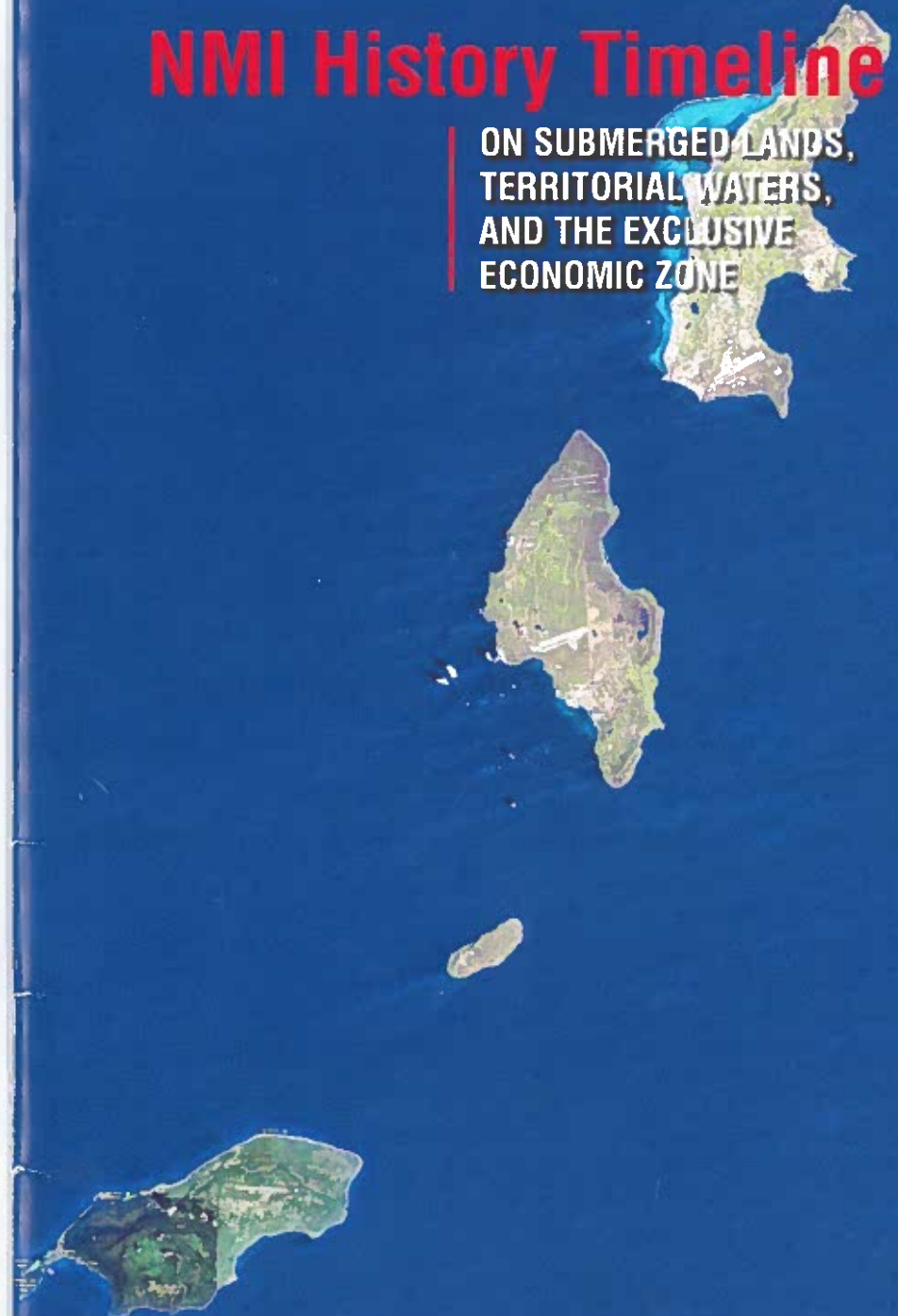


NMI History Timeline

ON SUBMERGED LANDS,
TERRITORIAL WATERS,
AND THE EXCLUSIVE
ECONOMIC ZONE



NMI History Timeline

Prepared by
Juan Nekai Babauta
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NMI HISTORY TIMELINE ON SUBMERGED LANDS, TERRITORIAL WATERS, AND THE EXCLUSIVE ECONOMIC ZONE

1947 June 23. In the case of United States v. California, the Supreme Court ruled that the U.S. Government, not the states, “has paramount rights in and power over” “a three-mile belt of all land situated under the ocean beyond the low water mark”, including “full dominion over the resources of the soil under that water area, including oil.” California claimed that it owned these submerged lands, and based on this claim of ownership, California had granted many leases to “persons and corporations . . . to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits . . . , paying to California large sums of royalties for the petroleum products taken.”

The decision of the Supreme Court in this case was the basis for the decision of the U.S. District Court for the NMI on August 7, 2003 in the case of CNMI v. United States rejecting the claim of the CNMI government of rights over the territorial sea and the submerged lands and minerals in the territorial sea and in the exclusive economic zone off the coasts of the NMI, and it was the basis for the decision of the U.S. Court of Appeals for the Ninth Circuit on February 24, 2005 in the same case of CNMI v. United States affirming the decision of the District Court on August 7, 2003.

1950 June 5. In the case of United States v. Louisiana, the U.S. Supreme Court ruled that the U.S. Government has “paramount rights in, and full domain and power over, the lands, minerals, and other things underlying the Gulf of Mexico,” from “the ordinary low-water mark on the coast of Louisiana and outside of the inland waters” of Louisiana to a distance “seaward twenty-seven marine miles.” In 1938 Louisiana passed a law that declared that its southern boundary was 27 marine miles from its coast. Based on this law, Louisiana issued leases to persons and corporations to explore for, and to drill wells for extracting, and to extract “petroleum, gas, and other hydrocarbon substances”, and who in return “paid Louisiana substantial sums of money in bonuses, rent, and royalties.”

The Supreme Court declared that “Protection and control of the area [the three-mile territorial sea] are indeed functions of national external sovereignty. The marginal sea [the three-mile territorial sea] is a national, not a state concern. National interests, national responsibilities, national concerns are involved. The problems of [international] commerce, national defense, relations with other powers, war and peace focus there. National rights must therefore be paramount in that area. That is the rationale of United States v. California.” “The ocean seaward of the marginal belt [the three-mile territorial sea] is

perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so.” The Supreme Court had issued its ruling in the case of United States v. California on June 23, 1947.

1953 May 22. President Eisenhower signed into law as P.L. 83-31 H.R. 4198, the Submerged Lands Act, which gave to the coastal states “title to and ownership” of the submerged lands up to “the line of mean high tide” and three miles seaward from the ordinary low water mark line, and up to three marine leagues (nine miles) seaward into the Gulf of Mexico for the Gulf states, if the Gulf state had such a boundary at the time that the state was admitted into the Union as a state or if the Gulf state had such a boundary approved by Congress at any time before the Submerged Lands Act became law. The law also gave the states “the right and power to manage, administer, lease, develop, and use” the submerged lands and the natural resources in them. The law also made the seaward boundary of the submerged lands of each coastal state the seaward geographical boundary of that state. For the states that border the Great Lakes, the law established the international boundary between the United States and Canada as the seaward geographical boundary of each such state and the seaward boundary of the submerged lands of each such state. This law is in 43 U.S.C. Sections 1301 to 1315, which are Subchapters I and II of Chapter 29 Submerged Lands of Title 43 Public Lands of the U.S. Code.

1959 March 18. President Dwight Eisenhower signed into law as P.L. 86-3 S. 50, the Hawaii Statehood Act of 1959, which was passed by the Senate on March 11 and by the House of Representatives on March 12. This law included the following:

1. Section 1 provided for the admission of Hawaii into the Union as a State “on an equal footing with the other States in all respects”, and approved the Constitution of the State of Hawaii that the voters of Hawaii had approved in the election on November 7, 1950.
2. Section 2 delineated the territory of the State of Hawaii, which includes the “reefs and territorial waters” of the islands that are included in the State.
3. Section 3 states that “The Constitution of the State of Hawaii shall always be republican in form”
4. Section 5(i) stated that P.L. 83-31, the Submerged Lands Act of 1953, which President Eisenhower signed into law on May 22, 1953, and

P.L. 83-212, the Outer Continental Shelf Lands Act of 1953, which President Eisenhower signed into law on August 7, 1953, apply to Hawaii in the same ways that they apply to the other 49 states.

