

101ST CONGRESS
1ST SESSION

H. R. 3536

To provide for a referendum on the political status of Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1989

Mr. LAGOMARSINO (for himself, Mr. MURPHY, Mr. COLEMAN of Missouri, Mr. SKELTON, and Mr. GREEN) introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Rules

A BILL

To provide for a referendum on the political status of 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 That—

4 (1) the United States of America recognizes the
5 principle of self-determination and other applicable
6 principles of international law with respect to Puerto
7 Rico; and

8 (2) the United States is committed to a process of
9 consultation and negotiation with the people of Puerto

1 Rico leading to a referendum on the issue of political
2 status to be conducted in a fair and equitable manner.

3 **SEC. 2. SHORT TITLE.**

4 This Act may be cited as the "Puerto Rico Status
5 Referendum Act".

6 **TITLE I**

7 **SEC. 101. REFERENDUM.**

8 (a) **IN GENERAL.**—An islandwide referendum shall be
9 held in Puerto Rico in which qualified voters of the Common-
10 wealth of Puerto Rico shall be presented a choice of three
11 status options for Puerto Rico. The options shall appear on
12 the ballot as follows:

13 (1) Statehood as set forth in title II of the Puerto
14 Rico Status Referendum Act;

15 (2) Independence as set forth in title III of the
16 Puerto Rico Status Referendum Act; and

17 (3) Commonwealth as set forth in title IV of the
18 Puerto Rico Status Referendum Act.

19 (b) **DATE OF REFERENDUM.**—The first referendum
20 shall occur on June 4, 1991, or on a date during the summer
21 of calendar year 1991 as may be mutually agreed by the
22 three principal political parties of Puerto Rico.

23 (c) **RETURNS OF REFERENDUM.**—The returns of the
24 referendum held under this Act shall be made to the Gover-
25 nor of Puerto Rico, who shall cause them to be canvassed in

1 the manner provided by law for the canvass of votes cast in
2 general elections for Federal office in the Commonwealth of
3 Puerto Rico. If there is not a majority in favor of one of the
4 three options, then there shall be, on August 6, 1991, or on a
5 date during the summer of calendar year 1991 as may be
6 mutually agreed by the three principal political parties, a
7 runoff referendum between the two status options which had
8 received the largest number of votes. Such referendum shall
9 also include an option of "None of the Above". The Gover-
10 nor shall certify to the President and to the Congress of the
11 United States that decision of the people of Puerto Rico
12 which received a majority of the votes cast, if a majority is
13 obtained.

14 (d) **APPLICABLE ELECTION LAWS.**—The election laws
15 of the Commonwealth of Puerto Rico for a general election
16 for the election of a Federal officer, and as in effect on July
17 15, 1989, shall apply to the referendum held under this Act,
18 except as otherwise specifically provided in this Act, and as
19 necessarily modified to recognize that it is a referendum on
20 status options. The Attorney General of the United States
21 shall provide for adequate monitoring of the referendum by
22 United States marshals.

23 (e) **JUDICIAL REVIEW.**—Any legal dispute or contro-
24 versy arising out of this referendum shall be adjudicated in
25 accordance with local laws and procedures, except that:

1 (1)(A) Any aggrieved person (including, without
2 limitation, any political party), within 60 days after the
3 certification by the Governor of the results of the refer-
4 endum pursuant to title I, section 101(c), may institute
5 an action to challenge the choice certified by the Gov-
6 ernor on the basis that (i) an electoral irregularity or
7 irregularities had occurred, and (ii) that the irregularity
8 or irregularities were so significant as to affect the out-
9 come of the referendum and call into question the
10 choice certified by the Governor.

11 (B) The three-judge court provided for in para-
12 graph (2) shall have exclusive jurisdiction of proceed-
13 ings instituted pursuant to this section and shall exer-
14 cise the same without regard to whether the aggrieved
15 shall have exhausted any administrative or other reme-
16 dies provided by Federal law or the law of Puerto
17 Rico.

18 (C) In any proceeding instituted pursuant to this
19 paragraph of this subsection, if the court finds that
20 there has been an electoral irregularity or irregularities
21 so significant as to affect the outcome of the referen-
22 dum and call into question the choice certified by the
23 Governor, the court is empowered to grant appropriate
24 relief, including nullification of the entire referendum,
25 ordering a recount or recounts, or any other relief

1 deemed appropriate to preserve the integrity of the
2 electoral process.

3 (D) The Attorney General of the United States is
4 empowered to intervene at the request of the court in
5 any proceeding brought under this section in order to
6 assist in the gathering and presentation of evidence.
7 Any aggrieved person with a Federal constitutional or
8 Federal statutory claim arising out of the same factual
9 nexus as an action brought under this section may in-
10 tervene in that action in a manner deemed timely by
11 the court in its discretion. Failure of such an aggrieved
12 person to timely intervene will result in foreclosure of
13 that person's Federal constitutional or statutory claim.

14 (E) The court may give such weight as it deems
15 appropriate to the determination of the Commonwealth
16 Elections Commission, the courts of the Common-
17 wealth and any other local authority or tribunal. The
18 court is not required to provide de novo review of any
19 and all claims of irregularities already determined by
20 a local authority or tribunal, except as it deems
21 necessary.

22 (2)(A) Any claim brought under the United States
23 Constitution or a Federal statute, or any claim brought
24 to challenge the result certified by the Governor,
25 whether brought under this Act or under the law of

1 the Commonwealth of Puerto Rico, shall be heard by a
2 three-judge court which shall have exclusive jurisdic-
3 tion over all such claims.

4 (B) The court shall receive evidence and hear ar-
5 gument, as it deems necessary. The provisions of sec-
6 tion 2284(b)(3) of title 28, United States Code, shall
7 apply to proceedings of the three-judge court. It shall
8 be the duty of the Chief Judge of the First Circuit
9 Court of Appeals, with proper authorization by the
10 Chief Justice of the United States under section 291(a)
11 of title 28, United States Code, where necessary, to
12 designate three judges, of whom at least one shall be a
13 circuit judge and the remaining judge or judges shall
14 be district court judges, to hear and determine any
15 such claim. No judge resident in Puerto Rico shall be
16 designated. Hearings of the three-judge court shall be
17 conducted in Puerto Rico. An appeal from a final judg-
18 ment of the three-judge court will lie to the Supreme
19 Court of the United States by way of certiorari.

20 (f) IMPLEMENTATION.—The procedures for implement-
21 ing the status option which has been certified by the Gover-
22 nor pursuant to subsection (e), shall go into effect on October
23 1, 1991, in accordance with the appropriate title of this Act.

24 (g) REFERENDUM INFORMATION OFFICER.—The
25 President shall appoint, from a list provided by the three

1 principal political parties of Puerto Rico, a referendum infor-
2 mation officer to be responsible for the translation and distri-
3 bution of information and educational materials on the refer-
4 endum. If the President is not satisfied with the qualifications
5 of those persons on the initial list, the political parties shall
6 submit such additional lists as may be necessary until an ap-
7 pointment is made. There are authorized to be appropriated
8 such sums as may be necessary for the purposes of this
9 subsection.

10 TITLE II—STATEHOOD

11 SEC. 201. PROCLAMATION.

12 Should statehood be certified, under section 101 of this
13 Act, as having obtained a majority of the votes cast in the
14 referendum, and upon the certification of the election of the
15 officers required to be elected as provided in section 206 of
16 this Act, the President shall issue his proclamation announc-
17 ing the results of said election as so ascertained. Upon the
18 issuance of said proclamation, the Commonwealth of Puerto
19 Rico (hereinafter referred to also as the “State”) shall be
20 declared to be a State of the United States of America, and
21 shall be declared admitted into the Union on an equal footing
22 with the other States.

