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## HOUSE RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO AMEND THE UNITED STATES CODE TO ENSURE THAT THE PROGRAMS AND SERVICES OF THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT RECEIVE PERMANENT FUNDING.

1           WHEREAS, the Native Hawaiian Health Care Act of 1988, later  
2 renamed the Native Hawaiian Health Care Improvement Act, is a  
3 permanent federal law codified in 42 United States Code chapter  
4 122; and  
5

6           WHEREAS, in the Native Hawaiian Health Care Improvement Act  
7 itself, the United States Congress states, among other findings,  
8 that:  
9

10           (1) Native Hawaiians comprise a distinct and  
11 unique indigenous people with a historical  
12 continuity to the original inhabitants of  
13 the Hawaiian archipelago whose society was  
14 organized as a Nation prior to the arrival  
15 of the first nonindigenous people in 1778.  
16

17           (2) The Native Hawaiian people are determined to  
18 preserve, develop and transmit to future  
19 generations their ancestral territory, and  
20 their cultural identity in accordance with  
21 their own spiritual and traditional beliefs,  
22 customs, practices, language, and social  
23 institutions.  
24

25           . . . . .  
26

27           (4) At the time of the arrival of the first  
28 nonindigenous people in Hawaii in 1778, the  
29 Native Hawaiian people lived in a highly  
30 organized, self-sufficient, subsistence  
31 social system based on communal land tenure



1 with a sophisticated language, culture, and  
2 religion.

3  
4 . . . .

5  
6 (6) Throughout the 19th century and until 1893,  
7 the United States: (A) recognized the  
8 independence of the Hawaiian Nation; (B)  
9 extended full and complete diplomatic  
10 recognition to the Hawaiian Government; and  
11 (C) entered into treaties and conventions  
12 with the Hawaiian monarchs to govern  
13 commerce and navigation in 1826, 1842, 1849,  
14 1875 and 1887.

15  
16 (7) In the year 1893, the United States Minister  
17 assigned to the sovereign and independent  
18 Kingdom of Hawaii, John L. Stevens,  
19 conspired with a small group of non-Hawaiian  
20 residents of the Kingdom, including citizens  
21 of the United States, to overthrow the  
22 indigenous and lawful Government of Hawaii.

23  
24 . . . .

25  
26 (9) In a message to Congress on December 18,  
27 1893, then President Grover Cleveland  
28 reported fully and accurately on these  
29 illegal actions, and acknowledged that by  
30 these acts, described by the President as  
31 acts of war, the government of a peaceful  
32 and friendly people was overthrown, and the  
33 President concluded that a "substantial  
34 wrong has thus been done which a due regard  
35 for our national character as well as the  
36 rights of the injured people required that  
37 we should endeavor to repair".

38  
39 . . . .

40  
41 (11) In 1898, the United States annexed Hawaii  
42 through the Newlands Resolution without the



1 consent of or compensation to the indigenous  
2 people of Hawaii or their sovereign  
3 government who were thereby denied the  
4 mechanism for expression of their inherent  
5 sovereignty through self-government and  
6 self-determination, their lands and ocean  
7 resources.

8  
9 (12) Through the Newlands Resolution and the 1900  
10 Organic Act, the United States Congress . .  
11 . [established] a special trust relationship  
12 between the United States and the  
13 inhabitants of Hawaii.

14  
15 (13) In 1921, Congress enacted the Hawaiian Homes  
16 Commission Act, 1920, which designated two  
17 hundred thousand acres of the ceded public  
18 lands for exclusive homesteading by Native  
19 Hawaiians, thereby affirming the trust  
20 relationship between the United States and  
21 the Native Hawaiians, as expressed by then  
22 Secretary of the Interior Franklin K. Lane  
23 who was cited in the Committee Report of the  
24 United States House of Representatives  
25 Committee on Territories as stating, "One  
26 thing that impressed me . . . was the fact  
27 that the natives of the islands who are our  
28 wards, I should say, and for whom in a sense  
29 we are trustees, are falling off rapidly in  
30 numbers and many of them are in poverty".

31  
32 . . . .

33  
34 (15) Under the Act entitled "An Act to provide  
35 for the admission of the State of Hawaii  
36 into the Union", approved March 18, 1959 (73  
37 Stat. 4), the United States transferred  
38 responsibility for the administration of the  
39 Hawaiian Home Lands to the State of Hawaii  
40 but reaffirmed the trust relationship which  
41 existed between the United States and the  
42 Hawaiian people by retaining the exclusive



power to enforce the trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.

. . . . .

(18) In furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people.

. . . . .

(22) Despite such services, the unmet health needs of the Native Hawaiian people are severe and the health status of Native Hawaiians continues to be far below that of the general population of the United States.