5. Section 6 and Section 7(a) required the government of the Territory of Hawaii to hold elections for two U.S. Senators, one U.S. Representative, and all of the state elected offices that were established in the Constitution of the State of Hawaii. This election was held on July 28, 1959. In this election, Hawaii elected the first Asian-American U.S. Senator and the second Asian-American U.S. Representative. Hiram Leong Fong, a Republican from Honolulu, was the first Asian-American and the first Chinese-American U.S. Senator, and he served as a U.S. Senator from 1959 to 1977. He was the Speaker of the Territory of Hawaii House of Representatives from 1948 to 1954.

Elected Governor in the election on July 28, 1959 was the incumbent William F. Quinn, a Republican. Quinn was the last Governor of the Territory of Hawaii, the last appointed Governor of Hawaii, and the first Governor of the State of Hawaii. He was the Governor of Hawaii from 1957 to December 3, 1962.

6. Section 7(b) required Hawaii to hold a plebiscite to decide by a majority vote the question “Shall Hawaii immediately be admitted into the Union as a State?”. This plebiscite was held on June 27, 1959 on the same day as the primary election that preceded the general election that was held on July 28. On this question, 132,773 voted yes, and 7,971 voted no. Hawaii became a State on August 21, 1959 when President Eisenhower issued Presidential Proclamation 3309 pursuant to Section 7(c).
7. Section 8 gave the State of Hawaii one seat in the U.S. House of Representatives until the reapportionment of seats in the U.S. House that followed the 1960 census. Beginning with the 1962 elections, Hawaii has elected two U.S. Representatives. Daniel K. Inouye was the first U.S. Representative from Hawaii, and he was the first U.S. Representative and the first U.S. Senator of Japanese ancestry. He was a Representative from 1959 to 1963 and a U.S. Senator from 1963 until his death on December 17, 2012. He was the number two Democrat on the Senate Committee on Appropriations from 1989 to 2009, and he was the number two Democrat on the Senate Committee on Commerce, Science, and Transportation from 1987 to 2007 and from 2009 to 2012. He was the Chairman of the Senate

Committee on Commerce, Science, and Transportation from 2007 to 2009, the Chairman of the Senate Committee on Appropriations from 2009 to 2012, and the President Pro Tempore of the Senate from 2010 to 2012. The Daniel K. Inouye International Airport in Honolulu is named after him.

8. Section 9(a) stated that the President “shall appoint, by and with the advice and consent of the Senate”, two judges for the United States District Court for the District of Hawaii.
9. Section 13 stated that decisions of the U.S. District Court for the District of Hawaii can be appealed to the U.S. Court of Appeals for the Ninth Circuit.

1974 October 5. President Gerald R. Ford signed into law as P.L. 93-435 H.R. 11559, the Territorial Submerged Lands Act, which was introduced by Delegate Ron de Lugo of the Virgin Islands. This law gave to the governments of Guam, the Virgin Islands, and American Samoa “all right, title, and interest of the United States” in and to submerged lands from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines” (from the ordinary low water mark) of these territories (48 U.S.C. Section 1705(a)), with the exception of the eleven exceptions listed in 48 U.S.C. Section 1705(b). Section 1705(b)(i) “excepted from the transfer” “all deposits of oil, gas, and other minerals”, but not “coral, sand, and gravel.” Section 1705(b)(vii) “excepted from the transfer” “all submerged lands designated by the President within 120 days after” October 5, 1974. Section 1705(b)(viii) “excepted from the transfer” “all submerged lands that are within the administrative responsibility of any agency or department of the United States other than the Department of the Interior.”

The NMI was not included in this law in 1974 because the NMI was still a part of the Trust Territory, and the Commonwealth of the Northern Mariana Islands did not yet exist. The NMI was included in this law later in P.L. 113-34, which President Barack Obama signed into law on September 18, 2013 and which amended Section 1705(a) in P.L. 93-435 to include the NMI.

1975 February 1. Pursuant to 48 U.S.C. Section 1705(b)(vii) (Section 1705(b) is Section 1(b) of P.L. 93-435), President Gerald Ford issued Presidential Proclamation 4347, which excepted certain submerged lands from transfer to the governments of Guam, the Virgin Islands, and American Samoa under Section 1(a) of P.L. 93-435. These submerged lands that were retained by the U.S. Government included submerged lands in Apra Harbor in Guam and in the “Municipality of Machanao” “adjacent to Inapsan Beach and

Urano Point in Guam”. The proclamation states that these submerged lands in Guam were “required for national defense purposes” and “will be under the administrative jurisdiction of the Department of the Navy.”

1976 April 13. President Gerald R. Ford signed into law P.L. 94-265, the Fishery Conservation and Management Act of 1976 (U.S.C. 1801 et seq.). The primary purposes of this law were to conserve and manage marine fisheries in the U.S., the Continental Shelf, and a 200 nautical mile “fishery conservation zone”, and to authorize appropriations in fiscal years 1976, 1977, and 1978 to implement the provisions of this law. This law was implemented primarily by the Secretary of Commerce, the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, and the U.S. Coast Guard.

This law was called the Magnuson Fishery Conservation and Management Act in P.L. 104-297, the Sustainable Fisheries Act, which President Bill Clinton signed into law on October 11, 1996. The 1976 law was named in honor of Senator Warren Magnuson of Washington State, who in 1976 was the Chairman of the Senate Commerce Committee and the #2 Democrat in seniority on the Senate Appropriations Committee. Warren Magnuson was a Representative from 1937 to 1944, a Senator from 1944 to 1981, the President Pro Tempore of the Senate from 1979 to 1981, the Chairman of the Senate Committee on Interstate and Foreign Commerce from 1955 to 1959, the Chairman of the Senate Committee on Commerce from 1959 to 1977, and the Chairman of the Senate Committee on Appropriations from 1977 to 1981. Senator Magnuson had introduced on March 5, 1975 S.961, the Emergency Marine Fisheries Protection Act, which was the Senate version of P.L. 94-265.

Title 1 of the 1976 law established, effective on March 1, 1977, “exclusive fishery management authority” by the U.S. over a “fishery conservation zone” that extends from the coastal (inner) boundary of the U.S. territorial sea seaward to a distance of 200 nautical miles, and over all fishery resources in the U.S. Continental Shelf beyond “the fishery conservation zone”, except that this authority does not apply to “highly migratory species of fish,” Title 1 and all other parts of this law applied to the CNMI effective when the CNMI officially became a U.S. Commonwealth on November 4, 1986, when President Ronald Reagan in Presidential Proclamation 5564 declared that the CNMI was no longer a part of the Trust Territory of the Pacific Islands, because Section 3 of the 1976 law defines the term “State” to include the 50 “States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.”

1979 February 20. Governor Carlos S. Camacho signed into law P.L. 1-23, the Submerged Lands Act. This law stated that “The Director of the Department of Natural Resources shall be responsible for the management, use and disposition of submerged lands” from “the ordinary high water mark” of “the coast of the Commonwealth” “to a distance of 200 nautical miles” seaward. This authority included the power “To grant exploration licenses and development leases regarding petroleum deposits or mineral deposits which may be located in submerged lands” and included the power “To issue permits for the purpose of extracting petroleum or mineral deposits which may be located in submerged lands.” However, “Prior to the issuance of any exploration license or development lease or permit, . . . the Legislature shall have the exclusive right to approve, disapprove or modify the provisions of any exploration license, development lease, or permit to extract petroleum deposits or mineral deposits.” No such exploration, development, or extraction can be done without first obtaining such a license, lease, or permit. P.L. 1-23 was declared unconstitutional by Judge Alex Munson of the U.S. District Court for the NMI on August 7, 2003 in the case of CNMI v. United States. On February 24, 2005 the U.S. Court of Appeals for the Ninth Circuit upheld this decision by Judge Munson.

