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**TESTIMONY OF CARMEN “HULU” LINDSEY
CHAIR, BOARD OF TRUSTEES OFFICE OF HAWAIIAN AFFAIRS**

**U.S. SENATE COMMITTEE ON INDIAN AFFAIRS – OVERSIGHT HEARING ON
NATIVE COMMUNITIES’ PRIORITIES FOR THE 118TH CONGRESS**

March 8, 2023

Mahalo nui loa (Thank you very much) Chairman Schatz, Vice Chairman Murkowski, and distinguished members of the Committee, for the opportunity to testify on behalf of the Office of Hawaiian Affairs (OHA) and our beneficiaries—the Native Hawaiian community. The priorities OHA presents today align with one guiding principle—furthering self-determination for Native Hawaiians. Chairman Schatz, we are particularly grateful for your efforts to secure much needed increases in funding through the FY 2023 Omnibus Appropriations Bill to support the Native Hawaiian community. OHA also celebrates the enactment into law of the Durbin Feeling Native American Languages Act of 2022 and the Native American Language Resource Center Act of 2022. We thank the Committee and Senator Schatz for championing these bills in the 117th Congress.

OHA also recognizes the dedicated leadership of Vice Chairman Murkowski and the rich legacy of collaboration between Hawai‘i and the Alaska Congressional delegation to advance issues important to each of our non-contiguous states, especially for our Native peoples. Specifically, we want to acknowledge and thank you for reintroducing legislation last month to amend the Native American Tourism and Improving Visitor Experience Act and authorize grants to Native Hawaiian organizations. OHA is encouraged by the continued bipartisan work of this Committee and its Members, and its commitment to promoting policies that promote education, health, housing, economic stability, and a variety of other federal programs that support Native Hawaiian self-determination.

Background on OHA and its Standing to Represent Native Hawaiians

Established by our State’s Constitution,¹ OHA is a semi-autonomous agency of the State of Hawai‘i with a mandate to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, prudent investments and the funding of community programs. Hawai‘i state law recognizes OHA as the principal public agency in the State responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians.² Furthermore, state law directs OHA to formulate policy for Native Hawaiians;³ to advocate on behalf of Native Hawaiians;⁴ to advise and inform federal officials about Native Hawaiian programs; and to coordinate federal activities relating to Native Hawaiians.⁵

Priorities for the 118th Congress

The following are OHA’s priorities for the 118th Congress, and we respectfully request the Committee’s (and Congress’) support:

- 1) For the preparation and funding of a ceded lands inventory report, which would detail the lands transferred, via the 1959 Admissions Act⁶, to the state government, in order to assess the stewardship and management practices of the state of Hawai‘i in upholding the Federal Trust responsibilities to Native Hawaiian;
- 2) To ensure broad inclusion of Native Hawaiians in federal conference, coordination, engagement and consultation policies and practices;
- 3) To continue vigilant oversight of the accelerated defueling and closure of the Red Hill fuel storage tanks;
- 4) To ensure funding for environmental assessment, cleanup and mitigation of sacred lands polluted and contaminated by the United States military; and
- 5) To ensure broad funding and programming equity for all Native Americans, including American Indians, Alaska Natives, and Native Hawaiians.

¹ Haw. Const., art. XII, §5 (1978).

² Haw. Rev. Stat. § 10-3(3).

³ Haw. Const., art. XII, §6 (1978).

⁴ Haw. Rev. Stat. § 10-3(4).

⁵ Haw. Rev. Stat. § 10-6(a)(4).

⁶ The Admission Act, An Act to Provide for the Admission of the State of Hawaii into the Union, March 18, 1959, Pub L 86-3, 73 Stat 4.

Each of these priorities is discussed in more detail below.

1) Commission and Funding of a Ceded Lands Inventory Report

The terms of statehood for Hawai‘i acknowledged the plight of the Native Hawaiian people, specifically in the Admission Act of 1959. Section 5(f) of the Act refers to the crown and government lands of the Hawaiian Kingdom which had been designated as “ceded” to the Republic of Hawai‘i, and then to the United States. Once the property of the Hawaiian monarchy and of the government of the Kingdom of Hawai‘i, these lands totaled 1.8 million acres upon annexation in 1898. Pursuant to the Joint Resolution of Annexation, *all of these lands were considered “ceded” to the United States government “for the benefit of the inhabitants of the Hawaiian Islands.”* Further, the Admission Act of 1959 conveyed these lands to the new State of Hawai‘i with the caveat that revenues from these lands were to managed as a trust for five purposes. One of these was the betterment of the conditions of Native Hawaiians.

Underscoring the historical injustices that gave rise to the federal trust responsibility relating to the ceded lands are the findings of Congress in the 1993 Apology Resolution:⁷

Whereas, the Republic of Hawaii also ceded 1,800,000 acres of crown, government, and public lands of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii or their sovereign government.

Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.⁸

(Emphasis added.) When statehood was granted in 1959, the federal government returned to the State of Hawai‘i all ceded lands not set aside for the federal government’s own use. Section 5(f) of the Admission Act directed the state to hold the lands in trust for the following five purposes:

- 1) the support of public education;
- 2) the betterment of the conditions of Native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920;
- 3) the development of farm and home ownership;

⁷ Public Law 103-150 (1993)

⁸ The Admission Act, An Act to Provide for the Admission of the State of Hawaii into the Union, March 18, 1959, Pub L 86-3, 73 Stat 4.

4) the making of public improvements; and

5) the provision of lands for public use.

The first fiduciary obligation of a trustee is to inventory and account for the trust assets. Yet sixty-three years after statehood, the State does not have a complete inventory of these trust lands. In addition, a complete inventory of ceded lands, including former Kingdom Government and Crown lands, and holdings by the federal, state and county governments, is critical for the federal government to uphold its trust responsibility to Native Hawaiians. ***Accordingly, OHA urges the Committee to consider mandating the preparation of, and funding for, a ceded lands inventory report.***

2) Broad Inclusion of Native Hawaiians in Federal Conference, Coordination, Engagement and Consultation Policies and Practices

Native Hawaiians are owed the same trust responsibility as any other Native American group. Similar to American Indians and Alaska Natives, Native Hawaiians have never relinquished our right to self-determination despite the United States’ involvement in the illegal overthrow of Queen Lili‘uokalani in 1893 and the dismantling of our government. In fact, over 150 Acts of Congress consistently and expressly recognize a special political and trust relationship to Native Hawaiians based on our status as the Indigenous, once-sovereign people of Hawai‘i. Among these laws are the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) (1921), the Native Hawaiian Education Act (20 U.S.C. § 7511) (1988), the Native Hawaiian Health Care Improvement Act (42 U.S.C. § 11701) (1988), and the Hawaiian Homelands Homeownership Act codified in the Native American Housing Assistance and Self Determination Act (NAHASDA), Title VIII (25 U.S.C. § 4221) (2000). Indeed, Congress expressly established the Office of Native Hawaiian Relations within the Department of the Interior to implement the special legal relationship between the federal government and Native Hawaiians.

OHA is encouraged by the Department of the Interior’s recent proposed draft Native Hawaiian Community consultation policy and procedures, which affirms and honors the political and trust relationship between the United States and the Native Hawaiian Community. This is an important, historic step towards a voice in federal decision-making. However, Native Hawaiians are still largely omitted from consultation policies and processes across other federal agencies. History has shown that failure to include the voices of Indigenous leaders in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. ***We urge this Committee to pass legislation in the 118th Congress that would codify the federal consultation mandate of Executive Order 13175 and extend these rights to all Native Americans, including Native Hawaiians.***

