

**U.S. Senate Committee on Indian Affairs  
Oversight Hearing – October 6, 2011**

**INTERNET INFRASTRUCTURE: EQUAL ACCESS TO  
E-COMMERCE, JOBS AND THE GLOBAL MARKETPLACE**

**Testimony of  
Robin Puanani Danner, President & CEO**



**Council for Native Hawaiian Advancement**

1050 Queen Street, Suite 200

Honolulu, Hawaii 96813

808.596.8155

[policy@hawaiiancouncil.org](mailto:policy@hawaiiancouncil.org)

[www.hawaiiancouncil.org](http://www.hawaiiancouncil.org)

**Testimony of  
Robin Puanani Danner  
President & CEO, Council for Native Hawaiian Advancement**

Aloha Chairman Akaka and Members of the Senate Committee on Indian Affairs,

My name is Robin Puanani Danner. I am the President and Chief Executive Officer of the Council for Native Hawaiian Advancement (CNHA), founded in 2001 to enhance the cultural, economic, civic engagement and community development of Native Hawaiians. CNHA, with a membership of over 150 Native Hawaiian Organizations, dedicated to addressing the challenges in our communities from education to business, affordable housing to cultural preservation, is a statewide advocate most comparable to the National Congress of American Indians (NCAI), and the Alaska Federation of Natives (AFN).

I am native Hawaiian, born on the island of Kauai, raised in the fishing village of Niumalu, the Indian reservations of the Apache, Navajo and Hopi, and spent many years among the Alaska Native peoples. For the last 13 years, I have lived on my Native homestead issued under the Hawaiian Homes Commission Act, with my children and husband. My background includes former positions in finance as a bank executive, a Tribal Housing Authority executive director, and county housing director serving Native populations.

I am also a director on the board of the Homestead Community Development Corporation, founded to promote commerce and economic opportunities on trust lands in the state of Hawaii. In addition, I am a director on the board of the Inter Tribal Economic Alliance, founded in 2002 to create jobs and economic development on Indian reservations, Alaska Native villages and Native Hawaiian Home Lands.

Thank you for your oversight hearing on the topic of *Internet Infrastructure: Equal Access to E-Commerce, Jobs and the Global Marketplace* with a particular emphasis on the challenges and potential solutions available to Native communities on trust lands established by the federal government.

**Native Hawaiians and the Federal Trust Relationship**

As the Committee knows, Native Hawaiians are among the families of Native peoples of the United States, and although not as well known, are included in the federal Indian policy and trust relationship. In 1920, the U.S. Congress enacted the Hawaiian Homes Commission Act (HHCA), establishing a federal land trust that nearly mirrors the content of the 1906 Indian Allotment Act. In 1959, the U.S. Congress enacted the Hawaii Admissions Act, which includes language to further recognize the trust relationship with Native Hawaiians. Over the last 90 years, the U.S. Congress has enacted over 150 statutes recognizing my people as Native, like American Indians and Alaska Natives, using the plenary power authorized under the U.S. Constitution to address a myriad of issues.

Similar to the Office of Insular Affairs for the territorial peoples of the U.S. and the Bureau of Indian Affairs for American Indians and Alaska Natives in the Department of the Interior, Congress created the Office of Native Hawaiian Relations to continue the process of reconciliation in accordance with P.L. 103-150, the Apology Resolution, and to oversee the trust responsibilities of the United States to Native Hawaiians, with a particular emphasis on the HHCA and the 1995 Hawaiian Home Land Recovery Act.

One of the conditions of Hawaii statehood enacted by the United States was a compact between the federal and state governments, to administer the HHCA referenced above through the establishment in 1961 of the state of Hawaii Department of Hawaiian Home Lands (DHHL). The Hawaii state constitution incorporates and embraces the United States' trust relationship to Native Hawaiians, which was further strengthened by the Hawaii 1978 Constitutional Convention which established a second state agency, the Office of Hawaiian Affairs (OHA). Each of these state agencies are public trusts of the people of Hawaii, not representing Native Hawaiians, but rather representing all of the people of our state to deliver on the trust mandates established under federal law and state law. There are similar "Offices of Indian Affairs" in other state governments, including Utah and Arizona.

