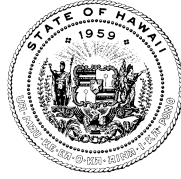


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**TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
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**U.S. HOUSE COMMITTEE ON NATURAL RESOURCES' SUBCOMMITTEE FOR
INDIGENOUS PEOPLES OF THE UNITED STATES – OVERSIGHT HEARING ON
“INFRASTRUCTURE IN INDIGENOUS COMMUNITIES: PRIORITIES
FOR THE AMERICAN JOBS PLAN”**

April 21, 2021

Aloha Chair Leger Fernandez, Ranking Member Young, Congressman Case, and other Members of the Subcommittee for Indigenous Peoples of the United States:

Thank you for inviting me to testify on behalf of the Department of Hawaiian Home Lands (DHHL), especially as this year marks the 100th anniversary of the Hawaiian Homes Commission Act (HHCA) spearheaded by Prince Jonah Kūhiō Kalanianaʻole and signed into law on July 9, 2021.¹ The HHCA set aside public lands, called Hawaiian Home Lands, to establish a rehabilitative program for native Hawaiians.² Under the HHCA, native Hawaiians may obtain 99-year homestead leases at \$1 per year for residential, agricultural or pastoral purposes. The federal government served as the sole trustee of the Hawaiian Home Lands program until Statehood.

As required by the Admission Act of 1959³ and as a compact with the United States, the State of Hawaii and the people of Hawaii adopted the HHCA as a provision of the State Constitution and agreed to faithfully carry out the spirit of the HHCA.⁴ The Admission Act provides that the United States continues to have oversight responsibilities over the HHCA and certain amendments may be made only with the consent of the United States. Thus, the United States and the State of Hawaii assumed the duties of a trustee for native Hawaiians under the HHCA.

¹ Hawaiian Homes Commission Act, 1920, Pub. L. No. 67-34, 42 Stat. 108 (1921), <https://www.doi.gov/sites/doi.gov/files/uploads/Act-of-July-9-1921-42-Stat-108.pdf>.

² The HHCA defines a native Hawaiian as any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

³ Hawaii Admission Act, Pub. L. No. 86-3, 73 Stat. 4 (1959), <https://www.doi.gov/sites/doi.gov/files/uploads/An-Act-to-Provide-for-the-Admission-of-the-State-of-Hawaii.pdf>.

⁴ HAW. CONST. ART. XII § 1-2 (1978), https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/05-Const/CONST_0012-0001.htm and https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/05-Const/CONST_0012-0002.htm.

Consistent with the provisions of the HHCA and the Admission Act, Congress enacted the Hawaiian Home Lands Recovery Act (HHLRA) in 1995 to settle land use and ownership disputes as a result of the federal government's removal of Hawaiian Home Lands.⁵ In addition, the HHLRA provides a procedure for approval of amendments to the HHCA and land exchanges.

The mission of DHHL is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. Today, DHHL is responsible for the management of approximately 200,000 acres of these trust lands, 9,957 homestead leases statewide, and 45,532 lease applications.⁶

Most of DHHL's lands are located on the neighbor islands in rural or more remote locations with over half of the acreage on the island of Hawai'i⁷ including over 56,000 acres on the slopes of Mauna Kea and over 11,000 acres at the southernmost point in both the Hawaiian Islands and US.⁸ With over 30,000 acres on Maui,⁹ a significant portion of those lands include over 22,000 acres on the southern flank of Haleakalā at Kahikinui with elevation ranges from sea level to 9,700 feet near the summit.¹⁰ DHHL's lands on Moloka'i consist of over 25,000 acres of which over half of those lands at Ho'olehua is a rural agricultural community ranging from level plains to rolling hills and sea cliffs at the northern coastal boundary.¹¹ Kaua'i includes over 20,000 acres of Hawaiian home lands with over 15,000 acres in Waimea, of which two thirds of the area is described as steep, mountainous terrain and isolated valleys.¹² O'ahu, the island with the greatest demand has the least amount of land with just over 8,000 acres, of which over 1,400 acres is designated conservation primarily consisting of the steep cliffs along the Ko'olau.¹³

⁵ Hawaiian Home Lands Recovery Act, Pub. L. No. 104-42, 109 Stat. 353 (1995), <https://www.doi.gov/sites/doi.gov/files/uploads/The-Hawaiian-Home-Lands-Recovery-Act.pdf>.

