

105TH CONGRESS  
1ST SESSION

# H. R. 856

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

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. YOUNG of Alaska (for himself, Mr. GINGRICH, Mr. ROMERO-BARCELÓ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. CALVERT, Mr. GILMAN, Mr. RAHALL, Mr. TAUZIN, Mr. GREEN, Mr. MCCOLLUM, Mr. DEUTSCH, Mr. POMBO, Mr. PAYNE, Mr. GILCHREST, Mr. JONES, Mr. STUMP, Mr. SAWYER, Mr. FAZIO of California, Mr. SKEEN, Mr. DOOLEY of California, Mr. KILDEE, Ms. NORTON, Mr. UNDERWOOD, Mr. KLINK, Mr. HINCHEY, Mr. FARR of California, Mr. WYNN, Mr. DAVIS of Virginia, Mr. HALL of Ohio, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mrs. MEEK of Florida, Mr. KUCINICH, Mr. BARCIA, Mr. PASTOR, Mr. TORRES, Mr. PALLONE, Mr. PASCRELL, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. CHRISTIAN-GREEN, Mr. VENTO, Mrs. MINK of Hawaii, Mr. PICKETT, Mr. KIM, Mr. ROTHMAN, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. THOMPSON, Mr. HINOJOSA, Mr. ACKERMAN, Mr. OXLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. BISHOP, Mr. SAXTON, Mr. MILLER of California, Mr. SMITH of Washington, Mr. ENGEL, Mr. JOHN, Mr. DELAY, Ms. SLAUGHTER, and Ms. SANCHEZ) 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, table of contents.
- 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.

8 **SEC. 2. FINDINGS.**

9        The Congress finds the following:

10            (1) Puerto Rico was ceded to the United States  
 11 and came under this Nation’s sovereignty pursuant  
 12 to the Treaty of Paris ending the Spanish-American  
 13 War in 1898. Article IX of the Treaty of Paris ex-  
 14 pressly recognizes the authority of Congress to pro-  
 15 vide for the political status of the inhabitants of the  
 16 territory.

17            (2) Consistent with establishment of United  
 18 States nationality for inhabitants of Puerto Rico  
 19 under the Treaty of Paris, Congress has exercised  
 20 its powers under the Territorial Clause of the Con-  
 21 stitution (article IV, section 3, clause 2) to provide

1 by statute for the citizenship status of persons born  
2 in Puerto Rico, including extension of special statu-  
3 tory United States citizenship from 1917 to the  
4 present.

5 (3) Consistent with the Territorial Clause and  
6 rulings of the United States Supreme Court, partial  
7 application of the United States Constitution has  
8 been established in the unincorporated territories of  
9 the United States including Puerto Rico.

10 (4) In 1950 Congress prescribed a procedure  
11 for instituting internal self-government for Puerto  
12 Rico pursuant to statutory authorization for a local  
13 constitution. A local constitution was approved by  
14 the people, amended and conditionally approved by  
15 Congress, and thereupon given effect in 1952 after  
16 acceptance of congressional conditions by the Puerto  
17 Rico Constitutional Convention and an appropriate  
18 proclamation by the Governor. The approved con-  
19 stitution established the structure for constitutional  
20 government in respect of internal affairs without al-  
21 tering Puerto Rico's fundamental political, social,  
22 and economic relationship with the United States  
23 and without restricting the authority of Congress  
24 under the Territorial Clause to determine the appli-  
25 cation of Federal law to Puerto Rico, resulting in

1 the present “Commonwealth” structure for local  
2 self-government. The Commonwealth remains an un-  
3 incorporated territory and does not have the status  
4 of “free association” with the United States as that  
5 status is defined under United States law or inter-  
6 national practice.

