

Testimony of Rep Kahele
House Natural Resources Committee –
Subcommittee for Indigenous Peoples of the United States,
Hearing on H.J.Res. 55
October 5, 2021

Aloha Chair Leger Fernandez, Ranking Member Young and Members of the Subcommittee -

Mahalo nui loa for the opportunity to speak in support of my bill, House Joint Resolution 55, which would secure federal consent to a state enactment to amend the Hawaiian Homes Commission Act or the HHCA. This resolution would reduce the successorship qualification for a Hawaiian Homestead lease from one quarter to one thirty-second Hawaiian and it aims to continue the legacy of native Hawaiian prince and Congressional delegate Jonah Kūhiō Kalanianaʻole who originally introduced the legislation. He championed the Hawaiian Homes Commission Act, which was passed by Congress in 1921, establishing a federal land trust of over 200,000 acres to create a permanent homeland for native Hawaiians.

The Hawaiian Homes Commission Act was intended to enable native Hawaiians to return to their lands in order to support self-sufficiency and self-determination. It was also meant to place native Hawaiians on these lands in a prompt and efficient manner while assuring long-term tenancy to beneficiaries of the Act and their successors.

Specifically, the Hawaiian Homes Commission Act provides land to native Hawaiians in the form of 99 year leases for residential, farming and pastoral purposes. The Act requires the original lessee to be a native Hawaiian that is at least 18 years of age and defines native Hawaiians as individuals who are at least one half Hawaiian.

In 1959, Congress passed the Admissions Act establishing Hawaiʻi as the 50th State. Upon admission to the union and as a condition of statehood, the new State of Hawaiʻi assumed responsibility for the administration of the HHCA through a compact with the United States enshrined in the Hawaiʻi State Constitution. The Admissions Act authorizes the State of Hawaiʻi to amend the HHCA but requires Congressional consent to certain amendments that change the qualifications of homestead lessees. To be clear, the HHCA is now administered by the State of Hawaiʻi but retains federal oversight by requiring Congressional consent for certain amendments due to the conditions of the Admissions Act.

The first state-proposed change to the qualifications of homestead lessees was enacted in 1986 when an amendment was passed by the Hawaiʻi State Legislature and approved by Congress reducing the successorship qualification to one quarter Hawaiian for spouses and children of a lessee. Since then, several similar resolutions have been passed by the Hawaiʻi State Legislature, signed by the Governor, and subsequently approved by Congress—all by voice vote or by unanimous consent.

The resolution before you today follows the same process and seeks to secure Congressional consent to a recent amendment enacted by the Hawaiʻi State Legislature in 2017 and signed by the Governor of Hawaiʻi under Act 80. The proposed amendment reduces the successorship

qualification of a lessee's spouse, children, grandchildren and brothers or sisters from one quarter to one thirty-second Hawaiian.

This action was deliberated on and advanced by individual beneficiaries and collective homestead associations and deemed necessary by the State of Hawai'i because many descendants of lessees currently face displacement and the loss of their ancestral homes. I now request unanimous consent to enter their support into the record.

In addition to the overwhelming support from the beneficiaries that the HHCA was enacted to serve, this past session the Hawai'i State Legislature adopted a resolution formally requesting the United States Congress to consent to the 2017 amendment to reduce the successorship qualification.

Native Hawaiians deserve the right to protect their ancestral homes, farms, and ranches by securing their heirship and providing for their family legacy through generational asset building.

The Prince Jonah Kūhiō Kalaniana'ole Protecting Family Legacies Act perpetuates the intent of the Hawaiian Homes Commission Act by ensuring long-term tenancy to the beneficiaries of this Act *and their successors*. My resolution advances the original vision of Prince Jonah Kūhiō Kalaniana'ole who fought to pass the Hawaiian Homes Commission Act in Congress 100 years ago as a non-voting delegate and provides cultural continuity and economic stability for many Native Hawaiian families.

The Prince was a revolutionary statesman who used his voice for the people of Hawai'i and I am honored to follow in his footsteps and continue his legacy through this legislation. The introduction of House Joint Resolution 55 carries the voices of countless Native Hawaiian families here to our Nation's Capitol with the hope of securing their ancestral lands back home in Hawai'i. It is my privilege to stand here today, before all of you, on the foundation that Prince Jonah Kūhiō Kalaniana'ole laid before me to advocate for the constituents we both represent.

I humbly ask that you consider this legislation favorably and honor Prince Jonah Kūhiō Kalaniana'ole by protecting the family legacies of countless Native Hawaiians.

Finally, before I close I would like to extend my personal thanks to the cosponsors of this bipartisan bill, especially my fellow Native American Caucus leadership members - Representatives Young, Davids, Cole, LaMalfa, Joyce, Pallone, McCollum and Mullin.

Mahalo piha for your time and I yield back.