

101ST CONGRESS
1ST SESSION

S. 711

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

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, JANUARY 3), 1989

Mr. JOHNSTON (for himself, Mr. McCLURE, and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 principles of international law with respect to its rela-
6 tionship with Puerto Rico; and

7 (2) the United States is committed to a process of
8 consultation and negotiation with the people of Puerto
9 Rico leading to a referendum on the issue of political
10 status to be conducted in a fair and equitable manner.

1 **SEC. 2. REFERENDUM.**

2 (a) **IN GENERAL.**—An islandwide referendum shall be
3 held in Puerto Rico in which qualified voters of the Common-
4 wealth of Puerto Rico shall be presented a choice of negotiat-
5 ing one of three status options for Puerto Rico as follows:

- 6 (1) Statehood;
7 (2) Independence; or
8 (3) Commonwealth.

9 For the purpose of these negotiations it is understood that the
10 initial position of the people of the Commonwealth of Puerto
11 Rico and of the Congress of the United States is that the
12 terms shall be as follows;

13 (b) **INITIAL DEFINITIONS.**—

14 (1) Statehood: Upon admission as a state, Puerto Rico
15 would cease being a territory of the United States. The Com-
16 monwealth of Puerto Rico would be admitted as a sovereign
17 State of the Union, with its current Constitution, on an equal
18 footing and in true permanent union with the other fifty
19 States.

20 The new State of Puerto Rico shall be known as The
21 Commonwealth of Puerto Rico. In Spanish it shall be known
22 as “Estado Soberano de Puerto Rico”.

23 Admission to the Union has historically been a flexible
24 and varied process which has been adapted to the individual
25 circumstances of each new state. Congress, which has the
26 constitutional power to facilitate the admission of new States,

1 would provide for a smooth process of adjustment from the
2 tax structure of the territorial status to the Federal fiscal
3 system.

4 The Commonwealth of Puerto Rico would be assured of
5 its reserved state right under the Constitution to continue to
6 maintain both Spanish and English as its official languages,
7 as well as of its right to preserve and enhance its particular
8 cultural characteristics.

9 Statehood creates the only permanent union with the
10 United States that is consistent with the “more perfect
11 union” of equal states established by the United States
12 Constitution.

13 Statehood would entail fundamental political and eco-
14 nomic betterment for the Commonwealth of Puerto Rico.

15 Statehood means economic self-reliance and social jus-
16 tice, including parity for its residents in those aspects of fed-
17 eral legislation that cover the residents of the several states
18 at the time of admission and in the future.

19 Statehood means political equality, and specifically, the
20 right to participate in the process of election of the President
21 and Vice-President of the United States as well as the right
22 to elect two (2) U.S. Senators and the corresponding number
23 of members of the U.S. House of Representatives.

24 Statehood means that all benefits and protections of the
25 United States Constitution would be fully bestowed on the

1 People of the Commonwealth of Puerto Rico together with
2 the guarantee of full protection by the Federal judicial
3 system.

4 Statehood entails the immediate full extension of federal
5 entitlements and legislation providing parity for the residents
6 of Puerto Rico in all Federal programs. The Commonwealth
7 will assume all responsibilities of a State of the Union.

8 Statehood is a political formula recognized by the inter-
9 national community through Resolution 1541 (XV) of the
10 General Assembly of the United Nations and through Resolu-
11 tion 1469 (XIV) of that body, which was adopted upon the
12 admission of the new States of Alaska and Hawaii.

13 Statehood embodies the highest degree of autonomy and
14 sovereignty in true permanent union with the several States.

15 (2) INDEPENDENCE: (A) In order to ensure the legiti-
16 mate interests of Puerto Rico and the United States, to
17 strengthen bonds of friendship and cooperation, and to pro-
18 vide for equitable economic relations between both nations,
19 the United States shall recognize the independence of Puerto
20 Rico in accordance with the principles set forth below, thus
21 guaranteeing the necessary conditions for a rational and mu-
22 tually advantageous transition before and after the proclama-
23 tion of Puerto Rico's independence.

