

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2017 - 37

ENCOURAGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO EXPEDITE THE PROCEDURE TO AMEND THE HAWAIIAN HOMES COMMISSION ACT AS REQUIRED UNDER 43 CFR 48.15 TO ENABLE ACT 80, SESSION LAWS OF HAWAI'I 2017 AND URGING MEMBERS OF HAWAI'I'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION TO APPROVE ACT 80, SESSION LAWS OF HAWAI'I 2017 IMMEDIATELY

WHEREAS, House Bill 451, H.D.1, S.D. 2. C.D. 1, entitled "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION" reduces the minimum blood quantum requirement of successors to lessees of Hawaiian Home Lands from one-quarter to one-thirty-second and was signed into law by Governor Ige on July 5, 2017, and is enacted now as Act 80, Session Laws of Hawaii 2017; and

WHEREAS, 43 CFR Part 48, which implements requirements of the Hawaiian Homes Commission Act, 1920, the State of Hawai'i Admission Act, 1959, and the Hawaiian Home Lands Recovery Act, 1995, sets forth the policies and procedures for (1) Review by the Secretary of the Interior of amendments to the Hawaiian Homes Commission Act proposed by the State of Hawai'i, and (2) Determination by the Secretary whether the proposed amendment requires congressional approval; and

WHEREAS, 43 CFR 48.15 delineates the responsibilities of the Chairman of the Hawaiian Homes Commission in submitting proposed amendments to the Secretary of the Interior, to wit:

- (a) Not later than 120 days after the State approves a proposed amendment to the HHCA, the Chairman must submit to the Secretary a clear and complete:*
 - (1) Copy of the proposed amendment;*
 - (2) Description of the nature of the change proposed by the proposed amendment; and,*
 - (3) Opinion explaining whether the proposed amendment requires the approval of Congress.*
- (b) The following information must also be submitted:*
 - (1) A description of the proposed amendment, including how the proposed amendment advances the interests of the beneficiaries;*
 - (2) All testimony and correspondence from the Director of the Department of Hawaiian Home Lands, Hawaiian Homes Commissioners, Homestead Associations, HHCA Beneficiary Associations, and beneficiaries providing views on the proposed amendment;*

- (3) *An analysis of the law and policy of the proposed amendment by the Department of Hawaiian Home Lands and the Hawaiian Homes commission;*
- (4) *Documentation of the dates and number of hearings held on the measure, and a copy of all testimony provided or submitted at each hearing;*
- (5) *Copies of all committee reports and other legislative history, including prior versions of the proposed amendment;*
- (6) *Final vote totals by the commission and the legislature on the proposed amendment;*
- (7) *Summaries of all consultations conducted with the beneficiaries regarding the proposed amendment; and*
- (8) *Other additional information that the State believes may assist in the review of the proposed amendment; and*

WHEREAS, while the enactment of Act 80 into law has been the cause of rejoicing for Hawaiian people as a positive step toward permanently reducing the Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands, all of the same challenges still remain so that many descendants of lessees of Hawaiian home lands do not qualify as successors because interracial marriages and blended families produce descendants who are less than twenty-five percent Hawaiian creating undue hardships of displacement and interference with families' abilities to maintain the equity of their homes and businesses; and,

WHEREAS, the urgency of the situation continues to escalate as time passes as lessees and proposed successors who would qualify under the amendment reducing the Hawaiian blood quantum requirement await the outcome of the process enumerated under 43 CFR 48.15; and,

WHEREAS, it is imperative that the Department of Hawaiian Home Lands timely expedite each element under 43 CFR 48.15 to provide the Secretary of the Interior the greatest opportunity to consider this crucial amendment to the Hawaiian Homes Commission Act.

WHEREAS, notwithstanding the requirements under 43 CFR 48.15, members of Hawai'i's Congressional delegation should independently introduce legislation to approve Act 80, Session Laws of Hawai'i 2017, immediately; and

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58th Annual Convention in Seattle, Washington, in the malama of 'Ikuwā and the rising of Māhealani, this 4th day of November 2017, encouraging the Department of Hawaiian Home Lands to expedite the procedure to amend the Hawaiian Homes Commission Act as required under 43 CFR 48.15 to enable Act 80, Session Laws of Hawai'i 2017 and urging members of Hawai'i's congressional delegation to introduce legislation to approve Act 80, Session Laws of Hawai'i 2017 immediately; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the members of Hawai'i's Congressional delegation, Department of Hawaiian Home Lands, the

Chair of the Hawaiian Homes Commission, the Chair of the Sovereign Council of Hawaiian Homelands Assembly, the President of the Association of Hawaiians for Homestead Lands, and Waimea Hawaiian Civic Club, as well as the Governor of the State of Hawai‘i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources, & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of ‘Ikuwā and the rising of Māhealani on the 4th day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.

Annelle C. Amaral

Annelle C. Amaral, President