

The Hawaiian Home Lands Recovery Act of 1995
Most Don't Read It, Every Beneficiary Should! It's NOT Complicated

In summary, Senator Akaka introduced this law to require the federal government to convey federal lands or cash value for trust lands that the federal government was using after August 21, 1959.....known as Lost Use. This law is how the Wailua, Kalailoa, etc became trust lands.

Section 201 Title as Hawaiian Home Lands Recovery Act.

Section 202 Definition of Words. Defines certain words used throughout the Act.

Section 203 Settlement of Claims (Lost Use of Lands by Beneficiaries from 1959). Lays out how valuation of trust lands taken or under use of the federal government will be done, and how other federal lands will be conveyed to the land trust up to the value determined. This section also requires consultation with beneficiaries and organizations representing beneficiaries, and it requires progress reports on a regular basis to such organizations.

Section 204 Procedures for HHCA Amendments. This section provides direct instructions on the language in the 1959 Hawaii Admissions Act that states federal oversight is retained, as well as certain amendments requiring federal approval. It specifically requires DHHL to notify the Federal Govt (the Secretary at DoI) after an amendment has been made by the legislature. The DoI will make a determination on whether the change requires Congressional action, and if so, submit to the Congressional Committee with oversight of the HHCA.

Section 205 Land Exchanges. This section authorizes land exchanges instead of land conveyances or compensation, wherein the Hawaiian Homes Commission Chair can seek approval of the Federal Government when DHHL wants to exchange lands.

Section 206 Administration by the Federal Government. This section mandates that the DoI Secretary shall designate an individual within DoI to administer the responsibilities of the federal government under the HHLRA and the HHCA.

This section also defines the responsibilities - 1) advancing the interests of HHCA beneficiaries and 2) assisting beneficiaries and DHHL in obtaining assistance from DoI programs and other federal agencies in the areas of homesteading, economic self-sufficiency and social well-being.

Section 207 Adjustment to July 1, 1932 Act. Amends Act to state that the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as permitted for Indians or tribes of Indians.

Section 208 Reporting. This section lays out the required report from DHHL to determine all of the lands and lost use data, so that the DoI Secretary can make a determination of compensation.

Section 209 Appropriation Authorization. States that funds are authorized to be paid to DHHL for the value of lost use of lands, and if paid, the funds may only be used for the purposes of homesteading for Hawaiians.

**Suggestions From Beneficiaries Provided to Policy Center
on the First Set of Federal Rules & Regulations to Start With**

1. **Land Exchanges – HHCA Section 204.** To establish a step by step process known to all, especially beneficiaries, when the State DHHL intends to exchange trust lands. To stop inside State government political operatives from making deals, such as the 50 acres for Rail between Lingle/Kane and Hanneman that was done without beneficiary consultation.
2. **HHCA Amendments – Hawaii Admissions Act Section 4.** To establish a step by step process known to all, especially beneficiaries, whether an amendment enacted by the State Legislature impacts the rights of beneficiaries. To stop the inside State government political operatives from making determinations on whether an amendment benefits beneficiaries or not.

**Suggestions From Beneficiaries Provided to Policy Center
on Additional Federal Rules & Regulations to Protect HHCA Beneficiaries**

1. **Breach of Trust – HHCA Section 223 & Hawaii Admissions Act Section 5(f).** Consortium of statewide Homestead Leaders request regulations to establish the process by which beneficiaries can engage the Department of Justice to investigate and file suit against the State for Breach of Trust.
2. **Trust Lands to the General Public – HHCA Section 204.** Consortium of statewide homestead leaders have requested regulations be put in place that mandate the following of this section of the law.....that the general public MAY NOT lease our trust lands if the lands are REQUIRED for homes, ranches or farms for Hawaiians. If there is a single Hawaiian on the waitlist, the answer is NO to issuing lands to the General Public. At a minimum, put into regulations the process for a native Hawaiian to access 204 lands prior to the General Public.
3. **Issuance of Farm & Ranch Homestead Awards – HHCA Section 207.** Kauai Homestead Leaders have requested regulations be put in place to require annual farm and ranch homestead awards to protect Hawaiians from dying on the waitlist.
4. **Issuance of Mercantile Land Licenses to Hawaiians – HHCA Section 207.** Statewide Consortium of Homestead Leaders requests regulations to mandate the implementation of mercantile lands to beneficiaries as described in this section.
5. **Orgs Controlled by Beneficiaries – HHCA Section 204 & 207/HHLRA Section 203.** Consortium of statewide Homestead Leaders have requested regulations to define an organization or association controlled by beneficiaries.



6. **Community Pastures – HHCA Section 211.** Native Hawaiian Charter School High School Students have requested regulations to implement access to establishing a community pasture as allowed under this section.
7. **Audits of Beneficiary Trust Funds – HHCA Section 213.** Big Island Homestead Leaders have requested regulations for DoI audits of trust fund accounts managed by the State DHHL, in particular, the \$600M Act 14 Fund. Consortium of Homestead Leaders have requested regulations to improve transparency and accountability by establishing reporting criteria for the State DHHL to issue inform Beneficiaries.
8. **Loans to Farmers, Ranchers and Mercantile – HHCA Section 214.** Maui Homestead Leaders have requested regulations be put in place to require the State DHHL to establish a loan program for beneficiary farmers, ranchers and mercantile licensees as well as to orgs controlled by beneficiaries, and to cease the use of interest revenues of \$4M a year to pay for State DHHL staffing costs.
9. **Evictions and Lease Cancellations – HHCA Section 216 & 217.** Oahu Homestead Leaders have requested regulations to specify that beneficiaries may not be evicted for loan delinquency without the benefit of state and federal mitigation requirements afforded to other citizens. The regulations requested are to provide mandatory steps to be taken by the State DHHL prior to recommending evictions and lease cancellations.
10. **Water Rights – HHCA Section 221.** Consortium of statewide Homestead Leaders have requested regulations to implement with strength this section of the Law, and through regulations, for all to know what the State DHHL must do to protect our interests and implement this all-important water right of Hawaiians.