23 SEC. 202. CONSTITUTION.

24 The Constitution of the Commonwealth of Puerto Rico
25 shall always be republican in form and shall not be repugnant

1 to the Constitution of the United States and the principles of
2 the Declaration of Independence. The Constitution adopted
3 by a vote of the people of Puerto Rico in the election held on
4 June 4, 1951, has been found by Congress to be republican
5 in form and in conformity with the Constitution of the United
6 States and the principles of the Declaration of Independence,
7 and was accepted, ratified, and confirmed, through Public
8 Law 447 of the Eighty-second Congress, March 3, 1952.
9 The current Constitution of the Commonwealth of Puerto
10 Rico as ratified by the people at the referendum held on
11 June 4, 1951, is hereby accepted as the Constitution of the
12 State.

13 **SEC. 203. TERRITORY AND BOUNDARIES.**

14 The State shall consist of all of the territory, together
15 with the waters included in the seaward boundary, of the
16 Commonwealth of Puerto Rico.

17 **SEC. 204. STATE TITLE TO LANDS AND PROPERTY.**

18 (a) The State and its political subdivisions shall have
19 and retain title to all property, real and personal, which it
20 currently holds, including, but not limited to, title to sub-
21 merged lands heretofore granted to Puerto Rico.

22 (b) Any lands and other properties that, as of the date of
23 admission of Puerto Rico into the Union, are set aside pursu-
24 ant to law for the use of the United States under any (1) Act
25 of Congress, (2) Executive order, (3) proclamation of the

1 President, or (4) proclamation of the Governor of the Com-
2 monwealth of Puerto Rico, shall remain the property of the
3 United States.

4 (c) Not later than 5 years after the date of admission of
5 the Commonwealth of Puerto Rico as a State of the Union,
6 each Federal agency having control over any land or proper-
7 ty that is retained by the United States pursuant to this sec-
8 tion shall submit a report to the President and the Congress
9 concerning the continued need for such land or property. If
10 the President determines that any such land or property, or
11 portion thereof, or any interest therein, is no longer needed
12 by the Federal Government, it shall be conveyed to the Com-
13 monwealth of Puerto Rico at no cost. This section does not
14 authorize the transfer of any interest in the Caribbean
15 National Forest or the San Juan Historic Site.

16 (d) All laws of the United States: (1) reserving to the
17 United States the free use or enjoyment of property which
18 vest in or is conveyed to the Commonwealth of Puerto Rico
19 or its political subdivisions pursuant to this section; or (2)
20 reserving the right to alter, amend, or repeal laws relating to
21 the ownership of such land; shall cease to be effective upon
22 the conveyance of the land.

23 **SEC. 205. CLAIMS TO FEDERAL LANDS AND PROPERTY.**

24 (a) As a compact with the United States, the Common-
25 wealth and its people recognize all rights and titles to any

1 lands or other property not granted or conferred to the Com-
2 monwealth or its political subdivisions by or under the au-
3 thority of this Act, the right or title to which is now held by
4 the United States or subject to disposition by the United
5 States.

6 (b)(1) Nothing contained in this Act shall recognize,
7 deny, enlarge, impair, or otherwise affect any claim against
8 the United States, and any such claim shall be governed by
9 applicable laws of the United States.

10 (2) Nothing in this Act is intended or shall be construed
11 as a finding, interpretation, or construction by the Congress
12 that any applicable law authorizes, establishes, recognizes, or
13 confirms the validity or invalidity of any such claim, and the
14 determination of the applicability of any law to any such
15 claim shall be unaffected by anything in this Act.

16 (c) No taxes shall be imposed by the State upon any
17 lands or other property now owned or hereafter acquired by
18 the United States.

19 **SEC. 206. ELECTIONS AND ADMISSION REFERENDUM.**

20 (a)(1) Within 30 days after the date of the certification
21 of the results of the referendum under title I of this Act, the
22 Governor of the Commonwealth of Puerto Rico shall issue a
23 proclamation for the election of two United States Senators
24 and for such number of United States Representatives in
25 Congress as provided in this Act. The Governor of the Com-

1 monwealth shall certify the election of the Senators and Rep-
2 resentatives in the manner required by law. The Senators
3 and Representatives elected shall be entitled, upon the proc-
4 lamation issued under section 201, to be admitted to seats in
5 Congress and to all the rights and privileges of Senators and
6 Representatives of the other States in the Congress of the
7 United States. The Office of Resident Commissioner shall
8 cease to exist upon the swearing in of the first Member of the
9 House of Representatives so elected.

10 (2) In the first election of Senators from the State, the
11 two senatorial offices shall be separately identified and desig-
12 nated, and no person may be a candidate for both offices. No
13 such identification or designation of either of the two senato-
14 rial officers shall refer to or be taken to refer to the terms of
15 such offices, or in any way impair the privilege of the Senate
16 to determine the class to which each of the Senators elected
17 shall be assigned.

18 (b)(1) Election returns shall be made and certified in
19 such manner as provided by the electoral laws of Puerto
20 Rico and in such a manner as the Commonwealth of Puerto
21 Rico may prescribe. The Governor of the Commonwealth of
22 Puerto Rico shall certify the results of such elections to the
23 President of the United States.

24 (2) The new State of Puerto Rico shall be known as the
25 Commonwealth of Puerto Rico.

1 (3) The individuals holding legislative, executive, and
2 judicial offices of the Commonwealth of Puerto Rico, shall
3 continue to discharge the duties of their respective offices,
4 pending the issuance of the proclamation by the President of
5 the United States and the admission of the Commonwealth of
6 Puerto Rico as a State of the Union. The officers elected or
7 appointed under the provisions of the constitution and laws of
8 the Commonwealth shall thereupon proceed to exercise all
9 the functions pertaining to their offices in, under, or by au-
10 thority of the government of the State, as provided by the
11 constitution and laws of the State.

12 **SEC. 207. CONGRESSIONAL REPRESENTATION.**

13 The Commonwealth of Puerto Rico upon its admission
14 into the Union, and until the next reapportionment, shall be
15 entitled to such additional Representatives as would be pro-
16 vided based upon the 1990 census. The permanent member-
17 ship of the House of Representatives as now prescribed by
18 law, is hereby increased from 435 to 435 plus the number of
19 additional Representatives to which the Commonwealth of
20 Puerto Rico is entitled.

21 **SEC. 208. LAWS IN EFFECT.**

22 (a) Upon admission of the Commonwealth of Puerto
23 Rico into the Union, all of the local laws then in force in the
24 Commonwealth of Puerto Rico shall be and continue in force
25 and effect throughout the State, except as modified or

1 changed by this Act, and shall be subject to repeal or amend-
2 ment by the legislature of the Commonwealth. All of the
3 laws of the United States shall have the same force and effect
4 within the State as on the date immediately prior to the date
5 of admission of the State of Puerto Rico, except as otherwise
6 provided in section 213 or elsewhere in this Act, and except
7 for any provisions of law which provide for grants or other
8 assistance to States or other units of local government or
9 individuals and for which the Commonwealth of Puerto Rico
10 or residents thereof are either excluded or whose eligibility is
11 less than that provided on a uniform basis to other States.
12 Any regulatory or other provision of law, other than grants
13 and other assistance, which does not apply to Puerto Rico
14 solely on the basis of particular geography, especially if such
15 provision does not also apply to either Alaska or Hawaii,
16 shall continue to not apply unless specifically extended by
17 Congress.