1980 March 12. President Jimmy Carter signed into law as P.L. 96-205 H.R. 3756, an Omnibus Territories Act that was introduced by Representative Phillip Burton of California, who was a Congressman from 1964 to 1983. This law included the following:

1. Section 104 stated that, unless a federal program in health care or education “is terminated with respect to all recipients under the program, Federal programs in the fields of education and health care shall not cease to apply to the Trust Territory of the Pacific Islands or any successor government or governments [including the CNMI], nor shall participation in any applicable Federal programs in the fields of education and health care by the Trust Territory of the Pacific Islands or any successor government or governments [including the CNMI] be denied, decreased, or ended, either before or after the termination of the trusteeship, without the express approval of the United States Congress.”
2. Section 202 authorized \$24,400,000 to the Secretary of the Interior effective on October 1, 1980 for a grant to the CNMI “to provide for health care services”, provided that any such grant is approved by the Secretary of Health, Education, and Welfare (HEW). (HEW officially became the Department of Health and Human Services

on May 4, 1980.) This \$24,400,000 was for the construction of a new hospital on Saipan.

3. Section 204(b) stated that the Secretary of the Treasury shall remit “directly upon collection into the treasury of the Commonwealth of the Northern Mariana Islands” the taxes collected by the U.S. Internal Revenue Service under Sections 601 to 604 of the CNMI Covenant.
4. Section 607 of Title VI amended P.L. 93-435, the Territorial Submerged Lands Act, by adding to Section 1 of this law subsection (d) (48 U.S.C. Section 1705(d)), which required the Secretary of the Interior, “not later than sixty days after” March 12, 1980, to “convey to the governments of Guam, the Virgin Islands, and American Samoa . . . all right, title, and interest of the United States in deposits of oil, gas, and other minerals in the submerged lands” that were conveyed to the governments of these three territories by Section 1(a) of P.L. 93-435, which President Gerald Ford signed into law on October 5, 1974.

1980 December 11. Governor Carlos S. Camacho signed into law as P.L. 2-7 S.B. 2-1, the Marine Sovereignty Act of 1980. This law was declared unconstitutional by Judge Alex Munson of the U.S. District Court for the NMI on August 7, 2003 in the case of CNMI v. United States. On February 24, 2005 the U.S. Court of Appeals for the Ninth Circuit upheld this decision by Judge Munson. This law asserted that the CNMI government has sovereignty over a twelve-mile territorial sea from its archipelagic baselines, as well as “sovereign rights in the exclusive economic zone” that extends to “a distance of 200 miles from the nearest point of the [archipelagic] baselines” of the CNMI. This law declared the following:

1. The CNMI has “sovereignty” over “its internal waters, archipelagic waters, and territorial sea, . . . as well as to their airspace, seabed, and subsoil, and the resources contained therein.”
2. The CNMI “has sovereign rights in the exclusive economic zone for the purpose of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living, of the seabed, subsoil, and superadjacent waters” of the exclusive economic zone, “and with regard to other activities for the economic exploitation of the zone, such as the production of energy from the water, currents, and winds.”
3. “The territorial sea of the Commonwealth” extends twelve miles seaward from “the archipelagic baselines” of the CNMI.

4. “The exclusive economic zone of the Commonwealth” extends from “the outer limit of the territorial sea” to “a distance of 200 miles from the nearest point of the [archipelagic] baselines” of the CNMI.

A previous version of S.B. 2-1/P.L. 2-7 was introduced in the Senate on September 24, 1979 as S.B. 1-105 entitled “Exclusive Economic Resources Act” by Senator Herman R. Deleon Guerrero. P.L. 2-7 is in 2 CMC Sections 1101 to 1143, which are in Chapter 1 of Division 1 Maritime and Coastal Resources of Title 2 Natural Resources of the CNMI Code. However, P.L. 2-7 is unenforceable because two U.S. courts declared it unconstitutional on August 7, 2003 and February 24, 2005.

1983 January 6. Governor Pedro P. Tenorio signed into law as P.L. 3-40 S.B. 3-88, which was introduced by Senator Ponciano (Ponce) C. Rasa on January 4 and was approved by the House and the Senate on January 5. This law authorized the Governor to lease to the U.S. Government, effective as of January 1, 1983, certain “waters of the Commonwealth immediately adjacent to the leased surface lands on Tinian and Farallon de Medinilla islands” as authorized and required in Sections 802 and 803 of the Covenant. P.L. 3-40 authorized this lease of the waters subject to the following conditions: “The United States shall have the right within the waters to facilitate access and egress [entry and exit] to the leased surface lands and to construct reasonable port facilities; provided, that the United States shall disturb to the minimum extent possible the seabed and subsoil in exercising its right of construction. The Commonwealth retains the right, without undue interference to the rights of the United States under this Lease Agreement, to exploit the living and non-living resources of the waters immediately adjacent to the leased surface lands.” These conditions in Section 2 of P.L. 3-40 were included verbatim in Article 1.c of the Tinian Lease Agreement.

1983 January 6. The CNMI Government, the Commonwealth Ports Authority, the Marianas Public Land Corporation, and the United States Government signed a Lease Agreement (Tinian Lease Agreement) for the United States to lease for \$33,000,000 for 50 years, with “the option of renewing this Lease Agreement in whole or in part for an additional term of 50 years”, as stated in Section 803(a) and (b) of the Covenant, 177 acres at Tanapag Harbor on Saipan, the entire island of Farallon de Medinilla, and about 18,000 acres on Tinian, and “waters of the Commonwealth immediately adjacent to the leased surface lands on Tinian and Farallon de Medinilla”, as listed and stated in Section 802(a) of the Covenant, “to carry out the defense responsibilities of the United States.” Sections 802 and 803 of the Covenant came into effect on January 9, 1978. Signing this Lease Agreement for the CNMI were Governor Pedro P. Tenorio, Senate President Olympio T. Borja, and House Speaker

Benigno R. Fitial. In the negotiations for the Tinian Lease Agreement and the “Tinian Land Acquisition and Deferred Payment Agreement”, Charles K. Novo-Gradac was the legal counsel for the Commonwealth Ports Authority.

1983 January 6. On the same day that the Tinian Lease Agreement was signed, January 6, 1983, the CNMI Government, the Commonwealth Ports Authority, the Marianas Public Land Corporation (MPLC), and the United States Government also signed the “Tinian Land Acquisition and Deferred Payment Agreement.” The parties to this agreement agreed to (1) a modification of the effective date of the Tinian Lease Agreement, (2) acquisition by the MPLC by purchase or by land exchange, or by the CNMI Government by eminent domain, of the fee simple title to the homestead parcels in Zones 1, 2 and 3 on Tinian, (3) a deferred payment schedule pursuant to the acquisition by the MPLC of the homestead parcels of land in Zones 1, 2, and 3 to be leased to the U.S., (4) establishment of and withdrawals from joint United States/MPLC accounts in the Saipan branch of the Bank of Hawaii, and (5) that the Lease Agreement shall become effective upon the receipt by MPLC of a separate check for the lease of the land in each of the three zones on Tinian. Signing this agreement for the CNMI were Governor Pedro P. Tenorio, Senate President Olympio T. Borja, and House Speaker Benigno R. Fitial.

1983 March 10. President Ronald Reagan issued Presidential Proclamation 5030, which declared the following:

1. “The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands ..., and the United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which ... territorial sea is measured.”
2. “Within the Exclusive Economic Zone the United States has, to the extent permitted by international law, sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, if the seabed and subsoil and superjacent waters and with regard to other activities for the economic exploration of the” Exclusive Economic Zone, “such as the production of energy from the water, currents and winds ..., and the protection and preservation of the marine environment.”
3. This Proclamation does not affect “international agreements for [the] effective management” of “highly migratory species of tuna.”