⁶ Lease and application counts as of 2/28/2021. An applicant can hold a maximum of two applications, one for a residential lease and the other for either an agricultural lease or pastoral lease. The 45,532 lease applications are held by less than 29,000 native Hawaiian applicants.

⁷ DHHL Hawaii Island Plan (May 2002), https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Hawaii_2002.pdf.

⁸ South Point Resources Management Plan (October 2016), https://dhhl.hawaii.gov/wp-content/uploads/2017/06/DHHL-South-Point-Final-Plan_101916_to-DHHL_low-res.pdf.

⁹ Maui Island Plan (September 2004), https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Maui_2004.pdf.

¹⁰ Kahikinui Regional Plan (July 2011), https://dhhl.hawaii.gov/wp-content/uploads/2011/06/Kahikinui_RP_110711.pdf.

¹¹ DHHL Molokai Island Plan (June 2005), https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Molokai_2005.pdf and 2019 Molokai Regional Plan, https://dhhl.hawaii.gov/wp-content/uploads/2020/02/Molokai-Regional-Plan-Update-Final_02-18-20_HHC.pdf.

¹² Kauai Island Plan (May 2004), https://dhhl.hawaii.gov/wp-content/uploads/2012/05/Island_Plan_Kauai_2004.pdf.

¹³ Oahu Island Plan (July 2014), <https://dhhl.hawaii.gov/wp-content/uploads/2013/04/DHHL-OIP-Final-140708.pdf>.

Priorities for the American Jobs Plan

DHHL appreciates the opportunity to share the following priorities for the American Jobs Plan to assist beneficiaries of the HHCA by highlighting the areas of the plan that align with DHHL’s needs while also suggesting an expansion in an area of critical need in many indigenous communities: (1) infrastructure funding to develop homestead lots, provide needed repairs and maintenance of aging infrastructure including sewer and water systems as well as cesspools especially given the high cost of infrastructure because of the rural and remote location of DHHL’s lands; (2) address the affordable housing crisis through continued support for Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA); (3) respond to climate change by supporting mitigation and adaptation strategies that maximizes the resilience of land and water resources to protect vulnerable communities and the environment; (4) build on the investment in broadband infrastructure on Hawaiian home lands by prioritizing support in rural areas and on tribal lands; and (5) expand the American Jobs Plan to include clean up of federal lands, particularly formerly used defense sites with unexploded ordinance and other contaminants impacting the use of those lands and surrounding areas.

(1) Infrastructure Funding

The Hawaiian Homes Commission annually approves DHHL’s budget requests, including funding for lot development and repair and maintenance of infrastructure. The funding amounts reflected in the table that follows may only represent funding for a particular phase (planning, design, construction) and not the entire amount.

AREA or SUBDIVISION	PROJECT COMPONENTS	Lots	FY 2022	FY 2023
LOT DEVELOPMENT				
HAWAII				
Laiopua	Utility & Infrastructure Changes		500,000	
Ka’u	Agricultural Lots (Puueo)			1,000,000
Honolulu	Subsistence Ag Lot, Phase 2	40	1,000,000	
Keaukaha	Scattered Lots		5,000,000	
Lalamilo	Lalamilo Phase 2A, Increment 2	80	1,500,000	
Island-wide	UXO Mitigation and Construction Support		1,000,000	
Hilo	Panaewa Lot 184	6	1,000,000	
Laiopua	Laiopua Village 1	260	3,500,000	
Hilo	Community College Model Home		225,000	225,000