Although the Native Hawaiian community has not yet reorganized a government, Congress’s thoughtful inclusion of Native Hawaiians in key legislation like the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001) and the National Historic Preservation Act (NHPA) (16 U.S.C. § 470 *et seq.*) demonstrates that Native Hawaiians can be effectively included in consultation now, with representation through Native Hawaiian organizations. OHA, moreover, is already actively involved with federal consultations. OHA receives and reviews approximately 240 requests for federal consultations each year, including Section 106 NHPA and NAGPRA reviews. ***The federal government takes many more actions affecting the Native Hawaiian community than are covered by these two statutes without ever giving Native Hawaiians an opportunity to consult. This must change.***

OHA specifically acknowledges and is grateful to see that the National Defense Authorization Act for FY 2023 requires a report on Department of Defense (DoD) plans to identify, standardize, and coordinate best practices with respect to consultation and engagement with the Native Hawaiian community. ***Given the significant presence of DoD operations and activities in Hawai‘i, it is critical that Native Hawaiians are engaged in any proposed undertakings that would impact our community.***

3) Vigilant Oversight in Accelerated Defueling and Closure of the Red Hill Fuel Storage Tanks

OHA underscores the health and safety concerns of our beneficiaries and lands who have been adversely impacted by leaks from the U.S. Navy Red Hill Bulk Fuel Tanks (RHBFT). RHBFT has the capacity to store up to 250 million gallons of fuel only 100 feet over O‘ahu’s major aquifer which provides drinking water to over 400,000 residents of O‘ahu. OHA thanks you, Chairman Schatz, for securing funding through the FY 2023 Omnibus Appropriations Bill to effectively defuel and shut down the Red Hill Bulk Storage Facility, and to conduct initial planning and design activities to explore the feasibility of a potential water treatment and distribution facility for the Red Hill shaft. We also appreciate your recent letter urging the Environmental Protection Agency to fully review and consider public comments on the proposed Consent Order and Statement of Work for closure of the Red Hill Bulk Fuel Storage Facility. ***Given the magnitude of the catastrophe, and its environmental and community impacts, we request that this Committee continue its vigilance in providing the necessary oversight to ensure that additional transparency and mandatory input from the Native Hawaiian community is incorporated.***

4) Fund Environmental Assessments, Cleanup and Mitigations of Sacred Lands Polluted and Contaminated by the U.S. Military

Remediation for contamination on sacred lands by the U.S. military must receive the highest priority given the United States’ trust responsibility to Native Hawaiians, particularly in light of this Administration’s strong commitment to ensuring environmental justice in disadvantaged communities.⁹ Approximately 46,500 acres of land across the State of Hawai‘i is being used by the U.S. military. This includes U.S. Army, Navy and Air Force bases and installations, with the largest being the Army’s Pōhakuloa Training Area on Hawai‘i Island which encompasses approximately 23,000 acres.¹⁰ Several sacred sites, including Pōhakuloa, Kaho‘olawe and Haleakalā, require environmental assessments and clean-up as a result of the federal government’s actions. Just last month, officials from the U.S. Space Force announced that an estimated 700 gallons of diesel fuel was spilled at the Maui Space Surveillance Complex, located at the summit of Haleakalā. The Complex, originally built as an electro-optical observation platform for missile tests, hosts the U.S. Department of Defense’s largest optical telescope designed for tracking and imaging satellites. The spill on Haleakalā is just the latest in the military’s history of repeated contamination and degradation of lands and waters throughout the state of Hawai‘i. Another example from 2004 relates to the U.S. Navy’s ending of the environmental mitigation project known as the Kaho‘olawe UXO Clearance Project – yet an astonishing *twenty-five percent (25%) of the island (6,692 acres) has not been cleared of unexploded ordnance and unescorted access to these areas remains unsafe.*¹¹ There are nearly 3,000 archeological and historical sites on Kaho‘olawe, which was once a traditional Native Hawaiian navigational center for voyaging, the site of an adze quarry, an agricultural center, and a site for religious and cultural ceremonies. ***Given the impact of these military operations on our resources, rights, and lands, we urge the Committee to mandate further study and remediation. We also request that the Committee exercise its oversight authority to ensure accountability and consultation with the Native Hawaiian community through this process.***

