~~The Secretary shall
17 provide written notification to the Committee
18 on Energy and Natural Resources of the Senate
19 and the Committee on Natural Resources of the
20 House of Representatives of any extension of
21 the period specified in paragraph ~~(1)~~ made pur-
22 suant to subparagraph ~~(A)~~.

23 ~~(c) STATUTORY CONSTRUCTION.—~~Nothing in this
24 Act is intended to limit the right—

1 (1) of the representative of the beneficiaries to
 2 seek relief in a civil action against the United
 3 States; or

4 (2) of any person to seek further legislative re-
 5 lief.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated such sums as are nec-
 8 essary to carry out this section.

9 **SEC. 4. PROCEDURE FOR APPROVAL OF AMENDMENTS TO**
 10 **HAWAIIAN HOMES COMMISSION ACT.**

11 (a) NOTICE TO THE SECRETARY.—Not later than 60
 12 days after the legislature of the State of Hawaii approves
 13 a proposed amendment to the Hawaiian Homes Commis-
 14 sion Act in the manner required for State legislation, the
 15 Chairperson shall submit to the Secretary—

16 (1) a copy of the proposed amendment;

17 (2) the nature of the change proposed to be
 18 made by the amendment; and

19 (3) an opinion by the Chairperson regarding
 20 whether the proposed amendment requires the ap-
 21 proval of Congress under section 4 of the Hawaii
 22 State Admissions Act.

23 (b) DETERMINATION BY SECRETARY.—Not later
 24 than 60 days after receiving the materials required to be
 25 submitted by the Chairperson pursuant to subsection (a),

1 the Secretary shall determine whether the proposed
2 amendment requires the approval of Congress under sec-
3 tion 4 of the Hawaii State Admissions Act, and shall no-
4 tify the Chairperson and Congress of the determination
5 of the Secretary.

6 ~~(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pur-~~
7 ~~suant to subsection (b), the Secretary determines that the~~
8 ~~proposed amendment requires the approval of Congress,~~
9 ~~the Secretary shall submit to the Committee on Energy~~
10 ~~and Natural Resources of the Senate and the Committee~~
11 ~~on Natural Resources of the House of Representatives—~~

12 ~~(1) a draft joint resolution approving the~~
13 ~~amendment;~~

14 ~~(2) a description of the change made by the~~
15 ~~proposed amendment and an explanation of how the~~
16 ~~amendment advances the interests of the bene-~~
17 ~~ficiaries;~~

18 ~~(3) a comparison of the existing law (as of the~~
19 ~~date of submission of the proposed amendment) that~~
20 ~~is the subject of the amendment with the proposed~~
21 ~~amendment;~~

22 ~~(4) a recommendation concerning the advisabil-~~
23 ~~ity of approving the proposed amendment; and~~

24 ~~(5) any documentation concerning the amend-~~
25 ~~ments received from the Chairperson.~~

1 **SEC. 5. LAND EXCHANGES.**

2 (a) NOTICE TO THE SECRETARY.—If the Chairperson
3 recommends for approval an exchange of Hawaiian home
4 lands, the Chairperson shall submit a report to the Sec-
5 retary on the proposed exchange. The report shall con-
6 tain—

7 (1) a description of the acreage and fair market
8 value of the lands involved in the exchange;

9 (2) surveys and appraisals prepared by the De-
10 partment of Hawaiian Home Lands, if any; and

11 (3) an identification of the benefits to the par-
12 ties of the proposed exchange.

13 (b) APPROVAL OR DISAPPROVAL.—

14 (1) IN GENERAL.—Not later than 120 days
15 after receiving the information required to be sub-
16 mitted by the Chairperson pursuant to subsection
17 (a), the Secretary shall approve or disapprove the
18 proposed exchange.

19 (2) NOTIFICATION.—The Secretary shall notify
20 the Chairperson, the Committee on Energy and Nat-
21 ural Resources of the Senate, and the Committee on
22 Natural Resources of the House of Representatives
23 of the reasons for the approval or disapproval of the
24 proposed exchange.

25 (c) EXCHANGES INITIATED BY SECRETARY.—

1 (1) IN GENERAL.—The Secretary may rec-
2 ommend to the Chairperson an exchange of Hawai-
3 ian home lands for Federal lands described in
4 subclauses (I) and (II) of section 3(a)(2)(C)(i), other
5 than lands described in section 3(a)(2)(C)(ii). If the
6 Secretary initiates a recommendation for such an ex-
7 change, the Secretary shall submit a report to the
8 Chairperson on the proposed exchange that meets
9 the requirements of a report described in subsection
10 (a).

11 (2) APPROVAL BY CHAIRPERSON.—Not later
12 than 120 days after receiving a recommendation for
13 an exchange from the Secretary under paragraph
14 (1), the Chairperson shall provide written notifica-
15 tion to the Secretary of the approval or disapproval
16 of a proposed exchange. If the Chairperson approves
17 the proposed exchange, upon receipt of the written
18 notification, the Secretary shall notify the Commit-
19 tee on Energy and Natural Resources of the Senate,
20 and the Committee on Natural Resources of the
21 House of Representatives of the approval of the
22 Chairperson of the proposed exchange.

23 (3) EXCHANGE.—Upon providing notification
24 pursuant to paragraph (2) of a proposed exchange
25 that has been approved by the Chairperson pursuant

1 to this section, the Secretary may carry out the ex-
2 change.

3 ~~(d) SURVEYS AND APPRAISALS.—~~

4 (1) ~~REQUIREMENT.—~~The Secretary shall con-
5 duct a survey of all Hawaiian home lands based on
6 the report entitled “Survey Needs for the Hawaiian
7 Home Lands”, issued by the Inspector General of
8 the Department of the Interior, and dated July
9 1991.

10 (2) ~~OTHER SURVEYS.—~~The Secretary is author-
11 ized to conduct such other surveys and appraisals as
12 may be necessary to make an informed decision re-
13 garding approval or disapproval of a proposed ex-
14 change.

15 **SEC. 6. ADMINISTRATION OF ACTS.**

16 ~~(a) DESIGNATION.—~~

17 (1) ~~IN GENERAL.—~~Not later than 120 days
18 after the date of enactment of this Act, the Sec-
19 retary shall designate an individual from within the
20 Department of the Interior to administer the respon-
21 sibilities of the United States under this Act and the
22 Hawaiian Homes Commission Act.

23 (2) ~~DEFAULT.—~~If the Secretary fails to make
24 an appointment by the date specified in paragraph
25 (1), or if the position is vacant at any time there-

1 after, the Assistant Secretary for Policy, Budget,
 2 and Administration of the Department of the Inte-
 3 rior shall exercise the responsibilities for the Depart-
 4 ment in accordance with subsection (b).

5 (b) RESPONSIBILITIES.—The individual designated
 6 pursuant to subsection (a) shall, in administering the Acts
 7 referred to in such subsection—

8 (1) advance the interests of the beneficiaries;
 9 and

10 (2) assist the beneficiaries and the Department
 11 of Hawaiian Home Lands in obtaining assistance
 12 from programs of the Department of the Interior
 13 and other Federal agencies that will promote home-
 14 steading opportunities, economic self-sufficiency, and
 15 social well-being of the beneficiaries.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Hawaiian Home Lands*
 18 *Recovery Act”.*

19 **SEC. 2. DEFINITIONS.**

20 *As used in this Act:*

21 (1) AGENCY.—The term “agency” includes—

22 (A) any instrumentality of the United
 23 States;

24 (B) any element of an agency; and

1 (C) any wholly owned or mixed-owned cor-
2 poration of the United States Government.

3 (2) *BENEFICIARY.*—The term “beneficiary” has
4 the same meaning as is given the term “native Ha-
5 waiian” under section 201(7) of the Hawaiian Homes
6 Commission Act.