AREA or SUBDIVISION	PROJECT COMPONENTS	Lots	FY 2022	FY 2023
KAUAI				
Anahola	Residence Lots, Units G & G-1	30	750,000	
Anahola	Piilani Mai Ke Kai Phase 3	40	500,000	
Moloaa	Farm Lots	47		1,000,000
Hanapepe	Residential Subdivision Phase 2	75		7,500,000
Wailua	Wastewater Treatment Facility			3,000,000
Wailua	Residential Lots Masterplan		1,000,000	
Wailua	Second well exploration		1,000,000	
LANAI				
Lanai	Phase 2 Off-site Development		3,000,000	
Lanai	Phase 2 On-site Development	40		2,000,000
MAUI				
Honokowai	Water System Improvements			4,000,000
Pulehunui	Regional Infrastructure Masterplan		3,000,000	
Villages of Leialii Ph1B	Residential Subdivision Increment 1	75	8,000,000	
Waikapu	Puunani Homestead	161	6,000,000	
Keokea-Waiohuli	Phase 3 Site Improvements	75	1,500,000	
Honokowai	Residential and Subsistence Agr	80	3,000,000	
Pulehunui	Subsistence Ag Homesteads and Commercial/Industrial Development	80	5,000,000	
Keokea-Waiohuli	Phase 2B Site Improvements	75		12,500,000
Keokea-Waiohuli	Archaeological Preservation		1,000,000	
Keokea	Farm Lots Drainage Sys Impr		2,000,000	
Kahikinui	Roadways		1,000,000	
MOLOKAI				
Hoolehua	Naiwa Agriculture Lots Site Impr	58	9,500,000	
Hoolehua	Pasture Lot Development	30	1,000,000	
Hoolehua	Scattered Ag Lots Site Impr	8	3,500,000	
Kalamaula	Farm Lots Site Improvements	40	1,000,000	
OAHU				
East Kapolei	Transit Oriented Development		2,000,000	
Nanakuli	Voice of America, Ph 1 Infra	253	10,000,000	
Waimanalo	Agricultural Lots	30	750,000	
East Kapolei	Residential Subdivision Incr II-E	158	1,500,000	

AREA or SUBDIVISION	PROJECT COMPONENTS	Lots	FY 2022	FY 2023
STATEWIDE				
Statewide	Lot Development		25,000,000	
Statewide	Land and/or Building Purchase		10,000,000	
	Total for Lot Development	1741	114,725,000	31,225,000
REPAIR AND MAINTENANCE OF INFRASTRUCTURE				
HAWAII				
Lalamilo	Septic System Improvements		1,000,000	
Kau	Kau Water System		5,000,000	
Lalamilo	Lalamilo Ph 1 Kawaihae Rd Impr		100,000	
Kawaihae	Water: Production, Storage & Trans		750,000	
Kaunaloa	Subdivision Lot Rehabilitation		500,000	
Puukapu	Puukapu Roadway Improvements		2,000,000	
Puukapu	Non-Potable Water System		1,000,000	
Kawaihae	Existing Potable Water System		500,000	
KAUAI				
Anahola	Water tank, site improvements		2,000,000	
Anahola	Dam & Reservoir Improvements		3,000,000	
MAUI				
Keokea	Archaeological Preservation		1,000,000	
Keokea	Farm Lots Drainage System		2,000,000	
Kahikinui	Kahikinui Roadways		1,000,000	
MOLOKAI				
Molokai	Hoolehua Water System Impr		8,000,000	
Hoolehua	Kanakaloloa Cemetery Impr		1,500,000	
Kalamaula	Water & Drainage System Impr		1,000,000	
Kalamaula	Sea Level Rise Planning		250,000	
OAHU				
Islandwide	Oahu Sewer Improvements		600,000	
Nanakuli	Princess Kahanu Est. Sewer Impr		13,200,000	
Nanakuli	Princess Kahanu Est. Drainage		600,000	
Waianae	Waianae Sewer Improvements		3,300,000	
Nanakuli	Nanakuli Sewer Improvements		45,000,000	
Islandwide	Cesspool Assessments		1,000,000	
Waimanalo	Waimanalo Sewer Improvements		30,000,000	
Waimanalo	Waimanalo Bell St Drainage Impr		1,000,000	7,000,000
Waimanalo	Waimanalo Dirt Drainage Channel		3,000,000	
Nanakuli	Concrete Spall and Fencing, Ph 2		2,000,000	
Nanakuli	Princess Kahanu Est. Concrete		1,500,000	