18 (b) Within 60 days of the certification of a majority vote
19 for statehood in the referendum, the President shall appoint a
20 Commission on Federal Laws to survey the laws of the
21 United States and to make recommendations to the United
22 States Congress as to which laws of the United States not
23 applicable to the Commonwealth of Puerto Rico should be
24 made applicable and to what extent and in what manner, and
25 which applicable laws should be made inapplicable and to

1 what extent and in what manner. The Commission will con-
2 sist of seven persons (at least four of whom will be residents
3 of Puerto Rico who are and have been for at least 5 years
4 domiciled continuously in Puerto Rico at the time of their
5 appointments) who will be representative of the Federal,
6 local, private, and public interests in the applicability of laws
7 of the United States to the Commonwealth of Puerto Rico.
8 The Commission will make its final report by January 1,
9 1994, and before that time will make such interim reports
10 and recommendations to the Congress as it considers appro-
11 priate. In formulating its recommendations the Commission
12 will take into consideration the potential effect of each law on
13 local conditions within the Commonwealth of Puerto Rico,
14 the policies embodied in the law and the provisions and pur-
15 poses of this title. The United States will bear the cost of the
16 work of the Commission. There are hereby authorized to be
17 appropriated such sums as may be necessary for the purposes
18 of this subsection.

19 **SEC. 209. CONTINUATION OF SUITS.**

20 (a) No writ, action, indictment, cause, or proceeding
21 pending in any court of the Commonwealth of Puerto Rico,
22 shall abate by reason of the admission of the Commonwealth
23 of Puerto Rico into the Union, but shall proceed within such
24 appropriate State courts as are now established under the
25 Constitution of the Commonwealth, or shall continue in the

1 United States District Court for the District of Puerto Rico,
2 as the nature of the case may require.

3 (b) All civil causes of action and all criminal offenses,
4 which shall have arisen or been committed prior to the ad-
5 mission of the Commonwealth, but as to which no writ,
6 action, indictment, or proceeding shall be pending at the date
7 of such admission, shall be subject to prosecution in the ap-
8 propriate State courts or in the United States District Court
9 for the District of Puerto Rico in like manner, to the same
10 extent, and with like right of appellate review, as if such
11 State had been created and such State courts had been estab-
12 lished prior to the accrual of such causes of action or the
13 commission of such offenses. The admission of the State shall
14 effect no change in the procedural or substantive laws gov-
15 erning causes of action and criminal offenses which shall have
16 arisen or been committed, and any such criminal offenses as
17 shall have been committed against the laws of the Common-
18 wealth of Puerto Rico, shall be tried and punished by the
19 appropriate courts of the State, and any such criminal of-
20 fenses as shall have been committed against the laws of the
21 United States shall be tried and punished in the United
22 States District Court for the District of Puerto Rico.

23 **SEC. 210. APPEALS.**

24 Parties shall have the same rights of judicial review of
25 final decisions of the United States District Court for the

1 District of Puerto Rico or the Supreme Court of the Com-
2 monwealth of Puerto Rico, in any case finally decided prior
3 to the admission of the State of Puerto Rico into the Union,
4 whether or not an appeal therefrom shall have been perfected
5 prior to such admission. The United States Court of Appeals
6 for the First Circuit and the Supreme Court of the United
7 States, shall have the same jurisdiction in such cases as by
8 law provided prior to the admission of the State into the
9 Union. Any mandate issued subsequent to the admission of
10 the State, shall be to the United States District Court for the
11 District of Puerto Rico or a court of the State, as appropri-
12 ate. Parties shall have the same rights of appeal from and
13 appellate review of all orders, judgments, and decrees of the
14 United States District Court for the District of Puerto Rico
15 and of the Supreme Court of Puerto Rico, in any case pend-
16 ing at the time of admission of the State into the Union, and
17 the Supreme Court of the Commonwealth of Puerto Rico and
18 the Supreme Court of the United States shall have the same
19 jurisdiction therein, as by law provided in any case arising
20 subsequent to the admission of the State into the Union.

21 **SEC. 211. MILITARY LANDS.**

22 (a) Subject to subsection (b) and notwithstanding the ad-
23 mission of the Commonwealth of Puerto Rico into the Union,
24 authority is reserved in the United States for the exercise by
25 the Congress of the United States of the power of exclusive

1 legislation, as provided by article I, section 8, clause 17, of
2 the Constitution of the United States, in all cases whatsoever
3 over such tracts or parcels of land as, immediately prior to
4 the admission of the State, are controlled or owned by the
5 United States and held for defense or Coast Guard purposes.

6 (b)(1) The Commonwealth of Puerto Rico shall always
7 have the right to serve civil or criminal process within such
8 tracts or parcels of land in suits or prosecutions for or on
9 account of rights acquired, obligations incurred, or crimes
10 committed within the State but outside of such tracts or
11 parcels of land.

12 (2) The reservation of authority in the United States for
13 the exercise by the Congress of the United States of the
14 power of exclusive legislation over such lands shall not oper-
15 ate to prevent such lands from being a part of the Common-
16 wealth of Puerto Rico, or to prevent the State from exercis-
17 ing over or upon such lands, concurrently with the Federal
18 Government, any jurisdiction which it would have in the ab-
19 sence of such reservation of authority and which is consistent
20 with the laws hereafter enacted by the Congress pursuant to
21 such reservation or authority.

22 (3) The power of exclusive legislation shall vest and
23 remain in the United States only so long as the particular
24 tract or parcel of land involved is controlled or owned by the
25 United States and used for defense or Coast Guard purposes,

1 except that the United States shall continue to have sole and
2 exclusive jurisdiction over such military installations as have
3 been or may be determined to be critical areas as designated
4 by the President of the United States or the Secretary of
5 Defense.

6 **SEC. 212. UNITED STATES NATIONALITY.**

7 No provision of this title shall operate to confer United
8 States nationality, to terminate nationality lawfully acquired,
9 or to restore nationality terminated or lost under any law of
10 the United States or under any treaty to which the United
11 States is or was a party.

12 **SEC. 213. ECONOMIC ADJUSTMENT.**

13 [TEXT TO COME]

14

15

16 **TITLE III—INDEPENDENCE**

17 **SEC. 301. CONSTITUTIONAL CONVENTION.**

18 (a) Should independence be certified, under section 101
19 of this Act, as having obtained a majority of the votes cast in
20 the referendum, then the Legislative Assembly of the Com-
21 monwealth of Puerto Rico shall provide, within 2 months, for
22 the election of delegates to a constitutional convention to
23 serve until the proclamation of independence and to draft a
24 Constitution for the Republic of Puerto Rico. The election

1 of delegates must be held within 6 months after such
2 referendum.

3 (b) Those qualified to vote in the election of delegates to
4 the constitutional convention shall be (1) all persons born and
5 residing in Puerto Rico; (2) all persons residing in Puerto
6 Rico and one of whose parents was born in Puerto Rico; (3)
7 all persons who at the time of the adoption of this Act shall
8 have resided in Puerto Rico for a period of 20 years or more;
9 (4) all persons who established their residence in Puerto Rico
10 prior to attaining voting age and still reside in Puerto Rico;
11 and (5) spouses of all persons included in (1), (2), (3), and (4)
12 above.

13 (c) The laws of the Commonwealth of Puerto Rico relat-
14 ing to additional voter qualifications and the electoral process
15 shall apply to this election.

16 (d) The constitutional convention shall meet within 3
17 months of the election of delegates at such time and place as
18 the Legislative Assembly of the Commonwealth of Puerto
19 Rico shall determine.

20 (e) The constitutional convention shall exercise jurisdic-
21 tion over all of the territory of Puerto Rico ceded to the
22 United States by Spain by virtue of the Treaty of Paris the
23 10th day of December 1898.

1 **SEC. 302. CHARACTER OF THE CONSTITUTION.**

2 (a) The constitutional convention mandated under the
3 previous section shall formulate and draft a constitution es-
4 tablishing a republican form of government which shall guar-
5 antee the protection of fundamental human rights.

6 (b) The fundamental human rights guaranteed by the
7 aforementioned constitution shall include such rights as due
8 process and equal protection under the law, freedom of
9 speech, press, assembly, association, and religion, as well as
10 the rights of the accused, and economic, social, and cultural
11 rights such as the right to education, adequate nutrition,
12 health services, adequate housing, and work or employment
13 and the right to own private property and to just compensa-
14 tion for the taking thereof.

