

Section 801. (a) All right, title and interest in and to real and personal property in the Northern Mariana Islands owned or held by the Government of the Trust Territory of the Pacific Islands will be transferred to the Government of the Northern Mariana Islands upon the effective date of this Section; provided however, that the President may exclude therefrom, for a period not to extend beyond termination of the Trusteeship Agreement, such right, title and interest in and to such real or personal property as is necessary for active use by the Government of the Trust Territory in the administration thereof. The Government of the Northern Mariana Islands will take such right, title and interest subject to the valid claims and rights or interests of others respecting such property.

(b) The Government of the United States will cause all agreements between it and the Government of the Trust Territory which grant to the Government of the United States use or other rights in real property located within the Northern Mariana Islands, other than property described in Section 802, to be terminated upon or before the approval of this Agreement.

Section 802. The Government of the Northern Mariana Islands will make available to the United States by lease in

accordance with this Article the following property to enable the Government of the United States to carry out its defense responsibilities:

(a) On Tinian Island, approximately 17,475 acres and the water immediately adjacent thereto;

(b) On Saipan Island, approximately 482 acres adjacent to Isely Field, together with the continued joint use of Isely Field, and approximately 197 acres at Tanapag Harbor;

(c) On Farallon de Mendinilla Island, approximately 229 acres encompassing the entire island, and the water immediately adjacent thereto.

[Covenant Sections 701, 702(a) (except for the second sentence of (a)(2)) and (b), and 703(c)]

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DRAFT/MSH

Section 803. (a) The United States will recognize and will respect the scarcity and special importance of land in the Northern Mariana Islands. In the event it should become necessary for the Government of the United States to acquire an interest in land not made available to it under this Agreement, the United States Government, whether by voluntary means under Subsection (b) or involuntary means under Subsection (c) will:

(1) acquire only the minimum amount of land necessary to accomplish the public purpose for which the land is needed; and

(2) acquire the minimum interest in land necessary to accomplish the public purpose, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained; and

(3) acquire an interest in public rather than in private land whenever the public purpose can be accomplished by the use of such public land.

(b) The United States may, upon notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with the established federal laws and pro-

cedures any interest in land in the Northern Mariana Islands, whether owned or controlled by private parties or by the Government of the Northern Mariana Islands, by purchase lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties. The United States Government will in all cases attempt to acquire any interest in land for public purposes by voluntary means under this Subsection before exercising the power of eminent domain under Subsection (c).

(c) (1) In the event it is not possible for the United States to obtain an interest in land for public purposes by voluntary means, it will 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 the United States will 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 approved the exercise of the power of eminent domain to obtain a particular interest in a particular parcel of land in the Commonwealth.

(2) Notwithstanding the provisions of Subsection (c)(1) 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 interest in land by eminent domain to the same extent and in the same manner as it can take an interest in land by eminent domain in a State of the Union. No interest in land taken pursuant to the preceding sentence will extend beyond nine months, and at the end of such period, the interest in land will revert to the original owner thereof, unless the United States shall have obtained an interest in such land in accordance with Subsections (b) or (c) (1). The authority of the United States under the first sentence of this Subsection (c) (2) will 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.

Section 804. In view of the importance of the ownership of land for the culture and traditions of the people of the Northern Mariana Islands, in order to protect against exploitation, and in order to promote economic advancement and self-sufficiency, the Government of the Northern Mariana Islands will be empowered to regulate the alienation of interests in real property so as to restrict the acquisition of such interests to persons of [Northern Mariana Islands ancestry] [Marianan descent], notwithstanding the provisions of Article V, except as otherwise provided in this Article VIII.