42 United States Code section 11701; and

WHEREAS, the Native Hawaiian Health Care Improvement Act also states:

The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii-

(1) to raise the health status of Native Hawaiians to the highest possible health level; and



1 (2) to provide existing Native Hawaiian  
2 health care programs with all resources  
3 necessary to effectuate this policy.  
4

5 42 United States Code section 11702; and  
6

7 WHEREAS, the codified language of the Native Hawaiian  
8 Health Care Improvement Act commits to provide funding for the  
9 programs and services of the Act only for specified fiscal  
10 years; and  
11

12 WHEREAS, the Native Hawaiian Health Care Act of 1988 (P.L.  
13 100-579) created codified language in 42 United States Code  
14 chapter 122 that authorized appropriations for the programs and  
15 services of the Act for fiscal years 1990 through 1992, but was  
16 silent regarding funding for future fiscal years; and  
17

18 WHEREAS, section 9168 of P.L. 102-396, enacted in 1992,  
19 gave the Native Hawaiian Health Care Improvement Act its current  
20 name and made several amendments to the Act, including codified  
21 language that "authorized to be appropriated such sums as may be  
22 necessary for fiscal years 1993 through 2001" for the programs  
23 and services of the Act, but was silent regarding funding for  
24 future fiscal years; and  
25

26 WHEREAS, before 2010, 42 United States Code chapter 122 was  
27 not amended to assure Native Hawaiians that funding for the  
28 programs and services of the Native Hawaiian Health Care  
29 Improvement Act would continue beyond fiscal year 2001; and  
30

31 WHEREAS, while annual congressional budget acts for fiscal  
32 years 2002 to 2009 continued to authorize appropriations for the  
33 programs and services of the Native Hawaiian Health Care  
34 Improvement Act, stakeholders faced continued uncertainty  
35 regarding long-term funding during those years; and  
36

37 WHEREAS, in 2010, section 10221(a) of the Patient  
38 Protection and Affordable Care Act (P.L. 111-148) amended 42  
39 United States Code chapter 122 to state that "[t]here are  
40 authorized to be appropriated such sums as may be necessary for  
41 fiscal years 1993 through 2019" for the programs and services of



1 the Act, but was silent regarding funding for future fiscal  
2 years; and

3  
4 WHEREAS, according to the United States Census Bureau's  
5 report, "The Native Hawaiian and Other Pacific Islander  
6 Population: 2010", the nation's Native Hawaiian population  
7 increased by 31.4 per cent between 2000 and 2010, and  
8 approximately fifty-five per cent of that population lives in  
9 Hawaii; and

10  
11 WHEREAS, in 2013, the Department of Native Hawaiian Health  
12 of the John A. Burns School of Medicine at the University of  
13 Hawaii at Manoa published a report entitled "Assessment and  
14 Priorities for Health and Well-Being in Native Hawaiians and  
15 other Pacific Peoples", which found that Hawaii's Native  
16 Hawaiian population had a lower life expectancy than other  
17 populations, and had higher rates of death from heart disease,  
18 cancer, stroke, diabetes, and injuries compared to the State's  
19 overall population; and

20  
21 WHEREAS, social determinants of health and other factors  
22 contribute to the continued health disparities that affect the  
23 Native Hawaiian population; and

24  
25 WHEREAS, while the United States of America and the State  
26 of Hawaii have made strides toward improving the health of  
27 Native Hawaiians, long-term federal funding for necessary health  
28 programs and services remains at risk; and

29  
30 WHEREAS, the Indian Health Care Improvement Act, as  
31 codified in 42 United States Code chapter 18, is intended to  
32 provide descendants of the indigenous people of the continental  
33 United States assistance with health services; and

34  
35 WHEREAS, section 10221(a) of the Patient Protection and  
36 Affordable Care Act amended the codified language of the Indian  
37 Health Care Improvement Act to state in part that "[t]here are  
38 authorized to be appropriated such sums as are necessary to  
39 carry out this chapter for fiscal year 2010 and each fiscal year  
40 thereafter, to remain available until expended"; and

41



# H.R. NO. 31

1 WHEREAS, Native Hawaiians should have the same assurance  
 2 that other indigenous people in the United States have regarding  
 3 federal funding for health programs and services; now,  
 4 therefore,

5  
 6 BE IT RESOLVED by the House of Representatives of the  
 7 Twenty-eighth Legislature of the State of Hawaii, Regular  
 8 Session of 2016, that the United States Congress is requested to  
 9 amend the United States Code to ensure that the programs and  
 10 services of the Native Hawaiian Health Care Improvement Act  
 11 receive permanent funding; and

12  
 13 BE IT FURTHER RESOLVED that certified copies of this  
 14 Resolution be transmitted to the Majority Leader of the United  
 15 States Senate; the Speaker of the United States House of  
 16 Representatives; Hawaii's congressional delegation; the United  
 17 States Secretary of Health and Human Services; the Governor of  
 18 the State of Hawaii; the Chairperson of the Board of Trustees of  
 19 the Office of Hawaiian Affairs; the Mayor of each county in the  
 20 State of Hawaii; the President of the Board of Directors of Papa  
 21 Ola Lokahi; and the Chair of the Board of each Native Hawaiian  
 22 health care system, as defined by the Native Hawaiian Health  
 23 Care Improvement Act.

OFFERED BY:

Bel Feld

OG

Ryan

Nicole E. Lowen

Aleka Akelotti

Cindy Ebrama

SM

Gonther Hoken

Brend Kobayashi

Fehi Poul

Mark J. Hall

[Signature]