7 (3) *CHAIRPERSON.*—The term “Chairperson”
8 means the Chairperson of the Department of Hawai-
9 ian Home Lands of the State of Hawaii.

10 (4) *COMMISSION.*—The term “Commission”
11 means the Hawaiian Homes Commission established
12 by section 202 of the Hawaiian Homes Commission
13 Act.

14 (5) *HAWAIIAN HOMES COMMISSION ACT.*—The
15 term “Hawaiian Homes Commission Act” means the
16 Hawaiian Homes Commission Act, 1920 (42 Stat.
17 108 et seq., chapter 42).

18 (6) *HAWAII STATE ADMISSIONS ACT.*—The term
19 “Hawaii State Admissions Act” means the Act enti-
20 tled “An Act to provide for the admission of the State
21 of Hawaii into the Union”, approved March 18, 1959
22 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

23 (7) *LOST USE.*—The term “lost use” means the
24 inability of beneficiaries or the Hawaiian Homes
25 Commission to use lands as authorized by sections

1 204 and 207 of the Hawaiian Homes Commission Act
2 because of the use of such lands by the Federal Gov-
3 ernment after August 21, 1959.

4 (8) *SECRETARY.*—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 3. SETTLEMENT OF FEDERAL CLAIMS.**

7 (a) *IN GENERAL.*—

8 (1) *DETERMINATION.*—The Secretary shall deter-
9 mine the value of the following:

10 (A) *Lands under the control of the Federal*
11 *Government that—*

12 (i) *were initially designated as Hawai-*
13 *ian home lands under section 203 of the*
14 *Hawaiian Homes Commission Act (as in*
15 *effect on the date of enactment of such Act);*
16 *and*

17 (ii) *were nevertheless transferred to or*
18 *otherwise acquired by the Federal Govern-*
19 *ment.*

20 (B) *The lost use of lands described in sub-*
21 *paragraph (A).*

22 (C)(i) *Except as provided in clause (ii), the*
23 *determinations of value made under this sub-*
24 *section shall be made not later than 1 year after*
25 *the date of enactment of this Act. In carrying*

1 *out this subsection, the Secretary shall use a*
2 *method of determining value that—*

3 *(I) is acceptable to the Chairperson;*

4 *and*

5 *(II) is in the best interest of the bene-*
6 *ficiaries.*

7 *(ii) The Secretary and the Chairperson may*
8 *mutually agree to extend the deadline for making*
9 *determinations under this subparagraph beyond*
10 *the date specified in clause (i).*

11 *(D)(i) Except as provided in clause (iii), if*
12 *the Secretary and the Chairperson do not agree*
13 *on the determinations of values made by the Sec-*
14 *retary under subparagraphs (A) and (B), such*
15 *values shall be determined by an appraisal. An*
16 *appraisal conducted under this subparagraph*
17 *shall be conducted in accordance with the Uni-*
18 *form Standards for Federal Land Acquisitions*
19 *developed by the Interagency Land Acquisition*
20 *Conference or such other standards as the Sec-*
21 *retary, with the concurrence of the Chairperson,*
22 *determines to be appropriate.*

23 *(ii) If an appraisal is conducted pursuant*
24 *to this subparagraph, during the appraisal proc-*
25 *ess—*

1 (I) the Chairperson shall have the op-
2 portunity to present evidence of value to the
3 Secretary;

4 (II) the Secretary shall provide the
5 Chairperson a preliminary copy of the ap-
6 praisal;

7 (III) the Chairperson shall have a rea-
8 sonable and sufficient opportunity to com-
9 ment on the preliminary copy of the ap-
10 praisal; and

11 (IV) the Secretary shall give consider-
12 ation to the comments and evidence of value
13 submitted by the Chairperson under this
14 clause.

15 (iii) The Chairperson shall have the right to
16 dispute the determinations of values made by an
17 appraisal conducted under this subparagraph. If
18 the Chairperson disputes the appraisal, the Sec-
19 retary and the Chairperson may mutually agree
20 to employ a process of bargaining, mediation, or
21 other means of dispute resolution to make the de-
22 terminations of values described in subpara-
23 graphs (A) and (B).

24 (2) AUTHORIZATION.—

1 (A) *EXCHANGE.*—Subject to subparagraphs
2 (B) and (E), the Secretary may convey Federal
3 lands described in subparagraph (E) to the De-
4 partment of Hawaiian Home Lands in exchange
5 for the continued retention by the Federal Gov-
6 ernment of lands described in subsection
7 (a)(1)(A).

8 (B) *VALUE OF LANDS.*—(i) The value of
9 any lands conveyed to the Department of Ha-
10 waiian Home Lands by the Federal Government
11 in accordance with an exchange made under sub-
12 paragraph (A) may not be less than the value of
13 the lands retained by the Federal Government
14 pursuant to such exchange.

15 (ii) For the purposes of this paragraph, the
16 value of any lands exchanged pursuant to sub-
17 paragraph (A) shall be the value of the lands
18 subject to the exchange on the date that the ex-
19 change is carried out, or any other date deter-
20 mined by the Secretary, with the concurrence of
21 the Chairperson.

22 (C) *LOST USE.*—Subject to subparagraphs
23 (D) and (E), the Secretary may convey Federal
24 lands described in subparagraph (E) to the De-
25 partment of Hawaiian Home Lands as com-

1 *compensation for the lost use of lands determined*
2 *under subsection (a)(1).*

3 (D) *VALUE OF LOST USE.—(i) The value of*
4 *any lands conveyed to the Department of Ha-*
5 *waiian Home Lands by the Federal Government*
6 *as compensation under subparagraph (C) may*
7 *not be less than the value of the lost use of lands*
8 *described in subsection (a)(1)(A).*

9 (ii) *For the purposes of this paragraph, the*
10 *value of any lands conveyed pursuant to sub-*
11 *paragraph (C) shall be equal to the value of the*
12 *lost use of lands determined under subsection*
13 *(a)(1) on the date that the conveyance occurs, or*
14 *any other date determined by the Secretary, with*
15 *the concurrence of the Chairperson.*

16 (E) *FEDERAL LANDS FOR EXCHANGE.—(i)*
17 *Subject to clauses (ii) and (iii), the Federal*
18 *lands that may be conveyed to the Department*
19 *of Hawaiian Home Lands under subparagraphs*
20 *(A) and (C) are lands located in Hawaii that*
21 *are under the control of an agency (other than*
22 *lands within the National Park System or the*
23 *National Wildlife Refuge System). To assist the*
24 *Secretary in carrying out this Act, the head of*
25 *an agency may transfer to the Department of the*

1 *Interior, without reimbursement, jurisdiction*
2 *and control of any lands and any structures that*
3 *the Secretary determines to be suitable for con-*
4 *veyance to the Department of Hawaiian Home*
5 *Lands pursuant to an exchange conducted under*
6 *this section.*

7 *(ii) No Federal lands that the Federal Gov-*
8 *ernment is required to convey to the State of Ha-*
9 *waii under section 5 of the Hawaii State Admis-*
10 *sions Act may be conveyed under subparagraph*
11 *(A) or (C).*

12 *(iii) No Federal lands that generate income*
13 *(or would be expected to generate income) for the*
14 *Federal Government may be conveyed pursuant*
15 *to an exchange made under this paragraph to*
16 *the Department of Hawaiian Home Lands.*

17 *(3) AVAILABLE LANDS.—*

18 *(A) IN GENERAL.—Subject to subparagraph*
19 *(B), the Secretary shall require that lands con-*
20 *veyed to the Department of Hawaiian Home*
21 *Lands under this paragraph shall have the sta-*
22 *tus of available lands under the Hawaiian Home*
23 *Commission Act.*

24 *(B) SUBSEQUENT EXCHANGE OF LANDS.—*
25 *Notwithstanding any other provision of law,*

1 lands conveyed to the Department of Hawaiian
 2 Home Lands under this paragraph may subse-
 3 quently be exchanged pursuant to section 204(3)
 4 of the Hawaiian Homes Commission Act.