1 (B) The following shall constitute the Principles under
2 which the Congress shall recognize Puerto Rico's independ-
3 ence in accordance with the provisions of section 3:

4 (I) HUMAN RIGHTS. The people of Puerto Rico
5 shall, through a Constitutional Convention, establish a
6 republican form of government which shall guarantee
7 the full protection of fundamental human rights.

8 (II) CITIZENSHIP. The Republic of Puerto Rico
9 shall establish its own citizenship, and there shall be
10 agreements between the United States and the Repub-
11 lic of Puerto Rico to ensure the compatibility between
12 the citizenships of both nations.

13 (III) DEFENSE. The United States and the Re-
14 public of Puerto Rico shall enter into agreements that
15 will make possible the ultimate demilitarization of the
16 Republic of Puerto Rico.

17 (IV) TRADE. The United States shall allow free
18 access into its market to all imports of goods and serv-
19 ices originating in the Republic of Puerto Rico for a
20 period of twenty years after the proclamation of inde-
21 pendence.

22 (V) TAXATION. The United States shall guaran-
23 tee that the tax credit currently allowed under section
24 936 of the Internal Revenue Code shall remain in full
25 effect upon the proclamation of Puerto Rico's inde-

1 pendence and during the fifteen years immediately
2 thereafter.

3 (VI) PUBLIC DEBT. The Republic of Puerto Rico
4 shall assume the outstanding debts and obligations of
5 the Commonwealth of Puerto Rico, its instrumental-
6 ities and municipalities, and the United States shall for
7 a period of twenty-five years maintain the income tax
8 exemption currently provided by law on interest pay-
9 ments derived from debts and obligations incurred into
10 before or after the proclamation of independence.

11 (VII) VESTED RIGHTS. The United States shall
12 guarantee all vested rights and benefits accruing to
13 residents of Puerto Rico under the laws of the United
14 States from past services or contributions, such as ben-
15 efits for Veterans of the Armed Forces of the United
16 States and their relatives, benefits for retired govern-
17 ment employees, and old age and/or disability pay-
18 ments under the Social Security Act, until their extinc-
19 tion under the applicable laws of the United States;
20 and contributions made to the Social Security System
21 by those not yet eligible for benefits at the time of the
22 proclamation of independence shall be transferred for
23 administration by the Republic of Puerto Rico.

24 (VIII) ECONOMIC ASSISTANCE. The United
25 States shall guarantee the continuation of transfer pay-

1 ments to individuals, and to the Government of Puerto
2 Rico, its instrumentalities and municipalities, at cur-
3 rent-level funding in the form of block grants for the
4 discretionary use of the government of the Republic of
5 Puerto Rico for ten years after the proclamation of in-
6 dependence, and thereafter for ten additional years on
7 a decreasing basis.

8 (IX) CURRENCY. The Republic of Puerto Rico
9 may establish its own monetary system, provided that
10 during the ten years following the proclamation of in-
11 dependence both the United States dollar and Puerto
12 Rican currency shall be accepted as legal tender in all
13 transactions in Puerto Rico.

14 (X) FRIENDSHIP AND COOPERATION. To ensure
15 the effectiveness of the purposes of this Act after the
16 proclamation of the independence of Puerto Rico, the
17 United States and the Republic of Puerto Rico shall
18 set forth the details of their bilateral relations in a
19 Treaty of Friendship and Cooperation.

20 (3) Enhanced Commonwealth:

21 **SUBPART 1. STATEMENT OF PURPOSES.**

22 In 1952 the Congress of the United States, fully recog-
23 nizing the principle of government by consent, and the
24 People of Puerto Rico, in the exercise of their right of self-
25 determination, entered upon a compact which established a

1 Commonwealth relationship between Puerto Rico and the
2 United States.

3 Under the compact the People of Puerto Rico adopted
4 in their own sovereign right their own Constitution and
5 formed an autonomous political community in permanent
6 union with the United States of America based on the irre-
7 versible bond of American citizenship.

8 In 1953 the General Assembly of the United Nations
9 recognized the creation of the Commonwealth and removed
10 Puerto Rico from the list of nonself-governing territories.

11 This association has enabled the People of Puerto Rico
12 to advance their economic and social development and to pre-
13 serve their distinct historical heritage and cultural person-
14 ality.

