DRAFT
For Approval on 08/21/19

STATE OF HAWAIʻI
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

April 10, 2019 1:00 p.m.

ATTENDANCE:
Chairperson John Waiheʻe, IV
Vice-Chairperson Kaleihikina Akaka
Trustee Leinaʻala Ahu Isa
Trustee Dan Ahuna
Trustee Keliʻi Akina
Trustee Brendon Kaleiʻāina Lee
Trustee C. Hulu Lindsey
Trustee Robert Lindsey
Trustee Colette Machado

ADMINISTRATION STAFF:
Kamanaʻopono Crabbe, Ka Pouhana
Sylvia Hussey, Ka Pou Nui
Everett Ohta, CC
Jocelyn Doane, PP
Mehana Hind, COO
Monica Morris, PP
Raina Gushiken, CC

BOT STAFF:
Alyssa-Marie Kau
Crayn Akina
Kama Hopkins
Kauikeaolani Wailehua
Lehua Itokazu
Lei-Ann Durant
Maria Calderon
Melissa Wennihan
Priscilla Nakama
Zuri Aki

I. CALL TO ORDER

Chair Waiheʻe calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, April 10, 2019 to order at **1:51 p.m.**

Chair Waiheʻe notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:51 p.m.)	TIME ARRIVED
CHAIR	JOHN	**WAIHEʻE, IV**	**PRESENT**	
VICE-CHAIR	KALEIHIKINA	**AKAKA**	**PRESENT**	
TRUSTEE	LEINAʻALA	**AHU ISA**	**PRESENT**	
TRUSTEE	DAN	**AHUNA**	**PRESENT**	
TRUSTEE	KELIʻI	**AKINA**	**PRESENT**	
TRUSTEE	BRENDON KALEIʻĀINA	**LEE**	**PRESENT**	
TRUSTEE	CARMEN HULU	**LINDSEY**	**PRESENT**	
TRUSTEE	ROBERT	**LINDSEY**	**PRESENT**	
TRUSTEE	COLETTE	**MACHADO**	**PRESENT**	

At the Call to Order, **NINE (9) Trustees are PRESENT**, thereby constituting a quorum.

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Chair Waiheʻe would like the record to show that some materials were received more recently than 72 hours ago, and that the deadline, per practice, has been duly-waived.

II. PUBLIC TESTIMONY

None

III. APPROVAL OF MINUTES

Trustee Akaka moves to approve the minutes of March 13, 2019.

Trustee Hulu Lindsey seconds the motion.

Chair Waiheʻe asks if there is any discussion or corrections.

Chair Waiheʻe calls for a **ROLL CALL VOTE**.

							1:52 p.m.
TRUSTEE		1	2	ʻAE (YES)	AʻOLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINAʻALA	**AHU ISA**			X			
DAN	**AHUNA**			X			
VICE-CHAIR KALEIHIKINA	**AKAKA**	1		X			
KELIʻI	**AKINA**			X			
BRENDON KALEIʻĀINA	**LEE**			X			
CARMEN HULU	**LINDSEY**		2	X			
ROBERT	**LINDSEY**			X			
COLETTE	**MACHADO**			X			
CHAIR JOHN	**WAIHEʻE**			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

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IV. UNFINISHED BUSINESS

A. 2019 OHA Legislative Package Updates – Matrix 1**†

Chair Waihe'e turns it over to Ka Pou Nui Sylvia Hussey.

Ka Pou Nui Hussey calls on Public Policy Manager Jocelyn Doane to present.

Public Policy Manager Doane: Aloha Trustees. We're at a time where bills are getting their final/third reading on the floor of its non-originating house, and any bills that are amended and not agreed to by the originating house will go to Conference. So, our Budget Bill is going to go to Conference along with our Bail Bill.

Our Bail Bill has been amended specifically to put in some of the bail reform task force items in it. We are trying to get a grasp on the different amendments on the two bail bills and we're preparing to draft a letter to the Conference committee consistent with the position of the Board on our specific bill and the Bail Reform Bill.

That's the only update on the OHA Package.

Chair Waihe'e: *Are there any questions on the package members?* Ok hearing none, let's move into **New Business.**

V. NEW BUSINESS

A. 2019 OHA Legislative Positioning – Matrix 2**†

Chair Waihe'e turns it back over to Pou Nui Hussey.

Ka Pou Nui Hussey turns it over to Public Policy Manager Doane.

