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Section ____ . Applicable Laws

(a). Until the enactment of the legislation envisaged by Article ____, Section ____ [Statutory Commission] the following laws of the United States shall be applicable to the Commonwealth of the Marianas:

- (1) The laws of the United States expressly made applicable to the Commonwealth of the Marianas;
- (2) The laws of the United States applicable to the Trust Territory of the Pacific Islands;
- (3) The laws of the United States applicable to the territory of Guam in the same manner and to the same extent as though those laws are applicable in the several states;
- (4) The term "laws of the United States" includes statutes, joint resolutions, treaties and Executive agreements, proclamations, Executive orders, judicial decisions, and regulations issued by the several departments, agencies, and regulatory commissions.

(b). The laws of the Trust Territory of the Pacific Islands, the Marianas District Legislature, of local municipalities and all other executive and district orders of a local nature now applicable to the Mariana Islands District shall remain in force and effect until and unless repealed or amended by the Commonwealth of the Marianas.

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To assist the Status Commission in assessing the practical consequences of such a "general formula" approach, this memorandum examines the legal consequences of adopting a general formula to govern the application of existing United States federal law in the Marianas. At issue is whether any such general formula will adequately protect the interests of the Marianas in ^{the} ~~any~~ application of existing federal law upon

*/ The December 19, 1973 Joint Communique also stated that "at an appropriate time" after the signing of the Status Agreement, a Joint Commission would study the relevant federal legislation and make recommendations to the U.S. Congress "regarding the future applicability of such legislation in the Marianas."

the termination of the U.S. trusteeship, or in any earlier transitional period. *Disick*
~~attached to this memorandum are separate~~

The manner in which federal law may be applied in this interim period is likely to be a crucial one for the reasons outlined in our Memorandum for the Marianas Political Status Commission of November 16, 1973.^{*/} In particular, two considerations must be observed in any decision on the acceptability of a general formula approach. First, the application of federal law under a general formula must not infringe on the goal of providing the Marianas with a maximum of local self-government. Second, a general formula approach must insure that the Marianas be able to participate to the maximum extent possible in existing federal grant and other financial assistance programs.

As we discussed in our memorandum of November 16, 1973 to the Status Commission, there appear to be certain advantages

^{*/} That memorandum was entitled General Report on the Applicability of Federal Laws on the Marianas. As set out in detail in that memorandum, these reasons center on three considerations: (1) the main body of federal law will be applied for the first time to the Marianas on the creation of the new political status now being negotiated. ~~Unlike Guam or Puerto Rico when they received their present status, the Marianas is not now subject to most of the Federal Code;~~ (2) since there is no guarantee that Congress will promptly implement the recommendations of the proposed Joint Commission regarding the applicability of federal laws, the initial application of those laws may well establish the federal legal framework in the Marianas for a considerable period; and (3) until the status agreement is signed and approved, the application of federal laws is a subject of negotiation; consequently, the Marianas may have the best opportunity for influencing the application of federal laws at this initial stage.