

MAR 10 2023

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS TO PASS THE HAWAIIAN HOME LANDS PRESERVATION ACT, H.R. RES. 9614, 117TH CONG. (2ND SESS. 2022), TO LOWER THE REQUIRED MINIMUM BLOOD QUANTUM FOR CERTAIN DEPARTMENT OF HAWAIIAN HOME LANDS SUCCESSOR LESSEE BENEFICIARIES FROM ONE-QUARTER NATIVE HAWAIIAN BLOOD TO ONE THIRTY-SECOND.

1 WHEREAS, the Hawaiian Homes Commission Act of 1920, as
2 amended, was passed by Congress and signed into law on July 9,
3 1921, and is meant for the rehabilitation of the native Hawaiian
4 people through a government-led homesteading program; and
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6 WHEREAS, the Department of Hawaiian Home Lands was
7 established pursuant to the Hawaiian Homes Commission Act of
8 1920, as amended, and provides benefits to native Hawaiians such
9 as the offering of ninety-nine year homestead leases at an
10 annual rent of one dollar; and
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12 WHEREAS, this important benefit is conferred to native
13 Hawaiian individuals that can prove a minimum blood quantum of
14 at least one-half native Hawaiian blood; and
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16 WHEREAS, in the near future, the minimum blood quantum
17 requirement of one-half native Hawaiian blood will essentially
18 bar all new applicants and thus frustrate the purpose and intent
19 of the Hawaiian Homes Commission Act of 1920, as amended; and
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21 WHEREAS, in realizing the dilutive effect of interracial
22 marriages on the blood quantum, Congress and the State lowered
23 the minimum blood quantum requirement for certain qualified
24 lessee successors to one-quarter native Hawaiian blood; the
25 State further reduced the minimum blood quantum requirement of
26 certain lessee successors from one-quarter to one thirty-second
27 by enacting Act 80, Session Laws of Hawaii 2017; and
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1 WHEREAS, there are currently 28,700 beneficiaries still on
2 the Department of Hawaiian Home Lands waitlist for residential,
3 agricultural, or pastoral leases; and

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5 WHEREAS, in *Kalima v. State*, 148 Hawai'i 129, 468 P.3d 143
6 (Haw. 2020), the Supreme Court found that all waitlisted native
7 Hawaiian beneficiaries were entitled to damages due to the
8 State's breach of trust in placing beneficiaries on the long
9 waitlist instead of placing beneficiaries on homestead lots,
10 resulting in a pending settlement of approximately \$320,000,000
11 that was approved by the Legislature through Act 280, Session
12 Laws of Hawaii 2022; and

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14 WHEREAS, the United States and the State have a continuing
15 fiduciary duty to support the rehabilitation of the Hawaiian
16 people, in part by ensuring that long-term tenancies are
17 available to beneficiaries and successors of beneficiaries under
18 the Hawaiian Homes Commission Act of 1920, as amended; and

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20 WHEREAS, the passing of the Hawaiian Home Lands
21 Preservation Act will align the federal minimum blood quantum
22 requirement with that established by Act 80, Session Laws of
23 Hawaii 2017, and satisfy the legal requirement that Act 80
24 receives the consent of the United State Congress to become
25 effective, which will help ensure that future successor lessees
26 can continue to qualify as beneficiaries; now, therefore,

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28 BE IT RESOLVED by the Senate of the Thirty-second
29 Legislature of the State of Hawaii, Regular Session of 2023, the
30 House of Representatives concurring, that the United States
31 Congress is urged to pass the Hawaiian Home Lands Preservation
32 Act, H.R. Res. 9614, 117th Cong. (2nd Sess. 2022), to lower the
33 required minimum blood quantum for certain Department of
34 Hawaiian Home Lands successor lessee beneficiaries from one-
35 quarter native Hawaiian blood to one thirty-second; and

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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the President Pro
39 Tempore of the United States Senate, Speaker of the United



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1 States House of Representatives, and Hawaii's congressional
2 delegation.

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OFFERED BY:



