

MAR 12 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO CONSENT TO THE
ENACTMENT OF ACT 80, SESSION LAWS OF HAWAII 2017.

1 WHEREAS, pursuant to section 208 of the Hawaiian Homes
2 Commission Act, 1920, an original lessee of a tract of Hawaiian
3 homestead lands shall be a native Hawaiian; and
4

5 WHEREAS, section 201 of the Hawaiian Homes Commission Act,
6 1920, defines a "native Hawaiian" as "any descendant of not less
7 than one-half part of the blood of the races inhabiting the
8 Hawaiian Islands previous to 1778"; and
9

10 WHEREAS, pursuant to the existing provisions of section
11 209(a) of Hawaiian Homes Commission Act, 1920, upon the death of
12 a homestead lessee, the lessee's interest may only vest in the
13 lessee's husband, wife, child, grandchild, brother, or sister if
14 the potential successor is at least one-quarter Hawaiian; and
15

16 WHEREAS, a significant number of marriages occur between
17 people of Hawaiian ancestry and people without Hawaiian
18 ancestry, directly affecting generations of Hawaiians by
19 reducing the native Hawaiian blood quantum; and
20

21 WHEREAS, the requirement that certain successors to a lease
22 must have at least one-quarter blood quantum imposes a
23 significant hardship on those lessees who are unable to assure
24 transfer of lessee rights under the Hawaiian Homes Commission
25 Act, 1920, to a relative of less than one-quarter Hawaiian
26 blood; and
27

28 WHEREAS, this congressionally established blood quantum
29 requirement artificially bifurcates the indigenous people of
30 Hawaii; and
31



S.C.R. NO. 165

1 WHEREAS, a reduction in the required blood quantum for
2 certain successors under the Hawaiian Homes Commission Act,
3 1920, is long overdue; and

4
5 WHEREAS, the Hawaii State Legislature passed and the
6 Governor of Hawaii approved Act 80, Session Laws of Hawaii 2017,
7 which attempts to amend the Hawaiian Homes Commission Act, 1920,
8 to provide that upon the death of a lessee, the lessee's
9 interest may vest in the lessee's spouse, child, grandchild,
10 brother, or sister if the potential successor is at least one
11 thirty-second Hawaiian; and

12
13 WHEREAS, the consent of the United States Congress is
14 required for Act 80, Session Laws of Hawaii 2017, to become law;
15 now, therefore,

16
17 BE IT RESOLVED by the Senate of the Thirty-first
18 Legislature of the State of Hawaii, Regular Session of 2021, the
19 House of Representatives concurring, that the United States
20 Congress is requested to consent to the enactment of Act 80,
21 Session Laws of Hawaii 2017; and

22
23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Majority Leader of
25 the United States Senate, Speaker of the United States House of
26 Representatives, members of Hawaii's congressional delegation,
27 Chairperson of the Hawaiian Homes Commission, and Chairperson of
28 the Board of Trustees of the Office of Hawaiian Affairs.

29
30
31 OFFERED BY:

