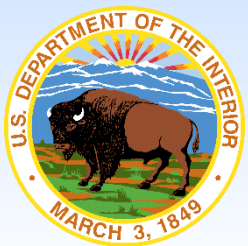


**U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF NATIVE HAWAIIAN RELATIONS**

**HOMESTEAD AND  
BENEFICIARY  
ASSOCIATIONS LIST**

**Presentation for the Hawaiian Homes Commission  
September 30, 2020**



# **Presentation Overview**

- 1. Background and Development**
- 2. Definitions, Purpose and Potential Benefits**
- 3. Management of the List**
- 4. Questions & Answers**

# 1. Background and Development

**What was the impetus for the  
Homestead and  
Beneficiary Associations List?**

# **DOI is Required to Communicate & Work with HHCA Beneficiaries**

**HHLRA § 206** directs the Secretary to:

1. “advance the interests of the beneficiaries;  
and
2. assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social wellbeing of the beneficiaries.”

# Need to Overcome Logistical Challenges

1. No existing associations encompass all homestead lessee and applicant beneficiary organizations.
2. More efficient to work through beneficiary organizations.
3. DHHL's contact list is not public.

# Concerns that the Distinct Voice of Beneficiaries be Heard

1. When discussing the comments on a proposed amendment to the HHCA from organizations listed on the DOI NHO List, the Chairman of the Hawaiian Homes Commission expressed deep concern with the lack of HHCA Beneficiary voices among those organizations.
2. Multiple HHCA Beneficiary leaders expressed dismay at having their Homestead Associations' input on issues regarding the Trust lumped in with those of NHOs.

# Comment on Proposed Federal Regulations for Land Exchanges and Proposed HHCA Amendments

**Comment #36:** “Should the rule provide a definition of a homestead association?”

1. The proposed rules sought testimony and correspondence from homestead associations on proposed amendments to the HHCA.
2. The proposed rules sought summaries of outreach and consultation with beneficiaries on proposed land exchanges and proposed amendments to the HHCA.



# Response to Comment on Proposed Federal Regulations

“The Department agrees that the rule should provide a definition of a homestead association to provide clarity to the definition in the HHCA. The Secretary added a definition... in § 48.6 of this rule based on the language provided in sections 204(a)(2), 213, and 214(a) of the HHCA...”



# Response to Comment on Proposed Federal Regulations

“... This definition is also based on the definition of a [NHO] listed in the [NHPA] and [NAGPRA]. The Secretary will maintain a list of the homestead associations that meet this definition and file a statement, signed by the association’s governing body, of governing procedures and a description of the territory it represents.”

# HHCA References to native Hawaiian Organizations/Associations/Communities

- **§ 204(a)(2)** references “organizations or associations owned or controlled by native Hawaiians”
- **§ 213(i)**, Native Hawaiian Rehabilitation Fund, references “homestead communities”
- **§ 214(a)**, loans, references “any cooperative association to which... a license has been issued under section 207(c)(1)(B) of this Act.”
- **§ 214(a)(5)** references “organizations formed and controlled by native Hawaiians.”

# HHCA References to native Hawaiian Organizations/Associations/Communities

- § 214(b)(3) references “cooperative association.”
- § 207(c)(1)(B) (referred to in § 214(a) above) references “organizations formed and controlled by native Hawaiians”
- “**cooperative association**” is also referenced in § 215, conditions of loans, (“cooperative association composed entirely of lessees”) and § 215(1). (HHCA’s only use of “cooperative.”)
- “**homestead association**” does not appear in the HHCA

# Native Hawaiian Organization

**Native Hawaiian Organization (NHO)** is defined as an organization that:

- A. Serves and represents the interests of Native Hawaiians;
- B. Has as a primary and stated purpose the provision of services to Native Hawaiians; and
- C. Has expertise in Native Hawaiian affairs (NAGPRA); or  
Has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians (NHPA).