5) Broad Funding and Programming Equity for Native Hawaiians

Congress has utilized a patchwork of programs administered through federally funded Native Hawaiian-serving organizations such as OHA, the Department of Hawaiian Home Lands, the Native Hawaiian Education Council, Papa Ola Lōkahi, and the Native Hawaiian Health Care

⁹ See e.g., E.O. 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government (addressing federal agency barriers and allocating resources to address historic failures) (Jan. 20, 2021); E.O. 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (requiring review of agency actions from January 20, 2017 through January 20, 2021, and holding polluters who disproportionately harm communities of color/low income accountable) (Jan. 20, 2021); and E.O. 14008, Tackling the Climate Crisis at Home and Abroad (creating a task force to deliver environmental justice and engage with Native communities) (Jan. 27, 2021).

¹⁰ US Indo-Pacific Command, Hawai‘i Military Land Use Master Plan, 2021 Interim Update, Final – April 2021

¹¹ <https://www.kahoolawe.hawaii.gov/history.shtml>, retrieved February 28, 2023.

Systems to deliver and coordinate services to Native Hawaiian communities. Unlike American Indian tribes, our organizations are not equipped or empowered to exercise certain governmental functions, including providing law enforcement and other public safety services. As such, funding should be allocated to the State and County entities in Hawai‘i that provide these services to our communities. However, our experience is that when Native Hawaiians are not specifically identified, or funding is not set aside, the needs of our communities may be overlooked. ***Thus, Native Hawaiian-serving organizations should be empowered and utilized as an effective service-delivery system to the extent possible. If certain funding must ultimately pass through State and County agencies, it is important that the trust responsibility to Native Hawaiians is specifically identified and acknowledged, so that our communities can ultimately realize the benefits of these allocations.***

Over the past several decades, the Native Hawaiian Health Care Improvement Act, the Hawaiian Homelands Homeownership Act, and the Native Hawaiian Education Act has provided resources to the Native Hawaiian community through a variety of programs and services. Further, the Native Hawaiian Revolving Loan Fund—administered by OHA—and the U.S. Department of Treasury’s Community Development Financial Institutions (CDFI) fund Native American CDFI Assistance Program have supported the emergence and growth of Native Hawaiian businesses. ***We urge this committee to strengthen and expand these programs to achieve parity with other Native American groups, and further support Native Hawaiian self-determination.***

Native Hawaiian Health

Similar to our Indigenous relatives on the continent, there are significant health disparities among Native Hawaiian and non-Native populations. In response to these disparities, Congress enacted the Native Hawaiian Health Care Act in 1988, which was later retitled as the Native Hawaiian Health Care Improvement Act (NHHCIA) (Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935). ***OHA recommends that the NHHCIA be permanently reauthorized, like the Indian Health Care Improvement Act was in 2009, and that all Congressionally authorized appropriations remain available until expended.***

The NHHCIA established the Native Hawaiian Health Care program, which funds the Native Hawaiian Health Care Systems (NHHCSs) administered by Papa Ola Lokahi (POL). Together the five Systems on the islands of Kaua‘i, O‘ahu, Maui, Moloka‘i, and Hawai‘i provide primary health care, behavioral health, and dental services. In addition, the Systems provide health education to manage disease, health related transportation, and other services. NHHCIA also established the Native Hawaiian Health Scholarship Program (NHHSP) for Native Hawaiians pursuing careers in designated health care professions. It supports culturally

appropriate training and the placement of scholars in underserved Native Hawaiian communities following the completion of their education. More than 300 scholarships have been awarded through this program and most program alumni work in Hawai‘i.