7 (5) In 1953 the United States transmitted to  
8 the Secretary-General of the United Nations for cir-  
9 culation to its Members a formal notification that  
10 the United States no longer would transmit informa-  
11 tion regarding Puerto Rico to the United Nations  
12 pursuant to Article 73(e) of its Charter. The formal  
13 United States notification document informed the  
14 United Nations that the cessation of information on  
15 Puerto Rico was based on the “new constitutional  
16 arrangements” in the territory, and the United  
17 States expressly defined the scope of the “full meas-  
18 ure” of local self-government in Puerto Rico as ex-  
19 tending to matters of “internal government and ad-  
20 ministration, subject only to compliance with appli-  
21 cable provisions of the Federal Constitution, the  
22 Puerto Rico Federal Relations Act and the acts of  
23 Congress authorizing and approving the Constitu-  
24 tion, as may be interpreted by judicial decision.”.

1       Thereafter, the General Assembly of the United Na-  
2       tions, based upon consent of the inhabitants of the  
3       territory and the United States explanation of the  
4       new status as approved by Congress, adopted Reso-  
5       lution 748 (VIII) by a vote of 22 to 18 with 19  
6       abstentions, thereby accepting the United States de-  
7       termination to cease reporting to the United Nations  
8       on the status of Puerto Rico.

9               (6) In 1960 the United Nations General Assem-  
10       bly approved Resolution 1541 (XV), clarifying that  
11       under United Nations standards regarding the polit-  
12       ical status options available to the people of terri-  
13       tories yet to complete the process for achieving full  
14       self-government, the three established forms of full  
15       self-government are national independence, free as-  
16       sociation based on separate sovereignty, or full inte-  
17       gration with another nation on the basis of equality.

18               (7) The ruling of the United States Supreme  
19       Court in the 1980 case *Harris v. Rosario* (446 U.S.  
20       651) confirmed that Congress continues to exercise  
21       authority over Puerto Rico as territory “belonging to  
22       the United States” pursuant to the Territorial  
23       Clause found at Article IV, section 3, clause 2 of the  
24       United States Constitution, a judicial interpretation  
25       of Puerto Rico’s status which is in accordance with

1 the clear intent of Congress that establishment of  
2 local constitutional government in 1952 did not alter  
3 Puerto Rico's status as an unincorporated United  
4 States territory.

5 (8) In a joint letter dated January 17, 1989,  
6 cosigned by the Governor of Puerto Rico in his ca-  
7 pacity as president of one of Puerto Rico's principal  
8 political parties and the presidents of the two other  
9 principal political parties of Puerto Rico, the United  
10 States was formally advised that “. . . the People of  
11 Puerto Rico wish to be consulted as to their pref-  
12 erence with regards to their ultimate political sta-  
13 tus”, and the joint letter stated “. . . that since  
14 Puerto Rico came under the sovereignty of the Unit-  
15 ed States of America through the Treaty of Paris in  
16 1898, the People of Puerto Rico have not been for-  
17 mally consulted by the United States of America as  
18 to their choice of their ultimate political status”.

19 (9) In the 1989 State of the Union Message,  
20 President George Bush urged the Congress to take  
21 the necessary steps to authorize a federally recog-  
22 nized process allowing the people of Puerto Rico, for  
23 the first time since the Treaty of Paris entered into  
24 force, to freely express their wishes regarding their  
25 future political status in a congressionally recognized

1 referendum, a step in the process of self-determina-  
2 tion which the Congress has yet to authorize.

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

10 (11) In 1994, President William Jefferson Clin-  
11 ton established the Executive Branch Interagency  
12 Working Group on Puerto Rico to coordinate the re-  
13 view, development, and implementation of executive  
14 branch policy concerning issues affecting Puerto  
15 Rico, including the November 1993 plebiscite.

16 (12) There have been inconsistent and conflict-  
17 ing interpretations of the 1993 plebiscite results,  
18 and under the Territorial Clause of the Constitution,  
19 Congress has the authority and responsibility to de-  
20 termine Federal policy and clarify status issues in  
21 order to advance the self-determination process in  
22 Puerto Rico.

23 (13) On December 14, 1994, the Puerto Rico  
24 Legislature enacted Concurrent Resolution 62, which

1 requested the 104th Congress to respond to the re-  
2 sults of the 1993 Puerto Rico Status Plebiscite and  
3 to indicate the next steps in resolving Puerto Rico's  
4 political status.