Public Policy Manager Doane: We have three new positions for your consideration that are not on your matrix. The first is HCR132 and SCR174; the Senate version has a hearing on Friday and we're recommending a position of COMMENT. This resolution asks us to do a study of the significance of Traditional Hawaiian Practices, in particular/regarding the Makahiki. I think the intent is to provide some data for folks that want to be supportive of the Makahiki to advocate for its use. Senator Keohokalole introduced the *reso* and I think it's well intended. We were just made aware of the reso this morning, so we're trying to figure out exactly what he wants, we will follow up with him.

Trustee Lee: *They want us to do it?*

Public Policy Manager Doane: Yes.

Trustee Lee: *Will they provide funding for it?*

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Public Policy Manager Doane: No, it's not uncommon for them to do this.

Trustee Lee: *Could part of our Comments be that we need a budget to do this study?*

Public Policy Manager Doane: I can absolutely do that Trustee.

Page 25, Item 87 – SB1190; We had talked about this bill numerous times and if you recall two weeks ago, the HHFDC Director came. This bill has changed in its form. It was originally 99-year leases for HHFDC and then it was 75-year leases and then 99-year leases again. Our official and present position is COMMENT. This bill, unlike the ALOHA HOMES bill, does not specifically provide for benefits to Hawaiians. I wanted to give the trustees the opportunity to change our position to Oppose if that's what we want. I think HHFDC can already do 99-year leases, which is why I hadn't previously recommended Oppose. I looked through the statutes and they don't even have a lease term extension, but the bill would expand the lands that they have control over, including lands that are set aside to them and lands that are leased to them. So, it does expand the inventory of lands. Otherwise, we'll keep it as COMMENT with sort of the same language that we don't like 99-year leases and we'd like to see specific Hawaiian benefits for these types of projects.

Trustee Ahu Isa: I would like to remain at COMMENT, not Oppose.

Public Policy Manager Doane: Ok!

We have a few **NEW BILLS** and **Bill Position Changes** for your consideration. Just want to point out a couple to you.

Page 1, Item 2 - GM740; Damien Kaimana Barcarse to the Board of Education. He is a proud, public-school graduate and he was the first in his family to go to college. He's a long-time educator and we think that he would bring a Hawaiian Language background, as well as cultural knowledge to the position. We're quite excited to recommend to the trustees that we SUPPORT him.

Page 1, Item 3 – SB1530; we're recommending a change in position from Comment to MONITOR. This bill has changed dramatically. It used to be related to the Stadium Authority, now it would condition HCDA's funds on developing a transition plan to transfer control, operation and maintenance of properties in Kaka'ako to the County. According to our Land Staff, HCDA is not really equipped for operation and maintenance in the same way that the City is, so it's a totally different bill and we're recommending to change our position to MONITOR.

So that's all for the bills that you would vote on.

I wanted to call Everett to the table to talk about the status of HB402 and what it looks like now. Item 16, Page 5 – HB402 passed on Friday with significant amendments. Sections 2 & 3 now amend Chapter 10 to require that grants made by OHA are subject to approvals by the Board of Trustees. In terms of the language that is being amended to Chapter 10, Everett and Raina think that this is consistent with the Board Policy that had been taken recently about the Board approving grants. That however, does not go into effect until July 1, 2021. So, it's not inconsistent with the direction the Board is headed into, but it does remove the Board's discretion from the trustees.

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Trustee Lee: *So, they're saying every single grant, no matter the size, the Board must approve?*

Corporation Counsel Everett Ohta: Yes. The amendment in Sections 2 and 3 of HB402 SB2 applies to all grants. It applies it via change to the Board powers under §10-5, as well as an amendment to §10-17 which is OHA's grant statute. The language is a little unclear. There's a reference in the preamble in Section 1 as well as the committee report that seems to apply this approval to all contracts and grants. The way it was amended, I think it applies specifically to grants, but I think it's unclear and there could be some argument made about it making all grants and contracts subject to BOT approval.

Trustee Ahuna: *Is there a difference between grants and the money that we receive from the pro-rata share?*

Corporation Counsel Everett Ohta: Yes, the money that we receive from the pro-rata share is just the income that we receive; grants are a mean of expenditures – how we pay out that money toward community groups, and so forth. This would affect the approval required of that expenditure, for each expenditure regardless of the amount. I think the concern raised here is that the Board has already taken specific action in this regard, under the power that's already vested in the Board. It's a question of how the legislature is then saying OHA has to do certain approvals. It removes certain levels of Board decision-making over how OHA operates. It really speeds up that process that's already in the works, but as this board has already recognized, that's going to take a little bit of time to: shift operations, not impact our grant applicants, and figure how these applications are processed.

