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Proposed Elaboration of the Sense of  
the Congress Resolution Recommended  
by the Committee on Foreign Relations  
as an Amendment of H.J.Res.549

In response to a question or otherwise, Senator Javits may wish to explain further the resolution proposed by him as an amendment to H.J.Res.549. The particular problem of concern to both the negotiating parties is that the language of the Committee report at page 14 suggests that the resolution is intended to give the Northern Marianas people "the option to review their decision" to become a Commonwealth under U.S. sovereignty. Although the resolution itself is in no way inconsistent with the provisions of the Covenant, this explanatory language in the report, particularly if amplified uncritically during the floor debate, may give rise to undesirable ambiguity regarding the meaning of the resolution and its effect upon the Section 105 of the Covenant providing that the fundamental provisions of the Covenant may be modified only by mutual consent of the United States and the Northern Marianas. Either of the following statements (or some variation or combination of them) might be helpful in avoiding this ambiguity:

Alternative #1: The resolution which I have proposed would, if approved, provide further assurance that the United States intends to follow the procedures set forth in Section 902

for joint consultation between the United States and the Northern Marianas. The resolution makes clear that Congress believes that the United States should take the initiative in invoking these procedures, without waiting for any request from the Northern Marianas. In light of the importance of the new status to both the United States and the Northern Marianas, such an initiative by the United States seems highly appropriate and that is the purpose of the proposed resolution.

Alternative #2: The resolution is simply designed to reflect the view of Congress that the joint consultation procedures set forth in Section 902 of the Covenant are very important and should be invoked by the United States at the appropriate time. The negotiators wisely recognized that undoubtedly some problems might arise in the years ahead regarding the implementation of the Covenant. Section 902 is designed to ensure regular discussions between the United States and the Northern Marianas aimed at achieving joint solutions regarding any such problems. The resolution is not intended to alter any of the provisions of the Covenant, but rather to provide additional evidence of our support for the approach set forth in Section 902.