

In general, the United States has adopted an ambiguous and ambivalent stance toward the legal status of the Pacific Trust Territory. Some U.S. laws treat it as part of the U.S.; others do not. (See Whiteman, Digest of International Law, Vol. 4, pp. 769-839, especially pp. 777-788.) For example, the Narcotics Control Act of 1956 provides that for the purposes of that law the term "United States" includes, inter alia, the Trust Territory of the Pacific Islands.

The most recent U.S. court case applied U.S. law to the Trust Territory. On October 5, the U.S. District Court for the District of Hawaii issued a preliminary injunction barring the Air Force from continuing some experiments in the Marshall Islands. The Court ruled that the Air Force had not prepared an environmental impact statement, as it was required to do under the National Environmental Policy Act. The case is briefly reported in the Environmental Reporter and not yet in F. Supp. The exact basis for the decision is not clear. On reading NEPA quickly, it would seem that the Act might cover activities by the U.S. agencies even outside the United States; hence, this case might not be a very helpful precedent.

There is some analogous case law under the Federal Tort Claims Act. The Act excludes from its coverage "any claim arising in a foreign country." (28 USC § 2680 (k))