15 (c) The property rights of the United States and Puerto
16 Rico shall be promptly adjusted and settled, and all existing
17 property rights of citizens or corporations of the United
18 States shall be acknowledged, respected, and safeguarded to
19 the same extent as property rights of citizens of Puerto Rico.

20 **SEC. 303. RATIFICATION OF THE CONSTITUTION.**

21 (a) The constitution adopted by the constitutional con-
22 vention shall be submitted to the people of Puerto Rico for its
23 ratification or rejection.

24 (b) The Legislative Assembly of the Commonwealth of
25 Puerto Rico shall call for a special election for such ratifica-

1 tion or rejection, to be held within 3 months of the adoption
2 of the constitution by the constitutional convention.

3 (c) The special election providing all qualified voters the
4 opportunity to cast a vote for or against the proposed consti-
5 tution shall be held in the manner prescribed by the Legisla-
6 tive Assembly of the Commonwealth of Puerto Rico. In the
7 event such constitution is not approved in the election, it
8 shall be resubmitted to the convention for further consider-
9 ation and resubmission to the voters as provided in this
10 section.

11 (d) Those qualified to vote in this election shall be those
12 possessing the qualifications established in section 301 of this
13 title.

14 **SEC. 304. ELECTION OF OFFICERS OF THE REPUBLIC.**

15 (a) Within 30 days of the ratification of the constitution
16 as provided for by section 303 of this title, the Governor of
17 the Commonwealth of Puerto Rico shall issue a proclamation
18 calling for the election of such officers of the Republic of
19 Puerto Rico as may be required by the ratified constitution.

20 (b) The election of officers of the Republic shall be held
21 not later than 6 months after the date of ratification of the
22 constitution.

23 (c) The aforesaid election shall be held in accordance
24 with the procedures and requirements established in the con-
25 stitution of the Republic of Puerto Rico.

1 (d) The Governor of the Commonwealth of Puerto Rico
2 shall certify the results of the election to the President of the
3 United States.

4 **SEC. 305. JOINT TRANSITION COMMISSION.**

5 (a) A joint transition commission shall be appointed in
6 equal numbers by the President of the United States and the
7 presiding officer of the constitutional convention of Puerto
8 Rico.

9 (b) The joint transition commission shall be responsible
10 for expediting the orderly transfer of all functions currently
11 exercised by the Government of the United States in Puerto
12 Rico, or in relation to Puerto Rico; including the recommen-
13 dation of appropriate legislation to the appropriate officials of
14 each government.

15 (c) Any necessary task forces established by the joint
16 transition commission shall be constituted in the same
17 manner as the commission.

18 (d) The Government of the Commonwealth of Puerto
19 Rico and the agencies of the Government of the United
20 States shall cooperate with the joint transition commission
21 and subsequently with the new officers of the Republic of
22 Puerto Rico, to provide for the orderly transfer of the func-
23 tions of government.

24 (e) The costs of the transition commission shall be
25 evenly divided between the United States and Puerto Rico,

1 and there is hereby authorized to be appropriated such sums
2 as are necessary for the United States share of these costs.
3 Agencies of the United States Government shall provide
4 technical assistance to the joint transition commission on a
5 reimbursable basis.

6 **SEC. 306. RESOLUTION OF CONTROVERSIES PRIOR TO INDE-**
7 **PENDENCE.**

8 Except as provided in title I of this Act and beginning
9 on the date of the certification provided for in title I of this
10 Act, and until the date of proclamation of independence, any
11 action arising from this title filed in courts of the United
12 States shall be stayed and referred to the joint transition
13 commission for resolution within a reasonable period of time.

14 **SEC. 307. PROCLAMATIONS BY THE PRESIDENT OF THE**
15 **UNITED STATES AND THE HEAD OF STATE OF**
16 **THE REPUBLIC OF PUERTO RICO.**

17 (a) Not later than 1 month after the official certification
18 of the elected officers of the Republic of Puerto Rico under
19 section 304, and the approval, in accordance with the consti-
20 tutional processes of Puerto Rico and the United States, of
21 the agreements set forth in sections 312 and 313, the Presi-
22 dent of the United States shall by proclamation withdraw and
23 surrender all rights of possession, supervision, jurisdiction,
24 control, or sovereignty then existing and exercised by the
25 United States over the territory and people of Puerto Rico,

1 and shall furthermore recognize on behalf of the United
2 States of America the independence of the Republic of Puerto
3 Rico and the authority of the government instituted by the
4 people of Puerto Rico under the constitution of their own
5 adoption. The proclamation shall state that the effective date
6 of withdrawal of the sovereignty of the United States and the
7 recognition of independence shall be the same as the date of
8 the proclamation of independence, as provided in subsection
9 (d).

10 (b) The President of the United States shall forward a
11 copy of the proclamation issued by him to the presiding offi-
12 cer of the constitutional convention of Puerto Rico within a
13 week after signature.

14 (c) Within 1 week after receiving the Presidential proc-
15 lamation and with the advice of the officer elected as head of
16 state of the Republic, the presiding officer of the constitution-
17 al convention shall determine the date in which the Govern-
18 ment of the Republic shall take office, and shall so notify the
19 Governor of the Commonwealth of Puerto Rico and the
20 President of the United States.

21 (d) Upon taking office, the head of state of the Republic
22 of Puerto Rico shall immediately issue a proclamation declar-
23 ing (1) that Puerto Rico has become a sovereign, independent
24 nation; (2) that the Constitution of the Republic is thence-
25 forth in effect; (3) that the Commonwealth of Puerto Rico

1 and its Government have ceased to exist; and (4) that the
2 Government of the Republic will henceforth exercise its
3 powers and duties under its Constitution.

4 **SEC. 308. EFFECTS OF THE PROCLAMATION OF INDEPEND-**
5 **ENCE ON LEGAL AND CONSTITUTIONAL PROVI-**
6 **SIONS.**

7 (a) Upon the proclamation of independence as provided
8 in section 307, and except as otherwise provided in this title
9 or in any separate agreements hereinafterwards concluded
10 between the United States and the Republic of Puerto
11 Rico—

12 (1) all property, rights, and interests which the
13 United States may have acquired over Puerto Rico by
14 virtue of the Treaty of Paris of 1898, and thereafter by
15 cession, purchase, or eminent domain, with the excep-
16 tion of such land and other property, rights, or inter-
17 ests as may have been sold or otherwise legally dis-
18 posed of prior to the enactment of this Act, shall vest
19 in the Republic of Puerto Rico;

20 (2) all laws of the United States applicable to the
21 Commonwealth of Puerto Rico immediately prior to
22 the proclamation of independence shall no longer apply
23 in the Republic of Puerto Rico; and

24 (3) all laws and regulations of the Commonwealth
25 of Puerto Rico in force immediately before the procla-

1 mation of independence shall continue in force and
2 shall be read with such modifications, adaptations, quali-
3 fications and exceptions as may be necessary to bring
4 them into conformity with the Constitution of the Re-
5 public of Puerto Rico until such time as they shall be
6 replaced with new legislation: *Provided*, That any pro-
7 visions that may be incompatible with the sovereignty
8 of the Republic of Puerto Rico shall be deemed invalid.

9 **SEC. 309. EFFECTS OF THE PROCLAMATION OF INDEPEND-**
10 **ENCE ON JUDICIAL PRONOUNCEMENTS.**

11 Unless otherwise agreed by the Governments of the
12 United States and Puerto Rico in accordance with their re-
13 spective constitutional processes:

14 (a) The Republic of Puerto Rico shall recognize and
15 give effect to all orders and judgments rendered by United
16 States or Commonwealth courts prior to the proclamation of
17 independence pursuant to the laws of the United States then
18 applicable to the Commonwealth of Puerto Rico.

19 (b) All judicial proceedings pending in the courts of the
20 Commonwealth of Puerto Rico prior to the proclamation of
21 independence shall be continued in the corresponding courts
22 under the Constitution of the Republic of Puerto Rico.

