Union Calendar No. 106

H.R. 856

[Report No. 105–131, Part I]

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. Román-Belchí, Mr. Gallegy, 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. Mee of Florida, Mr. Kucinich, Mr. Barca, 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.

JUNE 12, 1997

Reported from the Committee on Resources with an amendment.
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.
SEC. 2. FINDINGS.

The Congress finds the following:

(1) Puerto Rico was ceded to the United States and came 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 recognized the authority of Congress to provide for the political status of the inhabitants of the territory.

(2) Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris, Congress has exercised its powers under the Territorial Clause of the Constitution (article IV, section 3, clause 2) to provide by several statutes beginning in 1917, for the United States citizenship status of persons born in Puerto Rico.

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

(4) In 1950, Congress prescribed a procedure for instituting internal self-government for Puerto Rico pursuant to statutory authorization for a local constitution. A local constitution was approved by the people of Puerto Rico, conditionally approved by Congress, subject to congressionally required amendment
with the United States as that status is defined under United States law or international practice.

(5) In 1953, the United States transmitted to the Secretary-General of the United Nations for circulation to its Members a formal notification that the United States no longer would transmit information regarding Puerto Rico to the United Nations pursuant to Article 73(e) of its Charter. The formal United States notification document informed the United Nations that the cessation of information on Puerto Rico was based on the "new constitutional arrangements" in the territory, and the United States expressly defined the scope of the "full measure" of local self-government in Puerto Rico as extending to matters of "internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision."

Thereafter, the General Assembly of the United Nations, based upon consent of the inhabitants of the territory and the United States explanation of the new status as approved by Congress, adopted Resolution 748 (VIII) by a vote of 22 to 18 with 19 ab-
stentions, thereby accepting the United States deter-
mination to cease reporting to the United Nations
on the status of Puerto Rico.

(6) In 1960, the United Nations General As-
sembly approved Resolution 1541 (XV), clarifying
that under United Nations standards regarding the
political status options available to the people of ter-
ritories yet to complete the process for achieving full
self-government, the three established forms of full
self-government are national independence, free as-
sociation based on separate sovereignty, or full inte-
gration with another nation on the basis of equality.

(7) The ruling of the United States Supreme
Court in the 1980 case Harris v. Rosario (446 U.S.
651) confirmed that Congress continues to exercise
authority over Puerto Rico pursuant to the Terri-
torial Clause found at Article IV, section 3, clause
2 of the United States Constitution; and in the 1982
case of Rodriguez v. Popular Democratic Party (457
U.S. 1), the Court confirmed that the Congress dele-
gated powers of administration to the Common-
wealth of Puerto Rico sufficient for it to function
"like a State" and as "an autonomous political en-
tity" in respect of internal affairs and administra-
tion, "sovereign over matters not ruled by the Con-
stitution" of the United States. These rulings constitute judicial interpretation of Puerto Rico's status which is in accordance with the clear intent of Congress that establishment of local constitutional government in 1952 did not alter Puerto Rico's fundamental status.

(8) In a joint letter dated January 17, 1989, cosigned by the Governor of Puerto Rico in his capacity as president of one of Puerto Rico's principal political parties and the presidents of the two other principal political parties of Puerto Rico, the United States was formally advised "* * * the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status", and the joint letter stated "* * * that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status".

(9) In the 1989 State of the Union Message, President George Bush urged the Congress to take the necessary steps to authorize a federally recognized process allowing the people of Puerto Rico, for
the first time since the Treaty of Paris entered into force, to freely express their wishes regarding their future political status in a congressionally recognized referendum, a step in the process of self-determination which the Congress has yet to authorize.

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

(11) In a letter dated December 2, 1994, President William Jefferson Clinton informed leaders in Congress that an Executive Branch Interagency Working Group on Puerto Rico had been organized to coordinate the review, development, and implementation of executive branch policy concerning issues affecting Puerto Rico, including the November 1993 plebiscite.

(12) Under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine Federal policy and clarify status issues in order to resolve the issue of Puerto Rico’s final status.