

## SEEKING SUPPORT TO PASS H.R. 2314 THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT (NHGRA) IN U.S. CONGRESS

### **What is the Native Hawaiian Government Reorganization Act (NHGRA)?**

NHGRA, often referred to as the “Akaka bill,” after its chief sponsor, reaffirms the political and legal status of Native Hawaiians, and provides a process for the United States’ recognition of a reorganized Native Hawaiian governing entity. Enactment moves Native Hawaiians toward fairness in U.S. policy already in place for American Indians and Alaska Natives, by establishing a similar process for a government-to-government relationship with the U.S.

This legislation provides that upon U.S. Federal recognition, negotiations may ensue between the Native Hawaiian governing entity, and federal and state governments over matters such as transfer of lands and natural resources; exercise of governmental authority over any transferred lands, natural resources and other assets, including land use; exercise of civil and criminal jurisdiction; and, the delegation of governmental powers and authorities.

### **Status - 111<sup>th</sup> Congress**

Hawai‘i U.S. Senators Daniel Akaka and Daniel Inouye, U.S. Representatives Neil Abercrombie and Mazie Hirono, re-introduced the NHGRA in Congress, on May 7, 2009. NHGRA passed favorably out of the U.S. House in 2000, 2007, and 2010, and successfully passed out of the Senate Committee on Indian Affairs in 2000, 2001, 2003, 2005, 2007 and 2010.

The Hawai‘i congressional delegation, State of Hawai‘i and OHA have worked to achieve bill language that is most inclusive of the Native Hawaiian community, fair for Native Hawaiians and beneficial to all Hawai‘i.

H.R. 2314 passed out of the U.S. House through the leadership of then U.S. Representative Abercrombie and U.S. Representative Hirono, and is pending action by the U.S. Senate. When H.R. 2314 comes to the Senate floor, Senator Akaka will offer a Substitute Amendment agreed upon by Senators Akaka and Inouye, Governor Lingle and Attorney General Bennett. The amendment provides clarification on the authorities and powers of the Native Hawaiian governing entity during the interim period -- the period following the entity's recognition by the United States and before the conclusion of negotiations with the federal and state governments. It ensures the bill will not impact federally recognized American Indian tribes or Alaska Natives. Upon passage by Congress, President Obama has stated that he will sign NHGRA into law.

### **Why support passage of NHGRA?**

**Justice.** The U.S. currently extends a process of federal recognition to American Indians and Alaska Natives. There are over 560 U.S. recognized Native governing entities. Without passage of the NHGRA, NO process of federal recognition is available to Native Hawaiians.

**Constitutional.** Under the U.S. Constitution and Federal law, America’s indigenous people are recognized as groups, NOT defined by race or ethnicity, but by the fact that their ancestors lived and exercised sovereignty in the lands and areas that subsequently became part of the U.S. It is the pre-existing sovereignty of America’s indigenous, native people which the U.S. Constitution recognizes, and on that basis, accords a special political and legal status to them.

**Strengthening all.** Native Hawaiians are the indigenous, aboriginal people of Hawai‘i whose ancestors lived and exercised sovereignty in the Hawaiian archipelago, later taken as part of the United States. Our forbearers exercised their sovereignty continuously, with a common language and cultural practices, before and after 1778, the point of Western contact. Today, Native Hawaiians are determined

to preserve, develop and transmit to future generations our sustaining connection to our lands, political expression, our language and our spiritual and cultural identity, in accordance with our own spiritual and traditional beliefs, customs, practices and social institutions. Through NHGRA, Native Hawaiians will be able to focus Native Hawaiian strengths, resources and assets to solve problems facing Native Hawaiian communities, thus uplifting and strengthening Hawai'i for all.

**Preservation.** Most who live in Hawai'i know the distinct Native Hawaiian community, with its own language, values and culture, is the host culture, the heart and breath of Hawai'i. Hawai'i, and no other place on earth, is the homeland of Native Hawaiians. The State of Hawai'i and a majority of its voters have repeatedly recognized the special legal and political status of Native Hawaiians, as evidenced in the Hawai'i Constitution, statutes, and programs.

**Culture.** This bill protects Hawaiian culture that is so vital to our island life style and values that are shared with our visitors. It further shields assets, programs and cultural practices against mean-spirited litigation. Seventy million dollars a year in federal funds flow into Hawai'i for Hawaiian health, education, affordable housing, and employment, yet some litigate to end these valuable programs, inaccurately calling them "race-based" and unconstitutional.

**Well-being.** Since 1910, Congress has approved over 160 Federal measures acknowledging Native Hawaiians as the indigenous people of Hawai'i, and addressing health, education, economic and social conditions. NHGRA will not diminish federal resources to other Native groups. Nothing in NHGRA provides an authorization for eligibility to participate in any Indian program or service to any individual or entity not otherwise eligible for the program under Federal law.

NHGRA will **NOT** permit gambling. Nothing in NHGRA authorizes gaming by a U.S. recognized Native Hawaiian governing entity. Further, Hawai'i and Utah are the only two states in the country in which no form of gambling is legal.

NHGRA does **NOT** promote secession or take lands. If enacted, Native Hawaiians will continue to be citizens of the United States, pay taxes, and obey the U.S. criminal and civil laws.

**This measure has strong bi-partisan support**, including the entire Hawai'i congressional delegation, Hawai'i's Governor and Attorney General, Republican and Democratic congressional co-sponsors, the State Legislature, the Office of Hawaiian Affairs, other Native Hawaiian organizations and leaders, numerous Hawai'i businesses and unions, the American Bar Association and, the 2010 Honolulu Advertiser newspaper poll shows 66% of Hawai'i residents support Federal recognition of Hawaiians..

The National Congress of American Indians, Alaska Federation of Natives, Intertribal Council of Arizona, Affiliated Tribes of Northwest Indians, National Indian Education Association, United South and Eastern Tribes, National Council of La Raza, Japanese American Citizens League, Organization of Chinese Americans, Asian American Justice Center, National Coalition of Asian Pacific Americans, Leadership Conference on Civil Rights, National Association for the Advancement of Colored People, National Education Association, National Association of Social Workers and numerous others have submitted statements or letters of support.

**For more information, contact:** Tim Johnson, Washington, D.C. Bureau Chief, Office of Hawaiian Affairs (OHA), at 202.454.0911, timjohnson@ohadc.org, or Martha Ross, OHA Special Assistant to CEO, at 808.594.1845, marthar@oha.org, or visit [www.oha.org](http://www.oha.org) or [www.NativeHawaiians.com](http://www.NativeHawaiians.com).

The Office of Hawaiian Affairs (OHA) is a unique, independent state entity established through the Hawaii State Constitution to advocate for the betterment of conditions of all Native Hawaiians with a Board of Trustees elected by the voters of Hawai'i.  
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