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# SENATE RESOLUTION

URGING THE UNITED STATES CONGRESS TO PASS 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  
5

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  
11

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  
20

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  
28

29           WHEREAS, there are currently 28,700 beneficiaries still on  
30 the Department of Hawaiian Home Lands waitlist for residential,  
31 agricultural, or pastoral leases; and  
32



# S.R. NO. 93

1 WHEREAS, in *Kalima v. State*, 148 Hawai'i 129, 468 P.3d 143  
 2 (Haw. 2020), the Supreme Court found that all waitlisted native  
 3 Hawaiian beneficiaries were entitled to damages due to the  
 4 State's breach of trust in placing beneficiaries on the long  
 5 waitlist instead of placing beneficiaries on homestead lots,  
 6 resulting in a pending settlement of approximately \$320,000,000  
 7 that was approved by the Legislature through Act 280, Session  
 8 Laws of Hawaii 2022; and

9  
 10 WHEREAS, the United States and the State have a continuing  
 11 fiduciary duty to support the rehabilitation of the Hawaiian  
 12 people, in part by ensuring that long-term tenancies are  
 13 available to beneficiaries and successors of beneficiaries under  
 14 the Hawaiian Homes Commission Act of 1920, as amended; and

15  
 16 WHEREAS, the passing of the Hawaiian Home Lands  
 17 Preservation Act will align the federal minimum blood quantum  
 18 requirement with that established by Act 80, Session Laws of  
 19 Hawaii 2017, and satisfy the legal requirement that Act 80  
 20 receives the consent of the United State Congress to become  
 21 effective, which will help ensure that future successor lessees  
 22 can continue to qualify as beneficiaries; now, therefore,

23  
 24 BE IT RESOLVED by the Senate of the Thirty-second  
 25 Legislature of the State of Hawaii, Regular Session of 2023,  
 26 that the United States Congress is urged to pass the Hawaiian  
 27 Home Lands Preservation Act, H.R. Res. 9614, 117th Cong. (2nd  
 28 Sess. 2022), to lower the required minimum blood quantum for  
 29 certain Department of Hawaiian Home Lands successor lessee  
 30 beneficiaries from one-quarter native Hawaiian blood to one  
 31 thirty-second; and

32  
 33 BE IT FURTHER RESOLVED that certified copies of this  
 34 Resolution be transmitted to the President Pro Tempore of the  
 35 United States Senate, Speaker of the United States House of  
 36 Representatives, and Hawaii's congressional delegation.

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 38  
 39 OFFERED BY: 