**“Native Hawaiian”** means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawai‘i.

# **What native Hawaiian (Beneficiary) Associations are Addressed in the Final Rules?**

**1. HHCA Beneficiary Association**

**2. Homestead Association**

Together, they are referred to as  
Homestead & Beneficiary Associations or  
simply HBA.

## 2. Definitions, Purpose and Potential Benefits





# What is an HHCA Beneficiary Association?

An **HHCA Beneficiary Association** is an organization:

- Controlled by beneficiaries who **submitted applications to DHHL for homesteads and are awaiting the assignment of a homestead;**
- Represents and serves the interests of those beneficiaries;
- Has as a stated primary purpose the representation of, and provision of services to, those beneficiaries; and
- Filed with the Secretary of the Interior a statement, signed by the governing body, of governing procedures and a description of the beneficiaries it represents.
- 43 CFR §§ 47.10 and 48.6.



# What is a Homestead Association?

A Homestead Association is:

- A beneficiary controlled organization
- That **represents and serves the interests of its homestead community;**
- Has as a stated primary purpose the representation of, and provision of services to, its homestead community; and
- Filed with the Secretary a statement, signed by the governing body, of governing procedures and a description of the territory it represents.
- 43 CFR §§ 47.10 and 48.6.

# What is the purpose of the HBA List?

- The purpose of the HBA List is to assist the Department of the Interior (DOI) to communicate and work with HBA in its efforts to administer the Federal laws governing the Hawaiian Home Lands Trust and Hawaiian Home Lands Trust Funds (collectively, the “Trust”).
- The HBA List is maintained by the DOI Office of Native Hawaiian Relations (Office) in accord with 43 CFR Parts 47 and 48.
- DOI anticipates other Federal agencies will also use the HBA List when working on issues involving the Trust.

# Potential Benefits of HBA List

**The process of registering seeks to encourage beneficiaries to:**

- Organize their community;
- Define geographic areas of service; and
- Define the types of services they provide to their community.

**Provides listed HBA with greater visibility and awareness of needs and opportunities to:**

- More effectively communicate and work with the Federal government; and
- Continue exercising greater self-determination and self-governance as informal representatives of the Native Hawaiian Community (NHC).

# Does registration on the HBA List qualify an HBA for a formal government-to-government relationship with the United States?

**No.** The process and requirements for re-establishing a formal government-to-government relationship between the United States and the NHC through a single entity are specified in 43 CFR Part 50.