Trustee Lee: Two questions Everett, sorry; *first what section of Chapter 10 is this?*

Corporation Counsel Ohta: §10-5 as well as §10-17.

Trustee Lee: *What section does it say OHA exercises authority through the Administrator?*

Corporation Counsel Ohta: I don't know the specific reference offhand, there's a delegation under §10-5 as well I think.

Trustee Lee: *If it is before §10-5, what supersedes what?*

Corporation Counsel Ohta: That's a good question, it's something unique to this specific amendment that's being proposed. The statutes that empower this Board does not otherwise say how the Board is to do certain things. It's kind of left to the Board's discretion and that's where we have a concern about this being the first step towards this kind of…

Trustee Lee: It's a slippery slope of taking away our autonomy.

Public Policy Manager Doane: We were thinking about requesting that the section be deleted as it's unnecessary and citing the Board actions, and alternatively ask for clarification on exactly what they are referring to. This is something that has come up at hearings since the very first Budget hearing that we had this session; there have been questions about approval processes. I am concerned about an interpretation that assumes that this is related to our contracts though because we must comply with procurement and there are strict processes for that. To give the trustees the power to overrule procurement I think would be problematic too for other reasons. If there are no other comments, we

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would recommend that the sections be deleted and refer to the Board's actions and alternatively ask for clarification on what they're asking for.

There are no responses.

The next section I want to bring to the trustees' attention is Section 4; it's basically the same exact language in the previous version of the bill related to allowing UH to offset the amount of receipts that it transfers to OHA by the amount that it receives from tuition and special funds that UH spends on Native Hawaiian programs. It's highly problematic because it deviates from previous agreements between OHA and the State about the definition of revenues which we still both rely upon Act 304 for.

We would request that the section be deleted, noting that the Board of Trustees under the Constitution of the exclusive authority to determine how trust funds are spent on behalf of our beneficiaries that incidental benefits to our beneficiaries through programs does not alleviate the State from its specific responsibilities. I also am trying to see if we can get data about the Hawaiian Studies and Hawaiian Language programs because these programs are full of non-Hawaiians, so we're not sure how they're going to calculate this benefit. UH has also insisted that Hawaiians are going to benefit specifically from the new telescope on Mauna Kea because we are OHA. They've used this to defend benefits to Hawaiians - that OHA was going to get 20% of the lease and the tours. So, to alleviate their kuleana to do that would fly-in-the-face of what they've been saying. We would clarify that Act 304 already allows substantial revenues that UH generates to not be included. If you look at the definition of Act 304, the most extensive exclusions of receipts are related to UH's exclusions – Education, Tuition, Scholarships, Books, and Grants. These have always been excluded and we're not asking for that now. This is something the negotiating committee should discuss if it moves.

Corporation Counsel Ohta: I just want to emphasize how dangerous this provision is by providing UH the opportunity to offset the amount that it transfers to OHA against what it spends on Native Hawaiian programs, assumedly however they decide to define that. What this would effectively do is allow UH decision-makers to stand in the place of this Board to say how PLT money should be spent on benefits to Native Hawaiians. That is something that's going to be asked for across all the agencies if UH receives something like this and we absolutely need to Oppose this section and do everything we can to make sure something like this isn't inserted. The language for the UH offset would begin in FY20. So, even if this bill were to pass the Negotiating Committee that is created; while they're working on their business of a potential increase to OHA's pro-rata share, UH benefits from that offset immediately.

Trustee Lee: I just want to clarify - because we're saying SUPPORT WITH AMENDMENTS – so, if they don't take our amendments and take all of that out, *then we no longer support it?*

Public Policy Manager Doane: Yes, that is our current position.

Trustee Lee: Thank you.

Chair Waihe'e: *What happened to the pro-rata share part of this?*

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Public Policy Manager Doane: We met with the WAM Chair on Monday of last week asking for the bill to be heard before the deadline. We did ask for him to hear HB402 as it was at the time, which still would've allowed for the conference committees to discuss putting an amount back into the blanks and that didn't get far. I think he's trying to figure out what makes sense and it's a complicated issue. After asking for third time to hear the bill, I asked what if we just at least started formal discussions back up again through the negotiating committee, which is where the proposed draft came from in the first place. So, right after that meeting we redrafted a proposed draft for his consideration; so that's what happened to the 35 million-dollar amount.

