

# S. 712

3  
4 To provide for a referendum on the political status of Puerto Rico.

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6  
7 IN THE SENATE OF THE UNITED STATES

8  
9 [MAY 9, 1989]

10  
11 MR. JOHNSTON (for himself and MR. MCCLURE) introduced the following bill; which was read  
12 twice and referred to the Committee on Energy and Natural Resources.

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## A BILL

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16  
17 To provide for a referendum on the political status of Puerto Rico.

18 *Be it enacted by the Senate and House of Representatives of the United*  
19 *States of America in Congress assembled,*

20 That—

21 (1) the United States of America recognizes the principle of self-  
22 determination and other applicable principles of international law with respect  
23 to Puerto Rico; and

24 (2) the United States is committed to a process of consultation and  
25 negotiation with the People of Puerto Rico leading to a referendum on the issue  
26 of political status to be conducted in a fair and equitable manner, and the  
27 implementation of the results of such referendum.

1 TITLE I

2 SEC. 2. REFERENDUM.

3 (a) IN GENERAL.—An island-wide referendum shall be held in Puerto  
4 Rico in which eligible voters of the Commonwealth of Puerto Rico shall be  
5 presented a choice of three status options for Puerto Rico as follows:

- 6 (1) statehood;
- 7 (2) independence; or
- 8 (3) enhanced commonwealth

9 as set forth in titles II, III, and IV of this Act.

10 (b) DATE OF REFERENDUM.—The first referendum shall occur on  
11 \_\_\_\_\_, 1991, or on a date as may be mutually agreed by the three principal  
12 political parties, and during the summer of calendar year 1991.

13 (c) RETURNS OF REFERENDUM.—The returns of the referendum held  
14 under this Act shall be made to the Governor of Puerto Rico, who shall cause  
15 them to be canvassed in the manner provided for by the electoral laws of the  
16 Commonwealth of Puerto Rico. If there is not a majority in favor of one of the  
17 three options, then there shall be, on \_\_\_\_\_, 1991, or on a date as may be  
18 mutually agreed by the three principal political parties, and during the summer  
19 of calendar year 1991, a runoff referendum between the two status options which  
20 had received the largest number of votes. Such referendum shall also include an  
21 option of "None of the Above". The Governor shall certify to the President and  
22 to the Congress of the United States that decision of the people of Puerto Rico  
23 which received a majority of the votes cast, if a majority is obtained.

24 (d) APPLICABLE ELECTION LAWS.—The election laws of the  
25 Commonwealth of Puerto Rico shall apply to the referendum held under this  
26 Act.

1 (e) Upon the effective date of this Act, the status option which has been  
2 certified by the Governor pursuant to subsection (c), shall go into effect in  
3 accordance with the appropriate title of this Act.

4  
5 TITLE II

6 Statehood:

7  
8 TITLE III

9 Independence:

10  
11 TITLE IV

12 SUBPART 1. STATEMENT OF PURPOSES.

13 In 1952 the Congress of the United States, fully recognizing the principle of  
14 government by consent, and the People of Puerto Rico, in the exercise of their  
15 right to self-determination, entered upon a compact which established a  
16 Commonwealth relationship between Puerto Rico and the United States.

17 Under the compact the People of Puerto Rico adopted in their own  
18 sovereign right their own Constitution and formed an autonomous political  
19 community in permanent union with the United States of America based on the  
20 irreversible bond of American citizenship.

21 In 1953 the General Assembly of the United Nations recognized the  
22 creation of the Commonwealth and removed Puerto Rico from the list of non-  
23 self-governing territories. This association has enabled the People of Puerto Rico  
24 to advance their economic and social development and to preserve their distinct  
25 historical heritage and cultural personality.

1           As inherent in all political relationships freely entered upon, it was based  
2 on the understanding that it would evolve and develop within its particular  
3 political nature upon mutually agreeable terms.

4           It is the purpose of this Act to provide for the enhancement of the  
5 Commonwealth relationship by enlarging the scope of self-government of the  
6 Puerto Rican people upon the approval of a proposition to that effect by a  
7 majority of the eligible voters of the Commonwealth of Puerto Rico.