15 As inherent in all political relationships freely entered
16 upon, it was based on the understanding that it would evolve
17 and develop within its particular political nature upon mutu-
18 ally agreeable terms.

19 It is the purpose of section 2(b)(3) to provide for the
20 enhancement of the Commonwealth relationship by enlarging
21 the scope of self-government of the Puerto Rican people upon
22 the approval of a proposition to that effect by a majority of
23 the eligible voters of the Commonwealth of Puerto Rico.

1 **SUBPART 2. REFERENDUM PROPOSITION:**
 2 **COMMONWEALTH**

3 The referendum proposition regarding Commonwealth,
 4 to be presented to, and voted upon, by the People of Puerto
 5 Rico shall be as follows:

6 “The Commonwealth association with the United
 7 States shall be enhanced to enable the People of
 8 Puerto Rico to accelerate their economic and social de-
 9 velopment and attain maximum cultural and political
 10 autonomy within permanent union with the United
 11 States based on the irreversible bond of American citi-
 12 zenship, a common defense, a common market, and a
 13 common currency.”.

14 The proposition will appear in the ballot, in Spanish, as
 15 follows:

16 “El Estado Libre Asociado se fortalecerá para acelerar
 17 el desarrollo económico y social y alcanzar la máxima
 18 autonomía cultural y política del pueblo de Puerto Rico
 19 en su unión permanente con los Estados Unidos sobre
 20 los pilares de común defensa, común mercado, común
 21 moneda, y el vínculo indisoluble de la ciudadanía amer-
 22 icana.”.

23 **SUBPART 3. PRINCIPLES OF COMMONWEALTH**

24 When the Governor certifies to the President and to the
 25 Congress of the United States in accordance with section 2(d)
 26 that the decision of the People of Puerto Rico which received

1 the majority of the votes cast favors the proposition of en-
2 hanced Commonwealth in permanent union with the United
3 States, as set forth in subpart 2, above, section 1 of the
4 Puerto Rico Federal Relations Act, 39 Stat. 954, as amend-
5 ed, 48 U.S.C. section 731, shall be repealed, and replaced by
6 the following:

7 “(1) The provisions of this Act shall apply to the
8 Commonwealth of Puerto Rico, an autonomous body
9 politic joined in permanent union with the United
10 States on the basis of common citizenship, common de-
11 fense, common market and common currency.

12 “(2) The policy of the United States shall be to
13 enhance the Commonwealth relationship enjoyed by
14 the Commonwealth of Puerto Rico and the United
15 States to enable the People of Puerto Rico to acceler-
16 ate their economic and social development and attain
17 maximum cultural and political autonomy within per-
18 manent union with the United States, to secure more
19 equitable participation for the People of the Common-
20 wealth of Puerto Rico in all federal programs that pro-
21 vide grants or services to citizens of the United States
22 as individuals, to secure increased participation by the
23 People of Puerto Rico in U.S. governmental decisions
24 affecting them, to safeguard the distinct cultural identi-
25 ty of the People of Puerto Rico, and to protect the bi-

1 lateral nature of the relationship between the Common-
2 wealth of Puerto Rico and the United States.”.

3 **SUBPART 4. IMPLEMENTATION OF FEDERAL**
4 **POLICY**

5 When the new federal policy is established in accord-
6 ance with subpart 3, then section 9 of the Federal Relations
7 Act, 39 Stat. 954, as amended, 48 U.S.C. section 734, is
8 amended by inserting at the beginning thereof the term “(a)”
9 and by adding at the end thereof the following:

10 “(b) A federal statutory law, or provision of such law, is
11 locally inapplicable unless it is consistent with the policy es-
12 tablished under subpart 3 and unless such federal statutory
13 law has proper regard for the economic, cultural, ecological,
14 geographic, demographic and other local conditions of the
15 Commonwealth of Puerto Rico. This subsection shall not
16 apply to—

17 “(i) any Federal statutory law in which the Con-
18 gress makes a specific finding that there is an overrid-
19 ing national interest that such law should apply to the
20 Commonwealth of Puerto Rico, or

21 “(ii) any Federal statutory law, or provision there-
22 of, establishing directly or indirectly grants and/or
23 services to citizens of the United States as individuals,
24 or

1 “(iii) any Federal statutory law or provision there-
2 of relating to citizenship, or

3 “(iv) any Federal statutory law or provision there-
4 of pertaining to the foreign relations, defense or nation-
5 al security of the United States that requires uniform
6 applicability throughout the United States, including
7 the Commonwealth of Puerto Rico, to achieve its in-
8 tended purposes.

