

APPENDIXES

Appendix A

AN ACT TO PREVENT THE SPREAD OF LEPROSY, 1865.

WHEREAS, the disease of Leprosy has spread to considerable extent among the people, and the spread thereof has excited well grounded alarms; and Whereas, further, some doubts have been expressed regarding the powers of the Board of Health in the premises, notwithstanding the 302nd Section of the Civil Code; and Whereas, in the opinion of the Assembly, the 302nd Section is properly applicable to the treatment of persons afflicted with leprosy. Yet for greater certainty, and for the sure protection of the people,

BE IT ENACTED, by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Minister of the Interior, as President of the Board of Health, is hereby expressly authorized, with the approval of the said Board, to reserve and set apart any land or portion of land now owned by the Government, for a site or sites of an establishment or establishments to secure the isolation and seclusion of such leprous persons as in the opinion of the Board of Health or its agents, may, by being at large, cause the spread of leprosy.

SEC. 2. The Minister of the Interior, as President of the Board of Health, and acting with the approval of the said Board, may acquire for the purpose stated in the preceding section, by purchase or exchange, any piece or pieces, parcel or parcels of land, which may seem better adapted to the use of lepers, than any land owned by the Government.

SEC. 3. The Board of Health or its agents are authorized and empowered to cause to be confined, in some place or places for that purpose provided, all leprosy patients who shall be deemed capable of spreading the disease of leprosy, and it shall be the duty of every police or District Justice, when properly applied to for that purpose by the Board of Health, or its authorized agents, to cause to be arrested and delivered to the Board of Health or its agents, any person alleged to be a leper, within the jurisdiction of such police or District Justice, and it shall be the duty of the Marshal of the Hawaiian Islands and his deputies, and of the police officers, to assist in securing the conveyance of any person so arrested to such place, as the Board of Health, or its agents may direct, in order that such person may be subjected to medical inspection, and thereafter to assist in removing such person to a place of treatment, or isolation, if so required, by the agents of the Board of Health.

SEC. 4. The Board of Health is authorized to make such arrangements for the establishment of a Hospital, where leprosy patients in the incipient stages may be treated in order to attempt a cure, and the said Board and its agents shall have full power to discharge all such patients as it shall deem cured, and to send to a place of isolation contemplated in Sections one and two of this Act, all such patients as shall be considered incurable or capable of spreading the disease of leprosy.

SEC. 5. The Board of Health or its agents may require from patients, such reasonable amount of labor as may be approved of by the attending physicians, and may further make and publish such rules and regula-

tions as by the said Board may be considered adapted to ameliorate the condition of lepers, which said rules and regulations shall be published and enforced as in the 284th and 285th Sections of the Civil Code provided.

SEC. 6. The property of all persons committed to the care of the Board of Health for the reasons above stated shall be liable for the expenses attending their confinement, and the Attorney-General shall institute suits for the recovery of the same when requested to do so by the President of the Board of Health.

SEC. 7. The Board of Health, while keeping an accurate and detailed account of all sums of money expended by them out of any appropriations which may be made by the Legislature, shall keep the amounts of sums expended for the leprosy, distinct from the general account. And the said Board shall report to the Legislature at each of its regular sessions, the said expenditures in detail, together with such information regarding the disease of leprosy, as well as the public health generally, as it may deem to be of interest to the public.

Approved this 3rd day of January, 1865.

KAMEHAMAILA, R.

The section referred to is as follows:

§ 302. When any person shall be infected with the small-pox, or other sickness dangerous to the public health, the Board of Health, or its Agent, may, for the safety of the inhabitants, remove such sick or infected person to a separate house, and provide him with nurses and other necessaries which shall be at the charge of the person himself, his parents or master, if able; otherwise at the charge of the Government.

Appendix B

Laws Relating to Leprosy. From Mouritz,
"Path of the Destroyer," pp. 403-19.

VISITORS REQUIRE PERMITS.

No person, not being a leper, shall be allowed to visit or remain upon any land, place, or inclosure set apart by the Board of Health for the isolation and confinement of lepers without the written permission of the President of the Board, or some officer authorized thereto by the Board of Health, under any circumstances whatever, and any person found upon such land, place, or inclosure without a written permission shall, upon conviction thereof, before any district magistrate, be fined in a sum not less than ten nor more than one hundred dollars for such offense, and in default of payment, to be imprisoned at hard labor until the fine and costs of court are discharged in due course of law.

BOARD MAY MAKE RULES AND REGULATIONS.

It shall be lawful for the Board of Health, through its President, to make and promulgate such rules as may be from time to time necessary for the government and control of the lepers placed under its charge, and such rules and regulations shall have the same force and effect as a statute law of the Territory: Provided, always, that the sanction of the governor be given thereto, and that they be published in two newspapers, published in Honolulu, one in the Hawaiian, the other in the English language.

The Board of Health is hereby authorized to permit any person to engage in the treatment of lepers or of persons supposed to have leprosy. Such permits shall be under such conditions and regulations as the Board shall prescribe, and be revocable at the pleasure of the Board.

SEGREGATION OF LEPERS.

HARBORING A LEPER A MISDEMEANOR.

Whoever shall knowingly detain or harbor upon premises subject to his control, or shall in any manner conceal or secrete, or assist in concealing or secreting any person afflicted with leprosy, with the intent that such person be not discovered by or delivered to the Board of Health or its agents, or who shall support or assist in supporting any person having leprosy living in concealment, shall be deemed guilty of a misdemeanor, and shall on conviction thereof before any district magistrate, be liable to a fine of not more than one hundred dollars.

DUTY OF POLICE OFFICERS.

It shall be the duty of every police officer or deputy sheriff, having reason to believe that any person within his district is afflicted with leprosy, to report the same forthwith to the agent of the Board of Health in such district, if any, otherwise to the nearest agent of the Board of Health.

