

104TH CONGRESS
2D SESSION

H. R. 3024

To provide a process leading to full self-government for Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1996

Mr. YOUNG of Alaska (for himself, Mr. GALLEGLY, Mr. GINGRICH, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. RAHALL, Mr. ROMERO-BARCELÓ, Mr. GILMAN, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. CALVERT, Mr. LONGLEY, Mr. GENE GREEN of Texas, Mr. DEUTSCH, and Mr. KLINK) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a process leading to full self-government for
Puerto Rico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United States-Puerto Rico Political Status Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Findings.
- Sec. 3. Policy.
- Sec. 4. Process for Puerto Rican full self-government, including the initial decision stage, transition stage, and implementation stage.
- Sec. 5. Requirements relating to referenda, including inconclusive referendum and applicable laws.
- Sec. 6. Congressional procedures for consideration of legislation.
- Sec. 7. Availability of funds for the referenda.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Puerto Rico is an unincorporated and lo-
 4 cally self-governing territory of the United States,
 5 ceded to the United States and under this Nation's
 6 sovereignty pursuant to the Treaty of Paris ending
 7 the Spanish-American War in 1898. Article IX of
 8 the Treaty of Paris expressly recognizes the author-
 9 ity of Congress to provide for the political status of
 10 the inhabitants of the territory.

11 (2) United States citizenship was extended to
 12 Puerto Rico in 1917, as well as partial application
 13 of the United States Constitution.

14 (3) In the period 1950–1952, Congress author-
 15 ized, amended, and then approved a constitution for
 16 Puerto Rico's local government, which is now called
 17 the “Commonwealth of Puerto Rico”, without alter-
 18 ing the territory's fundamental economic, political,
 19 and legal relationship with the United States.

20 (4) In the 1989 State of the Union Message,
 21 President George Bush urged the Congress to take

1 the necessary steps to authorize a federally recog-
2 nized process allowing the people of Puerto Rico, for
3 the first time since the Treaty of Paris entered into
4 force, to freely express their wishes regarding their
5 future political status in a congressionally recognized
6 referendum, a step in the process of self-determina-
7 tion which the Congress has yet to authorize.

8 (5) In November of 1993, the Government of
9 Puerto Rico conducted a plebiscite initiated under
10 local law on Puerto Rico's political status. In that
11 vote none of the three status propositions received a
12 majority of the votes cast. The results of that vote
13 were: 48.6 percent commonwealth, 46.3 percent
14 statehood, and 4.4 percent independence.

15 (6) In 1994, President William Jefferson Clin-
16 ton established the Executive Branch Interagency
17 Working Group on Puerto Rico to coordinate the re-
18 view, development, and implementation of executive
19 branch administrative policy concerning Puerto Rico
20 in light of the November 1993 plebiscite in the is-
21 lands.

22 (7) There have been inconsistent and conflicting
23 interpretations of the 1993 plebiscite results, and
24 under the Territorial Clause of the Constitution (ar-
25 ticle IV, section 3, clause 2), Congress has the au-

1 thority and responsibility to determine Federal pol-
2 icy and clarify status issues in order to advance the
3 self-determination process in Puerto Rico.

4 (8) On December 14, 1994, the Puerto Rico
5 Legislature enacted Concurrent Resolution 62, which
6 requested the 104th Congress to respond to the re-
7 sults of the 1993 Puerto Rico Status Plebiscite and
8 to indicate the next steps in resolving Puerto Rico's
9 political status.

10 (9) Nearly 4,000,000 United States citizens live
11 in the islands of Puerto Rico, which have been with-
12 in the American political system and the United
13 States customs territory for almost 100 years, mak-
14 ing Puerto Rico the oldest, largest, and most popu-
15 lous United States island territory at the southeast-
16 ern-most boundary of our Nation, located astride the
17 strategic shipping lanes of the Atlantic Ocean and
18 Caribbean Sea.

19 (10) Full self-government for Puerto Rico is at-
20 tainable only through establishment of a political
21 status either without or within United States sov-
22 ereignty, under which Puerto Rico is no longer an
23 unincorporated territory subject to the plenary au-
24 thority of Congress arising from the Territorial
25 Clause.

1 **SEC. 3. POLICY.**

2 In recognition of the significant level of local self-gov-
3 ernment which has been attained by Puerto Rico, and the
4 desire by both the United States and Puerto Rico to en-
5 able the people of the territory to achieve full self-govern-
6 ment through a self-determination process consistent with
7 United States and internationally recognized standards,
8 this Act is adopted with a commitment to encourage the
9 mutual development and implementation of procedures to
10 determine the political status of Puerto Rico.