9 “(c) In addition to judicial determinations of the inappli-
10 cability of Federal laws under subsection (b), the Governor of
11 the Commonwealth of Puerto Rico may certify from time to
12 time to the Speaker of the House of Representatives, the
13 President of the Senate, and the President of the United
14 States, that a Federal statutory law or provision thereof,
15 other than one excluded from the operation of subsection (b),
16 is inconsistent with a Puerto Rican statute and the policy
17 established under subsection (b). Unless, within 60 days of
18 the receipt of such certification, a statute is enacted embody-
19 ing the finding required under subsection (b)(i), the President
20 shall issue a proclamation that such Federal statutory law or
21 provision thereof identified in the Governor’s certification is
22 not applicable in Puerto Rico.

23 “(d)(i) The Commonwealth of Puerto Rico may continue
24 to enter in its own right into international cultural, commer-

1 cial, educational and sports agreements, and other agree-
2 ments of like nature.

3 “(ii) In addition, the Governor of the Commonwealth of
4 Puerto Rico may take any official action to promote the
5 international interests of Puerto Rico that requires the con-
6 sent of the United States Government and is not expressly
7 prohibited by law. The Governor of the Commonwealth of
8 Puerto Rico shall provide written notice to the President of
9 the United States of any official action he contemplates
10 taking pursuant to the authorization of this part of this sub-
11 section and not pursuant to any other authorization or con-
12 sent. The President may, within 30 days of his receipt of
13 such notice, sign and transmit to the Governor of the Com-
14 monwealth of Puerto Rico a document expressing his deter-
15 mination that the contemplated official action would imperil
16 the foreign relations or national defense of the United States,
17 in which case the authorization hereby granted shall be with-
18 drawn as regards such contemplated official action.

19 “(e) All departments and agencies of the Government of
20 the United States shall be guided by the policy stated in sub-
21 part 3 when carrying out their duties under Federal statutory
22 laws and Federal regulations applicable in or affecting the
23 Commonwealth of Puerto Rico. Every such department or
24 agency shall, before taking any major Federal action applica-
25 ble in or affecting the Commonwealth of Puerto Rico, sepa-

1 rately evaluate the consistency of such action with such
2 policy and shall state, in a document accompanying the major
3 Federal action, the extent, nature and result of its consider-
4 ation.

5 “(f) Any rule, as defined in section 551(4) of title 5,
6 United States Code, issued by an agency, as defined in sec-
7 tion 551(1) of title 5, United States Code, shall apply in the
8 Commonwealth of Puerto Rico only to the extent that it is
9 consistent with the policy set forth in subsection (b). After the
10 effective date of this amendment, when any such rule, other
11 than a rule issued after notice and hearing required by stat-
12 ute, that does not in terms provide that it is inapplicable in
13 the Commonwealth of Puerto Rico is published in the Feder-
14 al Register, the Governor of the Commonwealth of Puerto
15 Rico may submit to the agency within 30 days in writing (or
16 such longer period as the agency may have prescribed as the
17 period between publication of the rule and its effectiveness)
18 the Governor’s determination that such rule is inconsistent
19 with the policy stated in subsection (b). Thereupon, the
20 agency shall reconsider the question of consistency of the rule
21 with the policy stated in subsection (b) and shall, within 45
22 days of its receipt of the Governor’s determination, publish in
23 the Federal Register its finding either that there is an over-
24 riding national interest that the rule be applicable in the
25 Commonwealth of Puerto Rico, in which case the rule,

1 whether or not previously applicable in the Commonwealth of
 2 Puerto Rico, shall thereafter be so applicable, or that the rule
 3 is not compatible with such policy, in which event such rule,
 4 whether or not previously applicable in the Commonwealth of
 5 Puerto Rico, shall not be so applicable. Unless the agency for
 6 good cause finds that a rule that is the subject of such deter-
 7 mination by the Governor of Puerto Rico as is described in
 8 this subsection shall be applicable to the Commonwealth of
 9 Puerto Rico pending its consideration of such determination,
 10 and publishes such finding in the Federal Register, such rule,
 11 whether or not previously applicable in the Commonwealth of
 12 Puerto Rico, shall not be so applicable pending such consid-
 13 eration. An agency's decision to make a rule applicable or
 14 inapplicable in Puerto Rico shall be subject to judicial review.