Any police officer or deputy sheriff who shall wilfully fail to comply with the provisions of the previous section shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any district magistrate, shall be fined in a sum not less than ten dollars nor more than two hundred dollars, and shall be dismissed from office.

KOKUAS ARE SUBJECT TO THE BOARD.

Voluntary helpers or kokuas living with lepers segregated by the Board of Health may be by such Board declared infected with the disease of leprosy, and capable of communicating the same to others. All such kokuas are hereby placed under control of the Board of Health, and may be prevented by it from intermingling with those free from the disease.

The Board of Health, with the consent of the governor, is empowered to make and promulgate such rules and regulations in regard to such helpers or kokuas for their care, discipline and maintenance as may be deemed necessary, which rules and regulations shall have the force and effect of law when promulgated.

DUTIES OF KOKUAS.

Every kokua who has heretofore received permission, or who may hereafter get permission to go to the Leper Settlement, according to law, shall perform the duties of kokuas to their leper friends, as provided in the following sections, and in no other way.

The duties to be performed by the kokuas of the lepers shall be, that each kokua must take care of the leper or lepers that he went there to assist, and to go and get and prepare in a suitable manner all food and other supplies that are furnished by the government to the lepers, and attend to the clothing and other things that would contribute to the comfort of the lepers whose kokuas they are. And said kokuas shall also perform such labor and service as may be required by the Board of Health, when requested to do so by the superintendent of the Leper Settlement, for which services they shall be paid such wages as are deemed fair and just by the Board of Health, such wages to be not less than fifty cents per diem. And any

kokuas refusing to perform such labor, as above stated, or who shall violate any rule or regulation of the Board of Health, shall be liable on conviction before a district magistrate to expulsion from the Settlement.

CARRYING LEPERS.

No steam-coasting vessel licensed to carry passengers and engage in the regular performance of that business, according to the published schedules of sailing times, and whose net tonnage exceeds two hundred and fifty tons, shall be compelled, while so engaged, to carry to or from any port or place in the Territory of Hawaii any leper, or any person suffering from any contagious or infectious disease.

The master or owner of any such vessel knowingly violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any district magistrate shall be fined in a sum not to exceed two hundred dollars.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any district magistrate shall be fined in a sum not to exceed two hundred dollars.

ACQUISITION OF LAND.

The Superintendent of Public Works is hereby empowered to purchase all lands, the title to which is now held and owned by private persons within the precincts of the government reservation used for the Leper Settlement at Molokai.

In every case where no agreement about the price on such lands can be made between the Superintendent of Public Works and the owners, there shall be appointed three disinterested persons who shall appraise the value of said lands and improvements, one of whom shall be appointed by the Superintendent of Public Works, one by the owner of the land, and the two thus appointed shall choose the third member, and such appraisement shall be binding upon the parties, unless the party who may be dissatisfied with such appraisement shall, within twenty days after notice of such appraisement, appeal therefrom.

The appeal shall be taken to the Supreme Court, sitting in banco, who shall decide the question upon the testimony presented before the appraisers, and no new evidence shall be allowed to be given on such appeal. The Supreme Court may, upon such appeal, approve, reverse, or modify the appraisement; and such decision of the Supreme

Court shall be final and binding upon the parties to the controversy, and the owner of said land shall not be subjected to the payment of the costs of such appeal.

The owner of such lands shall deliver possession of the same to the officers in charge of the Leper Settlement within sixty days, after the appraisalment becomes final, and the Superintendent of Public Works shall forthwith, after such delivery, pay to the owner the sum fixed by the appraisalment or decision; and upon such payment the title to said lands shall become and remain vested in the government.

A copy of the appraisalment or decision, duly certified with the certificate of the Superintendent of Public Works, of the payment or tender of the sum appraised or decreed, duly acknowledged by said Superintendent, shall be recorded and be deemed sufficient record evidence of the change of title.

ACQUIRING LAND ON MOLOKAI FOR SEGREGATION.

The Superintendent of Public Works is hereby authorized and empowered to enter upon and take possession of and hold for the use of the government, such land, real estate, and property wheresoever situated on the Island of Molokai, in the Territory of Hawaii, as may be required by the Board of Health for the segregation and confinement of lepers, or for other purposes of the Board of Health.

Whenever the Board of Health may require any parcel of land or property on the Island of Molokai for such purposes, the President of the Board shall so inform the Superintendent of Public Works in writing, stating the location and area of such land or property so far as may be known to him, and the purpose for which the same is required, with a request that the same be acquired by the government. If upon receipt of such request and information the said superintendent shall deem the same to be reasonable and proper, he shall, after first giving thirty days' written notice to the occupants of such land or property, take possession of the same for the use of the government. Provided, however, that if such land or property is not actually occupied by any person, the said superintendent may take immediate possession of the same.

COMPENSATION TO OWNERS.

Whenever the Superintendent of Public Works shall proceed to take possession of any land or property under the provisions of this act, he shall first endeavor to agree with the owners (if known to

him) of such land or property taken, or to compromise with them, and in case of failure to agree with them, he shall appoint three competent and disinterested persons to act as commissioners and determine such compensation.

NOTICE TO OWNERS.

The commissioners so appointed shall give notice to the owners, if known to them and resident within the Territory of Hawaii, whose property has been taken or is proposed to be taken. If the owners of such land or property be known or cannot be served by reason of non-residence or other cause, then a notice posted in a conspicuous place on the land or property, or left at the owner's, occupant's, tenant's, or agent's residence, shall be deemed sufficient notice. Such notice may be in general terms and addressed to all persons interested.

APPRAISEMENT OF LAND.

Such notice shall describe the land or property taken or proposed to be taken, and state the time and place at which the commissioners will meet to hear the claimants, and take evidence as to the amount of compensation to which they are entitled. At every such meeting the commissioners shall take such testimony as they deem necessary, and they or a majority of them shall determine upon the proper compensation to be made. The decision arrived at by the commissioners shall be final and binding unless an appeal is taken as hereinafter provided. The commissioners shall have power to administer oaths, subpoena witnesses, and grant continuances in like manner as district magistrates.