5 (14) Nearly 4,000,000 United States citizens  
6 live in the islands of Puerto Rico, which have been  
7 under United States sovereignty and within the  
8 United States customs territory for almost 100  
9 years, making Puerto Rico the oldest, largest, and  
10 most populous United States island territory at the  
11 southeastern-most boundary of our Nation, located  
12 astride the strategic shipping lanes of the Atlantic  
13 Ocean and Caribbean Sea.

14 (15) Full self-government for Puerto Rico is at-  
15 tainable only through establishment of a political  
16 status which is based on either separate Puerto  
17 Rican sovereignty and nationality or full and equal  
18 United States nationality and citizenship through  
19 membership in the Union and under which Puerto  
20 Rico is no longer an unincorporated territory subject  
21 to the plenary authority of Congress arising from  
22 the Territorial Clause.

23 **SEC. 3. POLICY.**

24 (a) CONGRESSIONAL COMMITMENT.—In recognition  
25 of the significant level of local self-government which has

1 been attained by Puerto Rico, and the responsibility of the  
2 Federal Government to enable the people of the territory  
3 to freely express their wishes regarding political status and  
4 achieve full self-government, this Act is adopted with a  
5 commitment to encourage the development and implemen-  
6 tation of procedures through which the permanent politi-  
7 cal status of the people of Puerto Rico can be determined.

8 (b) OFFICIAL LANGUAGE.—It is the policy of the  
9 Congress that English shall be the common language of  
10 mutual understanding in the United States, and that this  
11 policy shall apply in all of the States duly and freely ad-  
12 mitted to the Union. The Congress recognizes that at the  
13 present time, Spanish and English are the joint official  
14 languages of Puerto Rico, and have been for nearly 100  
15 years; that English is the official language of Federal  
16 courts in Puerto Rico; that the ability to speak English  
17 is a requirement for Federal jury services; yet Spanish  
18 rather than English is currently the predominant language  
19 used by the majority of the people of Puerto Rico; and  
20 that Congress has the authority to expand existing Eng-  
21 lish language requirements in the Commonwealth of Puer-  
22 to Rico. In the event that the referenda held under this  
23 Act result in approval of sovereignty leading to Statehood,  
24 it is anticipated that upon accession to Statehood, English

1 would become the official language of the Federal Govern-  
2 ment in Puerto Rico to the same extent as Federal law  
3 then requires throughout the United States. Congress also  
4 recognizes the significant advantage that proficiency in  
5 Spanish as well as English has bestowed on the people  
6 of Puerto Rico, and further that this will serve the best  
7 interests of both Puerto Rico and the rest of the United  
8 States in our mutual dealings in the Caribbean, Latin  
9 America, and throughout the Spanish-speaking world.

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

14 (a) INITIAL DECISION STAGE.—A referendum on  
15 Puerto Rico’s political status shall be held not later than  
16 December 31, 1998. The referendum shall be held pursu-  
17 ant to this Act and in accordance with the applicable pro-  
18 visions of Puerto Rico’s electoral law and other relevant  
19 statutes consistent with this Act. Approval of a status op-  
20 tion must be by a majority of the valid votes cast. The  
21 referendum shall be on the approval of 1 of the 3 options  
22 presented on the ballot as follows:

23 “Instructions: Mark the status option you choose as  
24 each is defined below. Ballot with more than 1 option  
25 marked will not be counted.

1       “A. COMMONWEALTH.—If you agree, mark here

2       \_\_\_\_\_

3       “Puerto Rico should retain Commonwealth, in  
4 which—

5               “(1) Puerto Rico continues the present Com-  
6 monwealth structure for self government with re-  
7 spect to internal affairs and administration;

8               “(2) provisions of the Constitution and laws of  
9 the United States apply to Puerto Rico as deter-  
10 mined by Congress;

11               “(3) Puerto Rico remains a locally self-govern-  
12 ing unincorporated territory of the United States;

13               “(4) continuation or modification of current  
14 Federal law and policy applicable to Puerto Rico re-  
15 mains within the discretion of Congress; and

16               “(5) the ultimate status of Puerto Rico will be  
17 determined through a process authorized by Con-  
18 gress which includes self determination by the people  
19 of Puerto Rico in periodic referenda.

