

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 856

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 1998

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To provide a process leading to full self-government for  
Puerto Rico.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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

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

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title, table of contents.

Sec. 2. Findings.

Sec. 3. Policy.

Sec. 4. Process for Puerto Rican full self-government, including the initial  
decision stage, transition stage, and implementation stage.

Sec. 5. Requirements relating to referenda, including inconclusive referendum  
and applicable laws.

Sec. 6. Congressional procedures for consideration of legislation.

Sec. 7. Availability of funds for the referenda.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (13) On January 23, 1997, the Puerto Rico  
2           Legislature enacted Concurrent Resolution 2, which  
3           requested the 105th Congress “\* \* \* to respond to  
4           the democratic aspirations of the American citizens  
5           of Puerto Rico” by approving legislation authorizing  
6           “\* \* \* a plebiscite sponsored by the Federal Govern-  
7           ment, to be held no later than 1998”.

8           (14) Nearly 4,000,000 United States citizens  
9           live in the islands of Puerto Rico, which have been  
10          under United States sovereignty and within the  
11          United States customs territory for almost 100  
12          years, making Puerto Rico the oldest, largest, and  
13          most populous United States island territory at the  
14          southeastern-most boundary of our Nation, located  
15          astride the strategic shipping lanes of the Atlantic  
16          Ocean and Caribbean Sea.

17          (15) Full self-government is attainable only  
18          through establishment of a political status which is  
19          based on either separate sovereignty and nationality  
20          or full and equal United States nationality and citi-  
21          zenship through membership in the Union.

22 **SEC. 3. POLICY.**

23          (a) CONGRESSIONAL COMMITMENT.—In recognition  
24          of the significant level of local self-government which has  
25          been attained by Puerto Rico, and the responsibility of the



1 Federal Government to enable the people of the territory  
2 to freely express their wishes regarding political status and  
3 achieve full self-government, this Act is adopted with a  
4 commitment to encourage the development and implemen-  
5 tation of procedures through which the permanent politi-  
6 cal status of the people of Puerto Rico can be determined.

7 (b) OFFICIAL ENGLISH LANGUAGE.—In the event  
8 that a referendum held under this Act results in approval  
9 of sovereignty leading to Statehood, upon accession to  
10 Statehood, the official language requirements of the Fed-  
11 eral Government shall apply to Puerto Rico in the same  
12 manner and to the same extent as throughout the United  
13 States.

14 (c) ENGLISH LANGUAGE EMPOWERMENT.—It is in  
15 the best interest of the Nation for Puerto Rico to promote  
16 the teaching of English as the language of opportunity and  
17 empowerment in the United States in order to enable stu-  
18 dents in public schools to achieve English language pro-  
19 ficiency by the age of 10.

20 **SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERN-**  
21 **MENT, INCLUDING THE INITIAL DECISION**  
22 **STAGE, TRANSITION STAGE, AND IMPLEMEN-**  
23 **TATION STAGE.**

24 (a) INITIAL DECISION STAGE.—A referendum on  
25 Puerto Rico’s political status is authorized to be held not

1 later than December 31, 1998. The referendum shall be  
2 held pursuant to this Act and in accordance with the appli-  
3 cable provisions of Puerto Rico’s electoral law and other  
4 relevant statutes consistent with this Act. Approval of a  
5 status option must be by a majority of the valid votes cast.  
6 The referendum shall be on the approval of 1 of the 3  
7 options presented on the ballot as follows:

8       “Instructions: Mark the status option you choose as  
9 each is defined below. Ballot with more than 1 option  
10 marked will not be counted.

11       “A. COMMONWEALTH.—If you agree, mark here  
12 \_\_\_\_\_

13       “Puerto Rico should retain Commonwealth, in  
14 which—

15               “(1) Puerto Rico is joined in a relationship with  
16 and under the national sovereignty of the United  
17 States. It is the policy of the Congress that this rela-  
18 tionship should only be dissolved by mutual consent.

19               “(2) Under this political relationship, Puerto  
20 Rico like a State is an autonomous political entity,  
21 sovereign over matters not ruled by the Constitution  
22 of the United States. In the exercise of this sov-  
23 ereignty, the laws of the Commonwealth shall govern  
24 in Puerto Rico to the extent that they are consistent  
25 with the Constitution, treaties, and laws of the

1 United States. Congress retains its constitutional  
2 authority to enact laws it deems necessary relating  
3 to Puerto Rico.