The commissioners, or a majority of them, shall make, subscribe, and file with the Superintendent of Public Works, within such reasonable time as shall be fixed upon by said Superintendent, a certificate of their findings and appraisalment, in which the land or property so valued shall be described with convenient accuracy and certainty.

Upon the filing of the certificate as provided in the preceding section, the Superintendent of Public Works is hereby authorized to pay to the person or persons named in the certificate, the several amounts determined upon by the commissioners, out of any appropriation available for the purpose. Provided, always, that either party feeling aggrieved by the decision of the commissioners may appeal to the Circuit Court of the First Judicial Circuit.

All appeals must be taken within twenty days after the date of

the filing of the certificate with the Superintendent of Public Works, by filing with the commissioners a written notice of the appeal, and filing with the Clerk of the Judiciary Department a bond in the sum of fifty dollars, conditioned to secure payment of future costs. Provided, however, that fifty dollars in money may be deposited in lieu of a bond.

Such appeal shall not prevent the superintendent from retaining or taking possession of the land or property mentioned or valued in the certificate.

A copy of the final appraisal or decision, duly certified by the Superintendent of Public Works under the seal of his office, shall be recorded in the office of the Registrar of Conveyances, and shall operate as a deed of conveyance in fee simple from the owners of the land or property to the Territory of Hawaii.

The Superintendent of Public Works shall, on receiving the certificate of appraisal, pay to the commissioners such reasonable compensation for their services as he shall determine upon, and he shall have power to fill any vacancy in their number caused by death or otherwise.

EXEMPTION FROM PERSONAL TAXES.

All lepers residing at Kalawao and Kalaupapa, on the Island of Molokai, are hereby declared exempt from any payment of any personal tax, or taxes upon *personal property*, owned and kept by them at Kalawao and Kalaupapa, Molokai.

AGAINST TRESPASSING AT LEPER STATIONS.

Lands at Kalaupapa, Waikolu and Kalawao, on the windward side of the Island of Molokai, have been and are hereby set apart by the Board of Health for the isolation and confinement of lepers; and all masters of vessels are prohibited from touching, receiving, or delivering passengers or freight at either of the above named places, except by special permission of the Board of Health or its agents.

Lands at Puuhale, Kalihi, Oahu, have been enclosed and are hereby set apart by the Board of Health for a leper receiving station, and all parties are hereby prohibited from entering said enclosed premises without permission of the Board of Health or its agents.

EXAMINATION OF LEPERS.

Whereas, under Sections 1122, 1126, 1127 and 1129 of the Laws of the Territory of Hawaii, authority is given the Board of Health,

Therefore, Be It Resolved, That all previous rules for the examination of lepers are hereby repealed; and further Resolved, That all future examinations of any person or persons for the determination as to whether or not they are affected with the disease leprosy, shall be conducted under the following rules:

First—The Board of Examining Physicians shall consist of five physicians, appointed by the Board of Health, one of whom shall be the bacteriologist of the Board of Health and another of whom be skilled in the use of the microscope for the discovery of the bacilli of leprosy, and be designated as the assistant bacteriologist.

Second—The bacteriologist of the Board of Health shall promptly make a preliminary examination of each person coming voluntarily or otherwise under the control of the Board of Health under the suspicion of or being alleged a leper. At said preliminary examination should the bacteriologist fail to find the bacilli of leprosy present within such person, then said person shall be immediately discharged and returned to his home at the expense of the Board of Health. Should the bacilli of leprosy be found present within such person, said person shall be held for examination at the next meeting of the full Board of Examining Physicians.

Third—Each person so held shall be given one week's notice of the meeting of the Board of Examining Physicians.

Fourth—Each person so held shall have the privilege of being represented at said meeting of the Board of Examining Physicians by a physician selected and employed by such person. Should said physician object to the decision of the Board of Examining Physicians he shall do so in writing, stating his reasons therefor. Upon receipt of such written objection, the president of the Board of Health shall direct both bacteriologists of the Board of Examining Physicians to make a re-examination of such person, at which re-examination said physician may be present. They shall report to the president of the Board their findings, and he shall transmit a copy of same to the physician representing such person.

Should both bacteriologists find the bacilli of leprosy to be present within such person the decree of the Board of Examiners shall be final; otherwise such person shall be treated as a "suspect" and shall be required to report for further examination as the Board may direct.

Fifth—All persons examined by the Board of Examining Physicians shall be placed in one of the following classifications, viz: Not a Leper; Suspect; Leper.

If in the opinion of three or more of the Examiners any person examined is a "suspect" he or she shall be so declared.

If in the opinion of three only of the examiners any person is a leper, he or she shall be classed as a "Suspect" with the condition that he or she report to the Examining Board as it may direct for re-examination.

If in the opinion of four or more of the examiners any person examined is a "Leper" he or she shall be so declared.

RULES AND REGULATIONS FOR LEPERS AND KOKUAS AT THE LEPER SETTLEMENT ON MOLOKAI.

Section 1. All persons and kokuas are required to live in an orderly and peaceable manner, and to respect the laws of the Territory of Hawaii, as well as the rules and regulations of the Board of Health, and lawful orders of the superintendent.

NOT TO LEAVE SETTLEMENT

Section 2. Lepers shall not leave the Settlement except on an order from the Board of Health.

Section 3. Lepers shall not scale or climb up the palis without a permit from the superintendent, and then not beyond the limits prescribed by the superintendent.

Section 4. Lepers and kokuas shall not enter or live on the kuleanas, or in the houses owned by the kamaainas at Kalaupapa or other portions of the Settlement.

MUST KEEP THE HOUSES CLEAN.

Section 5. All able-bodied lepers are required to keep the surroundings of their houses clean, and to whitewash or cause to be whitewashed the houses in which they live, which are not painted with oil paints inside and outside, twice a year, at intervals of six months, for which lime and brushes will be furnished. On failure of lepers to comply with this rule, without showing good cause, the work will be done for them at their expense.