20       “B. SEPARATE SOVEREIGNTY.—If you agree, mark  
21 here \_\_\_\_\_

22       “Puerto Rico should become fully self governing  
23 through separate sovereignty leading to independence or  
24 free association, in which—

1           “(1) Puerto Rico is a sovereign nation with full  
2 authority and responsibility for its internal and ex-  
3 ternal affairs and has the capacity to exercise in its  
4 own name and right the powers of government with  
5 respect to its territory and population;

6           “(2) a negotiated treaty of friendship and co-  
7 operation, or an international bilateral pact of free  
8 association terminable at will by either Puerto Rico  
9 or the United States, defines future relations be-  
10 tween Puerto Rico and the United States, providing  
11 for cooperation and assistance in matters of shared  
12 interest as agreed and approved by Puerto Rico and  
13 the United States pursuant to this Act and their re-  
14 spective constitutional processes;

15           “(3) a constitution democratically instituted by  
16 the people of Puerto Rico, establishing a republican  
17 form of full self-government and securing the rights  
18 of citizens of the Puerto Rican nation, is the su-  
19 preme law, and the Constitution and laws of the  
20 United States no longer apply in Puerto Rico;

21           “(4) The people of Puerto Rico owe allegiance  
22 to the sovereign nation of Puerto Rico and have the  
23 nationality, and citizenship thereof; United States  
24 sovereignty, nationality, and citizenship in Puerto  
25 Rico is ended; birth in Puerto Rico and relationship

1 to persons with statutory United States citizenship  
2 by birth in the former territory are not bases for  
3 United States nationality or citizenship, except that  
4 persons who had such United States citizenship have  
5 a statutory right to retain United States nationality  
6 and citizenship for life, by entitlement or election as  
7 provided by the United States Congress, based on  
8 continued allegiance to the United States: *Provided,*  
9 That such persons will not have this statutory Unit-  
10 ed States nationality and citizenship status upon  
11 having or maintaining allegiance, nationality, and  
12 citizenship rights in any sovereign nation other than  
13 the United States;

14 “(5) upon recognition of Puerto Rico by the  
15 United States as a sovereign nation and establish-  
16 ment of government-to-government relations on the  
17 basis of comity and reciprocity, Puerto Rico’s rep-  
18 resentation to the United States is accorded full dip-  
19 lomatic status;

20 “(6) Puerto Rico is eligible for United States  
21 assistance provided on a government-to-government  
22 basis, including foreign aid or programmatic assist-  
23 ance, at levels subject to agreement by the United  
24 States and Puerto Rico;

1           “(7) property rights and previously acquired  
2 rights vested by employment under laws of Puerto  
3 Rico or the United States are honored, and where  
4 determined necessary such rights are promptly ad-  
5 justed and settled consistent with government-to-  
6 government agreements implementing the separation  
7 of sovereignty; and

8           “(8) Puerto Rico is outside the customs terri-  
9 tory of the United States, and trade between the  
10 United States and Puerto Rico is based on a treaty.

11       “C. STATEHOOD.—If you agree, mark here \_\_\_\_\_

12       “Puerto Rico should become fully self governing  
13 through United States sovereignty leading to Statehood,  
14 in which—

15           “(1) the people of Puerto Rico are fully self-  
16 governing with their rights secured under the United  
17 States Constitution, which is the supreme law and  
18 has the same force and effect as in the other States  
19 of the Union;

20           “(2) the sovereign State of Puerto Rico is in  
21 permanent union with the United States, and powers  
22 not delegated to the Federal Government or prohib-  
23 ited to the States by the United States Constitution  
24 are reserved to the people of Puerto Rico or the  
25 State Government;

1           “(3) United States citizenship of those born in  
2 Puerto Rico is guaranteed, protected and secured in  
3 the same way it is for all United States citizens born  
4 in the other States;