4 “(3) Persons born in Puerto Rico have United  
5 States citizenship by statute as secured by the Con-  
6 stitution. It is the policy of the United States that  
7 citizenship will continue to be granted to persons  
8 born in Puerto Rico. The rights, privileges, and im-  
9 munities provided for by the United States Constitu-  
10 tion apply in Puerto Rico, except where limited by  
11 the Constitution to citizens residing in a State.

12 “(4) Puerto Rico will continue to participate in  
13 Federal programs and may be enabled to participate  
14 equally with the States in the programs where it is  
15 not now participating equally contingent on the pay-  
16 ment of contributions, which may include payment  
17 of taxes, as provided by Federal law.

18 “B. SEPARATE SOVEREIGNTY.—If you agree, mark  
19 here \_\_\_\_\_

20 “The people of Puerto Rico should become fully self-  
21 governing through separate sovereignty in the form of  
22 independence or free association, in which—

23 “(1) Puerto Rico is a sovereign Republic which  
24 has full authority and responsibility over its territory  
25 and population under a constitution which is the su-

1 preme law, providing for a republican form of gov-  
2 ernment and the protection of human rights;

3 “(2) the Republic of Puerto Rico is a member  
4 of the community of nations vested with full powers  
5 and responsibilities for its own fiscal and monetary  
6 policy, immigration, trade, and the conduct in its  
7 own name and right of relations with other nations  
8 and international organizations, including the rights  
9 and responsibilities that devolve upon a sovereign  
10 nation under the general principles of international  
11 law;

12 “(3) the residents of Puerto Rico owe allegiance  
13 to and have the nationality and citizenship of the  
14 Republic of Puerto Rico;

15 “(4) the Constitution and laws of the United  
16 States no longer apply in Puerto Rico, and United  
17 States sovereignty in Puerto Rico is ended; there-  
18 upon birth in Puerto Rico or relationship to persons  
19 with statutory United States citizenship by birth in  
20 the former territory shall cease to be a basis for  
21 United States nationality or citizenship, except that  
22 persons who had such United States citizenship have  
23 a statutory right to retain United States nationality  
24 and citizenship for life, by entitlement or election as  
25 provided by the United States Congress, based on

1 continued allegiance to the United States: *Provided*,  
2 That such persons will not have this statutory  
3 United States nationality and citizenship status  
4 upon having or maintaining allegiance, nationality,  
5 and citizenship rights in any sovereign nation, in-  
6 cluding the Republic of Puerto Rico, other than the  
7 United States;

8 “(5) the previously vested rights of individuals  
9 in Puerto Rico to benefits based upon past services  
10 rendered or contributions made to the United States  
11 shall be honored by the United States as provided by  
12 Federal law;

13 “(6) Puerto Rico and the United States seek to  
14 develop friendly and cooperative relations in matters  
15 of mutual interest as agreed in treaties approved  
16 pursuant to their respective constitutional processes,  
17 and laws including economic and programmatic as-  
18 sistance at levels and for a reasonable period as pro-  
19 vided on a government-to-government basis, trade  
20 between customs territories, transit of citizens in ac-  
21 cordance with immigration laws, and status of  
22 United States military forces; and

23 “(7) a free association relationship may be es-  
24 tablished based on separate sovereign republic status  
25 as defined above, but with such delegations of gov-

1       ernment functions and other cooperative arrange-  
2       ments as may be agreed to by both parties under a  
3       bilateral pact terminable at will by either the United  
4       States or Puerto Rico.

5       “C. STATEHOOD.—If you agree, mark here \_\_\_\_\_

6       “Puerto Rico should become fully self governing  
7 through Statehood, in which—

8               “(1) the people of Puerto Rico are fully self-  
9       governing with their rights secured under the United  
10       States Constitution, which shall be fully applicable  
11       in Puerto Rico and which, with the laws and treaties  
12       of the United States, is the supreme law and has the  
13       same force and effect as in the other States of the  
14       Union;

15              “(2) the State of Puerto Rico becomes a part  
16       of the permanent union of the United States of  
17       America, subject to the United States Constitution,  
18       with powers not prohibited by the Constitution to  
19       the States, reserved to the State of Puerto Rico in  
20       its sovereignty or to the people;