5 (4) *CONSULTATION.*—In carrying out their re-
 6 spective responsibilities under this section, the Sec-
 7 retary and the Chairperson shall—

8 (A) consult with the beneficiaries and orga-
 9 nizations representing the beneficiaries; and

10 (B) report to such organizations on a regu-
 11 lar basis concerning the progress made to meet
 12 the requirements of this section.

13 (5) *HOLD HARMLESS.*—Notwithstanding any
 14 other provision of law, the United States shall defend
 15 and hold harmless the Department of Hawaiian
 16 Home Lands, the employees of the Department, and
 17 the beneficiaries with respect to any claim arising
 18 from the ownership of any land or structure that is
 19 conveyed to the Department pursuant to an exchange
 20 made under this section prior to the conveyance to the
 21 Department of such land or structure.

22 **SEC. 4. PROCEDURE FOR APPROVAL OF AMENDMENTS TO**
 23 **HAWAIIAN HOMES COMMISSION ACT.**

24 (a) *NOTICE TO THE SECRETARY.*—Not later than 60
 25 days after the legislature of the State of Hawaii approves

1 *a proposed amendment to the Hawaiian Homes Commis-*
2 *sion Act in the manner required for State legislation, the*
3 *Chairperson shall submit to the Secretary—*

4 *(1) a copy of the proposed amendment;*

5 *(2) the nature of the change proposed to be made*
6 *by the amendment; and*

7 *(3) an opinion by the Chairperson regarding*
8 *whether the proposed amendment requires the ap-*
9 *proval of Congress under section 4 of the Hawaii*
10 *State Admissions Act.*

11 *(b) DETERMINATION BY SECRETARY.—Not later than*
12 *60 days after receiving the materials required to be submit-*
13 *ted by the Chairperson pursuant to subsection (a), the Sec-*
14 *retary shall determine whether the proposed amendment re-*
15 *quires the approval of Congress under section 4 of the Ha-*
16 *waii State Admissions Act, and shall notify the Chair-*
17 *person and Congress of the determination of the Secretary.*

18 *(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pur-*
19 *suant to subsection (b), the Secretary determines that the*
20 *proposed amendment requires the approval of Congress, the*
21 *Secretary shall submit to the Committee on Energy and*
22 *Natural Resources of the Senate and the Committee on Nat-*
23 *ural Resources of the House of Representatives—*

24 *(1) a draft joint resolution approving the*
25 *amendment;*

1 (2) a description of the change made by the pro-
2 posed amendment and an explanation of how the
3 amendment advances the interests of the beneficiaries;

4 (3) a comparison of the existing law (as of the
5 date of submission of the proposed amendment) that
6 is the subject of the amendment with the proposed
7 amendment;

8 (4) a recommendation concerning the advisabil-
9 ity of approving the proposed amendment; and

10 (5) any documentation concerning the amend-
11 ments received from the Chairperson.

12 **SEC. 5. LAND EXCHANGES.**

13 (a) *NOTICE TO THE SECRETARY.*—If the Chairperson
14 recommends for approval an exchange of Hawaiian home
15 lands, the Chairperson shall submit a report to the Sec-
16 retary on the proposed exchange. The report shall contain—

17 (1) a description of the acreage and fair market
18 value of the lands involved in the exchange;

19 (2) surveys and appraisals prepared by the De-
20 partment of Hawaiian Home Lands, if any; and

21 (3) an identification of the benefits to the parties
22 of the proposed exchange.