5           “(4) residents of Puerto Rico have equal rights  
6 and benefits as well as equal duties and responsibil-  
7 ities of citizenship, including payment of Federal  
8 taxes, as those in the several States;

9           “(5) Puerto Rico is represented by two mem-  
10 bers in the United States Senate and is represented  
11 in the House of Representatives proportionate to the  
12 population;

13           “(6) United States citizens in Puerto Rico are  
14 enfranchised to vote in elections for the President  
15 and Vice President of the United States; and

16           “(7) English is the official language of business  
17 and communication in Federal courts and Federal  
18 agencies as made applicable by Federal law to every  
19 other State, and Puerto Rico is enabled to expand  
20 and build upon existing law establishing English as  
21 an official language of the State government, courts,  
22 and agencies.”.

23           (b) TRANSITION STAGE.—

1           (1) PLAN.—(A) Within 180 days of the receipt  
2 of the results of the referendum from the Govern-  
3 ment of Puerto Rico certifying approval of a ballot  
4 choice of full self-government in a referendum held  
5 pursuant to subsection (a), the President shall de-  
6 velop and submit to Congress legislation for a tran-  
7 sition plan of 10 years minimum which leads to full  
8 self-government for Puerto Rico consistent with the  
9 terms of this Act and in consultation with officials  
10 of the three branches of the Government of Puerto  
11 Rico, the principal political parties of Puerto Rico,  
12 and other interested persons as may be appropriate.

13           (B) Additionally, in the event of a vote in favor  
14 of separate sovereignty, the Legislature of Puerto  
15 Rico, if deemed appropriate, may provide by law for  
16 the calling of a constituent convention to formulate,  
17 in accordance with procedures prescribed by law,  
18 Puerto Rico's proposals and recommendations to im-  
19 plement the referendum results. If a convention is  
20 called for this purpose, any proposals and rec-  
21 ommendations formally adopted by such convention  
22 within time limits of this Act shall be transmitted to  
23 Congress by the President with the transition plan  
24 required by this section, along with the views of the

1 President regarding the compatibility of such pro-  
2 posals and recommendations with the United States  
3 Constitution and this Act, and identifying which, if  
4 any, of such proposals and recommendations have  
5 been addressed in the President's proposed transi-  
6 tion plan.

7 (C) Additionally, in the event of a vote in favor  
8 of United States sovereignty leading to Statehood,  
9 the President shall include in the transition plan  
10 provided for in this Act, proposals and incentives to  
11 increase the opportunities of the people of Puerto  
12 Rico to learn to speak, read, write, and understand  
13 English fully, including but not limited to, the teach-  
14 ing of English in public schools, fellowships, and  
15 scholarships. The transition plan should promote the  
16 usage of English by the United States citizens of  
17 Puerto Rico, in order to best allow for—

18 (i) the enhancement of the century old  
19 practice of English as an official language of  
20 Puerto Rico, consistent with the preservation of  
21 our Nation's unity in diversity and the preven-  
22 tion of divisions along linguistic lines;

23 (ii) the use of language skills necessary to  
24 contribute most effectively to the Nation in all

1 aspects, including but not limited to Hemi-  
2 spheric trade, and for citizens to enjoy the full  
3 rights and benefits of their citizenship;

4 (iii) the promotion of efficiency and fair-  
5 ness to all people in the conduct of the Federal  
6 and State government's official business; and

7 (iv) the ability of all citizens to take full  
8 advantage of the economical, educational, and  
9 occupational opportunities through full integra-  
10 tion with the United States.

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

14 (3) PUERTO RICAN APPROVAL.—

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

23 (B) Approval must be by a majority of the  
24 valid votes cast. The results of the referendum

1           shall be certified to the President of the United  
2           States.

3           (4) EFFECTIVE DATE FOR TRANSITION PLAN.—

4           The President of the United States shall issue a  
5           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

1 Rico's electoral laws on the question of the ap-  
2 proval of the terms of implementation for full  
3 self-government for Puerto Rico.

