



Native Hawaiian Chamber of Commerce

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September 24, 2013

Ms. Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action – Indian Affairs
1849 C Street N.W.
MS 414-MIB
Washington, D.C. 20240

consultive@bia.gov

Re: Proposed Changes in the Federal Acknowledgement Process

Aloha e Ms. Appel;

In its 40th year, the native Hawaiian Chamber of Commerce continues to assist and support Native Hawaiians in business and the professions. As you can see, we are a community support group serving the Native Hawaiian community.

Native Hawaiians have been recognized by the State of Hawai'i as the only Indigenous, Native people of Hawai'i (Act 195, Session Laws of Hawai'i 2011), but have not received Federal acknowledgement.

A Strange and Unjust Anomaly:

We are dismayed that the proposed amendments to the subject rules do not address a significant anomaly. Native Hawaiians are not able to utilize the process provided for under the subject rules to gain Federal Acknowledgement.

As a Native people of the United States residing in the 50th state, we clearly should be able to utilize the process afforded our Native brothers and sisters who live in the Continental United States (defined in the rules as “the contiguous 48 states and Alaska”) under the rules.

We earnestly urge further amendment to the rules to rectify this anomaly.

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As to Other matters:

As to the proposed amendments, the history of these rules and their application is one of patent unfairness and impossibility of compliance. The process of devised by these rules has created a huge backlog of applications and, in some cases, painful disappointment for earnest and worthy Native groups seeking parity with other already acknowledged groups. On that level, t6he proposed rules amendment catty with them a much needed and long awaited justice.

Because native Hawaiians are excluded from the process, while we are unfamiliar with the detailed felt-needs of other affected Native groups. Nevertheless, we support in concept adoption of the amendments that have been proposed.

Mahalo nui for this opportunity to comment.

O au no me ka oia'i'o;

A handwritten signature in black ink, appearing to read "Bruss Keppeler", with a long horizontal flourish extending to the right.

BRUSS KEPPELER
Chair, Government Relations

ADDITIONAL COMMENTS
ON THE
REFORM OF THE FEDERAL ACKNOWLEDGMENT PROCESS

Submitted by
NATIVE HAWAIIAN CHAMBER OF COMMERCE

Background

Native Hawaiians have been recognized by the United States through the enactment of over 170 Federal laws designed to address the conditions of the indigenous, native people of Hawaii. In 1921, with the passage of the Hawaiian Homes Commission Act, approximately 203,500 acres of land in what was then the Territory of Hawaii were set aside by the United States government for homesteading by Native Hawaiians. Those lands were held in trust by the United States until 1959, when the new State of Hawaii was admitted to the Union of States, and the responsibility to hold the Hawaiian Home Lands in trust was assumed by the new State. The provisions of the Hawaiian Homes Commission Act and the State's responsibility for administering the Hawaiian Home Lands Trust were incorporated in the Constitution of the State of Hawaii.

The United States maintains an oversight role in the State's administration of the Home Lands Trust, and by law, the United States must consent to any proposed changes that have the potential to affect the corpus of the trust or the criteria for eligibility of native Hawaiians for an assignment of land. Originally the Act provided that the those eligible to reside on the land must be of 50% Native Hawaiian blood, but the Act was subsequently amended to authorize Native Hawaiians of 25% blood quantum to succeed to an assignment of land.

The State of Hawaii also recognizes Native Hawaiians as the only indigenous, native people of Hawaii (Act 195, Session Laws of Hawaii 2011), and the State has promulgated laws and regulations specifically designed to carry out the mandate of the Statehood Act, which requires the State of Hawaii to expend a portion of the revenues from lands held in a public trust (Section 5(f) of the Hawaii Admissions Act) for the benefit of Native Hawaiians.

Federal Acknowledgment Reform Discussion Draft

Currently, pursuant to regulations administered by the Office of Federal Acknowledgment within the U.S. Department of the Interior, Native Hawaiians are not eligible to participate in the Federal Acknowledgment process based on the regulatory premise that Native Hawaiians do not reside within the continental United States.

As the Assistant Secretary for Indian Affairs within the Department of the Interior undertakes the consideration of proposals for reform of the Federal Acknowledgment process and its implementing regulations, members of the Native Hawaiian community believe that the Assistant Secretary may wish to consider the logical inclusion of the only group of America's indigenous, native people who are presently excluded from participating in the Federal Acknowledgment process, by authorizing the Office of Federal Acknowledgment to review a petition from a single, Native Hawaiian petitioning group as part of a reformed Federal Acknowledgment process.

We believe that the time has come for this important and historic step to be taken, so that a uniform process for the United States' recognition of America's indigenous, native people can be achieved.