23 (c) Upon the proclamation of independence, the judicial
24 power of the United States shall no longer extend to Puerto
25 Rico. All proceedings pending in the United States District

1 Court for the District of Puerto Rico shall be transferred to
2 the corresponding Puerto Rican courts of competence under
3 the Constitution of the Republic of Puerto Rico for disposi-
4 tion in conformity with laws applicable at the time when the
5 controversy in process arose. All proceedings pending in the
6 United States Court of Appeals for the First Circuit, or in the
7 Supreme Court of the United States, which may have initiat-
8 ed in the courts of the Commonwealth or in the United
9 States District Court for the District of Puerto Rico shall
10 continue until their final disposition and shall be submitted to
11 the competent authority of the Republic of Puerto Rico for
12 proper execution: *Provided*, That neither the United States
13 nor any of its officers is a party, in which case any final
14 judgment shall be properly executed by the competent au-
15 thority of the United States.

16 **SEC. 310. STATE SUCCESSION.**

17 (a) The Government of the Republic of Puerto Rico
18 shall be deemed successor to the Government of the Com-
19 monwealth of Puerto Rico and of all the rights and obliga-
20 tions thereof.

21 (b) Upon proclamation of independence the President of
22 the United States shall notify the governments with which
23 the United States is in diplomatic correspondence, to the
24 United Nations Organization, and to the Organization of
25 American States, that—

1 (1) the United States has recognized the inde-
2 pendence of the Republic of Puerto Rico; and

3 (2) all obligations and responsibilities of the Gov-
4 ernment of the United States which arise from any
5 valid bilateral or multilateral international instruments
6 affecting Puerto Rico, insofar as said instruments may
7 be held to have consequences for the United States be-
8 cause of their application to or in respect to Puerto
9 Rico, shall cease: *Provided*, That such obligations and
10 responsibilities may be assumed by the Government of
11 the Republic of Puerto Rico in a manner to be deter-
12 mined and proclaimed by the appropriate officer of
13 the Republic of Puerto Rico in accordance with its
14 Constitution.

15 **SEC. 311. CITIZENSHIP AND MIGRATION.**

16 (a) All matters pertaining to Puerto Rican citizenship
17 shall be regulated pursuant to the Constitution and laws of
18 the Republic of Puerto Rico.

19 (b) Upon the certification of the referendum under sec-
20 tion 101(c) of this Act, Puerto Rico shall no longer be
21 deemed to be a part of the United States for the purposes of
22 acquiring citizenship of the United States by place of birth.
23 Provisions of the Jones Act and Immigration and Nationality
24 Act declaring Puerto Rico to be a part of the United States
25 for the purpose of extending citizenship to persons born in

1 Puerto Rico are repealed or modified, as appropriate, to
2 delete any reference to Puerto Rico and Puerto Rico shall
3 not be considered to be a part of the United States for such
4 purposes: *Provided*, That nothing in this section shall affect
5 the citizenship of any person born prior to the date of the
6 certification of the referendum.

7 (c) Notwithstanding any other provision of law, no
8 person born outside of the United States after the proclama-
9 tion of independence shall be a citizen of the United States at
10 birth if the parents of such person acquired citizenship in the
11 United States solely by virtue of being born in Puerto Rico
12 prior to the proclamation of independence pursuant to the
13 provisions of the Jones Act and the Immigration and
14 Nationality Act.

15 (d) Every person who is not a citizen of the United
16 States and becomes a citizen of the Republic of Puerto Rico
17 upon proclamation of independence, or becomes a citizen of
18 the Republic by birth after the proclamation of independence,
19 or is a naturalized citizen of the Republic who has been an
20 actual resident of Puerto Rico for not less than five years,
21 may, after proclamation of independence, enter into, lawfully
22 engage in occupations, and establish residence as immigrants
23 in the United States, as provided by law and regulations of
24 the United States: *Provided*, That notwithstanding any other
25 provision of law, persons identified under subsection (c) above

1 may, for a period of twenty-five years after such proclama-
2 tion, enter into, lawfully engage in occupations, and establish
3 residence as a nonimmigrant in the United States and its
4 territories and possessions, and such persons shall be consid-
5 ered to have the permission of the Attorney General of the
6 United States to accept employment in the United States:
7 *Provided further*, That this subsection does not confer on
8 such citizens of Puerto Rico the right to establish the resi-
9 dence necessary for naturalization under the Immigration and
10 Nationality Act, or to petition for benefits for alien relatives
11 under that Act. This subsection, however, shall not prevent a
12 citizen of Puerto Rico from otherwise acquiring such rights or
13 lawful permanent resident alien status in the United States.

14 **SEC. 312. DEFENSE.**

15 (a) Specific arrangements for the use of military areas
16 by the United States in Puerto Rico, and to meet United
17 States defense interests, shall be negotiated by a task force
18 established by the joint transition commission, and approved
19 in accordance with the constitutional processes of the United
20 States and Puerto Rico, and shall come into effect simulta-
21 neously with the proclamation of independence. These specif-
22 ic arrangements shall include—

23 (1) detailed operating rights and status of forces
24 agreements executed by the Government of Puerto
25 Rico and the Government of the United States of

1 America providing for continued use and unrestricted
2 access, by the Government of the United States, to
3 military installations and facilities, and Coast Guard fa-
4 cilities, to the same extent, and in the same manner, of
5 use and access as existed during the period of time
6 prior to the referendum provided for in section 101 of
7 this Act;

8 (2) an agreement by the Government of Puerto
9 Rico to deny to third countries any access to or use of
10 the territory of Puerto Rico for military purposes,
11 except as specifically authorized by the Government of
12 the United States; and

13 (3) an agreement by the Government of Puerto
14 Rico that the foregoing conditions will remain in full
15 force and effect until terminated or otherwise amended
16 by mutual consent of the Governments of Puerto Rico
17 and of the United States: *Provided*, That either party
18 may at any time request the initiation of renegotiations
19 of such conditions.

20 (b) Mutual consent by the United States to any alter-
21 ation, modification, amendment, limitation, termination, or
22 other change in the agreement referred to in paragraph (2)
23 shall occur only pursuant to a specific Act of Congress.

1 **SEC. 313. FEDERAL PROGRAMS.**

2 The following provisions of this title are enacted in rec-
3 ognition of the unique relationship between the United States
4 and Puerto Rico, to affect a smooth and fair transition for the
5 new Republic of Puerto Rico with a minimum of economic
6 disruption, and to promote the development of a viable
7 economy in the new Republic of Puerto Rico:

8 (a) All Federal programs shall continue to apply in
9 Puerto Rico until the end of the fiscal year in which inde-
10 pendence is proclaimed, at which time, a grant shall be paid
11 to the Republic of Puerto Rico pursuant to subsection (3).

12 (b) Specific arrangements for the continuation or phase-
13 out of Federal programs shall be negotiated by a Task Force
14 on Economic Assistance established by the Joint Transition
15 Commission and approved in accordance with the constitu-
16 tional processes of Puerto Rico and the United States, and
17 shall come into effect simultaneously with the proclamation
18 of independence. In general, the specific arrangements shall
19 provide that—

20 (1) all Federal pension programs, such as veterans
21 and civil service benefits, shall continue as provided by
22 United States law;

23 (2) prior to the end of the fiscal year in which in-
24 dependence is proclaimed, an estimate will be deter-
25 mined by the Comptroller General of the United States
26 of the total number of grants, programs, and services,

1 including Medicare, provided by the Federal Govern-
2 ment in Puerto Rico in such fiscal year, except for
3 those grants, programs, and services which will other-
4 wise continue under this Act;

5 (3) a grant equal to the amount established under
6 paragraph (2) shall be paid annually to the Republic of
7 Puerto Rico beginning in the fiscal year following the
8 year in which independence is proclaimed, through the
9 ninth year following the certification of the referendum;

10 (4) the United States will fulfill any contractual
11 obligations outstanding at the time of the proclamation
12 of independence; and

13 (5) Puerto Rico may request that the United
14 States renew or continue any existing contractual obli-
15 gations: *Provided*, That Puerto Rico agrees that the
16 cost of such renewal or continuation shall be deducted
17 from the annual grant made under paragraph (3).