1985 August. The Northern Mariana Islands Commission on Federal Laws submitted to Congress its second Interim Report, which was entitled Welcoming America's Newest Commonwealth. This report included the following recommendations:

1. That the CNMI Resident Representative, who is elected pursuant to Section 901 of the Covenant, be a non-voting Delegate in the U.S. House of Representatives. This was achieved in Subtitle B of Title VII of P.L. 110-229, the Consolidated Natural Resources Act of 2008, which President George W. Bush signed into law on May 8, 2008.
2. That the Northern Marianas College have land-grant college status under U.S. law. This was achieved in Section 9(a) of P. L. 99-396, an Omnibus Territories Act, which President Ronald Reagan signed into law on August 27, 1986.
3. That U.S. law provide block-grant financial aid to the Northern Marianas College.
4. Continued CNMI control over immigration in the CNMI, pursuant to Section 503 of the Covenant. This continued for more than 20 more years, until Subtitle A of Title VII of P.L. 110-229, which President George W. Bush signed into law on May 8, 2008.
5. That most U.S. laws regulating banking, financial securities, intellectual property, and commerce continue to apply to the CNMI.
6. That the Congress pass legislation to recognize that the CNMI owns the submerged lands “within three geographical miles of the coastlines of the Northern Mariana Islands”, and that Congress do this by granting to the CNMI the same ownership in and rights over these submerged lands that were granted to the coastal states in P.L. 83-31, the Submerged Lands Act, which President Dwight Eisenhower signed into law on May 22, 1953, and that were granted to the governments of the territories of Guam, the Virgin Islands, and American Samoa in P.L. 93-435, the Territorial Submerged Lands Act, which President Gerald Ford signed into law on October 5, 1974, as amended by Section 607 of P.L. 96-205, an Omnibus Territories Act which President Jimmy Carter signed into law on March 12, 1980. This recommendation was achieved in P.L. 113-34, which President Barack Obama signed into law on September 18, 2013. P.L. 113-34 amended P.L. 93-435, as amended, to give the CNMI Government the same ownership in and rights over submerged lands

that this law had granted to the governments of Guam, the Virgin Islands, and American Samoa.

1988 November 3. Governor Pedro P. Tenorio signed into law P.L. 6-13, which repealed and replaced P.L. 1-23, as amended, the Submerged Lands Act, which Governor Carlos S. Camacho signed into law on February 20, 1979. In doing this, P.L. 6-13 repealed and replaced Chapter 2 Submerged Lands Act of Division 1 Maritime and Coastal Resources of Title 2 Natural Resources of the CNMI Code. P.L. 6-13 included the following:

1. Defined “submerged lands” as “all lands below the ordinary high water mark extending seaward to the outer limit of the exclusive economic zone established pursuant to the Marine Sovereignty Act of 1980 . . .” (P.L. 2-7). This is the same definition of “submerged lands” that is in Section 17(b) of P.L. 2-7. Section 12(a) of P.L. 2-7 defined the extent of the exclusive economic zone to be from “the outer limit of the territorial sea” to a “line every point of which is at a distance of 200 [nautical] miles from the nearest point of the baselines” “from which the territorial sea [and the] exclusive economic zone . . . are measured.”
2. Made the Director of the Department of Natural Resources “responsible for the management, use, and disposition of submerged lands of the Commonwealth.”
3. Gave to the Director of the Department of Natural Resources the following powers and duties, provided that any such license, lease, or permit is first approved by the Legislature:
 - a. “To grant exploration licenses and development leases regarding [for] petroleum deposits or other mineral deposits which may be located in submerged lands.”
 - b. “To issue permits for . . . extracting petroleum or other mineral deposits which may be located in submerged lands.”
 - c. “To grant development leases for . . . uses of submerged lands.”
4. Requires a license, lease, or permit, as specified, for the activities listed in number 3 above.
5. Gave to the Legislature “the exclusive right to approve, disapprove, or modify the provisions of any such” license, lease, or permit.

However, a public hearing on the proposed license, lease, or permit must be held by at least one house of the Legislature before the Legislature takes any such action of “approval, disapproval, or approval with modifications.”

6. Such a license, lease, or permit cannot exceed 25 years. However, such a license, lease, or permit can be extended for up to 15 years with the approval of three-fourths of the members of the Legislature.

The Submerged Lands Act and P.L. 2-7 the Marine Sovereignty Act of 1980 were declared unconstitutional by Judge Alex Munson of the U.S. District Court for the NMI on August 7, 2003 in the case of CNMI v. United States. On February 24, 2005 the U.S. Court of Appeals for the Ninth Circuit upheld this decision by Judge Munson.

1988 December 27. President Ronald Reagan issued Presidential Proclamation 5928, which, “in accordance with international law”, extended the territorial sea of the United States from three to 12 nautical miles, measured from coastal baselines that are “determined in accordance with international law.” The United States “exercises sovereignty and jurisdiction” over this territorial sea and over “the airspace over the territorial sea, as well as . . . [the] bed [seabed] and subsoil.” This 12 mile territorial sea includes the territorial sea off the coasts of “the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.”

1992 December 16. A series of consultations pursuant to Covenant Section 902 ended with recommendations contained in a number of agreements that were signed in San Diego by Louis H. (Lou) Gallegos, who was the Special Representative of President George H. W. Bush, and Lt. Governor Benjamin T. Manglona, who was the CNMI Special Representative. Lou Gallegos previously was the Assistant Secretary of the Interior for Policy, Management, and Budget. The other members of the CNMI delegation were Resident Representative to the U.S. Juan N. Babauta, former Senate Minority Leader Herman R. Deleon Guerrero, and Maria T. Pangelinan. This last round in the series of Section 902 consultations was held in San Diego, California from December 14 to 16. The recommendations that were agreed to included the following:

1. Resolving problems so that the CNMI can begin participating in the Western Pacific Regional Fishery Management Council, which also included as members Hawaii, American Samoa, and Guam.

This council was established by Section 302 Regional Fishery Management Councils of P.L. 94-265, the Magnuson Fishery Conservation and Management Act of 1976, which President Gerald R. Ford signed into law on April 13, 1976. Section 5 of P.L. 97-453, which President Ronald Reagan signed into law on January 12, 1983, amended Section 302(a) to add the Northern Mariana Islands as a member of this council.

2. That the U.S. Geological Survey of the Department of the Interior survey and map the NMI offshore areas (submerged lands) for valuable minerals and energy resources.
3. That the U.S. military assist in developing the American Memorial Park in Garapan on Saipan, including by constructing bleachers for the outdoor amphitheater and by protecting the park’s shoreline from further erosion.
4. That Congress enact legislation to authorize the CNMI Resident Representative to the United States to nominate U.S. citizens from the CNMI to be candidates for admission to the U.S. Military Academy (West Point), the U.S. Naval Academy, and the U.S. Air Force Academy. This was achieved in Section 532 of Title V Military Personnel Policy of P.L. 104-106, the National Defense Authorization Act of 1996, which President Bill Clinton signed into law on February 10, 1996. Section 532 of P.L. 104-106 authorized the appointment of one cadet from the CNMI to the U.S. Military Academy (West Point), one midshipman from the CNMI to the U.S. Naval Academy, and one cadet from the CNMI to the U.S. Air Force Academy from the nominations made by the CNMI Resident Representative to the U.S.
5. That the U.S. Department of Agriculture coordinate with the Japanese Prefecture of Okinawa a joint melon fly eradication program in the CNMI and Guam, with Okinawa to provide material and technical support because of its successful experience in eradicating melon flies in the Prefecture.
6. That the Administrator of the U.S. Environmental Protection Agency (EPA) exempt the NMI from certain provisions of the Clean Air Act and from certain EPA regulations establishing and implementing air quality standards pursuant to the Clean Air Act. Section 11 of P.L. 98-213, an Omnibus Territories Act which President Ronald Reagan signed into law on December 8, 2013, had added a new Section 325 to the Clean Air Act that authorized the EPA Administrator to grant

Abbreviated History Timeline

June 23

In the case of *United States v. California*, the Supreme Court ruled that the U.S. Government, not the states, "has paramount rights in and power over" "a three-mile belt of all land situated under the ocean beyond the low water mark", including "full dominion over the resources of the soil under that water area, including oil."

May 22

President Eisenhower signed into law as P.L. 83-31 H.R. 4198, the Submerged Lands Act, which gave to the coastal states "title to and ownership" of the submerged lands up to "the line of mean high tide" and three miles seaward from the ordinary low water mark line, and up to three marine leagues (nine miles) seaward into the Gulf of Mexico for the Gulf states, if the Gulf state had such a boundary at the time that the state was admitted into the Union as a state or if the Gulf state had such a boundary approved by Congress at any time before the Submerged Lands Act became law.

February 20

Governor Carlos S. Camacho signed into law P.L. 1-23, the Submerged Lands Act. This law stated that "The Director of the Department of Natural Resources shall be responsible for the management, use and disposition of submerged lands" from "the ordinary high water mark" of "the coast of the Commonwealth" "to a distance of 200 nautical miles" seaward.

