



HAWAIIAN HOMES COMMISSION RESOLUTION NUMBER 283

Urging the United States Department of the Interior to Consult with the Department of Hawaiian Home Lands and the Beneficiaries of the Hawaiian Homes Commission Act Regarding Proposed Rules 43 C.F.R. Parts 47 & 48

WHEREAS, the United States Congress adopted the Hawaiian Homes Commission Act and the Act became fully operative in 1921; and

WHEREAS, the Hawaii Statehood Admission Act created a compact between the State of Hawaii and the United States whereby the Hawaiian Homes Commission Act was adopted as a provision of the Hawaii State Constitution; and

WHEREAS, pursuant to the Admission Act, the administration of the Hawaiian Homes Commission Act was transferred to the State of Hawaii provided that the consent of Congress was required only for amendments that reduced or impaired the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian-home development fund, or increased certain encumbrances on Hawaiian Home Lands, or changed the qualifications of lessees; and

WHEREAS, since 1981, thirty-six amendments to the Hawaiian Homes Commission Act have received Congressional approval, five are pending in Congress, one is under review at the Department of the Interior, and five require submission to the Department of Interior; and

WHEREAS, the Hawaiian Home Lands Recovery Act (1995) more formally set forth a process by which the Secretary of the Interior is to review proposed amendments to the Hawaiian Homes Commission Act for a determination of whether Congressional approval is necessary under the Admission Act and provided an exhaustive list of the documentation required to be submitted by the Department of Hawaiian Home Lands; and

WHEREAS, the Hawaiian Home Lands Recovery Act also set forth, with sufficient detail, a process and criteria by which the Secretary of the Interior is to review proposed land exchanges involving Hawaiian Home Lands and approve or disapprove the exchange based solely upon an evaluation of whether the proposed transaction is beneficial to the parties of the exchange; and

WHEREAS, on May 12, 2015 the Department of the Interior published proposed rules, 43 C.F.R. parts 47 & 48, relating to the processes outlined in the Admission Act and the Hawaiian Home Lands Recovery Act for approval of amendments to the Hawaiian Homes Commission Act and proposed land exchanges; and

WHEREAS, the Hawaiian Homes Commission supports greater clarity in the oversight role of Department of the Interior, which can be achieved through administrative rules; and

WHEREAS, the Hawaiian Homes Commission is mindful of the authority granted the Secretary of the Interior by the Hawaiian Home Lands Recovery Act but is concerned that the proposed rules attempt to expand that authority beyond the boundaries that were set for appropriate oversight;

WHEREAS, the proposed rules impose significant additional administrative burden and cost on the Department of Hawaiian Home Lands; and

WHEREAS, the Hawaiian Homes Commission Act continues to address the need of ensuring native Hawaiians have access to lands in Hawai'i; and

WHEREAS, beneficiaries of the Hawaiian Homes Commission Act have questions and concerns regarding the proposed rules and are asking the Department of Hawaiian Home Lands for information and consultations to address those concerns;

NOW THEREFORE, BE IT RESOLVED, the Hawaiian Homes Commission urges the United States Department of the Interior to consult with the Department of Hawaiian Home Lands and the beneficiaries of the Hawaiian Homes Commission Act regarding proposed rules 43 C.F.R. parts 47 & 48; and

BE IT FURTHER RESOLVED, that the Hawaiian Homes Commission urges the Department of the Interior to stay within the confines of the oversight role granted in the Admission Act and the Hawaiian Home Lands Recovery Act, and not infringe upon the executive authority of the Hawaiian Homes Commission; and

BE IT FURTHER RESOLVED, that the Hawaiian Homes Commission strongly urges the Department of the Interior to fulfill its contractual obligation under the Admission Act to make sure that the State of Hawaii faithfully executes its trust obligations to Hawaiian Homes Commission Act beneficiaries and to provide sufficient sums to the Department of Hawaiian Home Lands to fund the purposes set forth in Article XII Section 1 of the Hawaii State Constitution; and

BE IT FURTHER RESOLVED, that the Hawaiian Homes Commission urges the United States Department of the Interior to extend the public comment period beyond July 13, 2015 to allow for sufficient time for beneficiary comment and consultation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted in its entirety to the United States Secretary of the Interior; members of the Hawaii Congressional Delegation; and the Honorable David Ige, Governor of the State of Hawaii.

ADOPTED ON THIS 16th day of June 2015, at Kapolei, on the Island of Oahu, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.



HAWAIIAN HOMES COMMISSION

OFFERED BY:

Jobie M.K. Masagatani, Chairman Designate

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Wallace A. Ishibashi, Member

Michael P. Kahikina, Member

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