NOISES AT NIGHT FORBIDDEN.

Section 6. Noises after 9 o'clock in the evening and disturbances of the quiet of the night are forbidden.

Section 7. The inmates of the Homes or hospitals shall conform to the rules and regulations made by those in charge of the said Homes and hospitals, under penalty of dismissal from the same.

MAY BUILD HOUSES.

Section 8. Lepers are permitted to build houses for their own use, and to select building sites, subject to approval of the superintendent of the Settlement; provided, however, that, if at any time the Board of Health desires any such land for any purpose, the Board shall have the right to remove any house thereon to another site. All expenses of moving shall be borne by the Board, and the Board shall pay to the owner of the house all actual damage caused him by reason of such removing.

Section 9. They may sell, or give away, or devise by will such houses, but only for the use and occupation of other lepers, and with the knowledge and approval of the Board of Health.

Section 10. No leper shall be permitted to build or own more than one dwelling house.

PROPERTY LEFT BY LEPERS.

Section 11. Property left by lepers who have died without leaving a will, and who have no legal heirs at the Settlement, will be sold at public auction, and the proceeds after deducting the lawful expenses will be remitted to the president of the Board of Health, for the benefit of the legal heirs of the deceased, and if after due advertisement in an English and Hawaiian newspaper no lawful claimant shall appear, such proceeds, after deducting the expense of the advertising, shall be turned over into the public treasury as government realizations.

WILLS MUST BE WRITTEN.

Section 12. Lepers may leave their personal property and effects at the Settlement by will, but only by a written will signed in the presence of not less than two witnesses, one of whom shall be the superintendent of the Leper Settlement, or other officer authorized by the superintendent.

CLAIMS FOR SERVICES TO LEPERS.

Section 13. After the death of a leper no claim for services rendered him will be allowed, unless proofs are produced, that the deceased in his lifetime verbally acknowledged such service in the presence of a credible witness, or may have been by him acknowledged in writing, signed in the presence of the superintendent or other officer authorized by the superintendent.

Section 14. Lepers trusting one another do so entirely at their

own risk, as they will not be assisted in collecting claims by the Board of Health or the superintendent.

CULTIVATION OF LAND.

Section 15. Lepers and kokuas may cultivate their residence lots and dispose of the crops so raised, without giving a share of the same to the Board of Health, or paying for the use of this land.

Section 16. Persons desiring land outside of their residence lot for cultivation must make application for the same to the superintendent of the Settlement, stating the locality and area of the land desired.

Section 17. No person shall be allowed more land than he or she can cultivate. Any person neglecting to plant or properly care for land assigned to such person, shall forfeit all right to such land and the crops growing thereon, and such land may be assigned to another person.

Section 18. All land assigned for cultivation must be enclosed by a cattle-proof fence, for which the Board will furnish material, without charge, and the Board will not be responsible for any damage to crops done by cattle.

Section 19. No land for cultivation shall be transferred to another without the consent of the superintendent.

Section 20. Land in Waikolu Valley assigned for taro planting shall be held and used under the following condition: (a) the entire crop raised shall be delivered to the Board, which will pay for three-fourths of the same at the current market price; (b) neglect to properly cultivate, or failure to deliver the crop to the Board when ripe shall be sufficient cause for the forfeiture of all right to the payment above provided for; (c) no person cultivating taro at Waikolu shall be allowed to remain away from the Settlement over night.

KOKUAS MUST HAVE PERMITS.

Section 21. No person who is not a leper shall be allowed to live at the Leper Settlement as a kokua for lepers, without having first obtained written permission to do so from the Board of Health.

KOKUAS MUST DO THEIR DUTIES.

Section 22. Every kokua must minister to the wants and the necessities of the leper for whom he or she has been permitted to live at the Settlement.

Any kokua who deserts or neglects the leper for whom he or she

obtained the permit shall forfeit such permit and shall be expelled from the Settlement.

Section 23. All permits of kokuas terminate with the death of the party or parties for whom they have been serving as kokuas, and such kokuas must leave the Settlement on or before the expiration of two weeks after the death of such party or parties; provided, the physician at the Settlement shall, on examination, pronounce such kokuas to be free from all suspicion of leprosy.

Section 24. Kokuas must work for the Board when called upon by the superintendent, and for such services they shall be paid fair wages; provided, however, they shall not be called upon by the superintendent when the condition of the party or parties for whom they are kokuas shall demand their constant presence and attendance, for which the certificate of the physician shall constitute a sufficient proof.

Section 25. Kokuas may build houses for the party or parties for whom they are kokuas, under the same condition as lepers.

KOKUAS NOT ENTITLED TO RATIONS.

Section 26. Kokuas shall not be entitled to rations of any kind. They shall not be allowed to own horses or dogs at the Settlement.

Food rations, however, may be issued to them in lieu of services rendered to the Board, on the recommendation of the superintendent.

Section 27. Kokuas shall not leave the Settlement without the written consent of the superintendent, and then only on important business concerning the Board of Health.

KOKUAS BREAKING RULES TO BE EXPELLED.

Section 28. Any kokuas duly convicted for violating the laws or for disregarding the rules and regulations of the Board of Health, shall forfeit his or her permit and must leave the Settlement within one week after conviction, or suffer the penalty provided by law.

HOG RAISING.

Section 29. Lepers and kokuas are permitted to raise hogs at their own expense, and in such manner that they do not become a nuisance to the Settlement and injury to others, to their houses and plantings.

They are required to raise their hogs in yards or pens built by themselves, and at their own expense, and are not allowed to let them run at large.

Hogs found at large may be confiscated and sold at public auc-

tion to the highest bidder, and one-half of the net proceeds shall be paid over to the Board of Health and the other half to the owner of the hog or hogs. Hogs for which no bid is received shall be killed by some officer appointed by the superintendent of the Leper Settlement.