Section 5 establishes the Public Land Trust Negotiating Committee. As currently drafted, it is comprised of six members: the OHA Board Chair, Governor or their designee, Senate President, House Speaker, and somebody designated by both the Senate President (5) and the House Speaker (6). As it's currently drafted; non-decision makers could become members of the committee and it's heavily the legislature. So, we're thinking about asking for the removal of number five and six (the Senate President and House Speakers designees).

Trustee Hulu Lindsey: The smaller the group, the easier it is to come to a consensus sometimes.

Public Policy Manager Doane: Right. Section 6 would require the Department of Budget and Finance to complete a financial review by December 2020, which we think is a good idea because right now only our financial review is available. So, whenever we speak to policy-makers the only information that we have is ours, to start conversations. It would be really, good if they did their own review as well.

Section 7 would require that the auditor complete a review of all programs that serve Hawaiians and are administered by State agencies. This is similar to the offsetting of the UH expenditures. I think legislators would like an idea of how they are already serving our beneficiaries. We think that it could be a slippery slope. The WAM Chair wanted this provision in there which is why we drafted it. The auditor however raised some concerns because they weren't clear exactly what they were supposed to do. The auditor and the auditor's staff came to the hearing and specifically said they weren't clear about if they wanted a compilation of programs that only serve Native Hawaiians or if they wanted a compilation of programs that Hawaiians benefit from. As you know, all these Education programs that we provide funding for are not limited to Hawaiians. Hawaiian-focused Charter Schools do not exclude non-Hawaiians and a substantial amount of other programs provided also do not exclude non-Hawaiians. So, we would probably write some comments in the letter asking for clarity.

Finally, Section 10 – Everett will speak about it.

Corporation Counsel Ohta: Section 10 makes contingent any increases of PLT monies to OHA contingent on the completion of the fiscal and comprehensive reviews conducted pursuant to this Act and as approved by the Board of Trustees of the Office of Hawaiian Affairs. I think based on former bill language this is supposed to refer to the CLA Audit, but I think it may have gotten a little confused because it still references this Act, which would mean the reviews conducted by the Department of Budget and Finance and the State Auditor. We will recommend that it be amended, to be the CLA Audit.

Public Policy Manager Doane: Which we have control over. *Do the Trustees have any questions?*

There are no responses.

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Public Policy Manager Doane: I did want to make sure that we provided an opportunity to discuss concerns that we may have about the bill not moving because some of the trustees have not been a part of that conversation. I think that there are Senators that are not particularly happy with us regarding our advocacy on the water bill; particularly in our issuance of the press release, so we have some work to do. Representative Holt has been working really, hard and has been our champion for this bill at the Legislature, so we would like to respect the work that he has done.

Chair Waihe'e: *Ok members, is there any discussion or questions about the Positioning Matrix?*

There are no responses.

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Trustee Ahuna moves to approve Administration's recommendations on *NEW BILLS* (Items 1 - 2) and *BILL POSITIONS FOR RECONSIDERATION* (Item 3);

as well as

ADD:

- **HCR 132 / SCR 174 as COMMENT**

on the OHA Legislative Positioning Matrix dated April 10, 2019, as amended.

