

104TH CONGRESS  
2D SESSION

# H. R. 3024

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

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## 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

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# 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 locally self-governing territory of the United States, ceded to the United States and under this Nation's sovereignty pursuant to the Treaty of Paris ending the Spanish-American War in 1898. Article IX of the Treaty of Paris expressly recognizes the authority of Congress to provide for the political status of the inhabitants of the territory.

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

14 (3) In the period 1950–1952, Congress authorized, amended, and then approved a constitution for Puerto Rico's local government, which is now called the “Commonwealth of Puerto Rico”, without altering the territory's fundamental economic, political, and legal relationship with the United States.

20 (4) In the 1989 State of the Union Message, 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 IMPLI-  
14 MENTATION 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 sovereignty leading to independence or free association,  
2           in which—

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

8           “(B) a negotiated treaty of friendship and cooperation or an international bilateral pact of free association terminable at will by either Puerto Rico or the United States, defines future relations between Puerto Rico and the United States, providing for cooperation and assistance in matters of shared interest as agreed and approved by Puerto Rico and the United States pursuant to this Act and their respective constitutional processes;

9           “(C) a constitution democratically instituted by the people of Puerto Rico, establishing a republican form of full self-government and securing the rights of citizens of the Puerto Rican nation, is the supreme law, and the Con-

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

3 “(D) Puerto Rico exercises the sovereign  
4 power to determine and control its own nation-  
5 ality and citizenship, and United States nation-  
6 ality and citizenship conferred on the people of  
7 Puerto Rico based upon birth in the territory  
8 during the period in which the United States  
9 exercised sovereignty and jurisdiction over  
10 Puerto Rico is withdrawn in favor of Puerto  
11 Rican nationality and citizenship, and the Unit-  
12 ed States Congress has authority to prescribe  
13 criteria for affected individuals to establish eli-  
14 gibility for retention of United States national-  
15 ity and citizenship or naturalization in the  
16 United States on a basis which does not create  
17 an exception to the establishment and preserva-  
18 tion of separate United States and Puerto  
19 Rican nationality and citizenship;

20 “(E) upon recognition of Puerto Rico by  
21 the United States as a sovereign nation and es-  
22 tablishment of government-to-government rela-  
23 tions on the basis of comity and reciprocity,  
24 Puerto Rico’s representation to the United  
25 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.—

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-

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

16 (a) APPLICABLE LAWS.—

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).

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:

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 apportion-  
9       ment requirements of subsection (b).

○

HR 3024 IH—2