AREA or SUBDIVISION	PROJECT COMPONENTS	Lots	FY 2022	FY 2023
OAHU (con't)				
Islandwide	Sewerline remediation		4,000,000	4,000,000
Papakolea	Sewer Improvements – CM		1,000,000	
Papakolea	Sewer Improvements Phase 2		10,000,000	
Papakolea	Slope Stabilization – Kapahu Street			10,000,000
Papakolea	Retaining Wall Stabilization			10,000,000
Papakolea	2136 Kapahu St. Rockfall Eval		3,500,000	
Papakolea	Hillside Maintenance		250,000	
Papakolea	Detention Basin Restoration/Repair		780,000	
Waimanalo	Detention Basin Restoration/Repair		235,000	
Islandwide	Operation, Maintenance, Repair		3,000,000	
Nanakuli	Nanakuli Cemetery Rest./Rep.		370,000	
STATEWIDE				
Statewide	Statewide Lot Rehabilitation		2,000,000	2,000,000
Statewide	Environmental Mitigation & Rem.		2,000,000	2,000,000
Statewide	R & M of Utilities		2,000,000	2,000,000
Statewide	Vacant Lot Rehabilitation		3,000,000	3,000,000
Statewide	Fence Improvements		2,000,000	2,000,000
Statewide	R & M Sewer/Wastewater Infr		5,000,000	5,000,000
Statewide	R & M Existing Infrastructure		5,000,000	5,000,000
	Total for R & M of Infrastructure		175,935,000	52,000,000

Funding of over \$145 million for lot development and over \$225 million for repair and maintenance of infrastructure including sewer and water systems would provide the level of infusion needed to quicken the pace of homestead development. A dedicated, consistent, and reliable stream of funding allows for steady production of lots. DHHL also owns and operates three regulated public water systems on Moloka'i, Kaua'i, and Hawai'i islands. Together, the systems have a total of 826 meters serving approximately 2,500 individuals (not including the schools and airport that are supported by the Moloka'i system). In addition, DHHL owns and operates a non-potable water system for stock purposes in Pu'ukapu and soon to be constructed non-potable water system in Honokaia, both on Hawai'i Island. These non-potable water systems service over 200 connections. This infrastructure funding is in line with the American Jobs Plan priorities to rebuild clean drinking water infrastructure by replacing 100 percent of the nation's lead pipes and service lines and upgrading and modernizing drinking water, wastewater, and stormwater systems, tackle new contaminants, and support clean water infrastructure across rural America.

Another critical component of infrastructure funding is upgrading and modernizing wastewater systems through cesspool conversion. Hawaii has nearly 88,000 cesspools that put 53 million gallons of raw sewage into the State's groundwater and surface waters every day.¹⁴ An estimated 2,500 cesspools or 3% are on Hawaiian home lands.¹⁵ The Cesspool Conversion Working Group recognizes that it is critical to carefully consider conversion requirements that are socially equitable and financially feasible. Cesspool conversion costs are high, especially in remote locations, meaning that conversion options must be practical and regionally specific. There is no simple, single solution to replace Hawaii's cesspools. Each community's risk of health and environmental harm is different, along with the costs of conversions, when considering geography, hydrology, cesspool density, and proximities to groundwater and the ocean are taken into consideration.