Bills that were discussed					
ITEM #	BILL#	REPORT	DESCRIPTION	POSITION	**IN BAE MEETING CHANGE**
			New Bills		
ADD	**HCR 132**		REQUESTING A STUDY ON THE SIGNIFICANCE OF TRADITIONAL HAWAIIAN PRACTICES, INCLUDING THE MAKAHIKI, AND THEIR EFFECT ON THE PERPETUATION OF NATIVE HAWAIIAN CULTURE.		**COMMENT**
ADD	**SCR 174**		REQUESTING A STUDY ON THE SIGNIFICANCE OF TRADITIONAL HAWAIIAN PRACTICES, INCLUDING THE MAKAHIKI, AND THEIR EFFECT ON THE PERPETUATION OF NATIVE HAWAIIAN CULTURE.		**COMMENT**
1	SB1223	RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.	Extends the sunset date of Act 141, Session Laws of Hawaii 2009, as amended, which requires each county to issue affordable housing credits to the Department of Hawaiian Home Lands, until July 1, 2024. Extends the sunset date of Act 98, Session Laws of Hawaii 2012, as amended, which requires the counties to issue affordable housing credits for each residential unit, or if allowed under the county's affordable housing program, vacant lot, developed by the Department of Hawaiian Home Lands, until July 1, 2024. (SB1223 HD1)	MONITOR	
2	GM740		Submitting for consideration and confirmation to the Board of Education, Gubernatorial Nominee, DAMIEN BARCARSE, for a term to expire 06-30-2022.	SUPPORT	
ITEM #	BILL#	REPORT	DESCRIPTION	POSITION	**IN BAE MEETING CHANGE**
			Bill Positions for Reconsideration		
3	SB1530	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Makes the conversion of the means of financing for the Hawaii Community Development Authority staff from the Hawaii community development revolving fund to the general fund contingent upon the Hawaii Community Development Authority developing and submitting a plan to transfer its control of the Kakaako Community Development District to the City and County of Honolulu. (SB1530 HD2)	COMMENT > MONITOR	

Vice-Chair Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

							2:36 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	**AHU ISA**			X			
DAN	**AHUNA**	1		X			
VICE-CHAIR KALEIHIKINA	**AKAKA**		2	X			
KELI'I	**AKINA**			X			
BRENDON KALEI'ĀINA	**LEE**			X			
CARMEN HULU	**LINDSEY**			X			
ROBERT	**LINDSEY**			X			
COLETTE	**MACHADO**			X			
CHAIR JOHN	**WAIHE'E**			X			
TOTAL VOTE COUNT				**9**	**0**	**0**	**0**

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

V. NEW BUSINESS

B. 2019 Federal Legislative Updates – Matrix 3**†

Chair Waihe'e turns it over to Ka Pouhana Kamana'opono Crabbe.

Ka Pouhana Crabbe calls on D.C. Bureau Chief Keone Nakoa.

Washington D.C. Bureau Chief Nakoa (by telephone): Aloha Trustees, I know it's been a long day, so I will go over the PowerPoint Presentation quickly for you.

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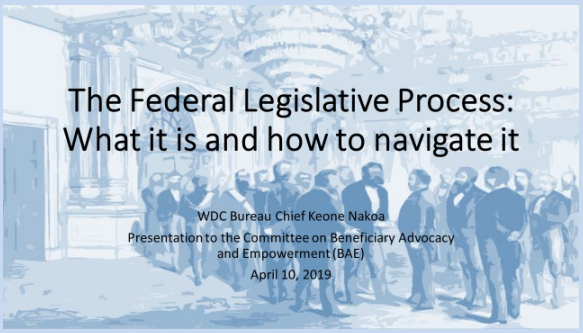


Washington D.C. Bureau Chief Nakoa (by telephone): Congress is meant to be a filter not a funnel. 13,000 bills were introduced in the last Congress and only 3% made it into law, so it's really, not meant to pass law as much as it's meant to grow ideas and make sure they're very well vetted before becoming policy. They're not usually as accessible as the State Legislature is.

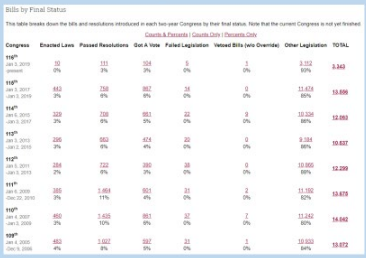
Congress by Design

- Filter vs. Funnel
- Open system with many points for change
- Committees as gate keepers, mini-congresses and subject matter experts
- Consensus vs. Controversy

Congress vs. Hawai'i State Legislature

- Full-time legislature
- No session deadlines (e.g., lateral, cross-over, etc.)
- No limit to number of bills introduced by any Member
- Generally, bills are referred to one Committee
- Subcommittees are integral to legislation and oversight
- Importance of coalition building
- Public testimony
  - Individuals must be invited by Congressional Committees to present oral testimony at legislative or oversight hearings
  - Written testimony limited depending on each committee's rules
  - No testimony at bill markups

Historical Congressional Statistics



Bills by Final Status

This table breaks down the bills and resolutions introduced in each two-year Congress by their final status. Note that the current Congress is not yet finished.

