

Union Calendar No. 106

105TH CONGRESS
1ST SESSION

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. 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

JUNE 12, 1997

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 12, 1997

Referral to the Committee on Rules extended for a period ending not later than July 11, 1997

JULY 11, 1997

Additional sponsors: Mr. DELAHUNT, Mr. MARKEY, Mr. CLYBURN, Mr. OWENS, Mr. CLAY, Mr. FATAH, Mr. HASTERT, Mr. ORTIZ, Mr. OBERSTAR, Mr. REYES, Mr. MARTINEZ, Mr. DICKEY, Mr. HOYER, Mr. HANSEN, Mr. KIND, Mr. SNYDER, Mr. MCNULTY, Mr. LAZIO of New York, Mr. RADANOVICH, Mr. BLUMENAUER, and Mr. GEPHARDT

JULY 11, 1997

The Committee on Rules discharged; referred to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 27, 1997]

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.

1 **SEC. 2. FINDINGS.**

2 *The Congress finds the following:*

3 (1) *Puerto Rico was ceded to the United States*
4 *and came under this Nation's sovereignty pursuant to*
5 *the Treaty of Paris ending the Spanish-American*
6 *War in 1898. Article IX of the Treaty of Paris recog-*
7 *nized the authority of Congress to provide for the po-*
8 *litical status of the inhabitants of the territory.*

9 (2) *Consistent with establishment of United*
10 *States nationality for inhabitants of Puerto Rico*
11 *under the Treaty of Paris, Congress has exercised its*
12 *powers under the Territorial Clause of the Constitu-*
13 *tion (article IV, section 3, clause 2) to provide by sev-*
14 *eral statutes beginning in 1917, for the United States*
15 *citizenship status of persons born in Puerto Rico.*

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

21 (4) *In 1950, Congress prescribed a procedure for*
22 *instituting internal self-government for Puerto Rico*
23 *pursuant to statutory authorization for a local con-*
24 *stitution. A local constitution was approved by the*
25 *people of Puerto Rico, conditionally approved by Con-*
26 *gress, subject to congressionally required amendment*

1 with the United States as that status is defined
2 under United States law or international practice.

3 (5) In 1953, the United States transmitted to
4 the Secretary-General of the United Nations for cir-
5 culation to its Members a formal notification that
6 the United States no longer would transmit informa-
7 tion regarding Puerto Rico to the United Nations
8 pursuant to Article 73(e) of its Charter. The formal
9 United States notification document informed the
10 United Nations that the cessation of information on
11 Puerto Rico was based on the “new constitutional
12 arrangements” in the territory, and the United
13 States expressly defined the scope of the “full meas-
14 ure” of local self-government in Puerto Rico as ex-
15 tending to matters of “internal government and ad-
16 ministration, subject only to compliance with appli-
17 cable provisions of the Federal Constitution, the
18 Puerto Rico Federal Relations Act and the acts of
19 Congress authorizing and approving the Constitu-
20 tion, as may be interpreted by judicial decision.”.
21 Thereafter, the General Assembly of the United Na-
22 tions, based upon consent of the inhabitants of the
23 territory and the United States explanation of the
24 new status as approved by Congress, adopted Reso-
25 lution 748 (VIII) by a vote of 22 to 18 with 19 ab-

1 stentions, thereby accepting the United States deter-
2 mination to cease reporting to the United Nations
3 on the status of Puerto Rico.

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

13 (7) The ruling of the United States Supreme
14 Court in the 1980 case *Harris v. Rosario* (446 U.S.
15 651) confirmed that Congress continues to exercise
16 authority over Puerto Rico pursuant to the Terri-
17 torial Clause found at Article IV, section 3, clause
18 2 of the United States Constitution; and in the 1982
19 case of *Rodriguez v. Popular Democratic Party* (457
20 U.S. 1), the Court confirmed that the Congress dele-
21 gated powers of administration to the Common-
22 wealth of Puerto Rico sufficient for it to function
23 “like a State” and as “an autonomous political en-
24 tity” in respect of internal affairs and administra-
25 tion, “sovereign over matters not ruled by the Con-

1 stitution” of the United States. These rulings con-
2 stitute judicial interpretation of Puerto Rico’s status
3 which is in accordance with the clear intent of Con-
4 gress that establishment of local constitutional gov-
5 ernment in 1952 did not alter Puerto Rico’s fun-
6 damental status.

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

22 (9) In the 1989 State of the Union Message,
23 President George Bush urged the Congress to take
24 the necessary steps to authorize a federally recog-
25 nized process allowing the people of Puerto Rico, for

1 the first time since the Treaty of Paris entered into
2 force, to freely express their wishes regarding their
3 future political status in a congressionally recognized
4 referendum, a step in the process of self-determina-
5 tion which the Congress has yet to authorize.

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

13 (11) In a letter dated December 2, 1994, Presi-
14 dent William Jefferson Clinton informed leaders in
15 Congress that an Executive Branch Interagency
16 Working Group on Puerto Rico had been organized
17 to coordinate the review, development, and imple-
18 mentation of executive branch policy concerning
19 issues affecting Puerto Rico, including the November
20 1993 plebiscite.

21 (12) Under the Territorial Clause of the Con-
22 stitution, Congress has the authority and respon-
23 sibility to determine Federal policy and clarify status
24 issues in order to resolve the issue of Puerto Rico's
25 final status.