11 **SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERN-**
12 **MENT, INCLUDING THE INITIAL DECISION**
13 **STAGE, TRANSITION STAGE, AND IMPLEMEN-**
14 **TATION STAGE.**

15 (a) INITIAL DECISION STAGE.—A referendum on
16 Puerto Rico’s political status shall be held not later than
17 December 31, 1998. The referendum shall be held in ac-
18 cordance with the applicable provisions of Puerto Rico’s
19 electoral law and other relevant statutes, and approval
20 must be by a majority of the valid votes cast. The referen-
21 dum shall be on the following question:

22 “Which path leading to full self-government for Puer-
23 to Rico do you prefer to be developed through a transition
24 plan enacted by the Congress and approved by the people
25 of Puerto Rico?

1 “(1) A path of separate Puerto Rican sov-
2 ereignty leading to independence or free association,
3 in which—

4 “(A) Puerto Rico is a sovereign nation
5 with full authority and responsibility for its in-
6 ternal and external affairs, exercising in its own
7 name and right the powers of government with
8 respect to its territory and population, language
9 and culture, and determining its own relations
10 and participation in the community of nations;

11 “(B) a negotiated treaty of friendship and
12 cooperation or an international bilateral pact of
13 free association terminable at will by either
14 Puerto Rico or the United States, defines fu-
15 ture relations between Puerto Rico and the
16 United States, providing for cooperation and
17 assistance in matters of shared interest as
18 agreed and approved by Puerto Rico and the
19 United States pursuant to this Act and their re-
20 spective constitutional processes;

21 “(C) a constitution democratically insti-
22 tuted by the people of Puerto Rico, establishing
23 a republican form of full self-government and
24 securing the rights of citizens of the Puerto
25 Rican nation, is the supreme law, and the Con-

stitution and laws of the United States no longer apply in Puerto Rico;

“(D) Puerto Rico exercises the sovereign power to determine and control its own nationality and citizenship, and United States nationality and citizenship conferred on the people of Puerto Rico based upon birth in the territory during the period in which the United States exercised sovereignty and jurisdiction over Puerto Rico is withdrawn in favor of Puerto Rican nationality and citizenship, and the United States Congress has authority to prescribe criteria for affected individuals to establish eligibility for retention of United States nationality and citizenship or naturalization in the United States on a basis which does not create an exception to the establishment and preservation of separate United States and Puerto Rican nationality and citizenship;

“(E) upon recognition of Puerto Rico by the United States as a sovereign nation and establishment of government-to-government relations on the basis of comity and reciprocity, Puerto Rico’s representation to the United States is accorded full diplomatic status;

1 “(F) Puerto Rico is eligible for United
2 States assistance provided on a government-to-
3 government basis, including foreign aid or pro-
4 grammatic assistance, at levels determined at
5 the discretion of Congress and the President;

6 “(G) property rights and previously ac-
7 quired rights vested by employment in Puerto
8 Rico or the United States are honored, and
9 where determined necessary such rights are
10 promptly adjusted and settled consistent with
11 government-to-government agreements imple-
12 menting the separation of sovereignty; and

13 “(H) Puerto Rico is outside the customs
14 territory of the United States, and trade be-
15 tween the United States and Puerto Rico is
16 based on a treaty.

17 “(2) A path under United States sovereignty
18 leading to statehood, in which—

19 “(A) the people of Puerto Rico are fully
20 self-governing with their rights secured under
21 the United States Constitution, which is the su-
22 preme law and has the same force and effect as
23 in the other States of the Union;

24 “(B) the sovereign State of Puerto Rico is
25 in permanent union with the United States, and

1 powers not delegated to the Federal Govern-
2 ment or prohibited to the States by the United
3 States Constitution are reserved to the people
4 of Puerto Rico or the State Government;

5 “(C) United States citizenship of those
6 born in Puerto Rico is guaranteed and pro-
7 tected to the same extent as those born in the
8 several States;

9 “(D) residents of Puerto Rico have equal
10 rights and benefits as well as equal duties and
11 responsibilities of citizenship, including payment
12 of Federal taxes, as those in the several States;

13 “(E) Puerto Rico is represented in the
14 United States Senate and the House of Rep-
15 resentatives proportionate to the population;

16 “(F) Puerto Rico is enfranchised to vote
17 for United States presidential and vice-presi-
18 dential electors proportionate to the population;
19 and

20 “(G) Puerto Rico adheres to the same lan-
21 guage requirement as in the several States.”.

22 (b) TRANSITION STAGE.—

23 (1) PLAN.—Within 180 days of the receipt of
24 the results of the referendum from the Government
25 of Puerto Rico certifying approval of a ballot choice

1 in a referendum held pursuant to subsection (a), the
2 President shall submit to Congress legislation for a
3 transition plan of 10 years minimum which leads to
4 full self-government for Puerto Rico consistent with
5 the terms of this Act and in full consultation with
6 leaders of the three branches of the Government of
7 Puerto Rico, the principal political parties of Puerto
8 Rico, and other interested persons as may be appro-
9 priate.

10 (2) CONGRESSIONAL CONSIDERATION.—The
11 plan shall be considered by the Congress in accord-
12 ance with section 6.

13 (3) PUERTO RICAN APPROVAL.—

14 (A) Not later than 180 days after enact-
15 ment of an Act pursuant to paragraph (1) pro-
16 viding for the transition to full self-government
17 for Puerto Rico as approved in the initial deci-
18 sion referendum held under subsection (a), a
19 referendum shall be held under the applicable
20 provisions of Puerto Rico's electoral law on the
21 question of approval of the transition plan.

22 (B) Approval must be by a majority of the
23 valid votes cast. The results of the referendum
24 shall be certified to the President of the United
25 States by the Government of Puerto Rico.

1 (4) EFFECTIVE DATE FOR TRANSITION PLAN.—

2 Upon receipt of the results of the referendum under
3 this subsection certifying approval of the transition
4 plan, the President of the United States shall issue
5 a proclamation announcing the effective date of the
6 transition plan to full self-government for Puerto
7 Rico.

8 (c) IMPLEMENTATION STAGE.—

9 (1) PRESIDENTIAL RECOMMENDATION.—Not
10 less than two years prior to the end of the period
11 of the transition provided for in the transition plan
12 approved under subsection (b), the President shall
13 submit to Congress legislation with a recommenda-
14 tion for the implementation of full self-government
15 for Puerto Rico consistent with the ballot choice ap-
16 proved under subsection (a).

17 (2) CONGRESSIONAL CONSIDERATION.—The
18 plan shall be considered by the Congress in accord-
19 ance with section 6.

20 (3) PUERTO RICAN APPROVAL.—

21 (A) Within 180 days after enactment of
22 the terms of implementation for full self-govern-
23 ment for Puerto Rico, a referendum shall be
24 held under the applicable provisions of Puerto
25 Rico's electoral laws on the question of the ap-

1 proval of the terms of implementation for full
2 self-government for Puerto Rico.

3 (B) Approval must be by a majority of the
4 valid votes cast. The results of the referendum
5 shall be certified to the President of the United
6 States by the Government of Puerto Rico.

7 (4) EFFECTIVE DATE OF FULL SELF-GOVERN-
8 MENT.—The President of the United States shall
9 issue a proclamation announcing the date of imple-
10 mentation of full self-government for Puerto Rico,
11 upon receipt of the results of the referendum certify-
12 ing approval of the terms of implementation.

13 **SEC. 5. REQUIREMENTS RELATING TO REFERENDA, IN-**
14 **CLUDING INCONCLUSIVE REFERENDUM AND**
15 **APPLICABLE LAWS.**

16 (a) APPLICABLE LAWS.—

17 (1) REFERENDA UNDER PUERTO RICAN
18 LAWS.—The referenda held under this Act shall be
19 conducted in accordance with the laws of Puerto
20 Rico, and voter eligibility for residents and non-
21 residents shall be determined by the Puerto Rico
22 State Election Commission.

23 (2) FEDERAL LAWS.—The Federal laws appli-
24 cable to the election of the Resident Commissioner
25 of Puerto Rico shall, as appropriate, also apply to

1 the referenda. Any reference in such Federal laws to
2 elections shall be considered, as appropriate, to be a
3 reference to the referenda, unless it would frustrate
4 the purposes of this Act.

5 (b) CERTIFICATION OF REFERENDA RESULTS.—The
6 results of each referendum held under this Act shall be
7 certified to the President of the United States and the
8 Senate and House of Representatives of the United States
9 by the Government of Puerto Rico.

10 (c) CONSULTATION AND RECOMMENDATIONS FOR IN-
11 CONCLUSIVE REFERENDUM.—

12 (1) IN GENERAL.—If a referendum provided in
13 this Act does not result in approval of a fully self-
14 governing status, the President, in full consultation
15 with leaders of the three branches of the Govern-
16 ment of Puerto Rico, the principal political parties
17 of Puerto Rico, and other interested persons as may
18 be appropriate, shall make recommendations to the
19 Congress within 180 days of receipt of the results of
20 the referendum.

21 (2) EXISTING STRUCTURE TO REMAIN IN EF-
22 FECT.—If the inhabitants of the territory do not
23 achieve full self-governance through either integra-
24 tion into the Union or separate sovereignty in the
25 form of independence or free association, Puerto

1 Rico will remain an unincorporated territory of the
2 United States, subject to the authority of Congress
3 under Article IV, Section 3, Clause 2 of the United
4 States Constitution. In that event, the existing Com-
5 monwealth of Puerto Rico structure for local self-
6 government will remain in effect, subject to such
7 other measures as may be adopted by Congress in
8 the exercise of it's Territorial Clause powers to de-
9 termine the disposition of the territory and status
10 of it's inhabitants.

