



Office of the Secretary
U.S. Department of the Interior, Room 7228
1849 C Street NW
Washington, DC 20240
Via email: part50@doi.gov
Subject: 1090-AB05

Dear Secretary Jewell:

The National Council of Asian Pacific Americans (NCAPA) is a coalition of 35 national Asian American, Native Hawaiian, and Pacific Islander (AANHPI) organizations that serves to represent the interests of our communities and to provide a national voice for our communities' concerns. AANHPI communities are the fastest growing racial/ethnic group in the United States, currently making up approximately six percent of the population.

NCAPA recognizes the unique relationship between the federal government and Native people that pre-existed the United States, specifically Native Hawaiians, American Indians and Alaska Natives. Unlike other indigenous peoples, Native Hawaiians have not been afforded a federal process to implement a government-to-government relationship that emanates from the federal trust responsibility acknowledged by the U.S. Congress. We support the implementation of a federal process specifically for Native Hawaiians and for the federal government to fulfill its trust responsibility.

In May 2013, members of NCAPA met with President Obama, wherein three of our national priorities were discussed, including specifically the issue of federal recognition for Native Hawaiians. We would like to thank President Obama for his commitment to addressing issues important to the AANHPI community.

We would like to address several of the questions raised in the proposed rule:

§ 50.32 Deadline Extensions

May the deadlines in this part be extended? Yes. Upon a finding of good cause, the Secretary may extend any deadline in this part by posting on the Department Web site and publishing in the Federal Register the length of and the reasons for the extension.

In order to prevent undue delays in decision-making, this section of the rule should be amended to provide a 60 day limit as to the length of time any deadline can be extended and a maximum of two times that a deadline can be extended. Failure to act within the allowable timeframes should result in the requirement deemed met or achieved in order to progress to the next step in the recognition process.

§ 50.44 (f) Federal Lands Not Affected

Reestablishment of the formal government-to-government relationship will not affect the title, jurisdiction, or status of Federal lands and property in Hawaii.

To ensure maximum flexibility for the United States and the Native Hawaiian people in resolving concerns, promoting reconciliation and planning for a more effective trust relationship, this section of the

rule should be amended, changing the word “will” to “does” and adding the word “current” before “title” so the section reads as follows: “§ 50.44 (f) Reestablishment of the formal government-to-government relationship does not affect the current title, jurisdiction, or status of Federal lands and property in Hawaii.”

Overview: Proving Descent

The Department would like to receive public comment on whether documenting descent from a person enumerated on the 1890 Census by the Kingdom of Hawaii, the 1900 U.S. Census of the Hawaiian Islands, or the 1910 U.S. Census of Hawaii as “Native” or part “Native” or “Hawaiian” or part “Hawaiian” is reliable evidence of lineal descent from the aboriginal, indigenous, native people who exercised sovereignty over the territory that became the State of Hawaii. (page 59124)

We support requiring processes and standards of documentation that are consistent with the processes used by the State of Hawaii Department of Hawaiian Home Lands, the Kamehameha Schools and other existing public and private trusts currently providing services to and verifying the status of individual Native Hawaiians because of their status as members of Hawaii’s only indigenous people, the Native Hawaiian people. These organizations have well-established processes that the Native Hawaiian community is most familiar with and account for any historical events that present current challenges for Native Hawaiians seeking to establish a generation-by-generation connection to a census roll that is more than 100 years old.

We thank the U.S. Department of Interior for providing an opportunity to provide input in the finalization of the rules that would facilitate the reestablishment of a formal government-to-government relationship. Our country must correct the disparity in federal law and allow Native Hawaiians to exercise their inherent right to self-determination and self-governance.

Sincerely,



Christopher Kang
National Director