1947

1950

1953

1974

1979

1980

June 5

In the case of *United States v. Louisiana*, the U.S. Supreme Court ruled that the U.S. Government has "paramount rights in, and full domain and power over, the lands, minerals, and other things underlying the Gulf of Mexico," from "the ordinary low-water mark on the coast of Louisiana and outside of the inland waters" of Louisiana to a distance "seaward twentyseven marine miles."

October 5

President Gerald R. Ford signed into law as P.L. 93-435 H.R. 11559, the Territorial Submerged Lands Act, which was introduced by Delegate Ron de Luco of the Virgin Islands. This law gave to the governments of Guam, the Virgin Islands, and American Samoa "all right, title, and interest of the United States" in and to submerged lands from up to "the line of mean high tide and seaward to a line three geographical miles distant from the coastlines" (from the ordinary low water mark) of these territories (48 U.S.C. Section 1705(a)), with the exception of the eleven exceptions listed in 48 U.S.C. Section 1705(b).

December 11

Governor Carlos S. Camacho signed into law as P.L. 2-7 S.B. 2-1, the Marine Sovereignty Act of 1980. This law was declared unconstitutional by Judge Alex Munson of the U.S. District Court for the NMI on August 7, 2003 in the case of *CNMI v. United States*.

January 6

Governor Pedro P. Tenorio signed into law as P.L. 3-40 S.B. 3-88, which was introduced by Senator Ponciano (Ponce) C. Rasa on January 4 and was approved by the House and the Senate on January 5. This law authorized the Governor to lease to the U.S. Government, effective as of January 1, 1983, certain "waters of the Commonwealth immediately adjacent to the leased surface lands on Tinian and Farallon de Medinilla Islands" as authorized and required in Sections 802 and 803 of the Covenant.

September 18

President Obama signed into law as P.L. 113-34 S. 256, which amended P.L. 93-435 to give the Government of the CNMI the same rights to submerged lands that Guam, the Virgin Islands, and American Samoa have.

March 13

Secretary of the Interior Sally Jewell signed a patent giving the CNMI Government "all right, title, and interest of the United States" in and to the "deposits of oil, gas, and other minerals" in the submerged lands, "all right, title, and interest" in which had been conveyed to the Government of the CNMI by President Obama on January 16, 2014 (NMI time).

December 21

Governor Ralph Torres signed a patent that conveyed to the Government the submerged lands and the natural resources, including "oil, gas, and other minerals in the submerged lands" in the three-mile territorial waters zone surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion, which are the northernmost of the Northern Islands.

1983

2003

2013

2014

2014

2014

2016

August 7

In the case of *CNMI v. United States*, which was filed by the CNMI government in 1999, Judge Alex R. Munson of the U.S. District Court for the NMI ruled that the U.S. Government has "paramount rights in and powers over the waters extending seaward of [from] the ordinary low water mark on the . . . coast [of the Northern Mariana Islands] and the [submerged] lands, minerals, and other things of value underlying such waters" and that, because Section 101 of the Covenant states that "The Northern Mariana Islands upon termination of the Trusteeship Agreement will become . . . under the sovereignty of the United States of America," "the United States [Government], under U.S. law, acquired ownership and paramount rights in the submerged lands and marine resources seaward of [from] the CNMI's low-water mark at the termination of the U.N. Trusteeship," which occurred on November 4, 1986 NMI time as stated in Presidential Proclamation 5564.

January 15

President Barack Obama signed Presidential Proclamation 9077, entitled "Reserving Certain Submerged Lands in the Commonwealth of the Northern Mariana Islands."

March 27

Acting Assistant Secretary of the Interior for Insular Areas Lori Faeth presented to Governor Eloy S. Inos on Saipan the patent that Secretary of the Interior Sally Jewell had signed on March 13, and Gov. Eloy Inos signed the patent. This patent transferred rights to mineral deposits.

exemptions from most requirements for air quality standards in the Clean Air Act, as amended, to Guam, American Samoa, and the NMI.

7. That the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor provide training seminars on Saipan in 1993 on OSHA standards and inspection procedures.

1995 July 20. The Senate by unanimous consent passed S. 638, the Insular Development Act of 1995, as amended on June 28 by the Senate Committee on Energy and Natural Resources by a vote of 20 to 0. The version of S. 638 that was introduced in the Senate on March 28, 1995 was the same as a proposed Insular Development Act of 1995 that was submitted to the Senate on February 27, 1995 by the Department of the Interior. S. 638 as amended by the committee was entirely different from the original version of S. 638 that was introduced on March 28, 1995 by Senator Frank Murkowski of Alaska, a Republican, who was the Chairman of the Senate Committee on Energy and Natural Resources from 1995 to 2001. He is the father of Senator Lisa Murkowski of Alaska, a Republican, who has been the Chairwoman of this committee since 2015 and who succeeded her father as a Senator in December 2002 after her father had become the Governor of Alaska.

The House of Representatives never voted on S. 638. S. 638 as passed by the Senate contained the following provisions, none of which were in S. 638 as introduced on March 28:

1. Beginning in fiscal year 1996, grants to the CNMI Government under Sections 701 and 702 of the CNMI Covenant “shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands [that was agreed to on August 25, 1992 and] executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement” This provision was enacted into law in P.L. 104-134, which President Bill Clinton signed into law on April 26, 1996.
2. Authorized \$3,000,000 to the Secretary of the Interior in fiscal year 1997 for the Northern Marianas College. Section 305 of P.L. 102-247, which President George H. W. Bush signed into law on February 24, 1992, indicates that this amount was the land-grant endowment for NMC. This amount was actually appropriated for NMC for fiscal

year 1997 in P.L. 104-134, and this money was delivered to NMC on November 5, 1996.

3. Authorized up to \$3,000,000 in each fiscal year beginning in fiscal year 1997 “to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs.” This provision was enacted into law in P.L. 104-134.
4. Amended P.L. 93-435, the Territorial Submerged Lands Act, which President Gerald Ford signed into law on October 5, 1974, to give the CNMI Government the same rights to submerged lands that Guam, the Virgin Islands, and American Samoa have. This was enacted into law in P.L. 113-34, which President Barack Obama signed into law on September 18, 2013.
5. Allowed alien workers who are employed under CNMI immigration laws to work as “an unlicensed seaman on a fishing, fish processing, or fish tender [servicing and support] vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI.” This was enacted into law in P.L. 104-324, which President Bill Clinton signed into law on October 19, 1996.
6. Required the CNMI and the U.S. Immigration and Naturalization Service (INS) to “cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.”
7. Made applicable to the CNMI the minimum wage provisions in Section 6(a)(1) of P.L. 75-718, the Fair Labor Standards Act of 1938 as amended, which President Franklin D. Roosevelt signed into law on June 25, 1938, with the following exceptions. All of the exceptions below were contained in a second proposed bill that was submitted to the Senate on May 24, 1995 by Allen P. Stayman, who was then the Acting Assistant Secretary of the Interior for Territorial and International Affairs.
 - a. Thirty days after S. 638 becomes law, the minimum wage in the

CNMI shall be \$2.75 per hour, which was then the minimum wage in the CNMI as set by P.L. 8-21, the Minimum Wage and Hour Act Amendments of 1993, which became law on June 23, 1993, as amended by P.L. 8-34, which Governor Lorenzo I. Deleon Guerrero signed into law on December 20, 1993, except for those persons and occupations that were listed in Section 6 of P.L. 8-21.

- b. Beginning on January 1, 1996, the minimum wage in the CNMI shall be \$3.05 per hour, which was the minimum wage in the CNMI as of January 1, 1996 as set by P.L. 8-21 as amended by P.L. 8-34. However, P.L. 9-73, which became law on December 30, 1995, postponed to July 1, 1996 the effective date of the \$3.05 per hour minimum wage. Furthermore, P.L. 10-13, which Governor Froilan C. Tenorio signed into law on June 15, 1996, postponed until July 1, 1997 for all employees in a garment manufacturing or construction business the effective date of the \$3.05 per hour minimum wage.
- c. Effective on January 1, 1997 and on every January 1 after that, the minimum wage in the CNMI shall be increased by 30 cents per hour until the minimum wage in the CNMI reaches the Federal minimum wage in Section 6(a)(1) of P.L. 75-718, as amended. P.L. 8-21 had required these annual increases of 30 cents per hour in the minimum wage in the CNMI until this minimum wage reached \$4.25 per hour, which was the Federal minimum wage until October 1, 1996, when it became \$4.75 per hour pursuant to Section 2104 of P.L. 104-188, which President Bill Clinton signed into law on August 20, 1996. However, in the CNMI, P.L. 10-13 repealed all of the increases in the minimum wage to amounts above \$3.05 per hour that had been enacted into law in P.L. 8-21, as amended by P.L. 8-34 and P.L. 9-73.

