
SENATE 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
31 social system based on communal land tenure



with a sophisticated language, culture, and religion.

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

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

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

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



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

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

(13) In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920, which designated 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, thereby affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane who was cited in the Committee Report of the United States House of Representatives Committee on Territories as stating, "One thing that impressed me . . . was the fact that the natives of the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty".

. . . .

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



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

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

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

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24 Title 42 United States Code section 11701; and

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

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

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38 (1) to raise the health status of Native
39 Hawaiians to the highest possible
40 health level; and
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1 (2) to provide existing Native Hawaiian
2 health care programs with all resources
3 necessary to effectuate this policy.
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5 Title 42 United States Code section 11702; and
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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
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12 WHEREAS, the Native Hawaiian Health Care Act of 1988 (P.L.
13 100-579) created codified language in title 42 United States
14 Code chapter 122 that authorized appropriations for the programs
15 and services of the Act for fiscal years 1990 through 1992, but
16 was silent regarding funding for future fiscal years; and
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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
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26 WHEREAS, before 2010, title 42 United States Code chapter
27 122 was not amended to assure Native Hawaiians that funding for
28 the programs and services of the Native Hawaiian Health Care
29 Improvement Act would continue beyond fiscal year 2001; and
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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
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37 WHEREAS, title 42 United States Code chapter 122 states,
38 "There are authorized to be appropriated such sums as may be
39 necessary for fiscal years 1993 through 2019" for the programs
40 and services of the Act, but was silent regarding funding for
41 future fiscal years; and
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1 WHEREAS, according to the United States Census Bureau's
2 report, "The Native Hawaiian and Other Pacific Islander
3 Population: 2010", the nation's Native Hawaiian population
4 increased by 31.4 per cent between 2000 and 2010, and
5 approximately fifty-five per cent of that population lives in
6 Hawaii; and
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8 WHEREAS, in 2013, the Department of Native Hawaiian Health
9 of the John A. Burns School of Medicine at the University of
10 Hawaii at Manoa published a report entitled "Assessment and
11 Priorities for Health and Well-Being in Native Hawaiians and
12 other Pacific Peoples", which found that Hawaii's Native
13 Hawaiian population had a lower life expectancy than other
14 populations, and had higher rates of death from heart disease,
15 cancer, stroke, diabetes, and injuries compared to the State's
16 overall population; and
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18 WHEREAS, social determinants of health and other factors
19 contribute to the continued health disparities that affect the
20 Native Hawaiian population; and
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22 WHEREAS, while the United States of America and the State
23 of Hawaii have made strides toward improving the health of
24 Native Hawaiians, long-term federal funding for necessary health
25 programs and services remains at risk; and
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27 WHEREAS, the Indian Health Care Improvement Act is intended
28 to provide descendants of the indigenous people of the
29 continental United States assistance with health services; and
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31 WHEREAS, the Indian Health Care Improvement Act states in
32 part that "[t]here are authorized to be appropriated such sums
33 as are necessary to carry out this chapter for fiscal year 2010
34 and each fiscal year thereafter, to remain available until
35 expended"; and
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37 WHEREAS, Native Hawaiians should have the same assurance
38 that other indigenous people in the United States have regarding
39 federal funding for health programs and services; now,
40 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,
3 that the United States Congress is requested to amend the United
4 States Code to ensure that the programs and services of the
5 Native Hawaiian Health Care Improvement Act receive permanent
6 funding; and
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8 BE IT FURTHER RESOLVED that certified copies of this
9 Resolution be transmitted to the Majority Leader of the United
10 States Senate; the Speaker of the United States House of
11 Representatives; Hawaii's congressional delegation; the United
12 States Secretary of Health and Human Services; the Governor of
13 the State of Hawaii; the Chairperson of the Board of Trustees of
14 the Office of Hawaiian Affairs; the Mayor of each county in the
15 State of Hawaii; the President of the Board of Directors of Papa
16 Ola Lokahi; and the Chair of the Board of each Native Hawaiian
17 health care system, as defined by the Native Hawaiian Health
18 Care Improvement Act.