23 (b) *APPROVAL OR DISAPPROVAL.*—

24 (1) *IN GENERAL.*—Not later than 120 days after
25 receiving the information required to be submitted by

1 *the Chairperson pursuant to subsection (a), the Sec-*
2 *retary shall approve or disapprove the proposed ex-*
3 *change.*

4 (2) *NOTIFICATION.—The Secretary shall notify*
5 *the Chairperson, the Committee on Energy and Natu-*
6 *ral Resources of the Senate, and the Committee on*
7 *Natural Resources of the House of Representatives of*
8 *the reasons for the approval or disapproval of the pro-*
9 *posed exchange.*

10 (c) *EXCHANGES INITIATED BY SECRETARY.—*

11 (1) *IN GENERAL.—The Secretary may rec-*
12 *ommend to the Chairperson an exchange of Hawaiian*
13 *home lands for Federal lands described in section*
14 *3(a)(2)(E), other than lands described clauses (ii) and*
15 *(iii) of such section. If the Secretary initiates a rec-*
16 *ommendation for such an exchange, the Secretary*
17 *shall submit a report to the Chairperson on the pro-*
18 *posed exchange that meets the requirements of a re-*
19 *port described in subsection (a).*

20 (2) *APPROVAL BY CHAIRPERSON.—Not later than*
21 *120 days after receiving a recommendation for an ex-*
22 *change from the Secretary under paragraph (1), the*
23 *Chairperson shall provide written notification to the*
24 *Secretary of the approval or disapproval of a pro-*
25 *posed exchange. If the Chairperson approves the pro-*

1 *posed exchange, upon receipt of the written notifica-*
2 *tion, the Secretary shall notify the Committee on En-*
3 *ergy and Natural Resources of the Senate, and the*
4 *Committee on Natural Resources of the House of Rep-*
5 *resentatives of the approval of the Chairperson of the*
6 *proposed exchange.*

7 (3) *EXCHANGE.*—*Upon providing notification*
8 *pursuant to paragraph (2) of a proposed exchange*
9 *that has been approved by the Chairperson pursuant*
10 *to this section, the Secretary may carry out the ex-*
11 *change.*

12 (d) *SURVEYS AND APPRAISALS.*—

13 (1) *REQUIREMENT.*—*The Secretary shall conduct*
14 *a survey of all Hawaiian home lands based on the re-*
15 *port entitled “Survey Needs for the Hawaiian Home*
16 *Lands”, issued by the Inspector General of the De-*
17 *partment of the Interior, and dated July 1991.*

18 (2) *OTHER SURVEYS.*—*The Secretary is author-*
19 *ized to conduct such other surveys and appraisals as*
20 *may be necessary to make an informed decision re-*
21 *garding approval or disapproval of a proposed ex-*
22 *change.*

23 **SEC. 6. ADMINISTRATION OF ACTS.**

24 (a) *DESIGNATION.*—

1 (1) *IN GENERAL.*—Not later than 120 days after
2 the date of enactment of this Act, the Secretary shall
3 designate an individual from within the Department
4 of the Interior to administer the responsibilities of the
5 United States under this Act and the Hawaiian
6 Homes Commission Act.

7 (2) *DEFAULT.*—If the Secretary fails to make an
8 appointment by the date specified in paragraph (1),
9 or if the position is vacant at any time thereafter, the
10 Assistant Secretary for Policy, Budget, and Adminis-
11 tration of the Department of the Interior shall exer-
12 cise the responsibilities for the Department in accord-
13 ance with subsection (b).

14 (b) *RESPONSIBILITIES.*—The individual designated
15 pursuant to subsection (a) shall, in administering the Acts
16 referred to in such subsection—

17 (1) *advance the interests of the beneficiaries; and*
18 (2) *assist the beneficiaries and the Department of*
19 *Hawaiian Home Lands in obtaining assistance from*
20 *programs of the Department of the Interior and other*
21 *Federal agencies that will promote homesteading op-*
22 *portunities, economic self-sufficiency, and social well-*
23 *being of the beneficiaries.*

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