FIRE ARMS.

Section 30. Lepers in charge of and supported by the Board of Health of the Territorial government in the Leper Settlement at Mōlokai, shall not be allowed the use of spirituous liquors, except as the same may be required for medical purposes, or shall not be allowed the use of *fire arms*.

RULES AND REGULATIONS FOR THE BAY VIEW HOME FOR LEPERS AT KALAUPAPA.

This Home is for the benefit of lepers of both sexes who have become too helpless to provide and cook for themselves, and will be conducted as a boarding-house, with lodging rooms for those who may not be able to walk from outside dwellings.

Rule 1. No male leper under the age of eighteen, nor female under the age of sixteen will be allowed to reside at the Home, unless the parent of the same is an inmate.

Rule 2. No food will be supplied to an inmate of the Home, but meals will be furnished three times each day at the dining-room, or at the sleeping room, if the condition of the inmate prevents his appearance in the dining-room. Meals will be served at 8 a.m., 12 p.m. and 5 p.m.

Rule 3. Persons wishing to board, or board and lodge at the Home, must make application to the Superintendent of the Settlement or his assistant, each of whom has authority to grant or refuse such application if he considers the applicant is not a fit subject for the Home.

Rule 4. The usual clothes ration bills will be issued to the inmates, who will furnish their rooms in the same manner as those living outside the Home.

Rule 5. The inmates will be free to leave or return to the Home at any time between 6 a.m. and 9 p.m., at which hour inmates are required to retire for the night.

Rule 6. The inmates must conform with all rules and regulations of the Board of Health, and live in an orderly and peaceable manner, and each inmate must take care of his or her room if able to do so.

Rule 7. Persons living outside the Home will be allowed to visit their friends at the Home between the hours of 9 a.m. and 5 p.m., but will not be allowed to make it a daily loafing place.

RULES AND REGULATIONS FOR THE BALDWIN HOME.

"Baldwin Home" is a retreat at all times open to leprous boys and men, who, through progress of the disease, or other cause, have become helpless or partly so. This Home is not, however, to use as a convenient retreat, free boarding or lodging house for those who wish to shirk all labor.

The following regulations are issued by the Board of Health for the guidance of those conducting the Home, and for the inmates thereof, who are required at all times to give respectful obedience to the manager of the Home and his assistants.

1. All boys arriving at the Settlement under the age of eighteen, unless in the care of their own parents, responsible guardians or near relatives, competent to take charge of them, will enter the Home, and there remain during good conduct; provided that after reaching the age of eighteen it is their option to leave, if able to take care of themselves, upon obtaining the consent of the superintendent of the Settlement. While there is sufficient accommodation in the Home, the superintendent of the Settlement may permit any male leper to be admitted, if satisfied that the applicant will not be an injury to the Home.

2. Inmates will be supplied with suitable clothing, food, care and medical attendance, and when able, will be expected to perform freely such work and labor about the establishment as the manager shall require of them.

3. Inmates must not absent themselves from the Home without first obtaining permission from the manager or his assistant, and must be punctual in their return. Their conduct must be quiet and orderly, then and at all times.

4. Admission of visitors and of others from outside the Home, will be regulated by the manager.

5. Violation or disregard of the rules and regulations will be followed by suitable punishment, after due investigation by the superintendent of the Settlement.

6. Persistent disobedience, insubordination or disorderly conduct will debar an inmate from the privileges of and cause his expulsion from the Home.

7. The manager shall make report to the Board of Health, from

time to time in writing, regarding any conditions that may arise calculated to affect the interests of the Home.

8. No horse, nor cart, nor any tool, nor any property whatsoever, belonging to the Home, may be loaned or taken for any outside purpose without an order from the superintendent of the Settlement.

9. The superintendent or acting superintendent of the Settlement will make an inspection of the Home once each week.

RULES AND REGULATIONS FOR THE BISHOP HOME.

The "Bishop Home" has been established for girls of all ages and unprotected females, married or unmarried, who, having contracted leprosy, have become helpless and have no relatives at the Settlement able properly to care for them.

1. The inmates of this Home will be supplied with all things necessary for their comfort and will be carefully cared for by the Sisters. They are required to observe the rules and regulations of the Home; to be obedient and respectful to the Sisters in charge and to perform light work suitable to their strength.

2. For substantial services, if they are capable and willing to perform them, they may be remunerated by the matron in charge as agreed upon between her and the superintendent of the Settlement.

3. It is compulsory for girls arriving at the Settlement under the age of sixteen years, to enter the Home, unless they have parents, near relatives or guardians at the Settlement who are competent to, and who will take proper care of them.

They shall remain at the Home until they reach the age of sixteen years, after which they may, if they prefer, leave the same upon making their wishes properly known to the matron in charge and to the superintendent of the Settlement.

4. The inmates are not allowed to leave the Home at any time without previously obtaining the consent of the matron; and they must return according to the rules governing the Home.

5. Visitors to the inmates will be allowed admission to the Home after having first received permission from the matron.

6. Violation of the rules or regulations will be followed by suitable punishment, administered by the superintendent of the Settlement after due investigation.

7. Any inmate may be dismissed from the Home for disorderly conduct.

8. Inmates shall not be received at the Home nor dismissed from it without the approval of the superintendent of the Settlement.

9. The superintendent or acting superintendent of the Settlement will make an inspection of the Home once each week.

RULES AND REGULATIONS FOR KALIHI STATION.

1. Segregation.—No inmate of the hospital shall be allowed outside of the enclosure surrounding the hospital grounds, except by permission of the executive officer of the Board.

2. The keeper and patients are under the immediate direction and control of the medical superintendent.

Duties of the medical superintendent are to see that the rules of the hospital and experimental station are carried out; to make requisition for all medical supplies and material, and to approve bills for the same; to have the management and control of the laboratory, including all bacteriological and microscopical investigations necessary for diagnosis and treatment, and to conduct the medical and surgical treatment of the inmates.