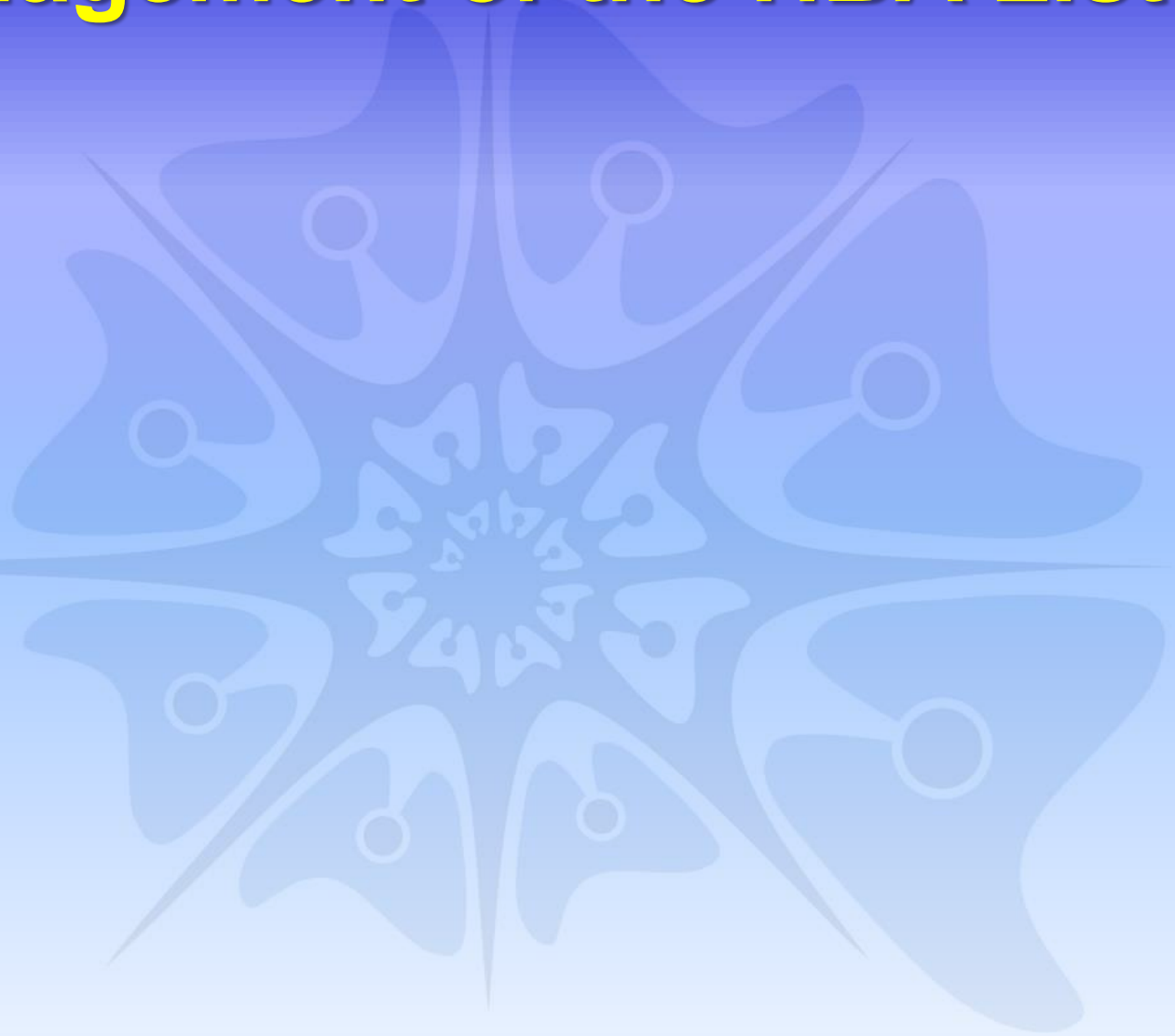
# Must all homestead associations participate on the HBA List?

**No.** Placement on the HBA List is voluntary and associations are not required to participate. It is anticipated, however, that Federal agency officials will rely on the HBA List to assist with their reasonable and good faith efforts to identify a beneficiary or homestead association to be notified or consulted when required by statute or when otherwise desired by an agency.

# Can multiple HBA serve the same geographic area?

**Yes.** There is no limit on the number of Homestead Associations serving a particular Hawaiian Home Lands area.

### 3. Management of the HBA List





# How does a Homestead Association register? Part 1

A **Homestead Association** must certify in a written statement, signed and dated by the organization's governing body, submitted to the Secretary that the organization:

- Is controlled by HHCA beneficiaries;
- Represents and serves the interests of its homestead community; and,
- Has as a stated primary purpose the representation of, and provision of services to, its homestead community.

# How does a Homestead Association register? Part 2

The certification must also include:

- Valid U.S. mailing and e-mail addresses to which the organization wants notifications sent;
- A statement of governing procedures (e.g., a copy of the organization's governing documents);
- A summary of the services it provides to its homestead community;
- A description of the territory it represents; and
- Consent to the publication of the above information and posting for public access on the Office's webpage.