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

8 (4) EFFECTIVE DATE OF FULL SELF-GOVERN-  
9 MENT.—The President of the United States shall  
10 issue a proclamation announcing the date of imple-  
11 mentation of full self-government for Puerto Rico.

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

15 (a) APPLICABLE LAWS.—

16 (1) REFERENDA UNDER PUERTO RICAN  
17 LAWS.—The referenda held under this Act shall be  
18 conducted in accordance with the applicable laws of  
19 Puerto Rico, including laws of Puerto Rico under  
20 which voter eligibility is determined and which re-  
21 quire United States citizenship and establish other  
22 statutory requirements for voter eligibility of resi-  
23 dents and nonresidents.

24 (2) FEDERAL LAWS.—The Federal laws appli-  
25 cable to the election of the Resident Commissioner

1 of Puerto Rico shall, as appropriate and consistent  
2 with this Act, also apply to the referenda. Any refer-  
3 erence in such Federal laws to elections shall be con-  
4 sidered, as appropriate, to be a reference to the  
5 referenda, unless it would frustrate the purposes of  
6 this Act.

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

12 (c) CONSULTATION AND RECOMMENDATIONS FOR IN-  
13 CONCLUSIVE REFERENDUM.—

14 (1) IN GENERAL.—If a referendum provided in  
15 section 4(b) or (c) of this Act does not result in ap-  
16 proval of a fully self-governing status, the President,  
17 in consultation with officials of the three branches of  
18 the Government of Puerto Rico, the principal politi-  
19 cal parties of Puerto Rico, and other interested per-  
20 sons as may be appropriate, shall make rec-  
21 ommendations to the Congress within 180 days of  
22 receipt of the results of the referendum.

23 (2) EXISTING STRUCTURE TO REMAIN IN EF-  
24 FECT.—If the inhabitants of the territory do not

1 achieve full self-governance through either integra-  
2 tion into the Union or separate sovereignty in the  
3 form of independence or free association, Puerto  
4 Rico will remain an unincorporated territory of the  
5 United States, subject to the authority of Congress  
6 under Article IV, Section 3, Clause 2 of the United  
7 States Constitution. In that event, the existing Com-  
8 monwealth of Puerto Rico structure for local self-  
9 government will remain in effect, subject to such  
10 other measures as may be adopted by Congress in  
11 the exercise of it's Territorial Clause powers to de-  
12 termine the disposition of the territory and status of  
13 it's inhabitants.

14 (3) AUTHORITY OF CONGRESS TO DETERMINE  
15 STATUS.—Since current unincorporated territory  
16 status of the Commonwealth of Puerto Rico is not  
17 a permanent, unalterable or guaranteed status under  
18 the Constitution of the United States, Congress re-  
19 tains plenary authority and responsibility to deter-  
20 mine a permanent status for Puerto Rico consistent  
21 with the national interest. The Congress historically  
22 has recognized a commitment to take into consider-  
23 ation the freely expressed wishes of the people of  
24 Puerto Rico regarding their future political status.  
25 This policy is consistent with respect for the right of

1 self-determination in areas which are not fully self-  
2 governing, but does not constitute a legal restriction  
3 or binding limitation on the Territorial Clause pow-  
4 ers of Congress to determine a permanent status of  
5 Puerto Rico. Nor does any such restriction or limita-  
6 tion arise from the Puerto Rico Federal Relations  
7 Act (48 U.S.C. 731 et seq.).

8 (4) ADDITIONAL REFERENDA.—To ensure that  
9 the Congress is able on a continuing basis to exer-  
10 cise its Territorial Clause powers with due regard  
11 for the wishes of the people of Puerto Rico respect-  
12 ing resolution of Puerto Rico’s permanent future po-  
13 litical status, in the event that a referendum con-  
14 ducted under section four is inconclusive as provided  
15 in this subsection, or a majority vote to continue the  
16 Commonwealth structure as a territory, there shall  
17 be another referendum in accordance with this Act  
18 prior to the expiration of a period of four years from  
19 the date such inconclusive results are certified or de-  
20 termined. This procedure shall be repeated every  
21 four years, but not in a general election year, until  
22 Puerto Rico’s unincorporated territory status is ter-  
23 minated in favor of a recognized form of full self-  
24 government in accordance with this Act.