15 “(g) The laws, rules and regulations of the United
 16 States applicable in the Commonwealth of Puerto Rico when
 17 the new federal policy is established in accordance with sub-
 18 part 3 shall continue in effect except to the extent repealed or
 19 modified by this Act, or inconsistent with it, and except as
 20 hereafter modified, suspended or repealed in accordance with
 21 law.”.

22 **SUBPART 5. SUBSTANTIVE AREAS OF** 23 **ENHANCEMENT**

24 In the event the status option of enhanced Common-
 25 wealth in permanent union with the United States receives a

1 majority of the votes cast in the referendum, the negotiations
2 contemplated in section 3 hereof shall develop implementing
3 legislation to enhance the Commonwealth relationship in the
4 following areas, as hereafter established:

5 1. AVIATION.

6 Amend the Federal Aviation Act to authorize the Com-
7 monwealth of Puerto Rico to seek on its own behalf bilateral
8 air transportation agreements governing the operation of air
9 services by United States and foreign air carriers between
10 the Commonwealth and foreign points, and between the
11 Commonwealth and the United States for foreign air carriers.

12 2. DEVELOPMENT OF TOURISM.

13 Amend the Coastal Barrier Resource Act to clarify con-
14 gressional intent to exclude the Commonwealth of Puerto
15 Rico from the application of this federal statute that never
16 was intended to apply to a Caribbean island, thus enhancing
17 the autonomy of the Commonwealth to decide for itself how
18 best to develop its coastal zone, including the promotion of
19 tourism that is so important to the economic well-being of
20 Puerto Rico.

21 3. INTERNATIONAL TRADE.

22 (a) TARIFF AUTHORITY. Enable the Commonwealth of
23 Puerto Rico to impose tariff duties on foreign origin products
24 imported into Puerto Rico to the extent it can do so consist-
25 ent with the international obligations of the United States.

1 (b) GENERALIZED SYSTEM OF TRADE PREFERENCES.
2 Secure enactment of a policy statement by the United States
3 encouraging other countries to consider Puerto Rico as a de-
4 veloping territory for purposes of their respective general or
5 regional systems of trade preferences.

6 (c) CONSULTATION ROLE IN THE NEGOTIATION OF
7 TRADE AGREEMENTS. Establish arrangements to assure that
8 the President consults with the Governor of the Common-
9 wealth of Puerto Rico concerning the potential impact of any
10 proposed tariff rate reductions on the economy of Puerto Rico
11 before the President concludes any such trade agreements
12 under section 1102 of the Omnibus Trade and Competitive-
13 ness Act of 1988. Arrangements shall also be sought to pro-
14 vide for appropriate participation by the Commonwealth of
15 Puerto Rico, at its request, in the negotiations of trade agree-
16 ments affecting them.

17 4. MARITIME.

18 Enable the Commonwealth of Puerto Rico to establish
19 its own maritime authority, which will exercise exclusive ju-
20 risdiction to establish and enforce uniform and non-discrimi-
21 natory rates for trade between ports in the United States and
22 ports in Puerto Rico to assure Puerto Rico the lowest possi-
23 ble rates.

24 5. MARITIME RESOURCES.

1 Amend Federal law to enable the Commonwealth of
2 Puerto Rico to acquire jurisdiction over the territorial waters,
3 seabed and submerged lands surrounding Puerto Rico and
4 presently under the jurisdiction of the United States. Amend
5 Federal law to exclude the Commonwealth from the cover-
6 age of the Magnuson Act and permit the Commonwealth to
7 receive financial benefits from countries other than the
8 United States for maritime resources to which the Common-
9 wealth may lay claim.

10 6. INTELLECTUAL PROPERTY.

