
SENATE CONCURRENT 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 title 42 United States Code
4 chapter 122; and

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

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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.

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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.

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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



1 social system based on communal land tenure
2 with a sophisticated language, culture, and
3 religion.

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7 (6) Throughout the 19th century and until 1893,
8 the United States: (A) recognized the
9 independence of the Hawaiian Nation; (B)
10 extended full and complete diplomatic
11 recognition to the Hawaiian Government; and
12 (C) entered into treaties and conventions
13 with the Hawaiian monarchs to govern
14 commerce and navigation in 1826, 1842, 1849,
15 1875 and 1887.

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

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

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- 1 (11) In 1898, the United States annexed Hawaii
2 through the Newlands Resolution without the
3 consent of or compensation to the indigenous
4 people of Hawaii or their sovereign
5 government who were thereby denied the
6 mechanism for expression of their inherent
7 sovereignty through self-government and
8 self-determination, their lands and ocean
9 resources.
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- 11 (12) Through the Newlands Resolution and the 1900
12 Organic Act, the United States Congress . .
13 . [established] a special trust relationship
14 between the United States and the
15 inhabitants of Hawaii.
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- 17 (13) In 1921, Congress enacted the Hawaiian Homes
18 Commission Act, 1920, which designated
19 200,000 acres of the ceded public lands for
20 exclusive homesteading by Native Hawaiians,
21 thereby affirming the trust relationship
22 between the United States and the Native
23 Hawaiians, as expressed by then Secretary of
24 the Interior Franklin K. Lane who was cited
25 in the Committee Report of the United States
26 House of Representatives Committee on
27 Territories as stating, "One thing that
28 impressed me . . . was the fact that the
29 natives of the islands who are our wards, I
30 should say, and for whom in a sense we are
31 trustees, are falling off rapidly in numbers
32 and many of them are in poverty".
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- 36 (15) Under the Act entitled "An Act to provide
37 for the admission of the State of Hawaii
38 into the Union", approved March 18, 1959 (73
39 Stat. 4), the United States transferred
40 responsibility for the administration of the
41 Hawaiian Home Lands to the State of Hawaii
42 but reaffirmed the trust relationship which



1 existed between the United States and the
2 Hawaiian people by retaining the exclusive
3 power to enforce the trust, including the
4 power to approve land exchanges, and
5 legislative amendments affecting the rights
6 of beneficiaries under such Act.

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

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

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26 Title 42 United States Code section 11701; and

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

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

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



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

Title 42 United States Code section 11702; and

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

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

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

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

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

WHEREAS, title 42 United States Code chapter 122 states, "There are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 2019" for the programs and services of the Act, but was silent regarding funding for future fiscal years; and



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

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

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

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

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 28 WHEREAS, the Indian Health Care Improvement Act is intended
 29 to provide descendants of the indigenous people of the
 30 continental United States assistance with health services; and

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 32 WHEREAS, the Indian Health Care Improvement Act states in
 33 part that "[t]here are authorized to be appropriated such sums
 34 as are necessary to carry out this chapter for fiscal year 2010
 35 and each fiscal year thereafter, to remain available until
 36 expended"; and

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 38 WHEREAS, Native Hawaiians should have the same assurance
 39 that other indigenous people in the United States have regarding
 40 federal funding for health programs and services; now,
 41 therefore,

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1 BE IT RESOLVED by the Senate of the Twenty-eighth
2 Legislature of the State of Hawaii, Regular Session of 2016, the
3 House of Representatives concurring, that the United States
4 Congress is requested to amend the United States Code to ensure
5 that the programs and services of the Native Hawaiian Health
6 Care Improvement Act receive permanent funding; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the Majority Leader of
10 the United States Senate; the Speaker of the United States House
11 of Representatives; Hawaii's congressional delegation; the
12 United States Secretary of Health and Human Services; the
13 Governor of the State of Hawaii; the Chairperson of the Board of
14 Trustees of the Office of Hawaiian Affairs; the Mayor of each
15 county in the State of Hawaii; the President of the Board of
16 Directors of Papa Ola Lokahi; and the Chair of the Board of each
17 Native Hawaiian health care system, as defined by the Native
18 Hawaiian Health Care Improvement Act.