1 **SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDER-**  
2 **ATION OF LEGISLATION.**

3 (a) IN GENERAL.—The majority leader of the House  
4 of Representatives (or his designee) and the majority lead-  
5 er of the Senate (or his designee) shall each introduce leg-  
6 islation (by request) providing for the transition plan  
7 under section 4(b) and the implementation recommenda-  
8 tion under section 4(c) not later than 5 legislative days  
9 after the date of receipt by Congress of the submission  
10 by the President under that section, as the case may be.

11 (b) REFERRAL.—The legislation shall be referred on  
12 the date of introduction to the appropriate committee or  
13 committees in accordance with rules of the respective  
14 Houses. The legislation shall be reported not later than  
15 the 120th calendar day after the date of its introduction.  
16 If any such committee fails to report the bill within that  
17 period, that committee shall be automatically discharged  
18 from consideration of the legislation, and the legislation  
19 shall be placed on the appropriate calendar.

20 (c) CONSIDERATION.—

21 (1) After the 14th legislative day after the date  
22 on which the last committee of the House of Rep-  
23 resentatives or the Senate, as the case may be, has  
24 reported or been discharged from further consider-  
25 ation of such legislation, it is in order after the legis-  
26 lation has been on the calendar for 14 legislative

1 days for any Member of that House in favor of the  
2 legislation to move to proceed to the consideration of  
3 the legislation (after consultation with the presiding  
4 officer of that House as to scheduling) to move to  
5 proceed to its consideration at any time after the  
6 third legislative day on which the Member announces  
7 to the respective House concerned the Member's in-  
8 tention to do so. All points of order against the mo-  
9 tion to proceed and against consideration of that  
10 motion are waived. The motion is highly privileged  
11 in the House of Representatives and is privileged in  
12 the Senate and is not debatable. The motion is not  
13 subject to amendment, or to a motion to postpone,  
14 or to a motion to proceed to the consideration of  
15 other business. A motion to reconsider the vote by  
16 which the motion is agreed to or disagreed to shall  
17 not be in order. If a motion to proceed to the consid-  
18 eration of the legislation is agreed to, the respective  
19 House shall immediately proceed to consideration of  
20 the legislation without intervening motion (exception  
21 one motion to adjourn), order, or other business.

22 (2)(A) In the House of Representatives, during  
23 consideration of the legislation in the Committee of  
24 the Whole, the first reading of the legislation shall  
25 be dispensed with. General debate shall be confined

1 to the legislation, and shall not exceed 4 hours  
2 equally divided and controlled by a proponent and  
3 an opponent of the legislation. After general debate,  
4 the legislation shall be considered as read for  
5 amendment under the five-minute rule. Consider-  
6 ation of the legislation for amendment shall not ex-  
7 ceed 4 hours excluding time for recorded votes and  
8 quorum calls. At the conclusion of the bill for  
9 amendment, the Committee shall rise and report the  
10 bill to the House with such amendments as may  
11 have been adopted. The previous question shall be  
12 considered as ordered on the legislation and amend-  
13 ments thereto to final passage without intervening  
14 motion, except one motion to recommit with or with-  
15 out instructions. A motion to reconsider the vote on  
16 passage of the legislation shall not be in order.

17 (B) In the Senate, debate on the legislation,  
18 and all amendments thereto and debatable motions  
19 and appeals in connection therewith, shall be limited  
20 to not more than 25 hours. The time shall be equally  
21 divided between, and controlled by, the majority  
22 leader and the minority leader or their designees. No  
23 amendment that is not germane to the provisions of  
24 such legislation shall be received. A motion to fur-  
25 ther limit debate is not debatable.

1           (3) Appeals from the decisions of the Chair re-  
2 relating to the application of the rules of the Senate  
3 or the House of Representatives, as the case may be,  
4 to the procedure relating to the legislation described  
5 in subsection (a) shall be decided without debate.