18 (c) There are authorized to be appropriated such sums
19 as may be necessary to fulfill the purposes of this section.

20 **SEC. 314. SOCIAL SECURITY.**

21 (a) The Joint Transition Commission established under
22 section 305 of this Act shall establish a Task Force on Social
23 Security to protect the rights of workers who have perma-
24 nently insured status under the Old Age, Survivors and Dis-
25 ability Insurance programs under title II of the Social Securi-

1 ty Act, as of five years subsequent to the certification of the
2 referendum, and to negotiate agreements necessary for the
3 coordination of the Social Security System of the United
4 States with a similar system to be established in the new
5 Republic of Puerto Rico. Any such agreement shall be ap-
6 proved in accordance with the constitutional processes of
7 Puerto Rico and the United States.

8 (b) In order to provide adequate time for the negotiation
9 and implementation of the agreements provided for in (a), the
10 current provisions of the Old Age, Survivors, and Disability
11 Insurance programs under title II of the Social Security Act
12 shall apply for five years subsequent to the certification of the
13 referendum under section 101 of this Act.

14 **SEC. 315. MEDICARE.**

15 The Joint Transition Commission established under sec-
16 tion 305 of this Act shall establish a Task Force on Medicare
17 to negotiate agreements necessary for the coordination of the
18 Medicare system of the United States with a similar system
19 to be established in the new Republic of Puerto Rico. Any
20 such agreement shall be approved in accordance with the
21 constitutional processes of Puerto Rico and the United
22 States.

23 **SEC. 316. TRADE RELATIONS.**

24 [TEXT TO COME]

25

1 SEC. 317. TAXATION.

2 [TEXT TO COME]

3

4 SEC. 318. CURRENCY AND FINANCE.

5 (a) The Joint Transition Commission established under
6 section 305 shall establish a Task Force on Currency and
7 Finance to negotiate an agreement to assist the Republic of
8 Puerto Rico in the design and establishment of a deposit in-
9 surance system, to determine the extent of financial support
10 to be provided for the system by United States insurance
11 organizations in which Puerto Rico's financial institutions
12 currently participate, and to make the necessary arrange-
13 ments with respect to the use of United States currency by
14 the Republic of Puerto Rico if so requested by the Republic.
15 Any such agreement shall be approved in accordance with
16 the constitutional processes of Puerto Rico and the United
17 States.

18 (b) The guarantees provided by the Government of the
19 United States to investors in the secondary market for exist-
20 ing loans, particularly mortgage loans guaranteed by the
21 Government National Mortgage Association (GNMA), the
22 Federal National Mortgage Association (FNMA), the Federal
23 Home Loan Mortgage Corporation (FHLM) and other United
24 States Government instrumentalities, shall be maintained for
25 Puerto Rico-originated loans existing on the date of the proc-
26 lamation until maturity.

1 **SEC. 319. PUBLIC DEBT.**

2 The debts, liabilities, and obligations of the Common-
3 wealth of Puerto Rico, its municipalities and instrumental-
4 ities, valid and outstanding upon the date of the proclamation
5 of independence, shall be assumed by the Republic of Puerto
6 Rico. The tax treatment of any such obligations shall be un-
7 affected by the proclamation of independence to the extent
8 that similar obligations issued by states are so treated.

9 **TITLE IV—COMMONWEALTH**

10 **SEC. 401. PROVISIONS.**

11 Should Commonwealth be certified, under section 101
12 of this Act, as having obtained a majority of the votes cast in
13 the referendum, the provisions of this title shall go into effect
14 on October 1, 1991.

15 **SEC. 402. PRINCIPLES OF COMMONWEALTH.**

16 (a) The Commonwealth of Puerto Rico is a self-govern-
17 ing body politic joined in political relationship with the
18 United States and under the sovereignty of the United
19 States. This relationship is permanent unless revoked by
20 mutual consent.

21 (b) The policy of the United States shall be to enhance
22 the Commonwealth relationship enjoyed by the Common-
23 wealth of Puerto Rico and the United States to enable the
24 people of Puerto Rico to accelerate their economic and social
25 development, to attain maximum cultural autonomy, and in

1 matters of government to take into account local conditions
2 in Puerto Rico.

3 **SEC. 403. APPLICATION OF FEDERAL LAW.**

4 (a) Notwithstanding any other provision of law, the
5 Governor of the Commonwealth of Puerto Rico may certify
6 from time to time to the Speaker of the House of Representa-
7 tives and the President of the Senate, that the Legislature of
8 the Commonwealth of Puerto Rico has adopted a resolution
9 that states that a Federal law or provision thereof should no
10 longer apply to the Commonwealth of Puerto Rico because
11 there is no overriding national interest in having such Feder-
12 al law be applicable in the Commonwealth of Puerto Rico
13 and such applicability does not serve the interests of the
14 people of the Commonwealth of Puerto Rico. A Federal law
15 or laws or provision thereof so certified shall no longer apply
16 to the Commonwealth of Puerto Rico if a joint resolution
17 approving the recommendation of the Government of the
18 Commonwealth of Puerto Rico is enacted.

19 (b) **EXPEDITED CONGRESSIONAL REVIEW.—**

20 (1) **CONGRESSIONAL RULEMAKING.—**This sub-
21 section is enacted by the Congress as an exercise of
22 the rulemaking power of the Senate and the House of
23 Representatives, respectively, and as such it is deemed
24 a part of the rules of each House, respectively, but is
25 applicable only with respect to the procedure to be fol-

1 lowed in this subsection; and it supersedes other rules
2 only to the extent that it is inconsistent therewith.

3 (2) RESOLUTION.—For purposes of this subsec-
4 tion, the term “resolution” means only a joint resolu-
5 tion, the matter after the resolving clause of which is
6 as follows: “That the House of Representatives and
7 the Senate approve the recommendation of the Gov-
8 ernment of the Commonwealth of Puerto Rico in the
9 certification submitted to the Congress on
10 , 19 ”. Such resolution shall also include
11 the certification received from the Governor of the
12 Commonwealth of Puerto Rico and a copy of the reso-
13 lution adopted by the Legislature of the Common-
14 wealth of Puerto Rico.

15 (3) REFERRAL.—A resolution once introduced
16 with respect to such a certification by the Governor of
17 the Commonwealth of Puerto Rico shall immediately
18 be referred by the Speaker of the House of Represent-
19 atives and the President of the Senate, as the case
20 may be, to the House Committee on Interior and Insu-
21 lar Affairs and to the Senate Committee on Energy
22 and Natural Resources and at the same time to such
23 other committees as the Speaker of the House of Rep-
24 resentatives or the President of the Senate, respective-
25 ly, shall determine.

1 (4) DISCHARGE.—

2 (A) IN GENERAL.—If the committee or com-
3 mittees to which a resolution with respect to a
4 certification by the Governor of the Common-
5 wealth of Puerto Rico has been referred has not
6 reported it at the end of 45 calendar days after its
7 referral, it shall be in order to move to discharge
8 the committee from further consideration of such
9 resolution.

10 (B) MOTIONS.—A motion of discharge may
11 be made only by an individual favoring the resolu-
12 tion and shall be highly privileged (except that it
13 may not be made after the committee has report-
14 ed a resolution with respect to the same submit-
15 tal), and debate thereon shall be limited to not
16 more than one hour, to be divided equally be-
17 tween those favoring and those opposing the reso-
18 lution. An amendment to the motion shall not be
19 in order, and it shall not be in order to move to
20 reconsider the vote by which the motion was
21 agreed to or disagreed to.