8  
9 **SUBPART 2. REFERENDUM PROPOSITION: COMMONWEALTH**

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

12  
13           "The Commonwealth association with the United States shall be enhanced to enable the  
14 People of Puerto Rico to accelerate their economic and social development and attain  
15 maximum cultural and political autonomy within permanent union with the United States  
16 based on the irreversible bond of American citizenship, a common defense, a common market,  
17 and a common currency."

18  
19           The proposition will appear in the ballot, in Spanish, as follows:

20  
21           "El Estado Libre Asociado se fortalecerá para acelerar el desarrollo económico y social y  
22 alcanzar la máxima autonomía cultural y política del pueblo de Puerto Rico en su unión  
23 permanente con los Estados Unidos sobre los pilares de común defensa, común mercado, común  
24 moneda, y el vínculo indisoluble de la ciudadanía americana."

25  
26 **SUBPART 3. PRINCIPLES OF COMMONWEALTH**

27           Section 1 of the Puerto Rico Federal Relations Act, 39 Stat. 954, as  
28 amended, 48 U.S.C. Section 731, shall be repealed, and replaced by the following:

1           "(1) The provisions of this Act shall apply to the Commonwealth of Puerto Rico, an  
2 autonomous body politic joined in permanent union with the United States on the basis of  
3 common citizenship, common defense, common market and common currency.

4           (2) The policy of the United States shall be to enhance the Commonwealth relationship  
5 enjoyed by the Commonwealth of Puerto Rico and the United States to enable the People of  
6 Puerto Rico to accelerate their economic and social development and attain maximum cultural  
7 and political autonomy within permanent union with the United States, to secure more  
8 equitable participation for the People of the Commonwealth of Puerto Rico in all federal  
9 programs that provide grants or services to citizens of the United States as individuals, to  
10 secure increased participation by the People of Puerto Rico in U.S. governmental decisions  
11 affecting them, to safeguard the distinct cultural identity of the People of Puerto Rico, and to  
12 protect the bilateral nature of the relationship between the Commonwealth of Puerto Rico  
13 and the United States.  
14

#### 15 **SUBPART 4. IMPLEMENTATION OF FEDERAL POLICY**

16           Section 9 of the Federal Relations Act, 39 Stat. 954, as amended, 48 U.S.C.  
17 Section 734, is amended by inserting at the beginning thereof the term "(a)"  
18 and by adding at the end thereof the following:  
19

20           "(b) A federal statutory law, or provision of such law, is locally inapplicable unless it is  
21 consistent with the policy established under subpart 3 and unless such federal statutory law  
22 has proper regard for the economic, cultural, ecological, geographic, demographic and other  
23 local conditions of the Commonwealth of Puerto Rico. This subsection shall not apply to:

24                   (i) any federal statutory law in which the Congress makes a specific finding that  
25 there is an overriding national interest that such law should apply to the Commonwealth of  
26 Puerto Rico, or

27                   (ii) any federal statutory law, or provision thereof, establishing directly or  
28 indirectly grants and/or services to citizens of the United States as individuals, or

29                   (iii) any federal statutory law or provision thereof relating to citizenship, or

30                   (iv) any federal statutory law or provision thereof pertaining to the foreign  
31 relations, defense or national security of the United States that requires uniform  
32 applicability throughout the United States, including the Commonwealth of Puerto Rico, to  
33 achieve its intended purposes.

34           (c) In addition to judicial determinations of the inapplicability of federal laws under  
35 subsection (b), the Governor of the Commonwealth of Puerto Rico may certify from time to

1 time to the Speaker of the House of Representatives, the President of the Senate, and the  
2 President of the United States, that a federal statutory law or provision thereof, other than  
3 one excluded from the operation of subsection (b), is inconsistent with a Puerto Rican statute  
4 and the policy established under subsection (b). Unless, within 60 days of the receipt of such  
5 certification, a statute is enacted embodying the finding required under subsection (b)(i), the  
6 President shall issue a proclamation that such federal statutory law or provision thereof  
7 identified in the Governor's certification is not applicable in Puerto Rico.

8 (d)(i) The Commonwealth of Puerto Rico may continue to enter in its own name into  
9 international cultural, commercial, educational and sports agreements, and other agreements  
10 of like nature.