In 2011, the state of Hawaii enacted Act 195, to recognize a Native Hawaiian government, as have been done more than 60 times in other states of the union. In 2011, this honorable committee, the Senate Committee on Indian Affairs, voted to approve the Native Hawaiian Government Reorganization Act, to similarly recognize the self-governance of Native Hawaiians, creating parity with the more than 560 Native governments in approximately 35 states of the country.

In summary, the relationship of Native Hawaiians to state and federal governments, mirrors the policies and agencies of our counterpart Native peoples in the other 49 states. The Department of Hawaiian Home Lands (DHHL) and the Office of Hawaiian Affairs (OHA) are Hawaii state agencies with trust responsibilities to Native Hawaiians. Similarly, the United States government has acknowledged its federal trust responsibility to Native Hawaiians and administers it through agencies such as the Departments of the Interior, Health and Human Services, and Housing and Urban Development.

### **Native Hawaiian Trust Lands & Internet Infrastructure**

Approximately 200,000 acres of Native Hawaiian trust lands created by the federal government exists in every county in Hawaii. 35,000 Native Hawaiians and their families reside on these trust lands, in mostly rural communities. The challenges of remoteness, access to capital, limited economic opportunities, and the unique characteristics of trust lands are consistent with the challenges in Indian Country.

The hearing topic of *Internet Infrastructure: Equal Access to E-Commerce, Jobs and the Global Marketplace* is exactly on point, and a critical issue not only for Indian reservations, but also our Hawaiian Home Land trust. Just as renewable energy technology and access to it, will be a significant factor in the economic well-being of communities across the country, so it is with internet connectivity which is tied directly to backbone infrastructure. The following subject areas are notable to the hearing topic and Native Hawaiians:

**Access to Distance Learning** – When our trust land communities have qualitative internet infrastructure, we have been able to maximize opportunities for internet based distance learning. Kamehameha Schools a Native Hawaiian private nonprofit institution and rural public charter schools located in trust land areas, are able to deliver more efficiently, educational and cultural curriculum to over 7,000 children statewide. College preparatory, vocational skills, and indeed, the all-important computer skills and use of the internet are made readily available. The key to achieving this reality in every trust land area is Internet Infrastructure.

**Access to Telemedicine** – When our trust land communities have qualitative internet infrastructure, healthcare costs have a real chance for cost-savings, as well as real-time service access to medical expertise over the internet. The potential for a robust telemedicine program serving rural populations

hinges entirely on the bandwidth availability and coordinated community based internet access. The key to achieving this reality in every trust land areas is Internet Infrastructure.

**Access to Commerce, Markets and Job Creation** – When our trust land communities have qualitative internet infrastructure, extraordinary opportunities in commerce and job creation become possible. For example, in 2003, a small rural Hawaiian home land community was able to launch a successful technology company to train and employ more than 50 individuals, and deliver high end document conversion products to commercial and government clients. The company, Hawaiian Homestead Technology (HHT), went on to partner over the last 7 years, with the Intertribal Information Technology Company (IITC), a consortium of multiple tribal firms in seven states creating upwards of 300 jobs during peak demand periods. Its primary client – the United States military. Internet infrastructure to our trust land areas, created efficiencies through the reduction of thousands of square feet of storage of documents at government sites, and perhaps most exciting for our employees, the opportunity to keep our troops safe by providing maintenance manuals and parts inventories to military personnel at their fingertips.

The single most important component creating the ability to open HHT in Hawaii and each of the tribal firms in New Mexico, North Dakota, South Dakota, Wyoming, Montana, Oklahoma, and Alaska, to employ rural residents and deliver product, was access to high speed, commercial level internet connectivity. The incredible impact, beyond economics inside our Native areas, but also to the surrounding areas is generational change, monumental change. Economic self determination is the most powerful momentum available to trust land communities and peoples. It opens the door to possibilities only dreamed of, and lends energy to the pursuit of solutions from the inside.