22 (C) RENEWAL.—If the motion to discharge
23 is agreed to or disagreed to, the motion may not
24 be renewed, nor may another motion to discharge

1 the committee be made with respect to any other
2 resolution with respect to the same submittal.

3 (5) FLOOR CONSIDERATION.—

4 (A) MOTION TO CONSIDER.—When the last
5 committee has reported, or has been discharged
6 from further consideration of a resolution, it shall
7 be at any time thereafter in order (even though a
8 previous motion to the same effect has been dis-
9 agreed to) to move to proceed to the consideration
10 of the resolution. The motion shall be highly privi-
11 leged and shall not be debatable. An amendment
12 to the motion shall not be in order, and it shall
13 not be in order to move to reconsider the vote by
14 which the motion was agreed to or disagreed to.

15 (B) DEBATE AND CONSIDERATION.—Debate
16 on the resolution referred to in subparagraph (A)
17 of this paragraph shall be limited to not more
18 than 10 hours, which shall be divided equally be-
19 tween those favoring and those opposing such res-
20 olution. A motion to further limit debate shall not
21 be debatable. An amendment to or motion to re-
22 commit the resolution shall not be in order, and it
23 shall not be in order to move to reconsider the
24 vote by which such resolution was agreed to or
25 disagreed to.

1 (6) DETERMINATION ON MOTIONS.—

2 (A) MOTIONS TO POSTPONE OR TO PRO-
3 CEED TO OTHER BUSINESS.—Motions to post-
4 pone, made with respect to the discharge from
5 committee, or the consideration of a resolution
6 and motions to proceed to the consideration of
7 other business, shall be decided without debate.

8 (B) APPEALS FROM THE DECISION OF THE
9 CHAIR.—Appeals from the decision of the Chair
10 relating to the application of the rules of the
11 Senate or the House of Representatives, as the
12 case may be, to the procedure relating to a reso-
13 lution shall be decided without debate.

14 (7) SUBSEQUENT ACTION.—Notwithstanding any
15 of the provisions of this subsection, if a House has ap-
16 proved a resolution with respect to a submittal, then it
17 shall not be in order to consider in that House any
18 other resolution with respect to the same such
19 submittal.

20 (8) COMPUTATION OF PERIOD.—For the purpose
21 of this subsection—

22 (A) continuity of session is broken only by an
23 adjournment of the Congress sine die; and

24 (B) the days on which either House is not in
25 session because of any adjournment of more than

1 three days to a day certain are excluded in the
2 computation of any period of time in which Con-
3 gress is in continuous session.

4 (c) This section shall not apply to—

5 (1) any Federal statutory law, or provision there-
6 of, establishing directly or indirectly grants and/or
7 services to citizens of the United States as individuals;

8 (2) any Federal statutory law or provision thereof
9 relating to citizenship; or

10 (3) any Federal statutory law or provision thereof
11 pertaining to the foreign relations, defense, or national
12 security.

13 (d) The Governor of Puerto Rico may enter into interna-
14 tional agreements to promote the international interests of
15 Puerto Rico as authorized by the President of the United
16 States and consistent with the laws and international obliga-
17 tions of the United States.

18 **SEC. 404. REGULATORY REVIEW.**

19 (a) For the purposes of this section, the definitions in
20 title 5, United States Code, section 551, apply.

21 (b) All agencies shall be guided by the policy stated in
22 section 402 when carrying out their duties under statutes and
23 rules applicable in or affecting the Commonwealth of Puerto
24 Rico. Any agency that engages in rulemaking pursuant to
25 title 5, United States Code, section 553, shall include in the

1 concise general statement of the basis and purpose of any
2 final rules adopted in response to any data, views, or argu-
3 ments submitted to it that raise a question of the consistency
4 of such rules with such policy.

5 (c) When an agency publishes in the Federal Register
6 any final rule (other than a rule issued after notice and hear-
7 ing required by statute), that does by its terms apply in the
8 Commonwealth of Puerto Rico, the Governor of the Com-
9 monwealth of Puerto Rico may submit to the agency within
10 30 days (or such longer period as the agency may have pre-
11 scribed as the period between publication of the rule and its
12 effectiveness) the Governor's determination that such rule is
13 inconsistent with such policy and, if appropriate, of how it
14 could be made consistent. Thereupon, the agency shall recon-
15 sider the question of the consistency of its rule with such
16 policy and shall, within 45 days of its receipt of the Gover-
17 nor's determination, publish in the Federal Register its
18 finding either—

19 (1) that—

20 (A) by the terms of the statute pursuant to
21 which the rule is made the agency has no discre-
22 tion to make the rule inapplicable in the Common-
23 wealth of Puerto Rico or to vary the terms of the
24 rule in its application to the Commonwealth or,

1 (B) there is a national interest that the rule
2 be applicable in Puerto Rico in the terms in which
3 it was published, or

4 (2) that the rule is not consistent with such policy,
5 in which case the rule, whether or not previously ap-
6 plicable in the Commonwealth of Puerto Rico in ac-
7 cordance with its terms as published, shall not be so
8 applicable or shall be applicable only in accordance
9 with the terms specified in the agency's finding.

10 (3) Within 60 days of the publication by an
11 agency of the finding provided for in paragraph (1) the
12 Governor of the Commonwealth of Puerto Rico, if ag-
13 grieved by such finding, may petition for review there-
14 of in the United States Court of Appeals of the First
15 Circuit or the District of Columbia Circuit. In any such
16 review proceeding the scope of review shall be as pre-
17 scribed in section 706 of title 5, United State Code.
18 Federal courts shall have no jurisdiction to entertain
19 any action brought by any other party challenging
20 agency compliance with this subsection.

21 **SEC. 405. AVIATION.**

22 The officials of the Department of State and the Depart-
23 ment of Transportation shall seek the advice of appropriate
24 officials of the Commonwealth of Puerto Rico when negotiat-

1 ing any air transportation agreements which would affect air
2 traffic to or from the Commonwealth of Puerto Rico.

3 **SEC. 406. INTERNATIONAL TRADE.**

4 [TEXT TO COME]

5

6 **SEC. 407. FEDERAL PROGRAMS: CONSOLIDATION OF GRANT-**

7 **IN-AID PROGRAMS.**

8 Section 501 of Public Law 95-134 (91 Stat. 1159,
9 1164) as amended, is further amended by deleting "Virgin
10 Islands," and inserting in lieu thereof "Virgin Islands,
11 Puerto Rico,".

12 **SEC. 408. CONSULTATION IN APPOINTEES AND NOMINATIONS.**

13 (a) In considering the qualifications of persons who may
14 be appointed to serve as: Supervisor, Caribbean National
15 Forest; Superintendent, San Juan Historic Site; Manager,
16 Department of Housing and Urban Development, San Juan;
17 Director, Caribbean Field Office, Environmental Protection
18 Agency; Director, Farmer's Home Administration, San
19 Juan; District Director, United States Customs Service, San
20 Juan; District Director, Small Business Administration; and
21 District Director, Immigration and Naturalization Service;
22 the head of such department or agency shall consult with the
23 Governor or other appropriate official in Puerto Rico as to
24 whether there are special circumstances or qualifications
25 which should be considered in making the appointment.

1 (b) Prior to nominating any person to serve in Puerto
2 Rico whose appointment requires the advice and consent of
3 the Senate of the United States, the President shall consult
4 with the Governor as to whether there are any special cir-
5 cumstances or qualifications which should be considered in
6 deciding on a nomination. Nothing in this section requires or
7 prohibits the disclosure of individuals under consideration for
8 such position nor as a limitation on the ability of the heads of
9 agencies to appoint, or the President to nominate any individ-
10 ual. This subsection shall not apply with respect to any posi-
11 tion in the Armed Forces of the United States, the Coast
12 Guard, and in agencies engaged in law enforcement.

