

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian tribal development consolidated funding act of 2000, to be followed immediately by a business meeting to mark up S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian Tribes of Texas Restoration Act, and for other purposes.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Com-

mittee on Indian Affairs will meet on Wednesday, October 4, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224-2251.

RED RIVER BOUNDARY COMPACT

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 785, H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 72) granting the consent of the Congress to the Red River Boundary Compact.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. GORTON. I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 72) was read the third time and passed.

KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 783, H.R. 4700.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4700) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I congratulate Congresswoman KAREN MCCARTHY of Missouri, who has worked so hard on this legislation. It provides congressional approval to an interstate compact that is important to her and to the people of Kansas City. I know that she helped establish the Kansas and Missouri Metropolitan Culture District for local efforts to benefit Kansas City and that she has championed this effort to obtain the constitutionally required congressional consent to the compact between Missouri and Kansas in this regard. I am glad the Senate is responding favorably to her efforts and commend her leadership in moving this measure through Congress.

Mr. GORTON. I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4700) was deemed read the third time and passed.

CONSTRUCTION OF A RECONCILIATION PLACE IN FORT PIERRE, SOUTH DAKOTA

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. 1658.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1658) to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;

(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and

(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SIOUX NATION.—The term "Sioux Nation" means the Indian tribes comprising the Sioux Nation.

TITLE I—RECONCILIATION CENTER

SEC. 101. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation

with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as "Reconciliation Place".

(b) **LOCATION.**—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as "The Reconciliation Place Addition" that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.

(c) **PURPOSES.**—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—
(i) the history of Indian tribes; and
(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) **GRANT.**—

(1) **IN GENERAL.**—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) **GRANT AGREEMENT.**—

(A) **IN GENERAL.**—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) **CONSULTATION.**—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) **DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.**—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Housing and Urban Development \$18,258,441, to be used for the grant under this section.

SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.

(a) **IN GENERAL.**—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Mediation Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

(a) **ESTABLISHMENT.**—There is established the Native American Economic Development Council (in this title referred to as the "Council"). The Council shall be a charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.

(b) **PURPOSES.**—The purposes of the Council are—

(1) to encourage, accept, and administer private gifts of property;

(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;

(3) to provide members of Indian tribes with the skills and resources necessary for establishing successful businesses;

(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;

(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and

(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.

SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

(a) **ESTABLISHMENT AND MEMBERSHIP.**—

(1) **IN GENERAL.**—The Council shall have a governing Board of Directors (in this title referred to as the "Board").

(2) **MEMBERSHIP.**—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:

(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.

(ii) Each member described in clause (i) shall—

(I) represent 1 of the reservations described in clause (i); and

(II) be selected from among nominations submitted by the appropriate Indian tribe.

(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.

(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.

(3) **CITIZENSHIP.**—Each member of the Board shall be a citizen of the United States.

(b) **APPOINTMENTS AND TERMS.**—

(1) **APPOINTMENT.**—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).

(2) **TERMS.**—Each director shall serve for a term of 2 years.

(3) **VACANCIES.**—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.

(4) **LIMITATION ON TERMS.**—No individual may serve more than 3 consecutive terms as a director.

(c) **CHAIRMAN.**—The Chairman shall be elected by the Board from its members for a term of 2 years.

(d) **QUORUM.**—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(e) **MEETINGS.**—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).

(f) **REIMBURSEMENT OF EXPENSES.**—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(g) **GENERAL POWERS.**—

(1) **POWERS.**—The Board may complete the organization of the Council by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and

(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.

(2) **EFFECT OF APPOINTMENT.**—Appointment to the Board shall not constitute employment by,

or the holding of an office of, the United States for the purposes of any Federal law.

(3) **LIMITATIONS.**—The following limitations shall apply with respect to the appointment of officers and employees of the Council:

(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.

(B) Officers and employees of the Council—

(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) **SECRETARY OF THE BOARD.**—The first officer or employee appointed by the Board shall be the Secretary of the Board. The Secretary of the Board shall—

(A) serve, at the direction of the Board, as its chief operating officer; and

(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.

SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

(a) **CORPORATE POWERS.**—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.

(b) **OTHER POWERS AND OBLIGATIONS.**—

(1) **IN GENERAL.**—The Council—

(A) shall have perpetual succession;

(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;

(C) shall have its principal offices in South Dakota; and

(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.

(2) **SERVICE OF NOTICE.**—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.

(c) **SEAL.**—The Council shall have an official seal selected by the Board, which shall be judicially noticed.

(d) **CERTAIN INTERESTS.**—If any current or future interest of a gift under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.

SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) **PROVISION OF SERVICES.**—The Secretary may provide personnel, facilities, and other administrative services to the Council, including

reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.

(b) **REIMBURSEMENT.**—

(1) **IN GENERAL.**—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

(2) **CONTINUATION OF CERTAIN ASSISTANCE.**—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.

SEC. 205. VOLUNTEER STATUS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.

(b) **INCIDENTAL EXPENSES.**—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).

SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) **AUDITS.**—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.

(b) **REPORT.**—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.**—If the Council—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or

(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;

then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 207. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.

SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.

(a) **GRANTS.**—

(1) **IN GENERAL.**—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.

(2) **GRANT AGREEMENTS.**—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).

(3) **MATCHING REQUIREMENTS.**—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under

this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.

(4) **PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.**—Each agreement entered into under paragraph (2) shall specify that a reasonable amount of the Federal funds made available to the Council (under the grant that is the subject of the agreement or otherwise), but in no event more than 15 percent of such funds, may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.

(b) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).

(2) **AGENCY HEADS.**—The agency heads listed in this paragraph are as follows:

(A) The Secretary of Housing and Urban Development.

(B) The Secretary of the Interior.

(C) The Commissioner of Indian Affairs.

(D) The Assistant Secretary for Economic Development of the Department of Commerce.

(E) The Administrator of the Small Business Administration.

(F) The Administrator of the Rural Development Administration.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Department of the Interior, \$10,000,000 for each of fiscal years 2002, 2003, 2004, 2005, and 2006, to be used in accordance with section 208.

(b) **ADDITIONAL AUTHORIZATION.**—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.

Mr. GORTON. I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1658), as amended, was considered read the third time and passed.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 765, S. 1929.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1929) a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Health Care Improvement Act Reauthorization of 2000".

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) **SHORT TITLE.**—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.

"Sec. 2. Findings.

"Sec. 3. Definitions.

"Sec. 4. Declaration of national Native Hawaiian health policy.

"Sec. 5. Comprehensive health care master plan for Native Hawaiians.

"Sec. 6. Functions of Papa Ola Lokahi and Office of Hawaiian Affairs.

"Sec. 7. Native Hawaiian health care.

"Sec. 8. Administrative grant for Papa Ola Lokahi.

"Sec. 9. Administration of grants and contracts.

"Sec. 10. Assignment of personnel.

"Sec. 11. Native Hawaiian health scholarships and fellowships.

"Sec. 12. Report.

"Sec. 13. Use of Federal Government facilities and sources of supply.

"Sec. 14. Demonstration projects of national significance.

"Sec. 15. National Bipartisan Commission on Native Hawaiian Health Care Entitlement.

"Sec. 16. Rule of construction.

"Sec. 17. Compliance with Budget Act.

"Sec. 18. Severability.

"SEC. 2. FINDINGS.

"(a) **GENERAL FINDINGS.**—Congress makes the following findings:

"(1) Native Hawaiians begin their story with the Kumulipo which details the creation and inter-relationship of all things, including their involvement as healthy and well people.

"(2) Native Hawaiians are a distinct and unique indigenous peoples with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean, and have a distinct society organized almost 2,000 years ago.

"(3) The health and well-being of Native Hawaiians are intrinsically tied to their deep feelings and attachment to their lands and seas.

"(4) The long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians.

"(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum.

"(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. In referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawaii.

"(7) The constitution and statutes of the State of Hawaii—

"(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.

"(8) At the time of the arrival of the first non-indigenous peoples in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based