
SENATE 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, 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
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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
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28 WHEREAS, this congressionally established blood quantum
29 requirement artificially bifurcates native Hawaiians; and
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31 WHEREAS, a reduction in the required blood quantum for
32 certain successors under the Hawaiian Homes Commission Act,
33 1920, is long overdue; and
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1 WHEREAS, the Hawaii State Legislature passed and the
2 Governor of Hawaii approved Act 80, Session Laws of Hawaii 2017,
3 which seeks to amend the Hawaiian Homes Commission Act, 1920, to
4 provide that upon the death of a lessee, the lessee's interest
5 may vest in the lessee's spouse, child, grandchild, brother, or
6 sister if the potential successor is at least one thirty-second
7 Hawaiian; and

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

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

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