The pandemic highlighted the urgent need for several amendments to the NHHCIA. This includes increasing funding to the NHHCIA to expand Native Hawaiian health resources; removing the matching requirements applied to the NHHCSs for parity with other Native health care providers; making the NHHCSs eligible for 100% of the Federal Medical Assistance Percentage (FMAP) as well as the Prospective Payment System (PPS) reimbursement rate; expanding Federal Tort Claims Act coverage to POL, the Systems, and their employees in parity with other Native health care providers; allowing federal program funding to be used to collect and analyze health and program data which currently falls under the ten percent administrative cost cap for the program; allowing the Systems to be a specific eligibility group for supplemental federal funding streams; and providing a tax exemption for the NHHSP. ***We urge the Committee to support increased funding for and technical amendments to the NHHCIA to address avoidable inequalities and health care disparities.***

OHA specifically acknowledges and thanks you, Chairman Schatz, for securing additional funding in the FY 2023 Omnibus Appropriations Bill to provide access to health education and promotion, disease prevention and basic primary care services for Native Hawaiians.

Native Hawaiian Housing

The median price for a single-family home in Hawai‘i is \$870,250, but differs by county ranging from \$539,000 in Hawai‘i county to \$1,162,500 in Maui county.¹² Of the 28,155 Native Hawaiians in rental units in Hawai‘i, 54.9% of them are cost-burdened, paying more than 30 % of their income to rent. On O‘ahu 42% of individuals included in the annual Point in Time count of unsheltered homeless were Native Hawaiians.¹³ As such, the Hawaiian Homelands Homeownership Act (HHHA) plays a crucial role in supporting the Department of Hawaiian Homelands’ (DHHL) mission—to develop and deliver land and housing to Native Hawaiians. Congress enacted the HHHA in 2000. The HHHA established the Native Hawaiian Housing Block Grant (NHHBG) program and the Section 184A Loan Guarantees for Native Hawaiian Housing. The NHHBG provides much needed funding to DHHL to deliver new construction, rehabilitation, infrastructure, and various support services to beneficiaries living on DHHL lands.

¹² Hawai‘i Realtors. <https://www.hawaiiirealtors.com/resources/housing-trends-2/>, retrieved February 10, 2023.

¹³ Partners in Care O‘ahu Continuum of Care (2022). Native Hawaiian Stub-Report: 2022 Point in Time Count. <https://static1.squarespace.com/static/5db76f1aadbeba4fb77280f1/t/63926c530aa9a91e44d2e5a4/1670540372709/Native+Hawaiian+Sub-Report+PITC2022+FINAL.pdf>, retrieved February 10, 2023.

The 184A Loan Guarantee program provides eligible beneficiaries with access to construction capital on DHHL lands by fully guaranteeing principal and interest due on loans. The program currently serves owner-occupant single family dwellings on the DHHL lands. To address housing needs, DHHL has used NHHBG funds for emergency rental assistance for eligible Native Hawaiians; rental subsidies for lower income elderly; rehabilitation of homes primarily for elderly or disabled residents; homeownership opportunities for lower income working families; and homeownership and rental counseling to address barriers experienced by Native Hawaiians. ***We urge this Committee to support increased funding for, and expansion of the NHHBG and 184A Loan Guarantee programs.***

Native Hawaiian Economic Well-Being

Economic well-being and opportunity are central to the ability of any community to exercise self-determination. Of the 5 largest groups in Hawai‘i (White, Filipino, Native Hawaiian, Japanese, and Chinese), Native Hawaiians have the lowest median income at \$73,065.¹⁴ This is \$10,000 less than the State median income. The per capita income for Native Hawaiians is \$25,612 compared to the state per capita income of \$36,989.¹⁵ Of the 5 major race groups, Native Hawaiians have the highest percent (15.5%) of families in poverty.¹⁶ There are several economic development and access to capital programs that serve Native Hawaiians, including the Department of the Treasury (Treasury), Native American Community Development Financial Institutions (CDFI), Minority Depository Institutions (MDI), and the Native Hawaiian Revolving Loan Fund (“NHRLF”). The Native Hawaiian community has also benefitted from Treasury’s Emergency Rental Assistance, Homeowner Assistance Fund, Capital Projects Fund and Small Business Credit Initiative, Emergency Capital Investment Program, Rapid Response Program, and Native American CDFI Assistance Program. In addition, Native Hawaiian organizations are eligible to receive additional funds as sub-recipients to the state and/or counties, and ***we recommend the Committee consider OHA’s state agency status as an accountable mechanism for federal funds to quickly flow to Native Hawaiian communities.***

For example, in its nearly three decades in operation under OHA’s administration, NHRLF closed approximately 2,700 loans valued at more than \$63 million of lending to Native Hawaiian businesses and individuals. In its 2021 Report to Congress, NHRLF reported that borrowers: improved their overall economic wellbeing during the loan period; experienced

¹⁴ Native Hawaiian Data Book (2021). Chapter 4 Income. Table 4.20 Household Income by Race-Ethnicity in Hawai‘i: 2019. <http://www.ohadatabook.com/DB2021.html>, retrieved February 10, 2023.

¹⁵ Native Hawaiian Data Book (2021). Chapter 4 Income. Table 4.03 Per Capita Personal Income by Race-Ethnicity and Selected Characteristics in Hawai‘i: 2019. <http://www.ohadatabook.com/DB2021.html>.

¹⁶ Native Hawaiian Data Book (2021). Chapter 8 Human Services. Table 8.13 Families Below Poverty Level by Race-Ethnicity in Hawai‘i: 2019. <http://www.ohadatabook.com/DB2021.html>, retrieved February 10, 2023.

improved preconditions to financial stability after receiving a NHRLF loan; and increased their income due to education and business loans. The value of NHRLF borrowers’ financial and non-financial assets increased over time, with smaller gains resulting from home improvement loans. As a result of increased asset value, the average net worth of OHA borrowers grew over the loan period; and Native Hawaiian-owned businesses with NHRLF loans improved their financial performance from before the loan was received to 2019.

However, the devastating impact of the COVID-19 pandemic on Hawai‘i’s economy derailed the positive outcomes NHRLF borrowers experienced over the loan period in the areas of economic wellbeing, preconditions to financial stability, and income. ***Accordingly, OHA asks the Committee to support programmatic fixes to NHRLF, including ending the demonstration status of the program, removing restrictions on outdated unallowable loan activities, and reducing the Native Hawaiian ownership percentage requirement from 100 to 50***—all to create a broader pipeline of programming and funding for Native Hawaiian economic development.

Native Hawaiian Education

Congress established the Native Hawaiian Education Program the Native Hawaiian Education Act (NHEA) for the following four purposes:

- 1) “To authorize and develop innovative educational programs to assist Native Hawaiians;
- 2) “To provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;
- 3) “To supplement and expand programs and authorities in the area of education to further the purposes of this title; and
- 4) “To encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.”¹⁷

Data helps to set the context of the struggles of our keiki (children) and ‘ōpio (youth), as well as the need for increased funding and support for the NHEA. While Native Hawaiian students make up 23.7% of the total student population in Hawai‘i, they account for over 50% of the students considered chronically absent, 41% of suspensions, and 35% of students enrolled in special education.¹⁸ Mandatory testing through the No Child Left Behind Act and the Every

¹⁷ 20 U.S.C. 7513

¹⁸ Native Hawaiian Data Book (2021). Chapter 6 Education. Tables 6.15 Chronic Absenteeism in Native Hawaiian Public School Students by Island, School District, School Complex, Grade, and School in Hawai‘i: SY2014-2015

Student Succeeds Act has revealed that Native Hawaiian students have continued to lag behind other student groups —scoring second to the lowest of all student groups in both reading and math, just above another Indigenous group, Pacific Island students. In 2014, the State Department of Education transitioned from the Hawai‘i State Assessment to the Smarter Balanced Assessment. The latest test scores for School Year 2021-2022 show that only 35.5% of Native Hawaiian students met or exceeded proficiency in English Language Arts compared to 52.4% of all students, and 21.8% in Math compared to 38.5% of all students.¹⁹ Given the great need of our students, OHA appreciates the funding provided in the FY 2023 Omnibus Appropriation Bill, which will support programs that strengthen Native Hawaiian culture and education, and provide for the construction, renovation and modernization of public schools that predominantly serve Native Hawaiian students. ***We urge the Committee to continue Congress’ focus on Native Hawaiian education and support increased funding for the Native Hawaiian Education Program in FY 2024; also to help us ensure that implementation of the NHEA is done in consultation with stakeholders, including the Native Hawaiian Education Council.***

