

105TH CONGRESS
2D SESSION

H. R. 856

AN ACT

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,*

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

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 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.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Puerto Rico was ceded to the United States
9 and came under this Nation’s sovereignty pursuant
10 to the Treaty of Paris ending the Spanish-American
11 War in 1898. Article IX of the Treaty of Paris rec-
12 ognized the authority of Congress to provide for the
13 political status of the inhabitants of the territory.

14 (2) Consistent with establishment of United
15 States nationality for inhabitants of Puerto Rico
16 under the Treaty of Paris, Congress has exercised
17 its powers under the Territorial Clause of the Con-
18 stitution (article IV, section 3, clause 2) to provide
19 by several statutes beginning in 1917, for the United
20 States citizenship status of persons born in Puerto
21 Rico.

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

6 (4) In 1950, Congress prescribed a procedure
7 for instituting internal self-government for Puerto
8 Rico pursuant to statutory authorization for a local
9 constitution. A local constitution was approved by
10 the people of Puerto Rico, approved by Congress,
11 subject to conforming amendment by Puerto Rico,
12 and thereupon given effect in 1952 after acceptance
13 of congressional conditions by the Puerto Rico Con-
14 stitutional Convention and an appropriate proclama-
15 tion by the Governor. The approved constitution es-
16 tablished the structure for constitutional government
17 in respect of internal affairs without altering Puerto
18 Rico's fundamental political, social, and economic re-
19 lationship with the United States and without re-
20 stricting the authority of Congress under the Terri-
21 torial Clause to determine the application of Federal
22 law to Puerto Rico, resulting in the present "Com-
23 monwealth" structure for local self-government. The
24 Commonwealth remains an unincorporated territory
25 and does not have the status of "free association"

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