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# SENATE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO CONSENT TO THE  
ENACTMENT OF ACT 80, SESSION LAWS OF HAWAII 2017.

1           WHEREAS, pursuant to section 208 of the Hawaiian Homes  
2 Commission Act, 1920, an original lessee of a tract of Hawaiian  
3 homestead lands shall be a native Hawaiian; and  
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5           WHEREAS, section 201 of the Hawaiian Homes Commission Act,  
6 1920, defines a "native Hawaiian" as "any descendant of not less  
7 than one-half part of the blood of the races inhabiting the  
8 Hawaiian Islands previous to 1778"; and  
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10           WHEREAS, pursuant to the existing provisions of section  
11 209(a) of Hawaiian Homes Commission Act, 1920, upon the death of  
12 a homestead lessee, the lessee's interest may only vest in the  
13 lessee's husband, wife, child, grandchild, brother, or sister if  
14 the potential successor is at least one-quarter Hawaiian; and  
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16           WHEREAS, a significant number of marriages occur between  
17 people of Hawaiian ancestry and people without Hawaiian  
18 ancestry, directly affecting generations of Hawaiians by  
19 reducing the native Hawaiian blood quantum; and  
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21           WHEREAS, the requirement that certain successors to a lease  
22 must have at least one-quarter blood quantum imposes a  
23 significant hardship on those lessees who are unable to assure  
24 transfer of lessee rights under the Hawaiian Homes Commission  
25 Act, 1920, to a relative of less than one-quarter Hawaiian  
26 blood; and  
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28           WHEREAS, this congressionally established blood quantum  
29 requirement artificially bifurcates native Hawaiians; and  
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1 WHEREAS, a reduction in the required blood quantum for  
2 certain successors under the Hawaiian Homes Commission Act,  
3 1920, is long overdue; and  
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5 WHEREAS, the Hawaii State Legislature passed and the  
6 Governor of Hawaii approved Act 80, Session Laws of Hawaii 2017,  
7 which seeks to amend the Hawaiian Homes Commission Act, 1920, to  
8 provide that upon the death of a lessee, the lessee's interest  
9 may vest in the lessee's spouse, child, grandchild, brother, or  
10 sister if the potential successor is at least one thirty-second  
11 Hawaiian; and  
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13 WHEREAS, in accordance with section 4 of the Hawaii  
14 Admission Act (Public Law 86-3, 73 Stat. 4), the Hawaiian Homes  
15 Commission Act can be amended by the State "only with the  
16 consent the of the United States"; thus, the United States  
17 Congress is required to consent for Act 80, Session Laws of  
18 Hawaii 2017, to become law; now, therefore,  
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20 BE IT RESOLVED by the Senate of the Thirty-first  
21 Legislature of the State of Hawaii, Regular Session of 2021, the  
22 House of Representatives concurring, that the United States  
23 Congress is requested to consent to the enactment of Act 80,  
24 Session Laws of Hawaii 2017; and  
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26 BE IT FURTHER RESOLVED that certified copies of this  
27 Concurrent Resolution be transmitted to the Secretary of the  
28 Interior, Majority Leader of the United States Senate, Speaker  
29 of the United States House of Representatives, members of  
30 Hawaii's congressional delegation, Chairperson of the Hawaiian  
31 Homes Commission, and Chairperson of the Board of Trustees of  
32 the Office of Hawaiian Affairs.