4. The duties of the keeper are to see that the discipline and rules of the institution are carried out, and that the routine prescribed by the committee and medical superintendent is followed.

5. No visitors shall be allowed entrance, except with the permission of the executive officer of the Board.

6. The inmates are expected to submit faithfully and cheerfully to the rules and regulations of the experimental station as a condition of their enjoyment of its benefits.

REGULATIONS FOR VISITORS TO THE LEPER SETTLEMENT AT MOLOKAI.

The superintendent of the Leper Settlement at Molokai is hereby directed to have set apart a parcel of land of about half an acre in area near the landing at Kalaupapa, the same to be enclosed with a double fence, together with entrance thereto, so that persons may reach said enclosure and remain therein without being able to come in personal contact with any inmate of the Settlement. In the enclosure shall be provided suitable buildings for the convenience of those who shall have occasion to use them. This enclosure shall be known as the visitors' compound, and no leper shall be allowed within it.

2. The superintendent of the Settlement is hereby directed to admit no one to the Settlement without a permit authorized by the Board of Health, and to keep an accurate record of all who shall enter.

3. Officers of the Board of Health, or of the Federal or Territorial government whose duties shall require their presence at the Settlement, may obtain permits from the executive officer of the Board.

4. Lepers regularly committed by the Board of Health shall be accompanied by a complete list, giving name, sex, age and nationality of each person.

5. Persons having friends or relatives among the inmates of the Settlement, or anyone having business to transact with any inmate, may obtain from the executive officer of the Board a permit to visit the Settlement (upon showing good cause), which permit shall allow the holder to go upon any regular trip of the steamer to Kalaupapa, at his own expense, but he shall only be allowed to remain on shore during the hours of daylight that the steamer remains in port, and while on shore shall be obliged to remain in the visitors' compound. Such permits shall be good only for the trip designated.

6. No other persons shall be allowed to visit the Settlement, except as permission is authorized by a vote of the Board of Health.

7. The executive officer of the Board shall keep a correct record of all permits issued.

REGULATIONS RESCINDED.

All regulations of the Board of Health not included among the foregoing are hereby rescinded.

PENALTY.

Every person who shall violate any regulation of the Board of Health, after the same shall have been published, shall be fined not exceeding one hundred dollars.

DOGS.

No leper or person residing in the Leper Settlement at Molokai shall have the right to keep more than one dog.

It shall be the duty of the superintendent to see that this section is enforced.

This section, however, shall not go into effect until the first of July, 1903.

RULES AND REGULATIONS FOR LEPERS AND KOKUAS LIVING AT THE SETTLEMENT ON MOLOKAI.

INTOXICATING BEVERAGES.

No person residing in the Leper Settlement, Island of Molokai, shall have the right to manufacture, brew, or in any way make an intoxicating beverage; or to have in his possession, custody or control, or to sell or to dispose of in any way, what is commonly known as "Swipes."

Appendix C

Physicians of the Leper Settlement and of the Federal Leprosarium.
From Mouritz, "Path of the Destroyer," p. 198.

PHYSICIANS OF THE LEPER SETTLEMENT

<u>Year</u>	<u>Name</u>
1879	N.B. Emerson (dead).
1880-81	C. Neilson (dead).
1882-84	G.L. Fitch (dead).
1884-87	A.A. St. M. Mouritz.
1888	C.A. Peterson (in office five months); dead.
1888-92	S. B. Swift (dead).
1892-1902	R. Oliver (dead).
1902	F. H. French (in office four months).
1902	W.J. Goodhue (holds office).

PHYSICIANS OF THE FEDERAL LEPROSARIUM

<u>Year</u>	<u>Name</u>
1909	W. Brinckerhoff (dead).
1909-11	D.H. Currie.
1911-15	G.W. McCoy.
1915-	D.H. Currie (in office).

Appendix D

Act of Congress

AN ACT To provide for the investigation of leprosy,
with special reference to the care and treatment
of lepers in Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That when the Territorial government of Hawaii shall cede to the United States in perpetuity a suitable tract of land one mile square, more or less, on the leper reservation at Molokai, Hawaii, there shall be established thereon a hospital station and laboratory of the Public Health and Marine Hospital Service of the United States for the study of the methods of transmission, cause, and treatment of leprosy.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to cause the erection upon such site of suitable and necessary buildings for the purposes of this Act, at a cost not to exceed the sum herein appropriated for such purpose.

SEC. 3. That for the purposes of this Act the Surgeon-General, through his accredited agent, is authorized to receive at such station such patients afflicted with leprosy as may be committed to his care under legal authorization of the Territory of Hawaii, not to exceed forty in number to be under treatment at any time, said patients to remain under the jurisdiction of the said Surgeon-General, or his agent, until returned to the proper authorities of Hawaii.

SEC. 4. That the Surgeon-General of the Public Health and Marine-Hospital Service of the United States is authorized to detail or appoint, for the purposes of these investigations and treatment, such medical officers, acting assistant surgeons, pharmacists, and employees as may be necessary for said purpose.

SEC. 5. That the sum of one hundred thousand dollars is hereby appropriated, from any money in the Treasury not otherwise appropriated, for the erection of necessary buildings and other equipment; and fifty thousand dollars, or so much thereof as may be necessary, for maintenance and pay of all officers and employees during the fiscal year ending June thirtieth, nineteen hundred and six.

SEC. 6. That the Surgeon-General of the Public Health and Marine-Hospital Service shall, subject to the approval of the Secretary of the Treasury, make and adopt regulations for the administration and government of the hospital station and laboratory and for the management and treatment of all patients of such hospital.

SEC. 7. That when any commissioned or noncommissioned officer of the Public Health and Marine-Hospital Service is detailed for duty at the leprosarium herein provided for, he shall receive, in addition to the pay and allowances of his grade, one-half the pay of said grade and such allowances as may be provided for by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury.

Approved, March 3, 1905.

Appendix E

A Bill Authorizing a Study of the Site of the Kalaupapa National Historical Park From Congressional Record, December 16, 1975, E6713

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mrs. MINK. Mr. Speaker, I am introducing legislation today calling for an immediate study by the Secretary of Interior for a new national historic park at Kalaupapa on the island of Molokai, State of Hawaii. I authored H.R. 12012 in the 93d Congress and House Joint Resolution 220 in this Congress, establishing such a national park. I believe this new study bill will help further the enactment of the national park bill and is needed to provide this Congress and the people of America with information on the treasured and historic significance of this area.

Kalaupapa may already be known to the Members of this House through the long and dedicated service of a Belgian priest named Father Damien, who committed his life to the people of Kalaupapa settlement * * * a colony which was established more than a century ago for the care and treatment of the victims of leprosy.

At its October meeting, the National Advisory Council of the National Park Service approved, endorsed and recommended to the Secretary of the Interior that Kalaupapa settlement be designated as a national historic landmark. This recommendation and endorsement followed a professional evaluation of the potential historical significance of the peninsula undertaken at my urging.

This new bill contains three key elements. First, it authorizes and directs the Secretary of Interior to conduct a study of Kalaupapa. The purpose of this study would be to formulate the basic design of this national park.

Second, it creates an advisory commission based in Hawaii to consult with the Secretary during the course of this study. This is to assure that local input is had during the early stages of planning.

Third, it provides that a proposed master plan for development of the park area be made part of the Secretary's report.

The cape on which the site is located is among the most remote locations in all Hawaii. It is the scene of heroic service by Father Damien and many others who came later. As you know, modern methods for treatment of leprosy have since been developed and so today the

patient population has dwindled to less than 150 persons, most of whom currently live there by choice, and not by necessity. These persons adamantly refuse to leave their homes on Kalaupapa and do not wish to leave under any circumstances. Any study should allow these persons to remain for their lifetimes.

Within 50 years there will be no more patients at Kalaupapa. It is therefore imperative that this study be authorized now. Time is of essence.

Kalaupapa is a national treasure whose historic significance is already noted by the selection of Father Damien as one of the two greatest personages from Hawaii whose statue is in Statuary Hall in the House of Representatives.

Mr. Speaker, I am pleased to report that this legislation calling for a study of Kalaupapa for national historic park purposes has the support of citizens groups in Hawaii and, most importantly, the concurrence of the resident and staff population of the settlement itself. Through the enactment of this study bill I believe these residents of Kalaupapa will have their best assurance of being allowed to remain there for the rest of their lives. The State of Hawaii has served notice to them that they may be evicted in 10 years, which they are strongly resisting. The State legislature on the other hand, has given numerous assurances to these residents that they could indeed remain.

The matter of establishing this historic peninsula as a park is not at issue in the legislature. I believe it has overwhelming support. The only issue is whether it should be a national park or a State park. Some of our county leaders and State legislators believe that the State should not give up any more of its lands to the Federal Government. There is rather widespread opinion that the State park could adequately preserve this area. To enable this matter to be satisfactorily answered, the study called for by my bill will delineate the magnitude of the undertaking, the cost for development and the funds needed for restoration and preservation of those sites already heavily in disrepair. My bill will also authorize the preparation of a master plan. This will supply all of us who seek to have this historic area with better than "ball park" figures of the full cost of this undertaking. My bill authorizes \$150,000 for the preparation of this report.

In view of the historical significant of Kalaupapa, both at the State and national levels, I would urge the earliest possible consideration of this legislation.

Appendix F

Public Law 96-565--Dec. 22, 1980
94 Stat. 3321

Public Law 96-565
96th Congress

An Act

To establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes.

Dec. 22, 1980
[H.R. 7217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the "park").

Kalaupapa
National
Historical Park,
Hawaii.
Establishment.
16 USC 410jj.

SEC. 102. The Congress declares the following to constitute the principal purposes of the park:

Purposes.
16 USC 410jj-1.

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations;

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public; and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patients and Native Hawaiians to the extent practical, and that training opportunities be provided such persons in management and interpretation of the settlement's cultural, historical, educational, and scenic resources.

SEC. 103. The boundaries of the park shall include the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kalaupapa National Historical Park", numbered P07-80024, and dated May 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions in the boundary of the park by publication of a revised boundary map or other description to that effect in the Federal Register.

Boundaries:
public
inspection.
16 USC 410jj-2.

SEC. 104. (a) Within the boundary of the park, the Secretary is authorized to acquire those lands owned by the State of Hawaii or any political subdivision thereof only by donation or exchange, and only with the consent of the owner. Any such exchange shall be accomplished in accordance with the provisions of sections 5 (b) and (c) of the Act approved July 15, 1968 (82 Stat. 354). Any property conveyed to the State or a political subdivision thereof in exchange for property within the park which is held in trust for the benefit of Native

Land
acquisition.
16 USC 410jj-3.

16 USC 4601-22.

48 USC 691. Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920 shall, as a matter of Federal law, be held by the grantee subject to an equitable estate of the same class and degree as encumbers the property within the preserve; and "available lands" defined in section 203 of the Hawaiian Homes Commission Act may be exchanged in accordance with section 204 of said Act. The vesting of title in the United States to property within the park shall operate to extinguish any such equitable estate with respect to property acquired by exchange within the park.

48 USC 697.

48 USC 698.

(b) The Secretary is authorized to acquire privately-owned lands within the boundary of the park by donation, purchase with donated or appropriated funds, or exchange.

(c) The Secretary is authorized to acquire by any of the foregoing methods except condemnation, lands, waters, and interests therein outside the boundary of the park and outside the boundaries of any other unit of the National Park System but within the State of Hawaii, and to convey the same to the Department of Hawaiian Home Lands in exchange for lands, waters, and interests therein within the park owned by that Department. Any such exchange shall be accomplished in accordance with the provisions defined in subsection (a) of this section.

