

Akaka Bill Hearing Set in U.S. Senate



US Senator Daniel Akaka

The Native Hawaiian Reorganization Act, nicknamed the ‘Akaka Bill’ after its author U.S. Senator Daniel Akaka, will be voted on in the U.S. Senate Committee on Indian Affairs this Thursday, at 2:15 p.m. in the Dirksen room 628.

Akaka, who was [removed as Veterans Affairs chair](#) earlier this year and said he won’t run for re-election in 2012, was named the chair of the Indian Affairs.

No hearing is expected, Senate sources said. Instead there will be a pro forma voice vote of S.676, to create a native Hawaiian sovereign government within the state, and the bill will be sent to the floor.

“The decision to skip a formal hearing in Washington or in Hawaii is part of a long pattern of dodging tough questions and pretending that backroom deals are a fair substitute for an open process. But as dismaying as this is, it ultimately doesn’t matter. This bill couldn’t get through with Democrats in absolute control of Congress and it certainly can’t get through now,” Steven Duffield, former chief counsel to Sen. Jon Kyl (R-AZ), told *Hawaii Reporter*.

Congress has taken up the Akaka Bill more than a half a dozen times since 2000, the year the Akaka Bill was introduced. While it passed the House three times in 2000, 2006 and 2010, the Senate never voted on the measure.

The bill was re-introduced in both Houses by the Hawaii congressional delegation in recent weeks.

Critics point out that the bill language has been changed many times since it was introduced, all in private negotiations behind closed doors; that there have been no hearings on the current language of the bill; and there have been no public forums on this new bill in Hawaii.

The legislation was opposed by President George W. Bush and his Justice Department, but is supported by President Barack Obama, a former Hawaii resident. It is fiercely debated among native Hawaiian groups and in political circles.

Native Hawaiian activists who are against the bill say they don't want the federal government to have authority over them. They believe the Hawaiian government was illegally overthrown in the late 1800s and don't recognize the state and federal government as authorities. They want Hawaii to revert to a sovereign government.

Conservatives and libertarians who strongly oppose the Akaka Bill believe the legislation is racially divisive, unconstitutional, and problematic on a several levels. The U.S. Civil Rights commission condemned the bill. The Heritage Foundation, the Cato Institute, and in Hawaii, the Grassroot Institute of Hawaii, along with many others public policy institute, have expressed strong concerns over the measure.

Pushing for the bill are all four members of Hawaii's congressional delegation, Hawaii's governor and lieutenant governor, elected officers of the Office of Hawaiian Affairs and their supporters. The majority of Hawaii lawmakers also back the legislation.

Democrats and other Akaka bill advocates who were concerned they would not get the votes they need in the House and Senate when the newly-elected Congress is sworn in this January, made another failed attempt to get it passed before 2010 came to an end.

The related other bill that Akaka's committee will consider, S.676, would reaffirm the authority of the Secretary of Interior to take Hawaii lands into trust for an Akaka tribe.

Under this proposal, tribal businesses could be exempt from state and county regulations (such as labor laws and zoning) and from state taxes such as income tax, property tax and excise tax.

Supporters of such measures say native Hawaiians need and deserve an advantage over other races in Hawaii.

Critics of such a measure say that such exemptions would drive competitor businesses out of business and lower the state tax base for the 80 percent of Hawaii's people who lack native Hawaiian blood.

Meanwhile, the Census Bureau released a report showing that Native Hawaiian owned businesses are being created at a far higher rate than non-native businesses.