21              “(3) United States citizenship of those born in  
22       Puerto Rico is recognized, protected and secured in  
23       the same way it is for all United States citizens born  
24       in the other States;

1           “(4) rights, freedoms, and benefits as well as  
2 duties and responsibilities of citizenship, including  
3 payment of Federal taxes, apply in the same manner  
4 as in the several States;

5           “(5) Puerto Rico is represented by two mem-  
6 bers in the United States Senate and is represented  
7 in the House of Representatives proportionate to the  
8 population;

9           “(6) United States citizens in Puerto Rico are  
10 enfranchised to vote in elections for the President  
11 and Vice President of the United States; and

12           “(7) Official English language requirements of  
13 the Federal Government apply in Puerto Rico to the  
14 same extent as Federal law requires throughout the  
15 United States.”.

16 (b) TRANSITION STAGE.—

17           (1) PLAN.—(A) Within 180 days of the receipt  
18 of the results of the referendum from the Govern-  
19 ment of Puerto Rico certifying approval of a ballot  
20 choice of full self-government in a referendum held  
21 pursuant to subsection (a), the President shall de-  
22 velop and submit to Congress legislation for a tran-  
23 sition plan of not more than 10 years which leads  
24 to full self-government for Puerto Rico consistent  
25 with the terms of this Act and the results of the ref-

1 erendum and in consultation with officials of the  
2 three branches of the Government of Puerto Rico,  
3 the principal political parties of Puerto Rico, and  
4 other interested persons as may be appropriate.

5 (B) Additionally, in the event of a vote in favor  
6 of separate sovereignty, the Legislature of Puerto  
7 Rico, if deemed appropriate, may provide by law for  
8 the calling of a constituent convention to formulate,  
9 in accordance with procedures prescribed by law,  
10 Puerto Rico's proposals and recommendations to im-  
11 plement the referendum results. If a convention is  
12 called for this purpose, any proposals and rec-  
13 ommendations formally adopted by such convention  
14 within time limits of this Act shall be transmitted to  
15 Congress by the President with the transition plan  
16 required by this section, along with the views of the  
17 President regarding the compatibility of such pro-  
18 posals and recommendations with the United States  
19 Constitution and this Act, and identifying which, if  
20 any, of such proposals and recommendations have  
21 been addressed in the President's proposed transi-  
22 tion plan.

23 (C) Additionally, in the event of a vote in favor  
24 of continued United States sovereignty leading to



1 Statehood, the transition plan required by this sub-  
2 section shall—

3 (i) include proposals and incentives to in-  
4 crease the opportunities of the people of Puerto  
5 Rico to expand their English proficiency in  
6 order to promote and facilitate communication  
7 with residents of all other States of the United  
8 States and with the Federal Government, in-  
9 cluding teaching in English in public schools,  
10 awarding fellowships and scholarships, and pro-  
11 viding grants to organizations located in various  
12 communities that have, as a purpose, the pro-  
13 motion of English language skills;

14 (ii) promote the use of English by the  
15 United States citizens in Puerto Rico in order  
16 to ensure—

17 (I) efficiency in the conduct and co-  
18 ordination of the official business activities  
19 of the Federal and State Governments;

20 (II) that the citizens possess the lan-  
21 guage skill necessary to contribute to and  
22 participate in all aspects of the Nation;  
23 and

24 (III) the ability of all citizens of Puer-  
25 to Rico to take full advantage of the oppor-

1           tunities and responsibilities accorded to all  
2           citizens, including education, economic ac-  
3           tivities, occupational opportunities, and  
4           civic affairs; and

5           (iii) include the effective date of incorpora-  
6           tion, thereby permitting the greatest degree of  
7           flexibility for the phase-in of Federal programs  
8           and the development of the economy through  
9           fiscal incentives, alternative tax arrangements,  
10          and other measures.

11          (D) In the event of a vote in favor of Common-  
12          wealth, the Government of Puerto Rico may call a  
13          Special Convention to develop proposals for submis-  
14          sion to the President and the Congress for changes  
15          in Federal policy on matters of economic and social  
16          concern to the people of Puerto Rico. The President  
17          and the Congress, as appropriate, shall expeditiously  
18          consider any such proposals. The Commonwealth  
19          would assume any expenses related to increased re-  
20          sponsibilities resulting from such proposals.

21          (2) CONGRESSIONAL CONSIDERATION.—The  
22          plan shall be considered by the Congress in accord-  
23          ance with section 6.