Federal control of the minimum wage in the CNMI was enacted into law in Section 8103 of Title VIII of P.L. 110-28, which President George W. Bush signed into law on May 25, 2007.

1997 April 18. The [CNMI] House of Representatives overrode the veto of H.B. 10-325, the Public Lands and Natural Resources Administration Act of 1977, and H.B. 10-325 became P.L. 10-57. Governor Froilan Tenorio had vetoed this bill on March 19, and the Senate overrode his veto of this bill on April 2. This bill repealed and replaced Chapter 13 Department of Natural Resources in P.L. 1-8, the Executive Branch Organization Act of 1978, which

became law on August 14, 1978, and repealed Section 306 Department of Lands and Natural Resources in Executive Order 94-3. P.L. 10-57 is in CMC Sections 2651 to 2661, 2681, and 2691.

P.L. 10-57 established the Department of Lands and Natural Resources headed by a Secretary “appointed by the Governor with the advice and consent of the Senate.” This Department is the successor of the Department of Natural Resources in Chapter 13 of P.L. 1-8 and the Department of Lands and Natural Resources in Section 306 of Executive Order 94-3, which Governor Froilan Tenorio issued on June 24, 1994 and which went into effect on August 23, 1994.

P.L. 10-57 established four divisions in the Department: Fish and Wildlife, Public Lands, Land Registration, and Zoning. Each division is headed by a Director.

The Division of Public Lands was “responsible for the management, use, and disposition of submerged lands off the coast of the Commonwealth, pursuant to the Submerged Lands Act [P.L. 1-23], as amended” and “of [public] surface lands of the Commonwealth, subject to the supervision of the Board of Public Lands.” P.L. 1-23 established the Board of Public Lands to oversee “public lands policy and administration.”

2003 August 7. In the case of CNMI v. United States, which was filed by the CNMI government in 1999, Judge Alex R. Munson of the U.S. District Court for the NMI ruled that the U.S. Government has “paramount rights in and powers over the waters extending seaward of [from] the ordinary low water mark on the . . . coast [of the Northern Mariana Islands] and the [submerged] lands, minerals, and other things of value underlying such waters” and that, because Section 101 of the Covenant states that “The Northern Mariana Islands upon termination of the Trusteeship Agreement will become . . . under the sovereignty of the United States of America”, “the United States [Government], under U.S. law, acquired ownership and paramount rights in the submerged lands and marine resources seaward of [from] the CNMI’s low-water mark at the termination of the U.N. Trusteeship”, which occurred on November 4, 1986 NMI time as stated in Presidential Proclamation 5564. Judge Munson based this decision on the “paramount rights doctrine” established by the U.S. Supreme Court on June 23, 1947 in United States v. California, in which the Supreme Court declared that “the Federal Government rather than the state [of California] has paramount rights in and power over” “the [submerged] lands, minerals and other things of value” under the Pacific Ocean for a distance seaward three nautical miles from “the ordinary low water mark on the coast of California.”

Based on all of the above rulings, Judge Munson declared unconstitutional as of November 4, 1986 NMI time P.L. 1-23, the Submerged Lands Act, which stated that “The Director of the [CNMI] Department of Natural Resources shall be responsible for the management, use and disposition of submerged lands” from “the ordinary high water mark” of “the coast of the Commonwealth” “to a distance of 200 nautical miles” seaward, and he declared unconstitutional P.L. 2-7, the Marine Sovereignty Act of 1980, which declared the following:

1. The CNMI has “sovereignty” over “its internal waters, archipelagic waters, and territorial sea, . . . as well as to their airspace, seabed, and subsoil, and the resources contained therein.”
2. The CNMI “has sovereign rights in the exclusive economic zone for the purpose of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living, of the seabed, subsoil, and superadjacent waters” of the exclusive economic zone, “and with regard to other activities for the economic exploitation of the zone, such as the production of energy from the water, currents, and winds.”
3. “The territorial sea of the Commonwealth” extends twelve miles seaward from “the archipelagic baselines” of the CNMI.
4. “The exclusive economic zone of the Commonwealth” extends from “the outer limit of the territorial sea” to “a distance of 200 miles from the nearest point of the [archipelagic] baselines” of the CNMI.

2005 February 24. The U.S. Court of Appeals for the Ninth Circuit upheld the decision of August 7, 2003 of Judge Alex R. Munson in the case of CNMI v. United States. The Court of Appeals based its decision in this case on the decisions of the U.S. Supreme Court on June 23, 1947 in United States v. California and on June 5, 1950 in United States v. Louisiana, especially the “paramount rights” (“paramountcy”) doctrine.

2009 July 15. The House of Representatives passed by a vote of 416-0 under suspension of the rules H.R. 934, which Congressman Gregorio Kilili Camacho Sablan introduced on February 10, 2009. This bill would amend P.L. 93-435, the Territorial Submerged Lands Act of 1974 (48 U.S.C. Section 1705), to include the CNMI in this law in order “to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give [the CNMI] . . . the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.” P.L. 93-435 as amended gave Guam, the Virgin Islands, and American Samoa jurisdiction

over submerged lands from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines” (from the ordinary low water mark) of the coasts of these territories.

The House Committee on Natural Resources approved this bill on June 10, 2009, and the Senate Committee on Energy and Natural Resources approved this bill on May 6, 2010. The Senate did not vote on this bill. In the next Congress, the House on October 3, 2011 passed an identical bill, H.R. 670, which Congressman Sablan had introduced on February 11, 2011, but the Senate did not vote on this bill. However, an almost identical version of these two bills was enacted into law in Section 1 of P.L. 113-34, which President Barack Obama signed into law on September 18, 2013.

2011 October 3. The House of Representatives passed by a vote of 397-0 under suspension of the rules H.R. 670, which Congressman Gregorio Kilili Camacho Sablan introduced on February 11, 2011. This bill would amend P.L. 93-435, the Territorial Submerged Lands Act of 1974 (48 U.S.C. Section 1705) to include the CNMI in this law in order to give the CNMI “the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.” P.L. 93-435 as amended gave Guam, the Virgin Islands, and American Samoa jurisdiction over submerged lands from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines” (from the ordinary low water mark) of the coasts of these territories. The House Committee on Natural Resources had approved this bill on June 15, 2011. However, the Senate did not vote on this bill.

In the next Congress, Congressman Sablan introduced on February 6, 2013 H.R. 573, which was almost identical to H.R. 670. H.R. 573 is Section 1 of P.L. 113-34, which President Barack Obama signed into law on September 18, 2013.

2013 February 7. Senators Ron L. Wyden of Oregon and Lisa Murkowski of Alaska, at the request of Congressman Gregorio Kilili Camacho Sablan, introduced S. 256, which would amend P.L. 93-435, the Territorial Submerged Lands Act of 1974 (48 U.S.C. Section 1705), to include the CNMI in this law in order “to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give [the CNMI] . . . the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.” P.L. 93-435 as amended gave Guam, the Virgin Islands, and American Samoa jurisdiction over submerged lands from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines”

(from the ordinary low water mark) of the coasts of these territories.

Ron Wyden was a Representative from 1981 to 1996 and he has been a Senator since 1996. He was the Chairman of the Senate Committee on Energy and Natural Resources from January 2013 to February 2014, and he was the Chairman of the Senate Finance Committee from February 2014 to January 2015. Lisa Murkowski has been a Senator since 2003, when she succeeded her father Frank H. Murkowski as a Senator. Lisa Murkowski has been the Chairwoman of the Senate Committee on Energy and Natural Resources since 2015. Frank H. Murkowski was a Senator from 1981 to 2002, the Chairman of the Senate Committee on Energy and Natural Resources from 1995 to 2001, and the Governor of Alaska from 2002 to 2006.