11 Looking to the future and the critical importance of in-
12 formation in the economic development that will occur in the
13 next century, secure new means of encouraging such infor-
14 mation-related economic development in Puerto Rico, includ-
15 ing new forms of intellectual property protection for comput-
16 er chip manufacturers and industrial designers.

17 7. FEDERAL FUNDS AND PROGRAMS.

18 (a) CONSOLIDATION OF GRANT-IN-AID PROGRAMS.
19 Amend federal law to authorize the Commonwealth of
20 Puerto Rico to consolidate any or all Federal grant-in-aid
21 programs, except those that directly or indirectly provide
22 payments or services to persons as individuals for any fiscal
23 year or years.

24 (b) EQUITABLE TREATMENT IN SOCIAL PROGRAMS.
25 Achieve equitable allocations to Puerto Rico with the goal of

1 achieving full parity with the states over a period no longer
2 than four years in the following programs: Nutrition Assist-
3 ance Program (NAP), Aid to Families with Dependent Chil-
4 dren (AFDC), and Medicaid, and over a period no longer
5 than eight years in the Supplemental Security Income Pro-
6 gram (SSI), as is currently enjoyed with regard to other Fed-
7 eral programs.

8 8. PROTECTION OF WORKERS.

9 Delegate to the Labor Relations Board of Puerto Rico
10 all the functions presently exercised by the National Labor
11 Relations Board, regarding labor relations in the Common-
12 wealth of Puerto Rico.

13 Puerto Rico shall continue to have exclusive jurisdiction
14 to legislate employee benefits, including but not limited to
15 Christmas bonuses, sick and vacation pay, and workman's
16 compensation, excluding the federal minimum wage and
17 overtime pay legislation which shall continue to apply.

18 9. PUERTO RICAN PARTICIPATION IN FEDERAL 19 APPOINTMENTS.

20 Assure the participation of Puerto Rico in designating
21 candidates for the highest ranking Federal appointments
22 serving in Puerto Rico, including Presidential appointments
23 subject to Senate confirmation.

24 10. REPRESENTATION IN THE SENATE.

1 Secure representation of Puerto Rico's interest in the
2 United States Senate by a second Resident Commissioner.

3 11. FEDERAL JUDICIARY

4 (a) PRIMARY JURISDICTION OF PUERTO RICO
5 COURTS.—Assure that Federal courts abstain from constru-
6 ing an unconstructed Puerto Rico statute or regulation or de-
7 ciding an undecided point of substantive Puerto Rico non-
8 statutory law without first giving the courts of Puerto Rico
9 an opportunity to construe such statute or regulation or to
10 rule upon such point of Puerto Rico law, which constructions
11 shall be binding on the Federal courts.

12 (b) USE OF SPANISH LANGUAGE. Enact legislation re-
13 quiring the United States District Court for Puerto Rico to
14 conduct its proceedings in the Spanish language, upon the
15 request of any party to the proceeding.

16 (c) Enact a statutory provision for the certification to
17 the District of Columbia Court of Appeals of the actions or
18 controversies arising under, and involving the Puerto Rico
19 Federal Relations Act, as amended by this Act, and for the
20 transfer by the Commonwealth of Puerto Rico, its depart-
21 ments, agencies and instrumentalities, as well as officials and
22 agents, in both their official and personal capacity, of any
23 action brought against them from the District Court for
24 Puerto Rico to the District Court for the District of
25 Columbia.

1 12. PASSPORTS.

2 (a) RESTORING PUERTO RICO'S ISSUANCE OF U.S.
3 PASSPORTS. Restore Puerto Rico's authority to issue U.S.
4 passports.

5 (b) SPECIAL TEMPORARY VISIT VISAS. Consistent
6 with prohibitions imposed by the President on the entry of
7 aliens from specified countries, authorize the Government of
8 Puerto Rico to secure Puerto Rico-only temporary visas, for
9 a period not to exceed thirty days, for nonresident aliens in-
10 vited by the Government of the Commonwealth of Puerto
11 Rico. The District Office for Puerto Rico of the Immigration
12 and Naturalization Service shall issue these special tempo-
13 rary visit visas, as well as other entry visas.

14 (c) The District Office for Puerto Rico of the Immigra-
15 tion and Nationality Service shall issue the special temporary
16 visit visas, as well as other entry visas.