(2) Continued Support for Title VIII of NAHASDA

Title VIII of NAHASDA was the response of the Congress to address the critical housing needs of Native Hawaiian families who are eligible to reside on the Hawaiian home lands.¹⁶ Some of the key findings of *the Housing Needs of Native Hawaiians: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs*¹⁷ prepared for HUD dated May 2017 include the following: (a) Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian's household was 4.1 people compared with 2.7 people for residents of Hawaii households; (b) Although improvements were made during the 2000-to-2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged: they have lower incomes, higher rates of assistance receipt, and higher poverty rates than do other residents of Hawaii; (c) Native Hawaiian households also experience higher rates of overcrowding (15 percent) compared with residents of Hawaii households (8 percent); and (d) Homelessness among Native Hawaiians is prevalent. Although not typically chronically homeless, they are overrepresented in Hawaii's homeless population. Homeless Native Hawaiians often have jobs but cannot afford housing, so they double up (hidden homeless) or live in tents, shelters, cars, or garages.

¹⁴ Interim Report for the Cesspool Conversion Working Group (December 2020), <https://health.hawaii.gov/opppd/files/2020/12/Act-170-Cesspool-2021-Leg-Report.pdf>.

¹⁵ The cesspool estimates are still being assessed by DHHL because there may be a conflation of cesspools and septic systems and some of the old cesspools may have long been decommissioned.

¹⁶ Title VIII of NAHASDA defines Native Hawaiian as any individual who is (A) a citizen of the United States; and (B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by (i) genealogical records; (ii) verification by kupuna (elders) or kama'aina (long-term community residents); or (iii) birth records of the State of Hawaii.

¹⁷ Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs (May 2017), <https://www.huduser.gov/portal/sites/default/files/pdf/HNNH.pdf>

Cost burden rates for residents of the State of Hawaii of 40 percent surpass the national rate of 36 percent. Again, Native Hawaiian residents experience a higher rate than the state as a whole with Native Hawaiian rates at 42 percent. A native Hawaiian who is on DHHL's applicant waiting list is even worst off – experiencing cost burden rates of 46 percent. However, for DHHL lessees with a homestead award, the cost burden is very different. DHHL lessees experience a substantially lower rate of cost burden (21 percent) in the Hawaiian home lands communities that were sampled. This is due in part to the financial benefits of living on the home lands, including substantially-reduced housing cost burdens realizing the vision of Prince Jonah Kūhiō Kalaniana'ole to rehabilitate native Hawaiians through a homestead lease.

NAHASDA funding has enabled DHHL to address and target those Native Hawaiian households most in need and with continued support, increased funding, reauthorization, and expansion of NAHASDA as well as critical infrastructure funding to develop additional lots, even more native Hawaiians could realize the legacy of Prince Jonah Kūhiō Kalaniana'ole through award of a homestead lease and the resultant lower housing cost burden. This continued support is part of the American Jobs Plan to build, preserve, and retrofit more than two million homes to address the affordable housing crisis in underserved communities nationwide, including rural and tribal areas.

(3) Addressing Climate Change

Hawaii is already feeling the impacts brought forth by climate change and as time progresses these effects – rising sea levels, rising temperatures, and less & heavy rain will be more prominent aspects of our lives.¹⁸ Sea level is rising at increasing rates indicating a growing vulnerability to coastal flooding and erosion.¹⁹ Sea level rise also affects cultural practices like fishpond maintenance, harvesting of salt, and gathering from the nearshore fisheries.²⁰ Climate change and forest loss are working together to make Hawaii drier and hotter. Hawaii lost a higher proportion of total land area to wildfires than the 12 fire-prone states in the western US combined from 2005-2011. Warming waters are harming sea life and warmer oceans are causing more frequent and intense extreme weather events.²¹ Rainfall has declined significantly over the past 30 years, with increasing variation in rainfall patterns on each island.

¹⁸ Hawaii Climate Change Portal, <https://climate.hawaii.gov/>.

