

Department of the Interior Departmental Manual

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Series: Intergovernmental Relations

Part 514: Land Exchanges

Chapter 1: Hawaiian Homes Commission Act

Originating Office: Office of the Solicitor

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1.1 Purpose. This chapter describes the structure and procedures for carrying out the Secretary's responsibilities under the Hawaiian Homes Commission Act. These provisions were established by Secretary's Order No. 3110, as amended, the provisions of which have been converted to this chapter.

1.2 Background.

A. The Hawaiian Homes Commission Act, 1920, was originally enacted by the United States Congress as a Federal law (42 Stat. 108), but pursuant to section 4 of the Act to provide for the admission of the State of Hawaii into the Union, approved March 18, 1959 (73 Stat. 4), the Hawaiian Homes Commission Act now constitutes a provision of the Constitution of the State of Hawaii, as reflected in Article XII of that Constitution. Section 204(3) of the Hawaiian Homes Commission Act permits the exchange of land by the Department of Hawaiian Home Lands of the State of Hawaii, subject to the approval of the Secretary of the Interior. Section 4 of the Act to provide for the admission of the State into the Union permits the State to amend the Hawaiian Homes Commission Act, but such amendments, with certain exceptions therein set forth, require the consent of the United States.

B. In order to effectuate better the purposes of the Hawaiian Homes Commission Act, the Secretary of the Interior and the Governor of Hawaii in 1982 appointed a Task Force to make recommendations to them, and the Report of the Task Force was presented in August 1983. The Task Force recommended, among other things, that the Secretary of the Interior (1) designate an officer or employee of the Department of the Interior to serve as a point of contact on matters concerning Federal responsibilities under the Hawaiian Homes Commission Act, and (2) establish internal procedures for reviewing proposed land exchanges under section 204(3) of the Act, so as to ensure prompt and careful scrutiny of such proposals.

1.3 Designated Officer. The Secretary shall appoint an officer or employee of the Department of the Interior who serves in Washington, D.C. as the Secretary's Designated Officer for the Hawaiian Homes Commission Act. The designated Officer is the point of contact within the Department of the Interior with respect to matters concerning the Hawaiian Homes program that are the responsibility of the United States. The appointment of a Designated Officer shall be made from time to time, as necessary, to ensure that beneficiaries of the Act, interested

persons and agencies in Hawaii, and interested agencies of the United States, among others, will at all times have access to a known knowledgeable person in the Department.

1.4 **Land Exchanges.** The Solicitor and the Assistant Secretary - Policy, Budget and Administration, shall review each proposed land exchange that is submitted for the approval of the Secretary of the Interior pursuant to section 204(3) of the Hawaiian Homes Commission Act. They will conduct the review as promptly as possible, consistent with the careful scrutiny that is required. The Solicitor and the Assistant Secretary will each recommend appropriate action to the Secretary, who will approve or disapprove the proposed exchange as expeditiously as possible.

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