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Eminent Domain and Related Provisions

Section 80[1]. (a) The United States recognizes and will respect the scarcity and special importance of land in the Northern Mariana Islands. At the time this Agreement was signed, the United States declared that it had no need or intention to acquire any interest in land in the Northern Mariana Islands [for national defense purposes] other than the interests in land which would be made available to it under this Agreement.

(b) The United States undertakes that, in the event it becomes necessary in the future for it to acquire any interest in land in the Northern Mariana Islands not made available to it under this Agreement, the United States shall:

(1) acquire, whether by voluntary means under Section 80[2] or by eminent domain under Section 80[3], the minimum amount of land necessary to accomplish the public purpose for which the land is sought; and

(2) acquire, whether by voluntary means under Section 80[2] or by eminent domain under Section 80[3], the minimum interest in land necessary to accomplish the public purpose for which the interest in land is sought, and shall

03-028831

not acquire title if the public purpose for which the land is sought can be accomplished if a lesser interest is obtained; and

(3) acquire, by voluntary means under Section 80[2] or by eminent domain under Section 80[3], an interest in public land of the Northern Mariana Islands rather than in private land whenever the public purpose for which the land is sought can be accomplished by the use of such public land; and

(4) in all cases attempt to acquire interests in land by voluntary means under Section 80[2] and will exercise the power of eminent domain under Section 80[3] only as a last resort.

Section 80[2]. The United States, its departments and agencies may, in accordance with law and upon notice to the Government of the Commonwealth, acquire for public purposes any interests in land in the Commonwealth, whether owned or controlled by private parties or by the Government of the Commonwealth, by purchase, lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties.

Section 80[3]. (a) The United States shall have and may exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has

and can exercise the power of eminent domain in a State of the Union, provided however that in addition to all other requirements of law the United States shall not exercise the power of eminent domain to acquire any interest in land within the Commonwealth until the Congress of the United States has by law explicitly authorized and approved the exercise of the power of eminent domain to obtain a particular interest in a particular parcel of land in the Commonwealth.

(b) Notwithstanding the provisions of Subsection (a) of this Section, upon a determination by the President that an interest in land in the Commonwealth is needed for national defense purposes, the United States may take such an interest in land by eminent domain to the same extent and in the same manner as it can take an interest in land in eminent domain in a State of the Union, ~~provided however that~~ no interest in land taken by eminent domain pursuant to this ~~Subsection~~ shall extend beyond six months, at the end of which period the interest in land shall revert to the original owner thereof, unless the United States shall have obtained a greater interest in such land by voluntary means under Section 80[2], or by eminent domain in accordance with Subsection (a) of this Section. The authority of the United States under ^{the first sentence of} this Subsection may not be exercised with respect to a particular parcel of land unless six months or more has elapsed since the most recent exercise of this authority with respect to such parcel.

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