

105TH CONGRESS
1ST SESSION

S. 109

To provide Federal housing assistance to Native Hawaiians.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. INOUE (for himself and Mr. AKAKA) introduced the following bill; which
was read twice and referred to the Committee on Indian Affairs

A BILL

To provide Federal housing assistance to Native Hawaiians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Hawaiian
5 Housing Assistance Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The Federal Government has a responsibil-
10 ity to promote the general welfare of the Nation by
11 employing its resources to remedy the unsafe and

1 unsanitary housing conditions and the acute short-
2 age of decent, safe, and sanitary dwellings for fami-
3 lies of lower income and by developing effective part-
4 nerships with governmental and private entities to
5 accomplish these objectives.

6 (2) Based upon the status of the Kingdom of
7 Hawaii as an internationally recognized and inde-
8 pendent sovereign and the unique historical and po-
9 litical relationship between the United States and
10 Native Hawaiians, the Native Hawaiian people have
11 a continuing right to local autonomy in traditional
12 and cultural affairs and an ongoing right of self-de-
13 termination and self-governance that has never been
14 extinguished.

15 (3) The authority of Congress under the Con-
16 stitution of the United States to legislate and ad-
17 dress matters affecting the rights of indigenous peo-
18 ples of the United States includes the authority to
19 legislate in matters affecting Native Hawaiians.

20 (4) In 1921, in recognition of the severe decline
21 in the Native Hawaiian population, Congress en-
22 acted the Hawaiian Homes Commission Act, 1920,
23 which set aside approximately 200,000 acres of the
24 ceded public lands for homesteading by Native Ha-
25 waiians, thereby affirming the special relationship

1 between the United States and the Native Hawai-
2 ians.

3 (5) In 1959, under the Act entitled “An Act to
4 provide for the admission of the State of Hawaii into
5 the Union”, approved March 18, 1959 (73 Stat. 4),
6 the United States reaffirmed the special relationship
7 between the United States and the Native Hawaiian
8 people—

9 (A) by transferring what the United States
10 deemed to be a trust responsibility for the ad-
11 ministration of the Hawaiian Home Lands to
12 the State of Hawaii, but continuing Federal su-
13 perintendence by retaining the power to enforce
14 the trust, including the exclusive right of the
15 United States to consent to land exchanges and
16 any amendments to the Hawaiian Homes Com-
17 mission Act, 1920, enacted by the legislature of
18 the State of Hawaii affecting the rights of bene-
19 ficiaries under such Act; and

20 (B) by ceding to the State of Hawaii title
21 to the public lands formerly held by the United
22 States, mandating that such lands be held “in
23 public trust” for “the betterment of the condi-
24 tions of Native Hawaiians, as defined in the
25 Hawaiian Homes Commission Act, 1920”, and

1 continuing Federal superintendence by retain-
2 ing the exclusive legal responsibility to enforce
3 this public trust.

4 (6) In recognition of the special relationship
5 that exists between the United States and the Native
6 Hawaiian people, Congress has extended to Native
7 Hawaiians the same rights and privileges accorded
8 to American Indians and Alaska Natives under the
9 Native American Programs Act of 1974, the Amer-
10 ican Indian Religious Freedom Act, the National
11 Museum of the American Indian Act, the Native
12 American Graves Protection and Repatriation Act,
13 the National Historic Preservation Act, the Native
14 American Languages Act, the American Indian,
15 Alaska Native and Native Hawaiian Culture and
16 Arts Development Act, the Job Training and Part-
17 nership Act, and the Older Americans Act of 1965.

18 (7) The special relationship has been recognized
19 and reaffirmed by the United States in the area of
20 housing—

21 (A) through the authorization of mortgage
22 loans insured by the Federal Housing Adminis-
23 tration for the purchase, construction, or refi-
24 nancing of homes on Hawaiian Home Lands
25 under the National Housing Act;

1 (B) by mandating Native Hawaiian rep-
2 resentation on the National Commission on
3 American Indian, Alaska Native, and Native
4 Hawaiian Housing;

5 (C) by the inclusion of Native Hawaiians
6 in the Native American Veterans' Home Loan
7 Equity Act; and

8 (D) by enactment of the Hawaiian Home
9 Lands Recovery Act, which establishes a proc-
10 ess that enables the Federal Government to
11 convey lands to the Department of Hawaiian
12 Home Lands equivalent in value to lands ac-
13 quired by the Federal Government.

14 (b) PURPOSES.—The purposes of this Act are as fol-
15 lows:

16 (1) To implement the recommendation of the
17 National Commission on American Indian, Alaska
18 Native, and Native Hawaiian Housing (in this Act
19 referred to as the “Commission”) that Congress es-
20 tablish a Native Hawaiian Housing and Infrastruc-
21 ture Assistance Program to alleviate and address the
22 severe housing needs of Native Hawaiians by extend-
23 ing to them the same Federal housing assistance
24 available to American Indians and Alaska Natives.

1 (2) To address the following needs of the Na-
2 tive Hawaiian population, as documented in the
3 Final Report of the Commission, “Building the Fu-
4 ture: A Blueprint for Change” (1992); the United
5 States Department of Housing and Urban Develop-
6 ment report, “Housing Problems and Needs of Na-
7 tive Hawaiians (1995);” and the State Department
8 of Hawaiian Home Lands report “Department of
9 Hawaiian Home Lands Beneficiary Needs Study”
10 (1995):

11 (A) Native Hawaiians experience the high-
12 est percentage of housing problems in the Na-
13 tion: 49 percent, compared to 44 percent for
14 American Indian and Alaska Native households
15 in tribal areas, and 27 percent for all United
16 States households, particularly in the area of
17 overcrowding (27 percent versus 3 percent na-
18 tionally) with 36 percent of Hawaiian home-
19 lands households experiencing overcrowding.

