

## Hawai'i State House of Representatives Update

From the Desk of District 8 Representative David Tarnas



Photo courtesy of David Tarnas  
Representative David Tarnas speaks for North Kohala as a member of the Hawai'i State House of Representatives.

Aloha.

The US Constitution explicitly assigns certain areas of responsibilities to the federal government with all other responsibilities reserved for the States to exercise authority. Recently, numerous Executive Orders were issued that assert federal authority over areas of responsibility that the Constitution reserves for the States. Some Executive Orders assert executive branch authority in areas of responsibility where the Constitution and statutes assign authority to the legislative branch. To resolve these disagreements about jurisdiction, the Courts interpret Constitutional and statutory law to determine who has legal authority.

Hawai'i has joined other States to challenge the legality of recent Executive Orders (EO) in four different subject areas: Immigration (five cases); Funding Freezes and Grant Terminations (10 cases); Federal Agency Dismantling and Reductions in Force (seven cases); and Protecting Elections, Health and Safety (five cases). This month's article describes the cases in the first two subject areas. Next month's article will cover the cases in the third and fourth subject areas.

### IMMIGRATION

- Birthright Citizenship: New Jersey, et al. v. Trump, 1:25-cv-10139 (D.Mass.)

Challenge to birthright citizenship EO.

EO currently enjoined. On appeal to 1st Circuit.

- Medicaid Data Sharing: California, et al. v. Dept. of Health & Human Services (HHS), 3:25-cv-05536 (N.D.Cal.)

Challenge to HHS's sharing of sensitive Medicaid data with the Dept. of Homeland Security (DHS).

Preliminary injunction granted.

- Supplemental Nutrition Assistance Program (SNAP) Data Demand: California, et al. v. U.S. Dept. of Agriculture (USDA), 1:25-cv-06310 (N.D.Cal.)

Challenge to USDA's demand that States turn over sensitive data for SNAP applicants and recipi-

ents.

Litigation ongoing.

- Funding Condition: California, et al. v. U.S. Dept. of Transportation (USDOT), 1:25-cv-00208 (D.R.I.)

Challenge to USDOT's attempt to impose immigration enforcement condition on all USDOT funding. For Hawai'i, this condition would impact hundreds of millions of dollars in federal grants to Hawaii DOT.

Preliminary injunction granted. Briefing on cross-motions for summary judgment forthcoming.

- Funding Condition: Illinois, et al. v. Federal Emergency Management Agency (FEMA), 1:25-cv-00206 (D.R.I.)

Challenge to DHS's attempt to impose broad immigration enforcement conditions on FY 2025 DHS and FEMA grants to states.

Cross-motions for summary judgment pending.

### FUNDING FREEZES AND GRANT TERMINATIONS

- Office of Management and Budget (OMB) Categorical Freeze: New York, et al. v. Trump, 1:25-cv-39 (D.R.I.)

Challenges OMB's near-total categorical freeze on obligation and disbursement of federal grants following January 27 directive. At least \$1 billion in federal funds to Hawai'i impacted.

Preliminary injunction granted. Two motions to enforce granted. Appeals pending.

- Terminations: Colorado, et al. v. Dept. of Health and Human Services (HHS), 1:25-cv-00121-MSM/AEM (D.R.I.)

Challenge to HHS's termination of \$11 billion in public health funding following COVID-19 because the "COVID-19 pandemic is over." Exposure to Hawaii DOH: Approximately \$89 million in unspent funds from seven terminated grants.

Preliminary injunction granted. Terminations declared null and void. Appeal pending.

- Indirect Costs: Massachusetts, et al. v. National Institutes of Health (NIH), 1:25-cv-10338 (D.Mass.)

Challenge to the NIH's drastic reduction in indirect costs rate, capped at 15 percent. Exposure to the University of Hawaii: approximately \$16.5 million in funding, jeopardizing entire programs.

Permanent injunction and final judgment in favor of States. Appeal pending.

- Terminations: Massachusetts, et al. v. Kennedy, 1:25-cv-10914 (D.Mass.)

Challenge to NIH's actions to terminate research grants and refuse to issue new research grants arising from "Secretarial Directive on DEI-Related Funding" and other directives – grants concerning "Diversity, Equity, and Inclusions (DEI)," "transgender issues," "vaccine hesitancy," etc. Trial on

Phase One concerns terminated grants; Phase Two concerns delays in new grants.

Rule 54(b) judgment entered re: Phase One. Challenged Directives violate APA, grant determinations void. Trial Phase Two concerning new grant streams pending.

- Funding Condition: New York, et al. v. Dept. of Education (DOE), 1:25-cv-11116 (D.Mass.)

Challenge to DOE's effort to utilize vague certification requirements under Title VI of the Civil Rights Act (concerning race and national origin discrimination) to target alleged DEI initiatives.

Complaint and answer filed. Litigation ongoing.

- Terminations/Indirect Costs: New York, et al. v. National Science Foundation (NSF), 1:25-cv-04452 (S.D.N.Y.)

Challenge to NSF's reduction of indirect-cost rate and termination of grants citing new NSF priorities that flout statutory directives to increase Science, Technology, Engineering & Math participation by women, minorities, and people with disabilities.

Indirect cost issue deemed moot after another court vacated indirect-cost directive. Preliminary injunction denied as to priorities directive.

- Education Funding Freeze: California, et al. v. McMahon, 1:25-cv-00329 (D.R.I.)

Challenge to U.S. DOE and OMB unlawfully freezing over \$6 million in education funding.

Funding made available after filing of lawsuit.

- National Electric Vehicle Infrastructure (NEVI) Funding: Washington, et al. v. U.S. Dept. of Transportation, 1:25-cv-00848 (W.D.Wash.)

Challenge to suspension of NEVI program for electric vehicle charging infrastructure.

Preliminary injunction granted. • "Agency Priorities" Clause: New Jersey, et al. v. Office of Management and Budget (OMB), 1:25-cv-11816 (D.Mass.)

Challenge relating to clause in OMB regulation used to terminate thousands of grants for no longer effectuating agency priorities.

Litigation ongoing.

- Education Stabilization Funds: New York, et al. v. U.S. Dept. of Education, 1:25-cv-02990 (S.D.N.Y.)

Challenge to unilateral rescission of extensions of time to liquidate education grant funds appropriated through COVID-era legislation.

Preliminary injunction granted.

Next month's article will cover the cases in the subject areas of Federal Agency Dismantling and Reductions in Force (seven cases); and Protecting Elections, Health, and Safety (five cases).

Mahalo for allowing me to serve as your State Representative. Please contact me anytime at (808) 586-8510 and reptarnas@capitol.hawaii.gov.

### Future KMN Deadlines

It's important for the Kohala Mountain News to receive ads and news submissions by the following deadlines. Otherwise, submissions may not be accommodated.

**October Deadlines**  
Ads and News: 10/10/25  
Calendar: 10/17/25  
Distribution: 10/24/25

**November Deadlines**  
Ads and News: 11/7/25  
Calendar: 11/14/25  
Distribution: 11/21/25

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