Counts & Percents | Counts Only | Percents Only

Congress	Enacted Laws	Passed Resolutions	Got A Vote	Failed Legislation	Vetoed Bills (w/o Override)	Other Legislation	TOTAL
116th (Jan 3, 2019 - present)	10 0%	131 3%	104 3%	5 0%	1 0%	3,152 93%	3,343
115th (Jan 3, 2017 - Jan 3, 2019)	443 3%	758 6%	867 6%	34 0%	0 0%	11,474 86%	13,696
114th (Jan 6, 2015 - Jan 3, 2017)	329 3%	708 6%	661 5%	22 0%	0 0%	10,304 86%	12,093
113th (Jan 3, 2013 - Jan 2, 2015)	296 3%	662 6%	474 4%	20 0%	0 0%	9,184 88%	10,637
112th (Jan 5, 2011 - Jan 3, 2013)	284 2%	720 6%	390 3%	18 0%	0 0%	10,995 89%	12,299
111th (Jan 6, 2009 - Dec 22, 2010)	386 3%	1,464 11%	601 4%	31 0%	2 0%	11,192 82%	13,678
110th (Jan 4, 2007 - Jan 3, 2009)	460 3%	1,435 10%	861 6%	37 0%	7 0%	11,242 80%	14,042
109th (Jan 4, 2005 - Dec 9, 2006)	483 4%	1,027 9%	597 5%	31 0%	1 0%	10,933 84%	13,072

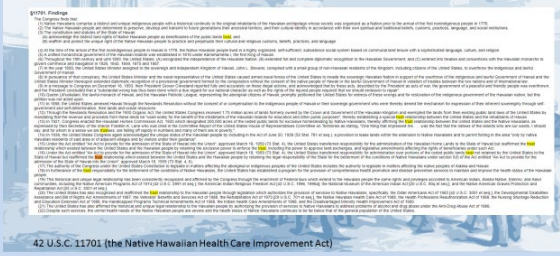
Engaging Congress

- Understand the protocol
- Structure of Congressional offices
- Process within offices regarding requests
- How to stay engaged

Native Hawaiian Congressional Policies

- 200-plus Native Hawaiian Congressional Policies passed since 1900
- Congress has articulated a trust relationship with the Native Hawaiian community, based on Indigenous status
- Native Hawaiians are included in many pending bills right now

Native Hawaiian Congressional Policies



§11701. Findings

The Congress finds that:

(1) Native Hawaiians comprise a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago whose society was organized as a Native people to the annual of the first autochthonous people in 1778.

(2) The constitutional and political relations among the Native Hawaiian people, the United States, and the State of Hawaii were established and reaffirmed in statutes, treaties, and international agreements, including the Hawaiian Homes Commission Act, 1920, and the Act to approve the admission of the State of Hawaii into the Union.

(3) Under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of certain Federal programs and services to the State of Hawaii that had been established for the benefit of Native Hawaiians.

(4) The United States has also recognized and reaffirmed the special relationship between the United States and the Native Hawaiian people through the enactment of legislation that authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), the Native American Languages Act (25 U.S.C. 2901 et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(5) The authority of the Congress under the United States Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.

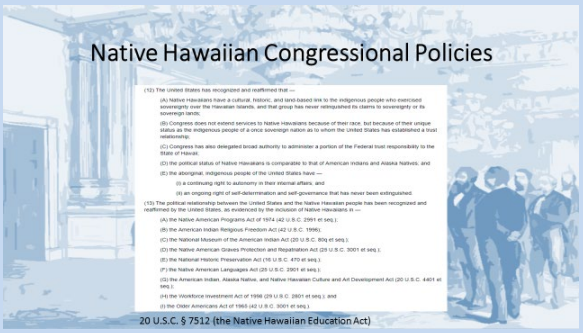
(6) The enactment of the Hawaiian Homes Commission Act, 1920, and the Act to approve the admission of the State of Hawaii into the Union, reaffirmed the special relationship between the United States and the Native Hawaiians, which includes the exercise of authority over the Native Hawaiian people and the lands set aside for their benefit.

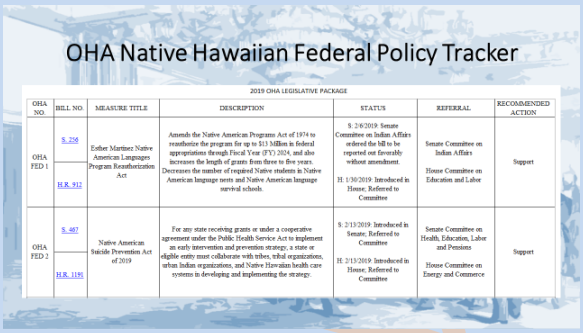
(7) The United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Native Hawaiian people.

