

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2026

H. J. R. 24- 17

A HOUSE JOINT RESOLUTION

To affirm the Commonwealth's interests in submerged lands and offshore mineral resources and to respectfully urge Congress to enact legislation conveying ownership, recognizing Commonwealth rights, and establishing a federal framework governing offshore mineral development adjacent to the Commonwealth.

1
2 **WHEREAS**, the Covenant to Establish a Commonwealth of the Northern
3 Mariana Islands in Political Union with the United States of America, approved by
4 Public Law 94-241, section 1, 90 Stat. 263 (1976), and set out as a note to 48 U.S.C.
5 § 1801, is a mutual and binding political agreement approved by the people of the
6 Northern Mariana Islands and accepted by the United States, and Section 103
7 thereof guarantees the Commonwealth's right of local self-government in internal
8 affairs; and

9 **WHEREAS**, Sections 801, 802, and 803 of the Covenant show that the
10 Commonwealth entered political union with the understanding that Trust Territory
11 real property in the Northern Mariana Islands would transfer to the Commonwealth,
12 and that federal rights in specified CNMI lands and adjacent waters would be
13 obtained by clear agreement and express lease, not by implication; and

14 **WHEREAS**, during the Trusteeship, public lands of the Trust Territory
15 were held for the benefit of the people of Micronesia, and the Legislature finds that

1 submerged lands, tidelands, lagoons, and related marine areas were part of that
2 public-lands framework and were subject to fiduciary duties owed to the people;
3 and

4 **WHEREAS**, the political union created by the Covenant has brought
5 substantial benefits and enduring obligations, but it has also left the people of the
6 Northern Mariana Islands subject to major federal decisions affecting their
7 economy, labor supply, trade, resources, and long-term development without
8 voting representation in the United States Congress or participation in the election
9 of the President and Vice President; and

10 **WHEREAS**, the Indigenous Chamorro and Carolinian (Refaluwasch)
11 peoples have borne the intergenerational consequences of these structural
12 limitations because their ancestral islands, marine environment, traditional
13 livelihoods, cultural institutions, and economic future remain inseparable from
14 decisions made concerning the Commonwealth's lands, waters, labor system, and
15 natural resources; and

16 **WHEREAS**, federal and international policy changes contributed to a
17 severe contraction of the Commonwealth economy, including the elimination of
18 international textile quotas and the subsequent closure of the garment industry,
19 followed by the 2008 federalization of immigration and foreign-labor control,
20 which removed a central element of Commonwealth self-government and placed

1 the Commonwealth's workforce and economic stability under continuing federal
2 control; and

3 **WHEREAS**, the resulting loss of employment, population, local business
4 activity, public revenue, and economic opportunity affected the Commonwealth as
5 a whole, but also imposed particular and lasting harm upon Indigenous families and
6 communities whose ability to remain in their ancestral islands, maintain cultural
7 institutions, obtain housing and education, and pass language and traditional
8 knowledge to future generations depends upon a stable local economy; and

9 **WHEREAS**, this history demonstrates that consultation alone is
10 insufficient when federal decisions may permanently alter the Commonwealth's
11 economy or dispose of finite resources adjacent to its islands, and that any offshore
12 mineral regime must therefore include enforceable ownership or beneficial
13 interests, Commonwealth concurrence, guaranteed revenue participation, and
14 permanent protections for the Indigenous peoples whose ancestral environment
15 would bear the risks and consequences of development; and

16 **WHEREAS**, Congress has previously used land conveyances, monetary
17 settlements, mineral-derived revenues, permanent funds, and interregional revenue-
18 sharing mechanisms to address Indigenous land and resource claims, including
19 through the Alaska Native Claims Settlement Act, and although the history and
20 governmental structure of the Commonwealth are distinct, those precedents

1 demonstrate that Congress may create a CNMI-specific framework converting
2 finite mineral wealth into durable, intergenerational benefits; and

3 **WHEREAS**, during the Section 902 consultations in 1987, the
4 Commonwealth's Special Representatives submitted the *Position Paper on Ocean*
5 *Rights and Resources*, concluding that congressional legislation was necessary to
6 convey submerged lands and associated marine resource interests to the
7 Commonwealth and proposing draft federal legislation to accomplish that objective
8 while preserving federal authority over defense and foreign affairs;

9 **WHEREAS**, in correspondence dated June 21, 1990, the United States
10 Department of State concluded that ownership of submerged lands remains with
11 the United States unless Congress provides otherwise, while recognizing that
12 Congress possesses authority to convey those interests to the Commonwealth
13 through federal legislation comparable to legislation enacted for other United States
14 territories.