24          (3) PUERTO RICAN APPROVAL.—

1 (A) Not later than 180 days after enact-  
2 ment of an Act pursuant to paragraph (1) pro-  
3 viding for the transition to full self-government  
4 for Puerto Rico as approved in the initial deci-  
5 sion referendum held under subsection (a), a  
6 referendum shall be held under the applicable  
7 provisions of Puerto Rico's electoral law on the  
8 question of approval of the transition plan.

9 (B) Approval must be by a majority of the  
10 valid votes cast. The results of the referendum  
11 shall be certified to the President of the United  
12 States.

13 (c) IMPLEMENTATION STAGE.—

14 (1) PRESIDENTIAL RECOMMENDATION.—Not  
15 less than two years prior to the end of the period  
16 of the transition provided for in the transition plan  
17 approved under subsection (b), the President shall  
18 submit to Congress a joint resolution with a rec-  
19 ommendation for the date of termination of the  
20 transition and the date of implementation of full  
21 self-government for Puerto Rico within the transi-  
22 tion period consistent with the ballot choice ap-  
23 proved under subsection (a).

1           (2) CONGRESSIONAL CONSIDERATION.—The  
2 joint resolution shall be considered by the Congress  
3 in accordance with section 6.

4           (3) PUERTO RICAN APPROVAL.—

5           (A) Within 180 days after enactment of  
6 the terms of implementation for full self-govern-  
7 ment for Puerto Rico, a referendum shall be  
8 held under the applicable provisions of Puerto  
9 Rico’s electoral laws on the question of the ap-  
10 proval of the terms of implementation for full  
11 self-government for Puerto Rico.

12           (B) Approval must be by a majority of the  
13 valid votes cast. The results of the referendum  
14 shall be certified to the President of the United  
15 States.

16 **SEC. 5. REQUIREMENTS RELATING TO REFERENDA, IN-**  
17 **CLUDING INCONCLUSIVE REFERENDUM AND**  
18 **APPLICABLE LAWS.**

19           (a) APPLICABLE LAWS.—

20           (1) REFERENDA UNDER PUERTO RICAN  
21 LAWS.—The referenda held under this Act shall be  
22 conducted in accordance with the applicable laws of  
23 Puerto Rico, including laws of Puerto Rico under  
24 which voter eligibility is determined and which re-  
25 quire United States citizenship and establish other

1 statutory requirements for voter eligibility of resi-  
2 dents and nonresidents.

3 (2) FEDERAL LAWS.—The Federal laws appli-  
4 cable to the election of the Resident Commissioner  
5 of Puerto Rico shall, as appropriate and consistent  
6 with this Act, also apply to the referenda. Any ref-  
7 erence in such Federal laws to elections shall be con-  
8 sidered, as appropriate, to be a reference to the  
9 referenda, unless it would frustrate the purposes of  
10 this Act.

11 (b) CERTIFICATION OF REFERENDA RESULTS.—The  
12 results of each referendum held under this Act shall be  
13 certified to the President of the United States and the  
14 Senate and House of Representatives of the United States  
15 by the Government of Puerto Rico.

16 (c) CONSULTATION AND RECOMMENDATIONS FOR IN-  
17 CONCLUSIVE REFERENDUM.—

18 (1) IN GENERAL.—If a referendum provided in  
19 section 4(b) or (c) of this Act does not result in ap-  
20 proval of a fully self-governing status, the President,  
21 in consultation with officials of the three branches of  
22 the Government of Puerto Rico, the principal politi-  
23 cal parties of Puerto Rico, and other interested per-  
24 sons as may be appropriate, shall make rec-  
25 ommendations to the Congress within 180 days of

1 receipt of the results of the referendum regarding  
2 completion of the self-determination process for  
3 Puerto Rico under the authority of Congress.

4 (2) ADDITIONAL REFERENDA.—To ensure that  
5 the Congress is able on a continuing basis to exer-  
6 cise its Territorial Clause powers with due regard  
7 for the wishes of the people of Puerto Rico respect-  
8 ing resolution of Puerto Rico’s permanent future po-  
9 litical status, in the event that a referendum con-  
10 ducted under section 4(a) does not result in a major-  
11 ity vote for separate sovereignty or statehood, there  
12 is authorized to be further referenda in accordance  
13 with this Act, but not less than once every 10 years.