# How does a Homestead Association register? Part 3

- The organization will be placed on the HBA List upon a determination that the requested certification and information are complete.
- It is a violation of Federal law to make false, fictitious, or fraudulent statements to the Federal Government.
- Send the certification to: Office of Native Hawaiian Relations, 1849 C Street NW. MS 3561, Washington, DC 20240, or PO Box 50165, Honolulu, HI 96850

# How does a Beneficiary Association register? Part 1

An **HHCA Beneficiary Association** must certify in a written statement, signed and dated by the organization's governing body, submitted to the Secretary that the organization:

- Is controlled by beneficiaries who submitted an application to the DHHL for a homestead and are awaiting the assignment of a homestead;
- Represents and serves the interests of those beneficiaries; and,
- Has as a stated primary purpose the representation of, and provision of services to, those beneficiaries.

# How does a Beneficiary Association register? Part 2

The certification must also include:

- Valid U.S. mailing and e-mail addresses to which the organization wants notifications sent;
- A statement of governing procedures (e.g., a copy of the organization's governing documents);
- A summary of the services it provides to those beneficiaries;
- A description of the beneficiaries it represents; and
- Consent to the publication of the above information and posting for public access on the Office's webpage.

# How does a Beneficiary Association register? Part 3

- The organization will be placed on the HBA List upon a determination that the requested certification and information are complete.
- It is a violation of Federal law to make false, fictitious, or fraudulent statements to the Federal Government.
- Send the certification to: Office of Native Hawaiian Relations, 1849 C Street NW. MS 3561, Washington, DC 20240, or PO Box 50165, Honolulu, HI 96850



# How long does placement on the HBA List last?

- Placement on the HBA List is valid for five years.
- Registration automatically expires at the end of five years, measured from the date the organization was placed on the HBA List or last had its registration renewed, whichever is more recent.
- The Office will notify the organization at the last listed address of the need to renew its registration for the HBA List.



# How will the Office manage and provide public notification of the HBA List?

- The Office will maintain the HBA List and will periodically update it.
- The Office will publish on its website the names, contact information, and descriptions of the listed HBA.
- Copies of the HBA List and instructions outlining how to become a listed organization are available on-line or may be requested from the Office.

# How will listed HBA be notified of Federal actions?

- Officials of Federal agencies who are seeking to consult with an HBA should notify those organizations on the HBA List.
- The notification should:
  - Be sent to the address listed on the HBA List;
  - Outline the proposed Federal action that may affect the organization's homestead community or beneficiary members; and
  - Provide a point of contact within the Federal agency to whom the HBA may direct its inquiries.

# What must an HBA do in order to remain on the HBA List? Part 1

- To remain on the HBA List, organizations must **submit a written request at least every five years**. It is the responsibility of the organization to notify the Office of changes to its status as an HBA and contact information.
- The request to remain on the HBA List must be sent to the Office at least 30 days before the organization's registration expires.

# What must an HBA do in order to remain on the HBA List? Part 2

- The request to remain on the HBA List must include a certification, signed and dated by the organization's governing body, that includes:
  - The organization's current contact information, including valid U.S. mailing and e-mail addresses;
  - A statement that the organization continues to meet the applicable criteria listed above; and,
  - A statement that it is the official position of the organization to remain on the HBA List.

# What must an HBA do in order to remain on the HBA List? Part 3

- If the information submitted by an organization to update its listing is incomplete, the organization may not remain listed.
- If an organization does not provide a satisfactory update every five years, its placement on the HBA List will automatically expire. Registration automatically expires at the end of five years measured from the date the organization was placed on the HBA List or last had its registration renewed, whichever is more recent.

# How does an HBA voluntarily remove itself from the HBA List?

- If an organization **wants to be removed** from the HBA List prior to the automatic expiration date, the organization must send to the Office a written, signed and dated statement from the organization's governing body affirmatively requesting removal from the HBA List.
- After receipt of the removal request, the Office will remove the organization during the periodic update of the HBA List.



# Located on ONHR Website

**[www.doi.gov/hawaiian/  
homestead-beneficiary-  
associations](http://www.doi.gov/hawaiian/homestead-beneficiary-associations)**



# 4. Questions & Answers

**MAHALO PIHA!**