Another example worth discussion on the topic of E-Commerce, Markets and Job Creation, is in micro enterprise and artisan trades. Qualitative internet infrastructure opens the world to our cultural markets and artisan products, not only creating economic self sufficiency on an individual artisan basis, but creating an industry that is most meaningful with Native authenticity and control. In several of our trust land communities, internet access has created viable outdoor marketplace spaces to build visitor industry commerce where our Native peoples determine the space, the interactive engagement, the frame and content of our story telling and sharing. Creating these markets, growing commerce where we live, and reaching patrons, simply requires qualitative internet connectivity. It is required in today's competitive world and in today's business environment.

### **National Equity and Opportunity Recommendations**

Opportunities to create jobs where our people live, across industry sectors, to deliver services to customers across the nation and globally, is within our reach to create a permanent change to our collective economic futures as Native peoples. We must complete the journey. In the middle of this century, breaking open the economic potential of the heartlands of the United States was hindered by the lack of utilities, communications and electrification. President Roosevelt and the Congress of that day, recognized the potential and put forward bold solutions including the creation of the Rural Utility Service at the U.S. Department of Agriculture. The same applies today with access to broadband. It is the infrastructure upon which commerce in the 21<sup>st</sup> century is based. It is imperative that the federal government not waver in making the long-term investment in providing access to broadband for Native communities thereby ensuring that Native communities will not continue to be left behind. Whether economic opportunities are in energy, in farming or ranching, in government services, or the food service sector, quality connectivity is a mandatory component of doing business, of creating jobs, of preparing our youth and fully participating in the prosperity and commerce of the country.

**Fully Fund a Native Nations Broadband Fund** as recommended in the National Broadband Plan, to support, strengthen and grow Native and Tribal telecommunication providers that primarily serve trust land areas:

- (1) provide technical and financial assistance for regulated service launch to help Native governments and communities to assess and plan regulated and broadband services;
- (2) support administrative and operational costs in High-Cost areas to help Native communities sustain key broadband and infrastructure service in their communities;
- (3) connect both “under” and “unserved” Native areas to assist Native communities in attaining parity of service and technology through regulated support;
- (4) sustain current tribal regulatory services – the safety net support which helps tribal governments to continue with regulatory telecommunications to their communities;
- (5) provide Native broadband Lifeline and Linkup Funds to help Native consumers to be able to afford residential broadband service;
- (6) provide Native public safety support to ensure appropriate public safety responses in life and death situations;
- (7) provide Native broadband mapping to help Native governments and communities to attain essential data for broadband deployment and public-safety planning;
- (8) connect key Native public institutions to help Native governments and communities to connect critical public institutions to broadband;
- (9) support Native mass media universal access to help Native governments and organizations to provide essential public and local information to Native residents; and
- (10) provide safety-net broadband mobility network to help Native governments and communities to supplement the lack of infrastructure, broadband, or public safety networks with a broadband mobility safety-net 911 access network.

**Establish Trust Land Areas as Automatically Eligible for Federal Programs Targeted for Rural, Under-Served or Low Income Populations and Areas.** The 2008 Farm Bill (P.L. 110-234) established language defining Substantially Underserved Trust Areas (SUTA) for the purposes of eligibility for federal funds administered by the Department of Agriculture’s Rural Utility Service. This definition should be widely applied to all federal programs targeted for rural, underserved or low income populations and areas.

For example, the New Market Tax Credits program, created in 2000 and administered by the U.S. Treasury Department’s Community Development Financial Institution (CDFI) fund, delivers \$3 billion annually in capital incentives through tax credits to individuals and corporations to make investments in distressed communities across the country. Eligibility for the program is largely limited to qualified census tracts based on median income levels. Utilization of the SUTA definition for purposes of eligibility for programs such as the New Market Tax Credit program and the CDFI Bond Guarantee program would ensure that trust land areas and Native peoples are not left behind in accessing capital

to accomplish the enormous need for internet infrastructure. We must complete the journey. We must connect the long standing needs of Indian Country and trust land areas to the mainstream capital programs developed for rural, underserved and low income populations and geographical areas.

Mahalo for the opportunity to express our priorities as Native Hawaiians, and within the larger context of Native peoples in the United States.