17 13. LAW ENFORCEMENT.

18 Amend Federal law to authorize the Commonwealth to
19 supplement United States efforts to patrol Puerto Rico's
20 borders and make them secure against illegal traffic in drugs
21 and aliens, including joint enforcement of relevant Federal
22 laws.

23 14. HISTORIC SITES AND CONSERVATION LANDS

24 Title to lands and properties acquired by the United
25 States under the cession of Spain in the Treaty of Paris en-

1 tered into on December 10, 1898, as well as of ownership of
2 the Caribbean National Forest, shall be transferred to the
3 Commonwealth of Puerto Rico. Continued use and adminis-
4 tration by the Federal Government of these lands and proper-
5 ties may be negotiated with the Commonwealth of Puerto
6 Rico.

7 15. COMMUNITY VALUES.

8 Authorize the Governor of the Commonwealth of
9 Puerto Rico to grant antitrust exemptions for voluntary joint
10 efforts by broadcasters to foster local programming and to
11 foster community and cultural values, including the possible
12 adoption of codes limiting the violence, pornography, and
13 substance-abuse depicted in broadcast programming.

14 16. ASSUMPTION OF BUDGETARY RESPONSIBIL-
15 ITIES AND TRANSFER OF FEDERAL FUNCTIONS.

16 The Commonwealth of Puerto Rico shall assume the
17 expenses inherent in all governmental authority transferred
18 pursuant to this Act. The Government of the United States,
19 or any agency thereof, may from time to time delegate to the
20 Commonwealth of Puerto Rico the total or partial perform-
21 ance of functions vested in the United States, including the
22 administration of such Federal laws and programs on the
23 island, as may be mutually agreed.

1 **SUBPART 6. FUTURE ENHANCEMENTS.**

2 The enhancements to the Commonwealth relationship
3 resulting from this Act shall form part of the Compact en-
4 tered upon the Congress and the People of Puerto Rico in
5 1952. It may be amended in the same manner as entered
6 upon in order to provide for the continuing enhancement of
7 the Commonwealth relationship.

8 (c) **DATE OF REFERENDUM.**—The first referendum
9 shall occur upon the call of the Governor, and during calen-
10 dar year 1991.

11 (d) **RETURNS OF REFERENDUM.**—The returns of the
12 referendum held under this Act shall be made to the Gover-
13 nor of Puerto Rico, who shall cause them to be canvassed in
14 the manner provided by law for the canvass of votes cast in
15 general elections in the Commonwealth of Puerto Rico. If
16 there is not a majority in favor of one of the three options,
17 then there shall be, upon the call of the Governor, and during
18 calendar year 1991, a runoff referendum between the two
19 status options which had received the largest number of
20 votes. The Governor shall certify to the President and to the
21 Congress of the United States that decision of the people of
22 Puerto Rico which received a majority of the votes cast.

23 (e) **APPLICABLE ELECTION LAWS.**—The election laws
24 of the Commonwealth of Puerto Rico shall apply to the refer-
25 endum held under this Act.

1 **SEC. 3. NEGOTIATIONS TO DEVELOP LEGISLATION BASED ON**
2 **REFERENDUM.**

3 (a) **NEGOTIATIONS.**—Following certification by the
4 Governor as provided in section 2(d), then the process, in-
5 volving representatives of the principal political party repre-
6 senting the status option selected, and in full consultation
7 with the other two principal political parties, shall begin to
8 develop implementing legislation encompassed within the
9 principles as set forth in section 2(b), and in consultation with
10 the Committee on Energy and Natural Resources of the
11 United States Senate and the appropriate committees of ju-
12 risdiction in the United States House of Representatives.
13 Such legislation shall, upon enactment, authorize a further
14 referendum of the people of Puerto Rico to approve or disap-
15 prove the selected status as defined in the legislation. A
16 change of status shall not be effective unless or until ap-
17 proved in such a referendum.

18 (b) **TIME LIMIT.**—The second referendum to approve or
19 disapprove the selected status as defined in the legislation
20 developed under this section shall occur no later than the end
21 of the Congress which is in session on the fourth anniversary
22 of the date of the Governor's certification provided for
23 under section 2(d), or as may be otherwise provided in such
24 legislation.

○