Safeguarding Native Hawaiian Women, Children, and Families

Pursuant to H.C.R. 11, the Hawai‘i State Commission on the Status of Women (CSW) convened a Task Force to study Missing and Murdered Native Hawaiian Women and Girls (MMNHWG). The Missing and Murdered Native Hawaiian Women and Girls Task Force (MMNHWG TF) is administered through OHA and the Hawai‘i State Commission on the Status of Women, and comprises individuals representing over 22 governmental and non-governmental organizations across Hawai‘i that provide services to those who are impacted by violence against Native Hawaiians.

Native Hawaiian women and girls experience violence at rates disproportionate to their population size.²⁰ However, Native Hawaiians have largely been left out of the federal policy discourse and resource allocation to address violence against Indigenous communities in the United States. Last year (2022) marked the first year that Native Hawaiians were formally recognized by a United States President as belonging to the Indigenous populations disproportionately impacted by interpersonal and systemic violence that leads to Native women

to SY2017-18, Table 6.16 Public School Students Receiving a Suspension by Grade in Hawai‘i: SY2012-2013 to SY2017-2018, Table 6.07 Public School Special Education (SPED) Students by Island, School District, School Complex, Grade, and School in Hawai‘i: SY2015 to SY2017-18, Table 6.01 Public Schools Race-Ethnicity of Students in Hawai‘i: SY2011-2012 to SY2020-2021. <http://www.ohadatabook.com/DB2021.html>, retrieved February 10, 2023.

¹⁹ State of Hawaii Department of Education Accountability Data Center. <https://adc.hidoe.us/#/proficiency>, retrieved February 10, 2023.

²⁰ Missing and Murdered Native Hawaiian Women and Girls Task Force Report (Task Force Report), at 4. https://www.oha.org/wp-content/uploads/MMNHWG-Report_Web.pdf, retrieved March 2, 2023.

and girls being murdered and missing.²¹ ***We urge the Committee to include Native Hawaiians in federal policy initiatives, funding, and legislation aimed at responding to the crisis of murdered and missing Indigenous women and girls (MMIWG).***

Hawai‘i has the eighth highest rate of missing persons per capita in the Nation at 7.5 missing people per 100,000 residents.²² More than a quarter of missing girls in Hawai‘i are Native Hawaiian.²³ According to the first report and study conducted by the MMNHWG TF, while only 10.2% of the total population of Hawai‘i identifies as a Native Hawaiian female, from 2011-2021, 26% of all missing females age 17 and below were Native Hawaiian/part-Hawaiian girls and represented 13% of all missing children’s cases in Hawai‘i.²⁴ According to the Missing Children’s Center Hawai‘i (MCCH), the average age of a missing child is 15-years old, 77% are female, and 84% are Native Hawaiian.²⁵ On Hawai‘i Island, Native Hawaiian children ages 15-17 represent the highest number of missing children’s cases.²⁶ From 2018-2021, there were 182 cases of missing Native Hawaiian girls on Hawai‘i Island, higher than any other racial group.²⁷ Because of a lack of reporting and accessible data, statistics on MMNHWG are limited and the true scope of this crises is likely much larger than OHA can demonstrate at this time.

Domestic Violence

Native Hawaiian women experience gender-based violence, such as domestic violence and sexual assault, at rates higher than any other population in Hawai‘i.²⁸ Domestic violence is the leading cause of homelessness for women and children.²⁹ 22% of O‘ahu’s homeless Native Hawaiian population report experiencing intimate partner violence compared to 18% of non-Hawaiians.³⁰ Also, 22% of domestic violence survivors filing a Temporary Restraining Order are Native Hawaiians.³¹ OHA appreciates the technical amendments to the Violence Against Women Act (VAWA) that were signed into law in the 117th Congress, which will greatly support Native Hawaiian survivors of gender-based violence. OHA requests that this Committee include Native Hawaiians in VAWA-related funding, oversight, and legislation in the 118th Congress.

