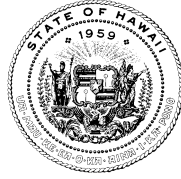


DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEES ON JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON MARCH 22, 2021 AT 2:15PM VIA VIDEOCONFERENCE

**HR 110 URGING THE DEPARTMENT OF HAWAIIAN HOMELANDS TO CONDUCT A
STUDY TO DETERMINE IF AND WHEN THE REQUIRED HAWAIIAN BLOOD
QUANTUM WILL BE SUFFICIENTLY DILUTED AS TO BAR ANY NEW QUALIFYING
APPLICANTS FOR THE HAWAIIAN HOME LANDS PROGRAM**

March 22, 2021

Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits testimony in opposition to this resolution urging DHHL to conduct a study to determine if and when the required Hawaiian blood quantum will be sufficiently diluted as to bar any new qualifying applicants for the Hawaiian Home Lands program. The mission of the Department is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. The limited resources available to the Department should be fully focused on this mission not conducting a study to determine if and when the Hawaiian blood quantum will sufficiently be diluted as to bar any new qualifying applicants for the Hawaiian Home Lands program. As reported to the Hawaiian Homes Commission in meetings in February and March of this year, 69 new applications were reported for the month ending January 31, 2021 and 47 new applications were reported for the month ending February 28, 2021. Beneficiaries are continuing to submit applications and DHHL is focused on meeting the needs of beneficiaries as reflected in the DHHL 2020 Beneficiary Study that can be viewed here: <https://dhhl.hawaii.gov/po/beneficiary-studies-and-surveys/2020-dhhl-beneficiary-survey/>.

Thank you for your consideration of our testimony.

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Robin Puanani Danner, Chairwoman, Kauai
Sybil Lopez, Vice Chairwoman, Molokai
Kekoa Enomoto, Councilwoman, Maui/Lanai
Richard Soo, Councilman, Oahu
Ron Kodani, Councilman, Hawaii Island
Faisha Solomon, Administrator

Date: March 21, 2021

To: Honorable Chair Nakashima & Members of the Committee (Judiciary & Hawaiian Affairs)

Fr: Robin Puanani Danner, SCHHA Chair
Sybil Lopez, SCHHA Vice Chair

Re: Oppose HR110 – Directing DHHL to Conduct a Study on Blood Quantum for HHCA

We would like to Mahalo Representative Ward for sending a copy of HR110 to the SCHHA on Sunday, March 21, 2021.

We regret that our homestead leaders that consist of absolute experts from every island, on the Hawaiian Homes Commission Act of 1920 (HHCA), and the Hawaiian Home Lands program administered by the State of Hawaii, are not able to support HR110.

The resolution has inaccuracies, for example, the State Department of Hawaiian Home Lands (DHHL) was not “established through the HHCA” as stated in the resolution, indeed, DHHL is a state agency, created by the State of Hawaii in 1961, to fulfill the mandate of the 1959 Hawaii Admissions Act, that as a condition of statehood, State government would administer our federal land trust. There are others but we register our opposition to the resolution for the following reasons, with humble respect for Representative Ward and all House Representatives:

- 1. Blood Quantum Amendment Enacted in 2017.** The Legislature has already enacted in 2017, at the request of native Hawaiian beneficiaries and constituents, an amendment to the HHCA to lower the blood quantum for successors of original lessees. Its important to note that the amendment was a result of several years of homestead convenings by homestead leaders, associations and SCHHA leaders to come to consensus on the issue of blood quantum, a highly volatile issue with good reason, given 28,000 with an average age of 58 years old, still waiting for a homestead land award.
- 2. 2017 Legislation in Federal Hands for Processing.** The amendment enacted by the Legislature in 2017, is now in the federal government’s hands, under a federal regulation to first ascertain if the amendment is administrative in nature, or whether the full Congress will need to act on the amendment, as is clearly stated in the 1959 Hawaii Admissions Act. HHCA beneficiaries will now work with the new Biden Administration, Congressman Kahele and Congressman Case to follow the federal regulations in 43 CFR to see the State Legislature’s good work through to adoption by the U.S. Congress, resulting in the ability to pass homesteads to children and grandchildren of at least 1/32 blood quantum.
- 3. SCHHA Reasons for Respectful Opposition.** HR110 calls for a study of blood quantum and suggests that the original blood quantum to be on the waitlist should be lowered. Very different notion than the work of the 2017 Legislative amendment regarding lowing the blood quantum for successors.

SCHHA offers 2 comments regarding the intent of HR110:

- a.** There are 28,000 native Hawaiians that meet the statutory definition of the HHCA, 28,000. We find this resolution to direct DHHL to conduct a study of an issue that Hawaiian Homestead Associations and Waitlist leaders, literally spent 5 years conducting listening sessions on, resulting in the 2017 HHCA amendment enacted by the Hawaii Legislature, a distraction. We do not want the resources of DHHL, whether appropriated by the Legislature, or spent from any of our trust accounts under the fiduciary care of DHHL expended on this study – it is not needed.

Founded in 1987, the Sovereign Council of Hawaiian Homestead Associations (SCHHA) is the oldest and largest governing homestead association registered with the Department of Interior, exercising sovereignty on the trust lands established under the Hawaiian Homes Commission Act of 1920.

