
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
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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
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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
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16 WHEREAS, the requirement that certain successors to a lease
17 must have at least one-quarter blood quantum imposes a
18 significant hardship on those lessees who are unable to assure
19 transfer of lessee rights under the Hawaiian Homes Commission
20 Act, 1920, to a relative of less than one-quarter Hawaiian
21 blood; and
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23 WHEREAS, this congressionally established blood quantum
24 requirement artificially bifurcates native Hawaiians; and
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26 WHEREAS, a reduction in the required blood quantum for
27 certain successors under the Hawaiian Homes Commission Act,
28 1920, is long overdue; and
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30 WHEREAS, the Hawaii State Legislature passed and the
31 Governor of Hawaii approved Act 80, Session Laws of Hawaii 2017,
32 which seeks to amend the Hawaiian Homes Commission Act, 1920, to



1 provide that upon the death of a lessee, the lessee's interest
2 may vest in the lessee's spouse, child, grandchild, brother, or
3 sister if the potential successor is at least one thirty-second
4 Hawaiian; and

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6 WHEREAS, in accordance with section 4 of the Hawaii
7 Admission Act (Public Law 86-3, 73 Stat. 4), the Hawaiian Homes
8 Commission Act can be amended by the State "only with the
9 consent the of the United States"; thus, the United States
10 Congress is required to consent for Act 80, Session Laws of
11 Hawaii 2017, to become law; now, therefore,

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

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