15 **WHEREAS**, Article XI of the Constitution of the Commonwealth provides
16 that submerged lands off the coast of the Commonwealth, to which the
17 Commonwealth now or hereafter may have a claim of ownership, are public lands
18 of the Commonwealth, and Article XII reflects the Commonwealth's basic policy
19 that land and resources are to be preserved for the benefit of the people of the
20 Northern Mariana Islands; and

1 **WHEREAS**, Congress has already exercised its constitutional authority to
2 convey submerged lands to the Commonwealth by enacting **Public Law 113-34**,
3 now codified at **48 U.S.C. § 1705**, which transferred to the Commonwealth title to
4 most submerged lands extending three geographical miles seaward from its
5 coastlines, thereby recognizing that Congress possesses the authority to define and
6 expand the Commonwealth's interests in adjacent submerged lands through
7 subsequent legislation.; and

8 **WHEREAS**, the Legislature finds that further federal legislation
9 recognizing and conveying Commonwealth rights in the twelve nautical mile
10 territorial sea and in marine resources within the exclusive economic zone adjacent
11 to the Commonwealth would be both morally and legally consistent with the
12 Covenant and with the fiduciary history of the Trusteeship; and

13 **WHEREAS**, the Legislature further finds that the Commonwealth is
14 differently situated from other territories because its relationship with the United
15 States is governed by the Covenant, including its specific property-transfer and
16 lease provisions, and that Congress may therefore enact CNMI-specific legislation
17 without adopting the same rule for every territory; and

18 **WHEREAS**, Congress has previously recognized that the CNMI was the
19 only United States territory without title to adjacent submerged lands and that
20 legislation was needed to correct that disparity; and

1 **WHEREAS**, Congress has also recognized that Commonwealth ownership
2 of adjacent waters and submerged lands would support the Commonwealth's
3 economy by allowing local use and management for near-shore infrastructure,
4 minerals, energy, aquaculture, and other activities, while federal ownership has left
5 these areas without meaningful local control and without effective federal
6 management; and

7 **WHEREAS**, international law distinguishes between the territorial sea,
8 where sovereignty extends to twelve nautical miles, and the exclusive economic
9 zone, where the coastal state holds sovereign rights over natural resources and
10 related jurisdiction out to two hundred nautical miles, and the Legislature finds that
11 this distinction supports congressional recognition of Commonwealth ownership
12 and control in the territorial sea, and Commonwealth ownership, in seabed and
13 marine resources throughout the exclusive economic zone adjacent to the
14 Commonwealth; and

15 **WHEREAS**, the Bureau of Ocean Energy Management reported receiving
16 a total of 65,585 public comment submissions concerning recent offshore mineral
17 activity adjacent to the Commonwealth and is moving forward with further
18 consideration of an area of about 69,101,413 acres, making congressional action
19 both timely and necessary; and

20 **WHEREAS**, the Bureau of Ocean Energy Management's ongoing
21 consideration of commercial leasing for offshore critical mineral resources adjacent

1 to the Commonwealth demonstrates that the longstanding absence of federal
2 legislation defining the Commonwealth's ownership interests, participation rights,
3 and economic interests in submerged lands and offshore mineral resources is no
4 longer a theoretical question but an immediate matter requiring congressional
5 action before valuable public resources are leased or otherwise developed, thereby
6 ensuring that the Commonwealth's interests, the rights of its Indigenous peoples,
7 and the equitable allocation of benefits from offshore mineral development are
8 addressed through federal law rather than after federal leasing decisions have
9 already been made without consent of the Commonwealth; and

10 **WHEREAS**, the Legislature finds that, when the United States may
11 unilaterally open, expand, lease, or otherwise dispose of seabed resources in marine
12 areas adjacent to the Commonwealth, the Commonwealth's interests cannot be
13 adequately protected by consultation, co-management, or revenue participation
14 alone, but require ownership, and primary control, to prevent the further loss of a
15 foundational Commonwealth asset; and

16 **WHEREAS**, the Legislature therefore finds it necessary and proper to
17 reaffirm the Commonwealth's position and to urge Congress to complete a long-
18 overdue federal conveyance consistent with the Covenant, the Constitution of the
19 Commonwealth, and the fiduciary history of the Trusteeship;

20 **NOW, THEREFORE, BE IT RESOLVED**, by the House of
21 Representatives of the Twenty-Fourth Northern Marianas Commonwealth

1 Legislature, the Senate concurring, that the Legislature hereby reaffirms that
2 submerged lands and marine areas appurtenant to the Commonwealth are central to
3 the self-government, economic security, cultural survival, and political dignity of
4 the people of the Northern Mariana Islands; and

5 **BE IT FURTHER RESOLVED**, that the Legislature declares that the
6 Covenant and the fiduciary history of the Trusteeship support a further federal
7 conveyance of Commonwealth rights in submerged lands, territorial seas, and
8 marine resources adjacent to the Commonwealth; and

9 **BE IT FURTHER RESOLVED**, that the Legislature respectfully urges
10 the United States Congress to enact legislation expressly recognizing, confirming,
11 and conveying to the Commonwealth ownership of submerged lands within the
12 territorial sea and such ownership, management, beneficial interests, consent rights,
13 and revenue interests in offshore mineral resources beyond the territorial sea as
14 Congress may establish by federal law; and

15 **BE IT FURTHER RESOLVED**, that such legislation shall provide that
16 no lease, permit, license, or other federal authorization for the exploration,
17 development, or extraction of offshore mineral resources adjacent to the
18 Commonwealth shall become effective unless the Commonwealth has
19 affirmatively concurred through procedures established by federal law; and

20 **BE IT FURTHER RESOLVED**, that such legislation shall designate the
21 Commonwealth as a cooperating agency for purposes of the National

1 Environmental Policy Act with respect to any federal action involving offshore
2 mineral exploration, leasing, development, or extraction adjacent to the
3 Commonwealth and require the meaningful participation of the Commonwealth
4 throughout the federal environmental review process; and

5 **BE IT FURTHER RESOLVED**, that such legislation shall require
6 meaningful government-to-government consultation with the Commonwealth and
7 meaningful consultation with representatives of the Indigenous Chamorro and
8 Carolinian (Refaluwasch) peoples before any federal decision concerning offshore
9 mineral leasing or development adjacent to the Commonwealth and shall provide
10 appropriate protection for culturally, historically, spiritually, and environmentally
11 significant marine areas; and

12 **BE IT FURTHER RESOLVED**, that such legislation shall require any
13 person conducting offshore mineral activities adjacent to the Commonwealth to
14 provide adequate financial assurances sufficient to ensure environmental
15 restoration, reclamation, remediation, and compensation for damages resulting
16 from offshore mineral exploration or development; and

17 **BE IT FURTHER RESOLVED**, that the Legislature respectfully urges
18 the United States Congress to enact additional legislation expressly recognizing and
19 securing for the Commonwealth ownership, one hundred (100) percent of the
20 revenue rights, and primary control over seabed resources and associated marine
21 resources in the exclusive economic zone adjacent to the Commonwealth,

1 extending seaward to 200 nautical miles, subject only to those federal powers
2 expressly reserved by law for national defense, foreign affairs, navigation, and
3 international obligations; and

4 **BE IT FURTHER RESOLVED**, that Congress shall direct all
5 Commonwealth mineral revenues and the Commonwealth's full share of federal
6 bonus bids, rents, royalties, fees, and other receipts arising from offshore mineral
7 activity adjacent to the Commonwealth into a permanent fund to be known as the
8 "CNMI Mineral Resources and Indigenous Legacy Trust Fund," or such other name
9 as may be established by law, rather than allowing those finite-resource revenues
10 to be absorbed into ordinary annual operating expenditures; and

11 **BE IT FURTHER RESOLVED**, that the principal of the Trust Fund shall
12 be preserved and prudently invested for the benefit of present and future
13 generations, with withdrawals limited by law to a sustainable percentage of market
14 value and used only for purposes connected to long-term economic security,
15 education and workforce development, environmental protection and restoration,
16 infrastructure, economic diversification, and the cultural survival and community
17 development of the Indigenous Chamorro and Carolinian (Refaluwasch) peoples;
18 and

19 **BE IT FURTHER RESOLVED**, that implementing legislation shall
20 guarantee a substantial and protected Indigenous community share of annual Trust
21 Fund distributions for Chamorro and Carolinian language preservation, traditional

1 navigation and fishing practices, protection of cultural and sacred sites,
2 scholarships, housing and community development, Indigenous-owned businesses,
3 elder and youth programs, and other initiatives designed through meaningful
4 consultation with Indigenous communities; and