We prefer to help the agency focus on moving the 28,000 native Hawaiian families off the list and by increasing the size of acreage available through land purchases, by spending the \$150M in our Act 14 trust account and the \$100M in CIP dollars appropriated by the Legislature the last 4 years, to developing lots for distribution. A study that looks beyond the 28,000 right in front of all of us, we believe will distract from serving them. Its not 2,800, its 28,000.

- b. While difficult to say, we intend absolutely no disrespect, we oppose HR110 because we find no consultation with any of the Homestead Beneficiary Associations (HBAs), which SCHHA is one of several federally defined HBAs to represent the interests of HHCA beneficiaries with declared territories of representation. This definition has been codified since 2016 under 43 CFR 47.1. This is important to state, as native Hawaiians have long been the “last to know” about well intentioned policy changes without any accountability back to homestead and waitlist associations in regions and statewide.

We simply must state for the record, one of the reasons for the poor performance of the State of Hawaii in administering our Hawaiian Home Land trust is that many well-intentioned State government officials over decades, whether in the executive or legislative branches of government simply refuse to engage with our long established and expert associations on homesteads to be advised and seek understanding of what real policy or programmatic solutions look like. We believe it to be unintentional. But the result is an invisibility, a painful indifference, that values paternalism over empowerment of a people.

It is one of the reasons President Obama codified the definition of Homestead Beneficiary Associations in 2016 – so that policy makers, agencies, peers, partners, would know where we are located, what territories of our land trust we work in and represent. In short, the definition of a Homestead Beneficiary Association registered with the Secretary of Interior at the U.S. Department of Interior regarding the HHCA, is as follows:

A beneficiary-controlled organization that represents and serves the interests of its homestead community; has as a stated primary purpose the representation of, and provision of services to, its homestead community; and filed with the Secretary (of DoI) a statement, signed by the governing body, of governing procedures and a description of the territory it represents.

The issue of a study, the issue of contemplating the reduction of the original definition where 28,000 meeting that definition are on the list, and thousands more not yet signed up, is a monumental policy shift that simply must engage HBAs and in our humble opinion, is three decades premature. We ask for focus and support of our Congressional delegation to complete the work of the Hawaii Legislature in 2017, to fully enact the lowering of successor blood quantum.

While SCHHA opposes HR110, for the reasons stated, we are committed to connecting any and every government official in vetting solutions and policy reforms with the leaders of Homestead Beneficiary Associations. Attached is our SCHHA 2021 Global Calendar. Please do not hesitate to contact SCHHA Administrator, Faisha Solomon at any time to connect, or to have a policy solution reviewed by some of our most expert citizens in our great State on the HHCA.

About SCHHA. The *Sovereign Council of Hawaiian Homestead Associations* (SCHHA), founded in 1987, is the oldest and largest HHCA Beneficiary Organization, representing the interests of nearly 10,000 native Hawaiian lessees and 28,000 families on the waitlist. SCHHA is governed by a council elected to 4-year terms serving homestead areas in the Moku-puni of Kauai, Oahu, Molokai, Maui/Lanai and Hawaii Island. SCHHA leaders are experts on the HHCA, federal and state land trust management, finance, affordable housing, economic development and job creation.

Founded in 1987, the Sovereign Council of Hawaiian Homestead Associations (SCHHA) is the oldest and largest governing homestead association registered with the Department of Interior, exercising sovereignty on the trust lands established under the Hawaiian Homes Commission Act of 1920

HR-110

Submitted on: 3/22/2021 10:31:24 AM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Lu'uwai	Keaukaha Pana'ewa Farmers Association	Oppose	No

Comments:

This testimony is in significant opposition to HR110.

With 28,000 eligible beneficiaries waiting for Department of Hawaiian Homeland leases, it is inconceivable that there will be a dilution of applicants within the next 25+ years. Don't forget that we have children who meet the blood quantum requirements who have not yet submitted DHHL applications.

Instead of this resolution, the State Legislature be directing DHHL focus its time and resources to ensuring that those currently on the DHHL waitlist obtain DHHL leases.

Why would you ask an already beleaguered agency to waste its staff time and resources on a non-issue? It smells of back door politics.

In addition, the State Legislature should also commit to providing DHHL will critical operating funds so DHHL is not in the business of funneling and trying to manages leases to non-native Hawaiians. Trying to generate revenue on land that should be leased to beneficiaries detracts from DHHL's primary purpose.

Onipa'a,

Maile Lu'uwai, Keaukaha Pana'ewa Farmers Association (A DHHL Homestead Association)

HR-110

Submitted on: 3/21/2021 11:29:23 AM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
oswald stender	Individual	Support	No

Comments:

My name is Oswald K. Stender; a registered voter; a 50% quantum Hawaiian; and retired from a long business career.. As we all know, those Hawaiians of 50% and 25% quantum are deminishing and we know that Hawaiians of lower quantum are being evicted from their homesteads and are becoming homeless. In my discussions with DHHL on this matter has not elicited any concern on their part. It appears to me that this matter should be of serious concern to all Hawaiians not knowing when the time comes when they all will be evicted based on present practices of evicting Hawaiians from their homesteads because of the quantum restrictions. It appears to me that DHHL and you as legislators should be planning to avert this problem and you will need to know how soon that would occur. My testimony here is to strongly support the passage of HB110. Mahalo.