2013 May 15. The U.S. House of Representatives passed by a voice vote under suspension of the rules H.R. 573, that Congressman Gregorio Camacho Sablan introduced on February 6. This bill would amend P.L. 93-435, the Territorial Submerged Lands Act of 1974 (48 U.S.C. Section 1705), to include the CNMI in this law in order “to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give [the CNMI] . . . the same benefits in its submerged land as Guam, the Virgin Islands, and American Samoa have in their submerged lands.” P.L. 93-435 as amended gave Guam, the Virgin Islands, and American Samoa jurisdiction over submerged lands from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines” (from the ordinary low water mark) of the coasts of these territories. The House Committee on Natural Resources had approved this bill on April 24, 2013.

2013 June 27. Senators Ron Wyden of Oregon and Lisa Murkowski of Alaska, at the request of Delegate Gregorio Kilili Camacho Sablan, introduced S. 1237, the Omnibus Territories Act of 2013. This bill was similar to H.R. 2200, which Delegate Sablan introduced on May 23, 2013 and which was cosponsored by Delegates Madeleine Z. Bordallo of Guam, Donna M. Christensen of the Virgin Islands, and Eni Faleomavaega of American Samoa. Ron Wyden, a Democrat, has been a Senator since 1996 and has been the ranking Democrat on the Senate Finance Committee since 2015. He was a Representative from 1981 to 1996, the Chairman of the Senate Committee on Energy and Natural Resources from 2013 to 2014, and the Chairman of the Senate Finance Committee from 2014 to 2015. Lisa Murkowski, a Republican, has been a Senator since 2003 and the Chairwoman of the Senate Committee on Energy and Natural Resources since 2015.

S. 1237 and H.R. 2200 as introduced both contained provisions that affected the CNMI, Guam, American Samoa, the Virgin Islands, and Puerto Rico. The

provisions in both bills that specifically affected the CNMI were Sections 3, 4, and 5, which were as follows:

1. Section 3 gave to the CNMI the same ownership and rights in the three-mile territorial sea that Guam had. Section 3 was the same as Section 1 of H.R. 573, which Congressman Sablan introduced on February 6, 2013, and Section 1 of P.L. 113-34, which President Obama signed into law on September 18, 2013.
2. Section 4 postponed the annual increases in the minimum wage in the CNMI that were scheduled to occur on September 30, 2013 and September 30, 2015. Section 4 was enacted into law in Section 2 of P.L. 113-34.
3. Section 5 extended for five years, from December 31, 2014 to December 31, 2019, the CNMI-only CW-1 non-immigrant worker transitional program, the CNMI-only non-immigrant long-term investor program, and the exemption for Guam and the CNMI from the numerical limitations for non-immigrant workers under the H-visa programs. These extensions were enacted into law in Section 10 of P.L. 113-235, the Consolidated and Further Continuing Appropriations Act for fiscal year 2015, which President Obama signed into law on December 16, 2014. Section 5 also made amendments to the annual supplemental education fee of \$150 for each CW-1 worker that was established in Section 6(a)(6) of the CNMI Covenant. This Section 6 was enacted into law in Section 702 of P.L. 110-229, the Consolidated Natural Resources Act of 2008, which President George W. Bush signed into law on May 8, 2008. The main amendment in Section 5 to Section 6(a)(6) required that each fiscal year, before the money from the \$150 fee could be transferred in that fiscal year from the U.S. Treasury to the Treasury of the CNMI Government, the CNMI Government must provide to the Secretary of Homeland Security three documents: “a plan for the expenditure of [these] funds, a projection of the effectiveness of these expenditures in the placement of United States workers into jobs, and a report on the changes in employment of United States workers” as a result of these expenditures in the previous fiscal year.
4. Section 6 of S. 1237 and H.R. 2200 required the Secretary of the Interior to establish teams of “technical, policy, and financial experts to develop an energy action plan addressing the energy needs of each of the insular areas and [the] Freely Associated States, and to assist each of the insular areas and [the] Freely Associated States in

implementing such plan.” Section 6 defined the “insular areas” to be American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, Guam, and the Virgin Islands.” The goals of the energy action plan were to “reduce reliance and expenditures on imported fossil fuels; develop indigenous non-fossil fuel energy sources; and improve performance of energy infrastructure and overall energy efficiency.” This Section 6, as amended by the Senate Committee on Energy and Natural Resources on December 19, 2013, was enacted into law in Section 9 of P.L. 113-235, which President Obama signed into law on December 16, 2014.

The Senate amended and passed S. 1237 on June 18, 2014. However, the House of Representatives never voted on this bill.

2013 June 27. The U.S. Senate Committee on Energy and Natural Resources reported out to the Senate S. 256, which originally was the same as H.R. 573, with an amendment that postponed the increases in the minimum wage in the CNMI that would have occurred in September 2013 and September 2015 under P.L. 110-28. This amendment was introduced at the request of Congressman Gregorio C. Sablan. S. 256 was introduced in the Senate on February 7 by Senator Ron Wyden of Oregon at the request of Congressman Gregorio C. Sablan, and it was co-sponsored by Senator Lisa Murkowski of Alaska. At that time, Senator Wyden was the Chairman of the Senate Committee on Energy and Natural Resources, and Senator Murkowski, a Republican, was the ranking minority member of this committee.

2013 August 1. The U.S. Senate passed S. 256 with the amendment concerning the minimum wage in the CNMI that the Senate Committee on Energy and Natural Resources had approved on June 27, 2013. S. 256 was introduced on February 7, 2013.

2013 September 10. The U.S. House of Representatives by a vote of 415-0 passed S. 256 with the amendment concerning the minimum wage in the CNMI. This amendment was approved by the Senate Committee on Energy and Natural Resources on June 27, 2013.

2013 September 18. President Obama signed into law as P.L. 113-34 S. 256, which amended P.L. 93-435 to give the Government of the CNMI the same rights to submerged lands that Guam, the Virgin Islands, and American Samoa have. This means that these four insular areas have “all right, title and interest” in and to “the submerged lands” from up to “the line of mean high tide and seaward to a line three geographical miles distant from the coastlines” (from the ordinary low water mark) of these territories (48 U.S.C. Section

1705(a)), with the exception of the exceptions listed in 48 U.S.C. Section 1705(b). Also, 48 U.S.C. Section 1705(d) gave to these four insular areas “all right, title, and interest of the United States in deposits of oil, gas, and other minerals in the submerged lands” that were conveyed to these four insular areas by 48 U.S.C. Section 1705(a). The Senate passed S. 256 on August 1 after the Senate Committee on Energy and Natural Resources had amended this bill on June 27. S. 256 was introduced on February 7, 2013.

2014 January 15. President Barack Obama signed Presidential Proclamation 9077, entitled “Reserving Certain Submerged Lands in the Commonwealth of the Northern Mariana Islands.” In this Proclamation, President Obama, pursuant to his authority in P.L. 93-435, which President Gerald R. Ford signed into law on October 5, 1974, as amended by P.L. 113-34, which President Obama signed into law on September 18, 2013, held back from transfer to the CNMI Government under P.L. 113-34 the submerged lands “extending three geographical miles seaward from the mean high tide line” off the coasts of Farallon de Pajaros (Uracas), Maug, and Asuncion in the Northern Islands, and the submerged lands from “the line of mean high tide and extending seaward . . . three geographical miles . . . from those areas of the coastline that are adjacent to the [U.S. military] leased lands” on the islands of Tinian and Farallon de Medinilla, as described in the Lease Agreement signed on January 6, 1983 by the CNMI Government, the Commonwealth Ports Authority, the Marianas Public Land Corporation, and the U.S. Government pursuant to Sections 802 and 803 of the Covenant. Farallon de Pajaros (Uracas), Maug, and Asuncion are the three northernmost islands in the NMI. Presidential Proclamation 8335, which established the Marianas Trench Marine National Monument and which President George W. Bush signed on January 6, 2009, included in the Marianas Trench Marine National Monument the waters and submerged lands extending up to “50 nautical miles from the mean low water line” along the coasts of these three islands.

