Aloha Mr. Chairman, Senator Inouye, and Distinguished Members of the Senate Committee on Indian Affairs. Thank you for the providing me with the opportunity to testify before you today on S. 65, the Hawaiian Homeownership Opportunity Act of 2011.

I currently serve as the Majority Leader for the Hawaii State Senate and as the Chair of the Hawaii State Senate Committee on Hawaiian Affairs. I represent the districts of Iwilei, Chinatown Downtown, Kaka`ako, Ala Moana and Waikiki and am a member of the Hawaii State Legislature’s Hawaiian Caucus. I have spent my life actively involved in efforts to honor our kupuna, by preserving and perpetuating the language, culture, and traditions of the Native Hawaiian people.

The Hawaii State Senate Committee on Hawaiian Affairs has oversight over the Department of Hawaiian Home Lands (DHHL) and its administration of the federal land trust created by the Hawaiian Homes Commission Act of 1920 (HHCA). Congress, through its enactment of over 150 statutes that protect the rights of and address the conditions of Native Hawaiians, has long recognized the Native Hawaiian people as an indigenous people with whom it has a federal trust relationship. Federal policies towards native peoples have consistently been applied to Native Hawaiians - not always at the exact same time, but often closely afterwards.

The Hawaiian Homes Commission Act is a clear example. The prevailing federal policies at the turn of the century focused on assimilation and allotment. The Dawes Act and Burke Act focused on providing eligible Indians with allotments of lands for residential, ranching, and agricultural purposes. The general concept behind this policy was to return native people to the land. The Hawaiian Homes Commission Act was modeled after these Indian General Allotment Acts as it sought to “rehabilitate” the Native Hawaiian people by placing them back on their ancestral lands. Learning from tragic circumstances that resulted in American Indians losing some of their lands, the HHCA created a federal land trust that provided for 99-year leases to qualified Native Hawaiians, thereby ensuring the longevity of the trust lands to benefit the Native Hawaiian people.

In 1959, when Hawaii entered into statehood, prevailing federal policies towards natives were to delegate authorities over natives to state governments. As a condition of Statehood, therefore, the State of Hawaii agreed to administer the Hawaiian Home Lands trust. Section 4 of the Admissions Act (P.L. 86-3, 73 Stat 4) specifically provides that “As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State . .. subject to amendment or repeal only with the consent of the United States . . .”. While the State of Hawaii has administrative and rulemaking authority, the federal government retains oversight to ensure that the original intent of the HHCA is maintained.

The Native Hawaiian people, despite the loss of their government following the overthrow of the Kingdom of Hawaii and subsequent annexation to the United States, have continued to exist as a distinct native community. While the Native Hawaiian people lack a formalized government-to-government relationship with the United States, they have been repeatedly recognized by the United States as an indigenous people with whom the United States has a trust relationship. The State of Hawaii has embraced its role in managing the Hawaiian Home Lands trust, and continues to support efforts to enhance the self-determination and self-governance of the Native Hawaiian people.

In 2011, for example, I joined my colleagues in introducing and enacting legislation, commonly referred to as Act 195, to establish a Native Hawaiian Roll Commission. Act 195 recognizes the Native Hawaiian people as the only indigenous, aboriginal, maoli population of Hawaii and expresses the State’s support for the continuing development of the reorganization of the Native Hawaiian governing entity for a federally recognized government to government relationship with the United States. The legislation was unanimously passed by the State’s House of Representatives and was approved by 23 of 25 votes in the Hawaii State Senate. Act 195 serves as clear evidence of the State of Hawaii’s recognition of and continued support for self-governance and self-determination of the Native Hawaiian people.

The State of Hawaii established the Department of Hawaiian Home Lands in 1961 to fulfill the State’s responsibilities in administering the federal land trust. DHHL is governed by a nine-member Commission appointed by Hawaii’s Governor. The Commission Chairman also serves as the Director of the state agency and is a member of the Governor’s cabinet. Beneficiaries of the HHCA govern themselves through the existence of beneficiary organizations called homestead associations. These organizations, which have existed as long as homestead communities, have representative leadership through democratically elected processes for each homestead area. Homestead associations are important partners that help the State of Hawaii to fulfill its responsibilities under the HHCA because they know their communities and lands, and are best able to engage their communities and to communicate with state and federal policymakers to address issues of priority.

S. 65, the Hawaiian Homeownership Opportunity Act of 2011, reauthorizes financial tools that provide much-needed access to capital for HHCA beneficiaries. Whether already residing on the Hawaiian Homes Land Trust or still on the waiting list, access to capital remains a barrier for many HHCA beneficiaries. We fully support any and all tools that help us to meet the mandate of the Hawaiian Homes Commission Act.

Thank you, Mr. Chairman, for your unfailing leadership and representation of our Native Hawaiian people at the highest echelons of government. You have served as the role model for so many of us who follow your noble footsteps in elected office. Your unwavering ability to demonstrate the Spirit of Aloha and to represent Hawaii’s values in your actions and words even in the most trying of circumstances has shown us how to successfully “walk in both worlds” – both native and western. Your accomplishments in representing all people of Hawaii are staggering, but we particularly appreciate your success in ensuring the federal government’s fulfillment of its trust responsibilities to the Native Hawaiian people. The Apology Resolution, P.L. 103-150, will forever stand as one of the most poignant Acts by the United States in apologizing for its role in the overthrow of the Kingdom of Hawaii and committing to a process of reconciliation with the Native Hawaiian people – a process that is ongoing and provides the path forward for self-governance and self-determination by the Native Hawaiian people.