
SENATE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO RE-INTRODUCE AND SUPPORT THE PASSAGE OF 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 Hawaiian Homes Commission Act of 1920, as
7 amended, provides benefits to native Hawaiians such as the
8 offering of ninety-nine-year homestead leases at an annual rent
9 of one dollar; and
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11 WHEREAS, this important benefit is conferred to native
12 Hawaiian individuals that can prove a minimum blood quantum of
13 at least one-half native Hawaiian blood; and
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15 WHEREAS, in the near future, the minimum blood quantum
16 requirement of one-half native Hawaiian blood will essentially
17 bar all new applicants and thus frustrate the purpose and intent
18 of the Hawaiian Homes Commission Act of 1920, as amended; and
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20 WHEREAS, Congress and the State lowered the minimum blood
21 quantum requirement for certain qualified lessee successors to
22 one-quarter native Hawaiian blood; the State further reduced the
23 minimum blood quantum requirement of certain lessee successors
24 from one-quarter to one thirty-second by enacting Act 80,
25 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 passage 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 States 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 Hawaii's congressional
31 delegation is urged to re-introduce and support the passage of
32 the Hawaiian Home Lands Preservation Act, H.R. Res. 9614, 117th
33 Cong. (2nd Sess. 2022), to lower the required minimum blood
34 quantum for certain Department of Hawaiian Home Lands successor
35 lessee beneficiaries from one-quarter native Hawaiian blood to
36 one thirty-second; and
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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to Hawaii's congressional
40 delegation.
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