¹⁹ Hawaii Sea Level Rise Vulnerability and Adaptation Report (December 2017), https://climateadaptation.hawaii.gov/wp-content/uploads/2017/12/SLR-Report_Dec2017.pdf.

²⁰ Traditional Hawaiian Salt Makers Combat Climate Change (July 17, 2017), <https://www.hawaiipublicradio.org/post/traditional-hawaiian-salt-makers-combat-climate-change#stream/0>.

²¹ Climate Change Brief of the City and County of Honolulu Climate Change Commission (June 5, 2018), <https://static1.squarespace.com/static/59af5d3cd7bdce7aa5c3e11f/t/5bda020bf950b7dd16a458d6/1541014029634/Climate+Change+Brief.pdf>.

As a member of the Hawaii Climate Change Mitigation and Adaptation Commission, DHHL along with several other State and County government officials have focused on two main areas: 1) understanding and developing strategies to reduce greenhouse gas emissions, with an emphasis on mitigating ground transportation emissions by transitioning to clean transportation and 2) implementing the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report by supporting sustainable and resilient land use and community development through prioritizing smart redevelopment in areas outside the sea level exposure area, limiting exposure inside the sea level rise exposure area, and incentivizing improved flood risk management while addressing cultural and environmental vulnerabilities. These focus areas fit within the American Jobs Plan priority to make our infrastructure more resilient by safeguarding critical infrastructure and services and defending vulnerable communities through the restoration of nature-based infrastructure.

Prior to serving on the Hawaii Climate Change Mitigation and Adaptation Commission, DHHL requested the assistance of the University of Hawaii at Manoa's Department of Urban and Regional Planning to identify and assess coastal hazard vulnerabilities affecting DHHL communities.²² 29 DHHL communities with land inside Special Management Area boundaries or tsunami evacuation zones were identified and of these, the communities with the greatest population exposed to the greatest numbers of hazards were identified for each island. Five communities underwent a detailed vulnerability assessment, which compared four hazard types (tsunami inundation, flooding, coastal erosion, and sea level rise) and are among the most vulnerable to coastal hazards and should be prioritized in climate change planning initiatives. One of those areas is the South Molokai Shoreline. The Kapa'akea homestead community is extremely vulnerable to the effects of natural disasters including flooding due to serious soil erosion and sea level rise. There are a range of measures that can effectively mitigate inundation on coastal areas including retreat, accommodation, and protection. While the least favorable adaptive measure is retreat, depending on how severe the effects of sea level rise in the islands, retreat and relocation are likely to be the only options as proper drainage becomes less effective in transporting flood water out to the ocean. Nevertheless, response to climate change must include Native Hawaiians and incorporate traditional knowledge or Native stewardship principles.²³ DHHL is uniquely suited in this effort as a few areas on certain islands encompass a traditional land area.

²² Coastal Resilience for DHHL Communities (May 2015), <http://manoa.hawaii.edu/durp/wp-content/uploads/2016/10/Plan-751-Sp-2015-DHHL-Coastal-practicum-LM-edit.compressed.pdf>.

²³ Testimony of Chair Carmen Hulu Linsey, Board of Trustees of the Office of Hawaiian Affairs before the U.S. House Committee on Natural Resources' Subcommittee for Indigenous Peoples of the United States – Oversight Hearing on “A Year in Review: The State of COVID-19 in American Indian, Alaska Native, and Native Hawaiian Communities” (March 23, 2021), [https://naturalresources.house.gov/imo/media/doc/SCIP%2003.23%20Testimony%20-%20Chair%20Lindsey%20\(OHA\)1.pdf](https://naturalresources.house.gov/imo/media/doc/SCIP%2003.23%20Testimony%20-%20Chair%20Lindsey%20(OHA)1.pdf).

(4) Broadband Infrastructure

The State of Hawaii recognizes robust broadband infrastructure as foundational to Hawai'i's economic future and, as importantly, the quality of life of its residents.²⁴ However, many in Hawai'i, primarily from rural and socioeconomically disadvantaged communities, lack the necessary digital tools to work, learn, receive essential services, and participate in civic and social activities.²⁵ If this is left to continue, the impacts of digital inequity may become an increasingly significant contributor to a widening socioeconomic gap.