20 (B) Native Hawaiians have the worst hous-
21 ing conditions in the State of Hawaii and are
22 seriously over represented in the State’s home-
23 less population, representing over 30 percent.

1 (C) Among the Native Hawaiian popu-
 2 lation, the needs of the native Hawaiians eligi-
 3 ble for Hawaiian homelands are the most se-
 4 vere. 95 percent of the current applicants, ap-
 5 proximately 13,000 Native Hawaiians, are in
 6 need of housing, with one-half of those appli-
 7 cant households facing overcrowding and one-
 8 third paying more than 30 percent of their in-
 9 come for shelter. Under Department of Housing
 10 and Urban Development guidelines, 70.8 per-
 11 cent of Department of Hawaiian Homelands
 12 lessees and applicants fall below the Depart-
 13 ment of Housing and Urban Development me-
 14 dian family income, with more than half having
 15 incomes below 30 percent.

16 **SEC. 3. HOUSING ASSISTANCE.**

17 The Native American Housing Assistance and Self-
 18 Determination Act of 1996 (Public Law 104–330) is
 19 amended by adding at the end the following new title:

20 **“TITLE VIII—HOUSING ASSIST-**
 21 **ANCE FOR NATIVE HAWAI-**
 22 **LIANS**

23 **“SEC. 801. DEFINITIONS.**

24 “In this title—

1 “(1) the term ‘Department of Hawaiian Home
2 Lands’ means the department of the State of Hawaii
3 that is responsible for the administration of the Ha-
4 waiian Homes Commission Act, 1920;

5 “(2) the term ‘Hawaiian Home Lands’ means
6 those lands set aside by the United States for home-
7 steading by Native Hawaiians under the Hawaiian
8 Homes Commission Act, 1920, and any other lands
9 acquired pursuant to that Act; and

10 “(3) the term ‘Native Hawaiian’ has the same
11 meaning as in section 201 of the Hawaiian Homes
12 Commission Act, 1920.

13 **“SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING AC-**
14 **TIVITIES.**

15 “(a) AUTHORITY.—For each fiscal year, the Sec-
16 retary shall (to the extent amounts are made available to
17 carry out this title) make grants under this section on be-
18 half of Native Hawaiian families to carry out affordable
19 housing activities in the State of Hawaii. Under such a
20 grant, the Secretary shall provide the grant amounts di-
21 rectly to the Department of Hawaiian Home Lands. The
22 Department of Hawaiian Home Lands shall, to the maxi-
23 mum extent practicable, employ private nonprofit organi-
24 zations experienced in the planning and development of

1 affordable housing for Native Hawaiians, in order to carry
2 out such activities.

3 “(b) APPLICABILITY OF OTHER PROVISIONS.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 titles I through IV apply to assistance provided
6 under this section in the same manner as titles I
7 through IV apply to assistance provided on behalf of
8 an Indian tribe under title I.

9 “(2) EXCEPTION.—The Secretary may by regu-
10 lation provide for such modifications to the applica-
11 bility of titles I through IV to assistance provided
12 under this section as the Secretary determines to be
13 necessary to meet the unique housing needs of Na-
14 tive Hawaiians.

15 **“SEC. 803. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated such sums
17 as may be necessary to carry out this title for each of
18 fiscal years 1997, 1998, 1999, 2000, and 2001.”.

19 **SEC. 4. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUS-**
20 **ING.**

21 Section 184 of the Housing and Community Develop-
22 ment Act of 1992 (12 U.S.C. 1715z–13a) is amended—

23 (1) in subsection (k), by adding at the end the
24 following new paragraphs:

1 “(10) The term ‘Hawaiian Home Lands’ means
2 those lands set aside by the United States for home-
3 steading by Native Hawaiians under the Hawaiian
4 Homes Commission Act, 1920, and any other lands
5 acquired pursuant to that Act.

6 “(11) The term ‘Native Hawaiian’ has the same
7 meaning as in section 201 of the Hawaiian Homes
8 Commission Act, 1920.

9 “(12) The term ‘Native Hawaiian housing au-
10 thority’ means any public body (or agency or instru-
11 mentality thereof) established under the laws of the
12 State of Hawaii, that is authorized to engage in or
13 assist in the development or operation of low-income
14 housing for Native Hawaiians, and includes the De-
15 partment of Hawaiian Home Lands and the Office
16 of Hawaiian Affairs.”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(l) APPLICABILITY TO NATIVE HAWAIIAN HOUS-
20 ING.—

21 “(1) IN GENERAL.—Subject to paragraphs (2)
22 and (3), subsections (a) through (k) apply to Native
23 Hawaiian families, Native Hawaiian housing au-
24 thorities, and private nonprofit organizations experi-
25 enced in the planning and development of affordable

1 housing for Native Hawaiians, in the same manner
2 as those subsections apply to Indian families and to
3 Indian housing authorities, respectively.

4 “(2) EXCEPTION.—The Secretary may by regu-
5 lation provide for such modifications to the applica-
6 bility of subsections (a) through (k) to Native Ha-
7 waiian families, Native Hawaiian housing authori-
8 ties, and private nonprofit organizations experienced
9 in the planning and development of affordable hous-
10 ing for Native Hawaiians as the Secretary deter-
11 mines to be necessary to meet the unique housing
12 needs of Native Hawaiians.

13 “(3) LIMITATION.—Any assistance provided
14 under this subsection, including any assistance pro-
15 vided to Native Hawaiians not residing on the Ha-
16 waiian Home Lands, shall be limited to the State of
17 Hawaii.

18 “(4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated such sums
20 as may be necessary to carry out this subsection.”.

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