(8) The historical and unique legal relationship has been consistently recognized and affirmed by the Congress through the enactment of Federal laws which extend to Native Hawaiians the same rights and privileges accorded to American Indians, Alaska Natives, Eskimos, and Aleut communities, including laws authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986.

(9) Despite such services, the overall health needs of the Native Hawaiian people are severe and the health status of Native Hawaiians continues to be far below that of the general mainstream of the United States.

42 U.S.C. 11701 (the Native Hawaiian Health Care Improvement Act)





Washington D.C. Bureau Chief Nakoa (by telephone): So, we have two bills for your consideration. The first is the Esther Martinez Native American Language Program Reauthorization Act and the second is the Native American Suicide Prevention Act. The Esther Martinez bill reauthorizes programs that benefit Native Hawaiians, in 2008 three Native Hawaiian Cultural and Language based projects received a total of $874,486 under the Preservation and Maintenance Program. Regarding the Native American Suicide Prevention Act, if the State of Hawai'i chose to pursue grants for a Statewide Suicide Prevention protocol or effort, they would coordinate with Papa Ola Lōkahi (the Native Hawaiian Health initiative).

Chair Waihe'e: *Thank you Keone. Members, is there any discussion or questions?*

There are no responses.

Trustee Ahuna moves to approve Administration's recommendations on:

- **OHA FED 1: S. 256 / H.R. 912; and**
- **OHA FED 2: S. 467 / H.R. 1191, both as SUPPORT**

on the Federal Legislative Matrix dated April 10, 2019.

OHA NO.	BILL NO.	MEASURE TITLE	DESCRIPTION	RECOMMENDED ACTION
OHA FED 1	S. 256 H.R. 912	Esther Martinez Native American Languages Program Reauthorization Act	Amends the Native American Programs Act of 1974 to reauthorize the program for up to $13 Million in federal appropriations through Fiscal Year (FY) 2024, and also increases the length of grants from three to five years. Decreases the number of required Native students in Native American language nests and Native American language survivalschools.	Support
OHA FED 2	S. 467	Native American Suicide Prevention Act of 2019	For any state receiving grants or under a cooperative agreement under the Public Health Service Act to implement an early intervention and prevention strategy, a state or eligible entity must collaborate with tribes, tribal organizations, urban Indian organizations, and Native Hawaiian health care systems in developing and implementing the strategy.	Support

Vice-Chair Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

DRAFT ONLY

Chair Waihe'e calls for a **ROLL CALL VOTE**.

							2:50 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	**AHU ISA**			X			
DAN	**AHUNA**	1		X			
VICE-CHAIR KALEIHIKINA	**AKAKA**		2	X			
KELI'I	**AKINA**			X			
BRENDON KALEI'ĀINA	**LEE**			X			
CARMEN HULU	**LINDSEY**			X			
ROBERT	**LINDSEY**			X			
COLETTE	**MACHADO**						Departed at 2:40 p.m.
CHAIR JOHN	**WAIHE'E**			X			
TOTAL VOTE COUNT				**8**	**0**	**0**	**1**

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

VI. COMMUNITY CONCERNS*

None

VII. ANNOUNCEMENTS

None

DRAFT ONLY

VIII. ADJOURNMENT

Vice-Chair Akaka moves to adjourn the BAE meeting.

Trustee Ahuna seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

							2:51 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	**AHU ISA**			X			
DAN	**AHUNA**		2	X			
VICE-CHAIR KALEIHIKINA	**AKAKA**	1		X			
KELI'I	**AKINA**			X			
BRENDON KALEI'ĀINA	**LEE**			X			
CARMEN HULU	**LINDSEY**			X			
ROBERT	**LINDSEY**			X			
COLETTE	**MACHADO**						Departed at 2:40 p.m.
CHAIR JOHN	**WAIHE'E**			X			
TOTAL VOTE COUNT				**8**	**0**	**0**	**1**

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Chair Waihe'e adjourns the BAE meeting at 2:51 p.m.

DRAFT ONLY

Respectfully submitted,

_____
Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on August 21, 2019.

_____
Trustee John Waihe‘e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

None

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