14 **SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDER-**  
15 **ATION OF LEGISLATION.**

16 (a) IN GENERAL.—The majority leader of the House  
17 of Representatives (or his designee) and the majority lead-  
18 er of the Senate (or his designee) shall each introduce leg-  
19 islation (by request) providing for the transition plan  
20 under section 4(b) and the implementation recommenda-  
21 tion under section 4(c) not later than 5 legislative days  
22 after the date of receipt by Congress of the submission  
23 by the President under that section, as the case may be.

24 (b) REFERRAL.—The legislation shall be referred on  
25 the date of introduction to the appropriate committee or

1 committees in accordance with rules of the respective  
2 Houses. The legislation shall be reported not later than  
3 the 120th calendar day after the date of its introduction.  
4 If any such committee fails to report the bill within that  
5 period, that committee shall be automatically discharged  
6 from consideration of the legislation, and the legislation  
7 shall be placed on the appropriate calendar.

8 (c) CONSIDERATION.—

9 (1) After the 14th legislative day after the date  
10 on which the last committee of the House of Rep-  
11 resentatives or the Senate, as the case may be, has  
12 reported or been discharged from further consider-  
13 ation of such legislation, it is in order after the legis-  
14 lation has been on the calendar for 14 legislative  
15 days for any Member of that House in favor of the  
16 legislation to move to proceed to the consideration of  
17 the legislation (after consultation with the presiding  
18 officer of that House as to scheduling) to move to  
19 proceed to its consideration at any time after the  
20 third legislative day on which the Member announces  
21 to the respective House concerned the Member's in-  
22 tention to do so. All points of order against the mo-  
23 tion to proceed and against consideration of that  
24 motion are waived. The motion is highly privileged  
25 in the House of Representatives and is privileged in

1 the Senate and is not debatable. The motion is not  
2 subject to amendment, or to a motion to postpone,  
3 or to a motion to proceed to the consideration of  
4 other business. A motion to reconsider the vote by  
5 which the motion is agreed to or disagreed to shall  
6 not be in order. If a motion to proceed to the consid-  
7 eration of the legislation is agreed to, the respective  
8 House shall immediately proceed to consideration of  
9 the legislation without intervening motion (exception  
10 one motion to adjourn), order, or other business.

11 (2)(A) In the House of Representatives, during  
12 consideration of the legislation in the Committee of  
13 the Whole, the first reading of the legislation shall  
14 be dispensed with. General debate shall be confined  
15 to the legislation, and shall not exceed 4 hours  
16 equally divided and controlled by a proponent and  
17 an opponent of the legislation. After general debate,  
18 the legislation shall be considered as read for  
19 amendment under the five-minute rule. Consider-  
20 ation of the legislation for amendment shall not ex-  
21 ceed 4 hours excluding time for recorded votes and  
22 quorum calls. At the conclusion of the bill for  
23 amendment, the Committee shall rise and report the  
24 bill to the House with such amendments as may  
25 have been adopted. The previous question shall be



1 considered as ordered on the legislation and amend-  
2 ments thereto to final passage without intervening  
3 motion, except one motion to recommit with or with-  
4 out instructions. A motion to reconsider the vote on  
5 passage of the legislation shall not be in order.

6 (B) In the Senate, debate on the legislation,  
7 and all amendments thereto and debatable motions  
8 and appeals in connection therewith, shall be limited  
9 to not more than 25 hours. The time shall be equally  
10 divided between, and controlled by, the majority  
11 leader and the minority leader or their designees. No  
12 amendment that is not germane to the provisions of  
13 such legislation shall be received. A motion to fur-  
14 ther limit debate is not debatable.

15 (3) Appeals from the decisions of the Chair re-  
16 lating to the application of the rules of the Senate  
17 or the House of Representatives, as the case may be,  
18 to the procedure relating to the legislation described  
19 in subsection (a) shall be decided without debate.