Administration.

16 USC 410jj-4.

43 USC 1457, 16

USC 1, 2, 3, 4, 22,

43.

16 USC 461-467.

SEC. 105. (a) The Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), the Act of August 21, 1935 (49 Stat. 666), and the provisions of this Act.

(b)(1) With the approval of the owner thereof, the Secretary may undertake critical or emergency stabilization of utilities and historic structures, develop and occupy temporary office space, and conduct interim interpretive and visitor services on non-Federal property within the park.

Cooperative

agreements.

(2) The Secretary shall seek and may enter into cooperative agreements with the owner or owners of property within the park pursuant to which the Secretary may preserve, protect, maintain, construct, reconstruct, develop, improve, and interpret sites, facilities, and resources of historic, natural, architectural, and cultural significance. Such agreements shall be of not less than twenty years duration, may be extended and amended by mutual agreement, and shall include, without limitation, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement. Each such agreement shall also provide that the owner shall be liable to the United States in an amount equal to the fair market value of any capital improvements made to or placed upon the property in the event the agreement is terminated prior to its natural expiration, or any extension thereof, by the owner, such value to be determined as of the date of such termination, or, at the election of the Secretary, that the Secretary be permitted to remove such capital improvements within a reasonable time of such termination. Upon the expiration of such agreement, the improvements thereon shall become the property of the owner, unless the United States desires to remove such capital improvements and restore the property to its natural state within a reasonable time for such expiration.

(3) Except for emergency, temporary, and interim activities as authorized in paragraph (1) of this subsection, no funds appropriated pursuant to this Act shall be expended on non-Federal property unless such expenditure is pursuant to a cooperative agreement with the owner.

(4) The Secretary may stabilize and rehabilitate structures and other properties used for religious or sectarian purposes only if such properties constitute a substantial and integral part of the historical fabric of the Kalaupapa settlement, and only to the extent necessary and appropriate to interpret adequately the nationally significant historical features and events of the settlement for the benefit of the public.

Religious
structures.

SEC. 106. The following provisions are made with respect to the special needs of the leprosy patients residing in the Kalaupapa settlement—

Leprosy
patients.
16 USC 410jj-5.

(1) So long as the patients may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.

(2) Health care for the patients shall continue to be provided by the State of Hawaii, with assistance from Federal programs other than those authorized herein.

(3) Notwithstanding any other provision of law, the Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.

(4) Patients shall continue to have the right to take and utilize fish and wildlife resources without regard to Federal fish and game laws and regulations.

(5) Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.

SEC. 107. The following provisions are made with respect to additional needs of the leprosy patients and Native Hawaiians for employment and training. (The term "Native Hawaiian" as used in this title, means a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.)—

Employment
and training.
16 USC 410jj-6.
"Native
Hawaiian."

(1) Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws giving an employment preference to any other class of applicant and without regard to any numerical limitation on personnel otherwise applicable.

(2) The Secretary shall provide training opportunities for patients and Native Hawaiians to develop skills necessary to qualify for the provision of visitor services and for appointment to positions referred to in paragraph (1).

SEC. 108. (a) There is hereby established the Kalaupapa National Historical Park Advisory Commission (hereinafter referred to as the "Commission"), which shall consist of eleven members each appointed by the Secretary for a term of five years as follows:

Kalaupapa
National
Historical Park
Advisory
Commission.
Establishment.
Membership.
16 USC 410jj-7.

(1) seven members who shall be present or former patients, elected by the patient community; and

(2) four members appointed from recommendations submitted by the Governor of Hawaii, at least one of whom shall be a Native Hawaiian.

(b) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Chairman.
Vacancies.

(c) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably

Compensation.
Expenses.

(g) Each member of the Commission shall receive \$100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

Pay.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are fulltime officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

Travel expenses.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS-18 of the General Schedule under section 5332 of such title; and

Staff.

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

5 USC 5101,
5331.

45 FR 69201.

5 USC 5332.

Temporary and
intermittent
services.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

SEC. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

Study.
42 USC 2991a
note.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

Hearings; public
notice.

(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.

Draft report.

(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and

Comments.

Final report.

Submittal to
President and
congressional
committees.

(g) Each member of the Commission shall receive \$100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

Pay.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are fulltime officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

Travel expenses.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS-18 of the General Schedule under section 5332 of such title; and

Staff.

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

5 USC 5101,
5331.

45 FR 69201.

5 USC 5332.

Temporary and
intermittent
services.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

SEC. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

Study.
42 USC 2931a
note.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

Hearings; public
notice.

(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.

Draft report.

Comments.

(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results of its study within nine months after the publication of its draft report. The Commission shall submit copies of the final report and

Final report.

Submittal to
President and
congressional
committees.

copies of all written comments on the draft submitted to the Commission under paragraph (c) to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(e) The Commission shall make recommendations to the Congress based on its findings and conclusions under subsection (a) of this section.

TERMINATION OF THE COMMISSION

42 USC 2991a
note.

SEC. 304. Except as provided in subsection (b) of section 307, upon the expiration of the sixty-day period following the submission of the report required by section 303, the Commission shall cease to exist.

DEFINITIONS

42 USC 2991a
note.

SEC. 305. For the purposes of this title, the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.

SAVINGS CLAUSES

42 USC 2991a
note.

SEC. 306. No provision of this title shall be construed as—

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Native Hawaiians to sue the United States or any of its offices; or

(2) constituting a precedent for reopening, renegotiating, or legislating any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

42 USC 2991a
note.

SEC. 307. (a) There are hereby authorized to be appropriated for fiscal years 1982 and 1983 such sums as are necessary to carry out the provisions of this title. Until October 1, 1981, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 304.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1013 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1027 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 19, considered and passed House.
Dec. 4, considered and passed Senate, amended.
Dec. 5, House concurred in Senate amendments.

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