5 **BE IT FURTHER RESOLVED**, that the Trust Fund shall be governed by
6 an independent board with members possessing professional investment and
7 financial experience, staggered terms, strict fiduciary and conflict-of-interest
8 duties, annual independent audits, public reporting, and legal protections
9 prohibiting the pledge, diversion, or impairment of Trust Fund principal; and

10 **BE IT FURTHER RESOLVED**, that the establishment of the Trust Fund
11 shall not waive or diminish the Commonwealth's claim to ownership, management
12 authority, concurrence rights, compensation, or additional revenue interests, but
13 shall provide the permanent financial institution through which mineral wealth is
14 preserved if exploration or development is authorized; and

15 **BE IT FURTHER RESOLVED**, that such legislation shall require
16 comprehensive baseline environmental, geological, archaeological, and
17 oceanographic studies before any offshore mineral lease sale or development is
18 authorized and shall require ongoing environmental monitoring throughout the life
19 of any offshore mineral project; and

20 **BE IT FURTHER RESOLVED**, that such legislation shall require the
21 timely sharing with the Commonwealth of all geological, geophysical,

1 environmental, oceanographic, and resource-assessment data collected in
2 connection with offshore mineral exploration or development adjacent to the
3 Commonwealth and shall authorize cooperative scientific research between the
4 United States and the Commonwealth regarding offshore mineral resources; and

5 **BE IT FURTHER RESOLVED**, that until Congress enacts
6 comprehensive legislation addressing the Commonwealth's rights in submerged
7 lands and offshore mineral resources, the Legislature respectfully urges the
8 Secretary of the Interior and the Bureau of Ocean Energy Management to refrain
9 from issuing any commercial lease for offshore mineral exploration or development
10 adjacent to the Commonwealth unless the Commonwealth has provided its
11 affirmative concurrence and all applicable environmental review, consultation, and
12 public participation requirements have been completed; and

13 **BE IT FURTHER RESOLVED**, that the Governor, the Attorney General,
14 and the Commonwealth's Delegate to the United States House of Representatives
15 are respectfully requested to advance legislation and legal positions consistent with
16 this resolution; and

17 **BE IT FURTHER RESOLVED**, that nothing in this Resolution shall be
18 construed to diminish the constitutional authority of the United States over national
19 defense, foreign affairs, immigration, customs, navigation, or the international
20 obligations of the United States, but rather to recognize the Commonwealth's

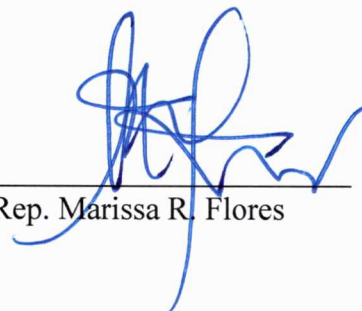
1 ownership and management interests consistent with the Covenant and applicable
2 federal law; and

3 **BE IT FURTHER RESOLVED**, that the Speaker of the House of
4 Representatives and the President of the Senate shall certify and the House Clerk
5 and the Senate Legislative Secretary shall attest to the adoption of this joint
6 resolution and thereafter the House Clerk shall transmit a copy to the Honorable
7 Donald J. Trump, President of the United States of America; the Honorable John
8 Thune, Senate Majority Leader, 119th United States Congress; the Honorable Mike
9 Johnson, Speaker of the House, 119th United States Congress; the Honorable David
10 M. Apatang, Governor of the Commonwealth of the Northern Mariana Islands; the
11 Honorable Kimberlyn King-Hinds, Delegate to the United States House of
12 Representatives for the Commonwealth of the Northern Mariana Islands, 119th
13 United States Congress; the Honorable Mike Lee, Chairman of the Senate
14 Committee on Energy and Natural Resources, 119th United States Congress; the
15 Honorable Bruce Westerman, Chairman of the House Committee on Natural
16 Resources, 119th United States Congress; and the Honorable Edward E.
17 Manibusan, Attorney General of the Commonwealth of the Northern Mariana
18 Islands.

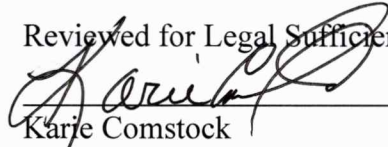
Prefiled: 8/4/2024

Date: 8/4/2024

Introduced by:


Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:



Karie Comstock
House Legal Counsel

Date: 8-4-26