20 (d) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
21 fore the passage by one House of the legislation described  
22 in subsection (a) that was introduced in that House, that  
23 House receives from the other House the legislation de-  
24 scribed in subsection (a)—

1           (A) the legislation of the other House shall not  
2 be referred to a committee and may not be consid-  
3 ered in the House that receives it otherwise than on  
4 final passage under subparagraph (B)(ii) or (iii);  
5 and

6           (B)(i) the procedure in the House that receives  
7 such legislation with respect to such legislation that  
8 was introduced in that House shall be the same as  
9 if no legislation had been received from the other  
10 House; but

11           (ii) in the case of legislation received from the  
12 other House that is identical to the legislation as en-  
13 grossed by the receiving House, the vote on final  
14 passage shall be on the legislation of the other  
15 House; or

16           (iii) after passage of the legislation, the legisla-  
17 tion of the other House shall be considered as  
18 amended with the text of the legislation just passed  
19 and shall be considered as passed, and that House  
20 shall be considered to have insisted on its amend-  
21 ment and requested a conference with the other  
22 House.

23           (2) Upon disposition of the legislation described in  
24 subsection (a) that is received by one House from the

1 other House, it shall no longer be in order to consider such  
2 legislation that was introduced in the receiving House.

3 (e) CONFERENCE.—Upon receiving from the other  
4 House a message in which that House insists upon its  
5 amendment to the legislation and requests a conference  
6 with the House of Representatives or the Senate, as the  
7 case may be, on the disagreeing votes thereon, the House  
8 receiving the request shall be considered to have disagreed  
9 to the amendment of the other House and agreed to the  
10 conference requested by that House.

11 (f) DEFINITION.—For the purposes of this section,  
12 the term “legislative day” means a day on which the  
13 House of Representatives or the Senate, as appropriate,  
14 is in session.

15 (g) EXERCISE OF RULEMAKING POWER.—The provi-  
16 sions of this section are enacted by the Congress—

17 (1) as an exercise of the rulemaking power of  
18 the Senate and the House of Representatives and, as  
19 such, shall be considered as part of the rules of each  
20 House and shall supersede other rules only to the  
21 extent that they are inconsistent therewith; and

22 (2) with full recognition of the constitutional  
23 right of either House to change the rules (so far as  
24 they relate to the procedures of that House) at any

1 time, in the same manner, and to the same extent  
2 as in the case of any other rule of that House.

3 **SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.**

4 (a) IN GENERAL.—

5 (1) AVAILABILITY OF AMOUNTS DERIVED FROM  
6 TAX ON FOREIGN RUM.—During the period begin-  
7 ning October 1, 1997, and ending on the date the  
8 President determines that all referenda required by  
9 this Act have been held, from the amounts covered  
10 into the treasury of Puerto Rico under section  
11 7652(e)(1) of the Internal Revenue Code of 1986,  
12 the Secretary of the Treasury—

13 (A) upon request and in the amounts iden-  
14 tified from time to time by the President, shall  
15 make the amounts so identified available to the  
16 treasury of Puerto Rico for the purposes speci-  
17 fied in subsection (b); and

18 (B) shall transfer all remaining amounts to  
19 the treasury of Puerto Rico, as under current  
20 law.

21 (2) REPORT OF REFERENDA EXPENDITURES.—

22 Within 180 days after each referendum required by  
23 this Act, and after the end of the period specified in  
24 paragraph (1), the President, in consultation with  
25 the Government of Puerto Rico, shall submit a re-

1 port to the United States Senate and United States  
2 House of Representatives on the amounts made  
3 available under paragraph (1)(A) and all other  
4 amounts expended by the State Elections Commis-  
5 sion of Puerto Rico for referenda pursuant to this  
6 Act.

7 (b) GRANTS FOR CONDUCTING REFERENDA AND  
8 VOTER EDUCATION.—From amounts made available  
9 under subsection (a)(1), the Government of Puerto Rico  
10 shall make grants to the State Elections Commission of  
11 Puerto Rico for referenda held pursuant to the terms of  
12 this Act, as follows:

13 (1) Fifty percent shall be available only for  
14 costs of conducting the referenda.

15 (2) Fifty percent shall be available only for  
16 voter education funds for the central ruling body of  
17 the political party, parties, or other qualifying enti-  
18 ties advocating a particular ballot choice. The  
19 amount allocated for advocating a ballot choice  
20 under this paragraph shall be apportioned equally  
21 among the parties advocating that choice.

22 (c) ADDITIONAL RESOURCES.—In addition to  
23 amounts made available by this Act, the Puerto Rico Leg-  
24 islature may allocate additional resources for administra-  
25 tive and voter education costs to each party so long as

1 the distribution of funds is consistent with the apportion-  
2 ment requirements of subsection (b).

Passed the House of Representatives March 4,  
1998.

Attest:

ROBIN H. CARLE,

*Clerk.*