Recently completed DHHL beneficiary studies report that 8.6% of lessees on Hawaiian home lands indicated that no one in the household regularly uses a device to email/access the internet.²⁶ Most concerning is that lessee households earning less than 30% and 50% of the HUD income level reported a significantly higher number of no one in the household regularly using a device to email/access the internet at 21.5% and 13.2%, respectively. Similar outcomes were reported for native Hawaiians on DHHL's waiting list for a homestead award with 5.4% indicating that no one uses a device to send email or access the internet with households earning less than 30% and 50% of the HUD income level reporting 13.4% and 9.3%, respectively.²⁷ Thus, the pursuit of digital equity is a priority.

In an effort to address this need, DHHL received approval from the Federal Communications Commission for unassigned spectrum in response to a Rural Tribal Priority Window, which will allow DHHL in rural homestead communities on the islands of Hawai'i, Kaua'i, Maui and Moloka'i along with rural Tribal communities across the country to bridge the connectivity divide. The Consolidated Appropriations Act, 2021 also included at least \$30 million for broadband deployment and infrastructure, telehealth, broadband mapping and affordability, distance learning, and digital inclusion in Native Hawaiian communities. The American Jobs Plan would build on these significant achievements by building high-speed broadband infrastructure to reach 100 percent coverage and reducing the cost of broadband internet service to promote widespread adoption acknowledging that those who reside in rural areas and on tribal lands particularly lack adequate access.

²⁴ Hawaii Broadband Strategic Plan (October 2020), https://broadband.hawaii.gov/wp-content/uploads/2020/11/Hawaii-BB-Plan-2020-FINAL_10-23-20_v1.1.pdf.

²⁵ Broadband Hui, Broadband for A.L.L. (Access, Literacy, Livelihood) – A Digital Equity Declaration for Hawai'i, <https://www.broadbandhui.org/>.

²⁶ DHHL Beneficiary Study Lessee Report, 2020 (December 30, 2020), https://dhhl.hawaii.gov/wp-content/uploads/2021/01/DHHL_Lessee-UI_Report_FINAL-202101.pdf.

²⁷ DHHL Beneficiary Study Applicant Report, 2020 (December 30, 2020), <https://dhhl.hawaii.gov/wp-content/uploads/2021/01/DHHL-Applicant-Report-FINAL-210109.pdf>.

(5) Funding for mitigation of lands used by the federal government

One area that the American Jobs Plan could be expanded is to provide funding for mitigation of lands used by the federal government. Hawaiian home lands used by the federal government as well as federal lands conveyed to DHHL as part of the HHLRA resulted in contamination of lands requiring mitigation. Although Congress established the Formerly Used Defense Sites (FUDS) program in 1986 to clean up properties that were formerly owned, leased, possessed or used by the military or other defense agencies, increased and continued funding must be provided to address areas such as the Waikoloa Maneuver Area and the Popoki Target Area on the island of Hawai'i and other locations including but not limited to the Omega Station and the former Voice of American site on O'ahu.

Fundamental to these priorities in the American Jobs Plan is the trust obligation owed to Native Hawaiians consistently and expressly acknowledged by Congress through the enactment of the HHCA, Admission Act, HHLRA, and the Hawaiian Homelands Homeownership Act codified in Title VIII of NAHASDA. Thus, Native Hawaiians should be included in all relevant or appropriate provisions of the American Jobs Plan.

In closing, I wish to express my appreciation and gratitude to Chair Leger Fernandez, Ranking Member Young, and Representative Case for inviting me to testify. It has been an honor to have had this opportunity to address you and this Subcommittee.

DHHL stands ready to assist in accomplishing this most important work of ensuring the priorities identified by indigenous communities are included in the American Jobs Plan.