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# 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 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 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.