13 **SEC. 409. PUERTO RICO LIAISON OFFICE.**

14 (a) There is hereby established the Office of Senate Liai-
15 son for the Commonwealth of Puerto Rico (“Office”). The
16 Office shall be headed by an individual appointed by the Gov-
17 ernor of Puerto Rico and who shall serve at the pleasure of
18 the Governor and who shall be known as the Puerto Rico
19 liaison. The purposes of the Office shall be to facilitate the
20 exchange of information between the Senate and the Govern-
21 ment of Puerto Rico.

22 (b) The Committee on Rules and Administration shall
23 determine what facilities and services shall be available to
24 such Office. All personnel of such Office shall be issued such
25 identification as will entitle them to the same privileges as

1 are afforded to employees of the Congressional Research
2 Service and no employee of the Office shall be permitted
3 privilege of the Senate floor.

4 (c) There are authorized to be appropriated annually
5 \$600,000 for salaries and \$56,000 for office expenses of the
6 Office. The liaison shall appoint and fix the compensation of
7 such personnel as may be necessary to carry out the duties
8 and functions of the Office. All personnel of the Office, in-
9 cluding the liaison, while not employees of the Senate, shall,
10 other than as provided in subsection (b), be treated as if they
11 were employees of the Senate with respect to pay and em-
12 ployment benefits, rights, privileges, and restrictions and
13 shall be subject to all requirements otherwise applicable to
14 employees of the Senate.

15 (d) The Office shall be subject to the jurisdiction of the
16 Committee on Rules and Administration.

17 **SEC. 410. PASSPORTS.**

18 (a) The following new section shall be added to title 22
19 as section 211b:

20 **“SECTION 211b. UNITED STATES PASSPORT OFFICE IN PUERTO**
21 **RICO.**

22 **“(a) The Secretary of State shall establish a Passport**
23 **Office for the Caribbean located in San Juan, Puerto Rico.**

24 **“(b) The Secretary of State and the Attorney General**
25 **shall consult with the Governor of Puerto Rico to determine**

1 what administrative actions can be taken to expedite the
2 processing of visas and also to provide an expedited consider-
3 ation of visas where the Governor makes such a request to
4 accommodate an individual or individuals who have been in-
5 vited to Puerto Rico by the Governor and shall report to
6 Congress on such consultations and administrative action by
7 March 15, 1990.”.

8 **SEC. 411. COMMUNITY VALUES.**

9 The actions specified in subsection (b) shall be exempt
10 from the antitrust laws of the United States.

11 (a) Definitions.—

12 (1) “antitrust laws” has the meaning given such
13 term in the first section of the Clayton Act (15 U.S.C.
14 12) and shall also include section 5 of the Federal
15 Trade Commission Act (15 U.S.C. 45);

16 (2) “person in the television industry” means a
17 television network, any entity which produces pro-
18 gramming for television distribution, including theatri-
19 cal motion pictures, the National Cable Television As-
20 sociation, the Association of Independent Television
21 Stations, Inc., the National Association of Broadcast-
22 ers, the Motion Picture Association of America, and
23 each of the networks’ affiliate organizations, and televi-
24 sion stations and cable television operators licensed to

1 operate in Puerto Rico and shall include any individual
2 acting on behalf of such person; and

3 (3) "telecast" means any program broadcast by a
4 television broadcast station or transmitted by a cable
5 television system.

6 (b) The antitrust laws shall not apply to any joint discus-
7 sion, consideration, review, action or agreement by or among
8 persons in the television industry for the purpose of, and lim-
9 ited to, developing and disseminating voluntary guidelines de-
10 signed to (1) alleviate the negative impact of violence in tele-
11 cast material, (2) alleviate the negative impact of illegal drug
12 use in telecast material, and (3) alleviate the negative impact
13 of sexually explicit material in telecast material, and promote
14 local programming in the Commonwealth of Puerto Rico.

15 (c)(1) The exemption provided in subsection (b) shall not
16 apply to any joint discussion, consideration, review, action, or
17 agreement which results in a boycott of any person.

18 (2) The exemption provided in section 2 shall apply only
19 to activities conducted within 36 months after the date of
20 enactment of this Act, but may be extended for other 36
21 month periods upon declaration by the Governor of Puerto
22 Rico.

23 **SEC. 412. FEDERAL PROPERTIES.**

24 (a)(1) The President shall report to Congress by March
25 15, 1990, on the eight Federal properties listed in paragraph

1 (3) below. The report shall include an assessment of the Fed-
2 eral need for each property, the costs and/or benefits of dis-
3 posal of each property, and the comments of the Government
4 of the Commonwealth of Puerto Rico regarding each
5 property.

6 (2) Unless the President finds that there is a national
7 interest which requires continued Federal ownership of each
8 property, then he shall provide for the transfer of such prop-
9 erties to the Commonwealth of Puerto Rico according to
10 such terms as he determines to be appropriate with respect to
11 each.

12 (3) Identified Properties:

13 (A) The Federal courthouse in Old San Juan;

14 (B) Former Stop 7½ Naval Residence;

15 (C) San Geronimo Quarters;

16 (D) Custom House in San Juan;

17 (E) Custom House in Mayaguez;

18 (F) Custom House in Ponce;

19 (G) Custom House in Fajardo; and

20 (H) Coast Guard facility at Puntilla.

21 **SEC. 413. SAN JUAN NATIONAL HISTORIC SITE ADVISORY**

22 **COMMISSION.**

23 (a) There is hereby established a commission to be
24 known as the San Juan National Historic Site Advisory
25 Commission ("the commission") which shall regularly advise

1 the Secretary of the Interior (“the Secretary”) on the oper-
2 ation, management, and administration of the San Juan Na-
3 tional Historic Site (“the site”).

4 (b) The commission shall consist of the Governor of the
5 Commonwealth of Puerto Rico (or the Governor’s designee),
6 the Director of the National Park Service (or the Director’s
7 designee), three members to be appointed by the Governor of
8 the Commonwealth of Puerto Rico, and three members to be
9 appointed by the Secretary. One of the members appointed
10 by the Governor and one member appointed by the Secretary
11 shall serve as cochairpersons of the commission.

12 (c)(1) Members appointed to the commission by the Gov-
13 ernor and the Secretary shall be appointed for a term of four
14 years. A member may serve after the expiration of his term
15 until his successor has taken office.

16 (2) Any vacancy on the commission shall be filled in the
17 manner the original appointment was made.

18 (3) Members of the commission shall receive no addi-
19 tional pay, allowances, or benefits as a result of their service
20 on the commission, but the Secretary may pay expenses rea-
21 sonably incurred in carrying out their responsibilities under
22 this section on vouchers signed by the cochairpersons;

23 (4) A majority of the members of the commission shall
24 constitute a quorum but a lesser number may hold hearings.
25 Each member of the commission shall be entitled to one vote,

1 which shall be equal to the vote of every other member of the
2 commission.

3 (5) The provisions of section 14(b) of the Federal Advi-
4 sory Committee Act (Act of October 6, 1972; 86 Stat. 776)
5 are hereby waived with respect to the commission.

6 (d) The Secretary shall from time to time, but at least
7 annually, meet with the commission on matters relating to
8 the planning, management, and administration of the site.
9 Such meetings shall be open to the public and shall be held at
10 such times and in such places as to encourage public partici-
11 pation. The commission shall provide the public with ade-
12 quate notice of such meetings.

13 (e) The commission shall prepare annually and transmit
14 to the Secretary, the Committee on Energy and Natural Re-
15 sources of the United States Senate, and the Committee on
16 Interior and Insular Affairs of the United States House of
17 Representatives, a report containing such information and
18 recommendations regarding the operation, management, and
19 administration of the site as the commission deems desirable,
20 including but not limited to recommendations with respect to
21 the revision of the general management plan for the site.

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