Presidential Proclamation 9077 reserved to the Secretary of the Interior the authority to “convey the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion” that were held back from transfer to the CNMI Government in this Proclamation “when the Secretary [of the Interior], the Secretary of Commerce, and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement for coordination of management that ensures the protection of” the Marianas Trench Marine National Monument within this area. These submerged lands were transferred to the CNMI Government in December 2016 as a result of a Memorandum of Agreement between the CNMI Government, the U.S. Department of Commerce, and the U.S. Department of the Interior that was signed by Governor Ralph Torres on September 22, 2016 “for the

preservation and protection of the natural resources of the Marianas Trench Marine National Monument”, and a patent of transfer signed by Secretary of the Interior Sally Jewell on November 29, 2016 and signed by Governor Ralph Torres on December 21, 2016. (See Addendum I.)

2014 March 13. Secretary of the Interior Sally Jewell signed a patent giving the CNMI Government “all right, title, and interest of the United States” in and to the “deposits of oil, gas, and other minerals” in the submerged lands, “all right, title, and interest” in which had been conveyed to the Government of the CNMI by President Obama on January 16, 2014 (NMI time).

2014 March 27. Acting Assistant Secretary of the Interior for Insular Areas Lori Faeth presented to Governor Eloy S. Inos on Saipan the patent that Secretary of the Interior Sally Jewell had signed on March 13, and Gov. Eloy Inos signed the patent. This patent transferred rights to mineral deposits.

2014 March 27. Governor Eloy Inos signed into law as P.L. 18-42 S.B. 18-38, which was introduced by Senator Ray N. Yumul. This law assigned to the Department of Lands and Natural Resources the duty to “be responsible for the preservation, protection, and maintenance of public access of [to] Managaha” island, and the duty to “be responsible for the management, use and disposition of three miles of the submerged lands off the coast of the Commonwealth pursuant to the [CNMI] Submerged Lands Act, as amended and in conjunction with the U.S. Public Law 113-34.”

2016 September 22. Governor Ralph Torres signed a Memorandum of Agreement with the U.S. Department of Commerce and the U.S. Department of the Interior for the transfer to the CNMI of the submerged lands and minerals in the three-mile zone surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion pursuant to P.L. 113-34 signed by President Obama on September 18, 2013. Also signing this Memorandum of Agreement were Lori Faeth, who is the Deputy Assistant Secretary of the Interior for Policy and International Affairs, and Eileen Sobeck, who is the Assistant Administrator for Fisheries in the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. The Memorandum of Agreement includes the roles and responsibilities of the CNMI Government, NOAA, and the U.S. Fish and Wildlife Service of the Department of the Interior “for the preservation and protection of the natural resources of the Marianas Trench Marine National Monument”, which includes the waters extending “50 nautical miles from the mean low water line [ordinary low water mark] of Farallon de Pajaros (Uracas), Maug, and Asuncion.”

2016 November 29. U.S. Secretary of the Interior Sally Jewell signed a

patent that conveyed to the CNMI Government ownership of the submerged lands and the natural resources, including “oil, gas, and other minerals”, in the three-mile territorial waters zone surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion in the Northern Islands, which is within the Marianas Trench Marine National Monument, subject to the following conditions:

1. The CNMI Government must maintain in this area the “Federal conservation status” in the Marianas Trench Marine National Monument that was established in and pursuant to Presidential Proclamation 8335 entitled “Establishment of the Marianas Trench Marine National Monument”, which was issued by President George W. Bush on January 6, 2009, as implemented in the Memorandum of Agreement between the CNMI Government, the U.S. Department of the Interior, and the U.S. Department of Commerce signed on September 22, 2016. This Memorandum, which was signed by Governor Ralph Torres, includes the roles and responsibilities of the CNMI Government, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Fish and Wildlife Service of the Department of the Interior “for the preservation and protection of the natural resources of the Marianas Trench Marine National Monument” which includes the waters extending “50 nautical miles from the mean low water line [the ordinary low water mark] of Farallon de Pajaros (Uracas), Maug, and Asuncion.”
2. The CNMI Government “shall not authorize or allow commercial fishing or development on such [submerged] lands or in the navigable waters overlaying such [submerged] lands.” However, the CNMI Government has the right “to manage sustenance [subsistence], recreational, and traditional indigenous fishing” within the three-mile territorial waters zone surrounding these three islands.
3. The CNMI Government has the right “to conduct or to authorize third parties to undertake bona fide scientific research” within the three-mile territorial waters zone surrounding these three islands.
4. “After advance notice to the [CNMI Government] . . . , persons duly authorized by Secretary of the Interior or the Secretary of Commerce shall be allowed reasonable access to the” three-mile territorial waters zone surrounding the three islands “to ensure compliance with” the terms of this patent. Governor Ralph Torres signed this patent on December 21, 2016.

2016 December 21. Governor Ralph Torres signed a patent that conveyed to the Government the submerged lands and the natural resources, including “oil, gas, and other minerals in the submerged lands” in the three-mile territorial waters zone surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion, which are the northernmost of the Northern Islands. These three islands are the three islands listed in the “Islands Unit” in Presidential Proclamation 8335 of January 6, 2009, which President George W. Bush issued and which established Marianas Trench Marine National Monument. The conveyance of the submerged lands and natural resources in this patent is subject to conditions, including that the CNMI Government carry out its roles and responsibilities “for the preservation and protection of the natural resources of the Marianas Trench Marine National Monument” as stated in the Memorandum of Agreement that Governor Ralph Torres signed on September 22, 2016 with officials of the U.S. Department of the Interior and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

This patent was signed by U.S. Secretary of the Interior Sally Jewell on November 29, 2016. The signing of this patent is the last step so far in the implementation of P.L. 113-34, which President Barack Obama signed into law on September 18, 2013.

These three islands are already protected areas under Article XIV Section 2 of the NMI Constitution, which states that “The islands of Maug, Uracas, Asuncion, Guguan . . . shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife, and plant species.” (The first letters of the names of these four islands form the acronym GUAM.)

Appendix ADDENDUM I

Presidential Proclamation—Commonwealth of the Northern Mariana Islands PROCLAMATION 9077—RESERVING CERTAIN SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

January 15, 2014

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The submerged lands surrounding the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands are among the most biologically diverse in the Western Pacific, with relatively pristine coral reef ecosystems that have been proclaimed objects of scientific interest and reserved for their protection as the Islands Unit of the Marianas Trench Marine National Monument (marine national monument) by Proclamation 8335 of January 6, 2009. Certain submerged lands adjacent to the land leased by the United States of America on the islands of Tinian and Farallon de Medinilla under the Lease Agreement Made Pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, dated January 6, 1983, as amended (Lease) are essential for ensuring that United States forces forward deployed to the Western Pacific are adequately trained and ready to respond immediately and effectively to orders from the National Command Authority, and for ensuring the safety of citizens of the Commonwealth of the Northern Mariana Islands.

Certain of these submerged lands will be conveyed by the United States to the Government of the Commonwealth of the Northern Mariana Islands on January 16, 2014, pursuant to section 1(a) of Public Law 93-435, as amended by section 1 of Public Law 113-34 (the “Act”), unless the President designates otherwise pursuant to action 1(b)(vii) of the Act.

Now, Therefore, I, Barack Obama, President of the United States of America, by virtue of authority vested in me by section 1(b)(vii) of the Act, do hereby proclaim that the lands hereinafter described are excepted from transfer to the Government of the Commonwealth of the Northern Mariana Islands under section 1(a) of the Act:

The submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion permanently covered by tidal waters up to the mean low water line and extending three geographical miles seaward from the mean high tide line; and the submerged lands adjacent to the islands of Tinian and Farallon de Medinilla permanently or periodically covered by tidal waters up to the line of mean high tide and extending seaward to the line three geographical miles distant from those areas of the coastlin that are adjacent to the leased lands described in the Lease.

Nothing in this proclamation is intended to affect the authority of the Secretary of the Interior (Secretary) under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion when the Secretary, the Secretary of Commerce, and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement for coordination of management that ensures the protection of the marine national monument within the excepted area described above. Furthermore, nothing in this proclamation is intended to affect the authority of the Secretary under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the land leased by the United States on the islands of Tinian or Farallon de Medinilla when the Secretary of the Navy and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement that ensures protection of military training within the excepted area.

In Witness Whereof, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

BARACK OBAMA



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