

THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2011 (NHGRA)

Congress has historically treated Native Hawaiians, Hawaii's indigenous peoples, in a manner similar to American Indians and Alaska Natives. Congress has passed more than 160 statutes to address the conditions of Native Hawaiians and has repeatedly recognized the United States' political and legal relationship with Native Hawaiians, as indigenous people. **The Native Hawaiian Government Reorganization Act of 2011 formally extends the federal policy of self-governance and self-determination to Native Hawaiians, providing parity in federal policies toward American Indians, Alaska Natives, and Native Hawaiians.**

What the NHGRA provides:

- The NHGRA provides a structured process for the reorganization of a Native Hawaiian governing entity. This process includes the establishment of a roll, elections of officers, and drafting of a constitution. The reorganization process will be lengthy and take years to complete.
- After the Entity is reorganized with its officers in place and its constitution approved by the Secretary of Interior, it will be federally recognized and will be able to enter into negotiations with the United States and State of Hawaii. These negotiations may address matters including but not limited to the transfer of lands, natural resources and other assets, and the exercise of governmental authority over any transferred lands. Any agreements reached during negotiations will need to be approved by Congress and the Hawaii State Legislature and implemented by enacting legislation.

What the Bill Does Not Provide:

- **No Secession:** The bill does not have anything to do with independence or secession of the State of Hawaii from the United States. Rather, the bill addresses the legal and political relationship between Native Hawaiians and the United States within Federal law.
- **No New Federal Outlays:** Federal programs for Native Hawaiians are already in place and are generally funded out of non-Interior Department appropriations accounts. Native Hawaiians are not eligible for Indian programs and services, and thus do not compete with program funding for American Indians and Alaska Natives.
- **No Gaming:** The bill makes clear that the Native Hawaiian governing entity will not be authorized to conduct gaming under any claimed inherent authority, or the authority of Federal law, including the Indian Gaming Regulatory Act. Additionally, all forms of gaming are criminally prohibited under the laws of the State of Hawaii.
- **No Eligibility for BIA Programs:** The bill does not serve as an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for persons that are not otherwise eligible for those programs or services.

Support for the NHGRA:

- **Federal, State, and Local Government:** The Obama Administration, Hawaii Governor Neil Abercrombie, and the Hawaii State Legislature, the County Mayors, and the Honolulu City Council have all expressed support for the bill.
- **Native Organizations:** The National Congress of American Indians, the Alaska Federation of Natives, the Office of Hawaiian Affairs, the Hawaiian Homes Commission, the Council for Native Hawaiian Advancement, the Association of Hawaiian Civic Clubs, and the Sovereign Councils of the Hawaiian Homelands Assembly also strongly support the bill.
- **Non-Native Organizations:** The American Bar Association, the National Association for the Advancement of Colored People, the Chinese American Citizens Alliance, and the National Council of Asian Pacific Americans also support federal recognition of Native Hawaiians.