Frequently Asked Questions

What action is the Department of the Interior taking?

The Department issued a Notice of Proposed Rulemaking (NPRM) that seeks comments on processes to clarify how the Department reviews land exchanges involving Hawaiian home (trust) lands and amendments to the Hawaiian Homes Commission Act proposed by the State of Hawaiʻi.

Why is the Department of the Interior proposing these rules?

The State of Hawaiʻi, beneficiaries of the Hawaiian Home Lands Trust, the Native Hawaiian Community, and the general public all need to be able to be confident that the processes the Department uses in reviewing land exchanges involving trust lands and amendments to the HHCA proposed by the State comply with all applicable Federal laws, are fair, and will be completed with the primary goal of protecting the interests of the Hawaiian Home Lands Trust. These rules seek to provide a means for that confidence.

Who can submit public comments on this NPRM?

The Department would like to hear from leaders and members of the Native Hawaiian Community, including all beneficiaries of the Hawaiian Home Land Trust. We also welcome comments and information from the State of Hawaii and its agencies, other government agencies, and other members of the public.

What laws were used to develop these proposed rules?

The main laws used to develop these rules are State of Hawaiʻi Admission Act, 73 Stat. 4, chapter 339, approved March 18, 1959; Hawaiian Homes Commission Act, 1920, as amended, Act of July 9, 1921, chapter 42, 42 Stat. 108; Hawaiian Home Lands Recovery Act, 1995, 109 Stat. 537, Public Law 104-42; 5 U.S.C. 301; 25 U.S.C. 2 and 9; 43 U.S.C. 1457; 112 Departmental Manual 28.

Are these rules related to the Department of the Interior's Advance Notice of Proposed Rulemaking (ANPRM) for procedures for reestablishing a government-to-government relationship with the Native Hawaiian Community?

No. These rules clarify the Department's responsibilities in reviewing land exchanges involving trust lands and State proposed amendments to the HHCA.

Can this Hawaiian Home Lands Trust rulemaking be used to make comments on the Department of the Interior's Advance Notice of Proposed Rulemaking (ANPRM) for procedures for reestablishing a government-to-government relationship with the Native Hawaiian Community?

The Department will only consider comments pertaining to the Hawaiian Home Lands Trust rules regarding land exchanges and proposed amendments to the HHCA in the possible development of the final rules.

After the Department of the Interior receives public comments on the NPRM, what would be the next steps in the rulemaking process?

The public comment period for the NPRM will last 60 days. If the Department ultimately decides to issue a final rule it could be published within six months of the publication of the NPRM.