11 **SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDER-**
12 **ATION OF LEGISLATION.**

13 (a) IN GENERAL.—The Chairman of the Committee
14 on Energy and Natural Resources shall introduce legisla-
15 tion providing for the transition plan under section 4(b)
16 and the implementation recommendation under section
17 4(c), as appropriate, in the United States Senate and the
18 Chairman of the Committee on Resources shall introduce
19 such legislation in the United States House of Representa-
20 tives, providing adequate time for the consideration of the
21 legislation pursuant to the following provisions:

22 (1) At any time after the close of the 180th cal-
23 endar day beginning after the date of introduction of
24 such legislation, it shall be in order for any Member
25 of the United States House of Representatives or

1 the United States Senate to move to discharge any
2 committee of that House from further consideration
3 of the legislation. A motion to discharge shall be
4 highly privileged, and debate thereon shall be limited
5 to not more than two hours, to be divided equally
6 between those supporting and those opposing the
7 motion. An amendment to the motion shall not be in
8 order, and it shall not be in order to move to recon-
9 sider the vote by which the motion was agreed to or
10 disagreed to.

11 (2) At any time after the close of the 14th leg-
12 islative day beginning after the last committee of
13 that House has reported or been discharged from
14 further consideration of such legislation, it shall be
15 in order for any Member of that House to move to
16 proceed to the immediate consideration of the legis-
17 lation (such motion not being debatable), and such
18 motion is hereby made of high privilege. An amend-
19 ment to the motion shall not be in order, and it shall
20 not be in order to move to reconsider the vote by
21 which the motion was agreed to or disagreed to. For
22 the purposes of this paragraph, the term “legislative
23 day” means a day on which the United States
24 House of Representatives or the United States Sen-
25 ate, as appropriate, is in session.

1 (b) COMMITMENT OF CONGRESS.—Enactment of this
 2 section constitutes a commitment that the United States
 3 Congress will vote on legislation establishing appropriate
 4 mechanisms and procedures to implement the political sta-
 5 tus selected by the people of Puerto Rico.

6 (c) EXERCISE OF RULEMAKING POWER.—The provi-
 7 sions of this section are enacted by the Congress—

8 (1) as an exercise of the rulemaking power of
 9 the Senate and the House of Representatives and, as
 10 such, shall be considered as part of the rules of each
 11 House and shall supersede other rules only to the
 12 extent that they are inconsistent therewith; and

13 (2) with full recognition of the constitutional
 14 right of either House to change the rules (so far as
 15 they relate to the procedures of that House) at any
 16 time, in the same manner, and to the same extent
 17 as in the case of any other rule of that House.

18 **SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.**

19 (a) IN GENERAL.—

20 (1) AVAILABILITY OF AMOUNTS DERIVED FROM
 21 TAX ON FOREIGN RUM.—During the period begin-
 22 ning on October 1, 1996, and ending on the date the
 23 President determines that all referenda required by
 24 this Act have been held, the Secretary of the Treas-
 25 ury, upon request from time to time by the Presi-

1 dent and in lieu of covering amounts into the treas-
2 ury of Puerto Rico under section 7652(e)(1) of the
3 Internal Revenue Code of 1986, shall make such
4 amounts available to the President for the purposes
5 specified in subsection (b).

6 (2) USE OF UNEXPENDED AMOUNTS.—Follow-
7 ing each referendum required by this Act and after
8 the end of the period specified in paragraph (1), the
9 President shall transfer all unobligated and unex-
10 pended amounts received by the President under
11 paragraph (1) to the treasury of Puerto Rico for use
12 in the same manner and for the same purposes as
13 all other amounts covered into the treasury of Puer-
14 to Rico under such section 7652(e)(1).

15 (b) GRANTS FOR CONDUCTING REFERENDA AND
16 VOTER EDUCATION.—From amounts made available
17 under subsection (a)(1), the President shall make grants
18 to the State Elections Commission of Puerto Rico for
19 referenda held pursuant to the terms of this Act, as fol-
20 lows:

21 (1) 50 percent shall be available only for costs
22 of conducting the referenda.

23 (2) 50 percent shall be available only for voter
24 education funds for the central ruling body of the
25 political party or parties advocating a particular bal-

1 lot choice. In the case that more than one party is
2 advocating a ballot choice, the 50 percent shall be
3 apportioned equally among the parties.

4 (c) ADDITIONAL RESOURCES.—In addition to
5 amounts made available by this Act, the Puerto Rico Leg-
6 islature may allocate additional resources for administra-
7 tive and voter education costs to each party so long as
8 the distribution of funds is consistent with the apporportion-
9 ment requirements of subsection (b).

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