6           (d) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
7 fore the passage by one House of the legislation described  
8 in subsection (a) that was introduced in that House, that  
9 House receives from the other House the legislation de-  
10 scribed in subsection (a)—

11           (A) the legislation of the other House shall not  
12 be referred to a committee and may not be consid-  
13 ered in the House that receives it otherwise than on  
14 final passage under subparagraph (B)(ii) or (iii);  
15 and

16           (B)(i) the procedure in the House that receives  
17 such legislation with respect to such legislation that  
18 was introduced in that House shall be the same as  
19 if no legislation had been received from the other  
20 House; but

21           (ii) in the case of legislation received from the  
22 other House that is identical to the legislation as en-  
23 grossed by the receiving House, the vote on final  
24 passage shall be on the legislation of the other  
25 House; or

1           (iii) after passage of the legislation, the legisla-  
2           tion of the other House shall be considered as  
3           amended with the text of the legislation just passed  
4           and shall be considered as passed, and that House  
5           shall be considered to have insisted on its amend-  
6           ment and requested a conference with the other  
7           House.

8           (2) Upon disposition of the legislation described in  
9           subsection (a) that is received by one House from the  
10          other House, it shall no longer be in order to consider such  
11          legislation that was introduced in the receiving House.

12          (e) Upon receiving from the other House a message  
13          in which that House insists upon its amendment to the  
14          legislation and requests a conference with the House of  
15          Representatives or the Senate, as the case may be, on the  
16          disagreeing votes thereon, the House receiving the request  
17          shall be considered to have disagreed to the amendment  
18          of the other House and agreed to the conference requested  
19          by that House.

20          (f) DEFINITION.—For the purposes of this section,  
21          the term “legislative day” means a day on which the  
22          House of Representatives or the Senate, as appropriate,  
23          is in session.

24          (g) EXERCISE OF RULEMAKING POWER.—The provi-  
25          sions of this section are enacted by the Congress—

1           (1) as an exercise of the rulemaking power of  
2 the Senate and the House of Representatives and, as  
3 such, shall be considered as part of the rules of each  
4 House and shall supersede other rules only to the  
5 extent that they are inconsistent therewith; and

6           (2) with full recognition of the constitutional  
7 right of either House to change the rules (so far as  
8 they relate to the procedures of that House) at any  
9 time, in the same manner, and to the same extent  
10 as in the case of any other rule of that House.

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

12       (a) IN GENERAL.—

13           (1) AVAILABILITY OF AMOUNTS DERIVED FROM  
14 TAX ON FOREIGN RUM.—During the period begin-  
15 ning October 1, 1997, and ending on the date the  
16 President determines that all referenda required by  
17 this Act have been held, from the amounts covered  
18 into the treasury of Puerto Rico under section  
19 7652(e)(1) of the Internal Revenue Code of 1986,  
20 the Secretary of the Treasury—

21           (A) upon request and in the amounts iden-  
22 tified from time to time by the President, shall  
23 make the amounts so identified available to the  
24 treasury of Puerto Rico for the purposes speci-  
25 fied in subsection (b); and

1 (B) shall transfer all remaining amounts to  
2 the treasury of Puerto Rico, as under current  
3 law.

4 (2) REPORT OF REFERENDA EXPENDITURES.—  
5 Within 180 days after each referendum required by  
6 this Act, and after the end of the period specified in  
7 paragraph (1), the President, in consultation with  
8 the Government of Puerto Rico, shall submit a re-  
9 port to the United States Senate and United States  
10 House of Representatives on the amounts made  
11 available under paragraph (1)(A) and all other  
12 amounts expended by the State Elections Commis-  
13 sion of Puerto Rico for referenda pursuant to this  
14 Act.

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

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, parties, or other qualifying entities

1       advocating a particular ballot choice. The amount al-  
2       located for advocating a ballot choice under this  
3       paragraph shall be apportioned equally among the  
4       parties advocating that choice.

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

○