²¹ Task Force Report, at 6.

²² Task Force Report, at 5

²³ Task Force Report, at 5

²⁴ Task Force Report, at 16.

²⁵ Task Force Report, at 16.

²⁶ Task Force Report, at 5.

²⁷ Task Force Report, at 5.

²⁸ Task Force Report, at 10.

²⁹ Task Force Report, at 17.

³⁰ Task Force Report, at 17.

³¹ Task Force Report, at 16.

Commercial Exploitation

Indigenous people, including Native Hawaiians, are at a higher risk of human trafficking. There are at least 85 known sex traffickers in Hawai‘i and the majority (43%) of sex trafficking cases in Hawai‘i are Native Hawaiian girls trafficked in Waikīkī, O‘ahu.³² 57% of participants served through the Mana‘olana Program, which provides free comprehensive case management for victims of human trafficking, are Native Hawaiian females.³³ 59% of clients served through Susannah Wesley Community Center between October 2021 and May 2022 are trafficking victims.³⁴ 37% of cases are sex trafficking cases, the majority (86%) are female and (45%) are Native Hawaiian/part-Native Hawaiian or other Pacific Islander.³⁵ Given these alarming statistics and realities, OHA requests that Native Hawaiians are included in any legislation or funding to combat human trafficking in Indigenous communities.

Child Sexual Assault and Abuse

Native Hawaiian children are particularly vulnerable to exploitation and abuse, and are overrepresented in the Hawai‘i foster care system.³⁶ In 2019, 45% of children in foster care in Hawai‘i were Native Hawaiian.³⁷ 44.4% of “street youth,” including those who are homeless and runaways, are Native Hawaiian, the largest percentage of any group in Hawai‘i.³⁸ According to the State Department of Human Services, a victim of child abuse is likely to be 7 years of age (median), female (53.0%), and Hawaiian or Part-Hawaiian (39.8%).³⁹ In 2019, law enforcement in Hawai‘i began conducting a series of criminal interventions through Operation Keiki Shield (Operation), aimed at identifying predators who approach children online for sex or sexual activities.⁴⁰ Out of all those arrested through the Operation, 38% were active-duty U.S. military personnel.⁴¹ These military personnel were arrested both off and on U.S. military bases as part of non-military covert operations that targeted civilians off-base and “military ops” between the military and local law enforcement to arrest on-base offenders who commit internet-facilitated sexual crimes against children. Notably, 25% of the offenders arrested in a March 2019 Operation, which was the only documented non-military Operation on O‘ahu since 2019, were male U.S. military personnel.⁴²

³² Task Force Report, at 16.

³³ Task Force Report, at 5.

³⁴ Task Force Report, at 17.

³⁵ Task Force Report, at 17.

³⁶ Task Force Report, at 14.

³⁷ Task Force Report, at 14.

³⁸ Task Force Report, at 14.

³⁹ A Statistical Report on Child Abuse and Neglect in Hawai‘i (2021) at 6, 6.1, 8, available at <https://humanservices.hawaii.gov/wp-content/uploads/2023/01/2021-CAN-report-print.pdf>, retrieved March 2, 2023.

⁴⁰ Task Force Report, at 12.

⁴¹ Task Force Report, at 17.

⁴² Task Force Report, at 17.

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Greater congressional attention to this issue is necessary for the safety of our communities, and our children. OHA would like the Committee’s assistance in requesting further engagement and consultation with federal and U.S. military law enforcement partners to address these alarming statistics.

Conclusion

Thank you for this opportunity to testify and share OHA’s priorities for the 118th Congress and thank you for your continued attention to Native Hawaiian issues. We look forward to continuing our collaborative engagement with the Committee and Congress to ensure the federal trust responsibility to Native Hawaiians is upheld.

A hui hou (until we meet again),

Carmen Hulu Lindsey, Chair
Board of Trustees

CHL:d/sh