11 (ii) In addition, the Governor of the Commonwealth of Puerto Rico may take any  
12 official action to promote the international interests of Puerto Rico that requires the consent  
13 of the United States Government and is not expressly prohibited by law. The Governor of the  
14 Commonwealth of Puerto Rico shall provide written notice to the President of the United  
15 States of any official action he contemplates taking pursuant to the authorization of this  
16 part of this subsection and not pursuant to any other authorization or consent. The President  
17 may, within 30 days of his receipt of such notice, sign and transmit to the Governor of the  
18 Commonwealth of Puerto Rico a document expressing his determination that the  
19 contemplated official action would imperil the foreign relations or national defense of the  
20 United States, in which case the authorization hereby granted shall be withdrawn as  
21 regards such contemplated official action.

22 (e) All departments and agencies of the Government of the United States shall be guided  
23 by the policy established in subsection (b) when carrying out their duties under federal  
24 statutory laws and federal regulations applicable in or affecting the Commonwealth of  
25 Puerto Rico. Every such department or agency shall, before taking any major federal action  
26 applicable in or affecting the Commonwealth of Puerto Rico, separately evaluate the  
27 consistency of such action with such policy and shall state, in a document accompanying the  
28 major federal action, the extent, nature and result of its consideration.

29 (f) Any rule, as defined in 5 U.S.C. sec. 551(4), issued by an agency, as defined in 5 U.S.C.  
30 sec. 551(1), shall apply in the Commonwealth of Puerto Rico only to the extent that it is  
31 consistent with the policy set forth in subsection (b). After the effective date of this  
32 amendment, when any such rule, other than a rule issued after notice and hearing required by  
33 statute, that does not in terms provide that it is inapplicable in the Commonwealth of Puerto  
34 Rico is published in the Federal Register, the Governor of the Commonwealth of Puerto Rico  
35 may submit to the agency within 30 days in writing (or such longer period as the agency may  
36 have prescribed as the period between publication of the rule and its effectiveness) the

1 Governor's determination that such rule is inconsistent with the policy established in  
2 subsection (b). Thereupon, the agency shall reconsider the question of consistency of the rule  
3 with the policy established in subsection (b) and shall, within 45 days of its receipt of the  
4 Governor's determination, publish in the Federal Register its finding either that there is an  
5 overriding national interest that the rule be applicable in the Commonwealth of Puerto Rico,  
6 in which case the rule, whether or not previously applicable in the Commonwealth of Puerto  
7 Rico, shall thereafter be so applicable, or that the rule is not compatible with such policy, in  
8 which event such rule, whether or not previously applicable in the Commonwealth of Puerto  
9 Rico, shall not be so applicable. Unless the agency for good cause finds that a rule that is the  
10 subject of such determination by the Governor of Puerto Rico as is described in this subsection  
11 shall be applicable to the Commonwealth of Puerto Rico pending its consideration of such  
12 determination, and publishes such finding in the Federal Register, such rule, whether or not  
13 previously applicable in the Commonwealth of Puerto Rico, shall not be so applicable  
14 pending such consideration. An agency's decision to make a rule applicable or inapplicable in  
15 Puerto Rico shall be subject to judicial review.

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

## 21 SUBPART 5. AVIATION

22 Section 1102 of the Federal Aviation Act is amended by adding a new  
23 Section (e) to read as follow:  
24

25 "(e)(i). The Government of the Commonwealth of Puerto Rico shall have  
26 authority to negotiate on its own behalf bilateral air transportation agreements  
27 governing the operation of air services by United States and foreign air carriers  
28 between the Commonwealth and foreign points. Such agreements may also  
29 include authorization of service by United States and foreign air carriers to use any  
30 point in the Commonwealth as an intermediate or beyond point on routes between  
31 points in the United States and foreign nations for which the carrier holds  
32 certificate or foreign air carrier operating authority from the Department of  
33 Transportation. Such agreements may authorize such carriers to engage in  
34 common carriage of persons and property between such authorized points in the

1 United States and the Commonwealth, notwithstanding the provisions of sections  
2 416(6)(7) and 1108 of this Act.

3 (ii) Operating rights contained in Commonwealth bilateral air transportation  
4 agreements shall be subject to the grant of necessary operating authority by the  
5 Department of Transportation and the Administrator. The responsibilities of the  
6 Department and the Administrator under subsection (a) of this section shall extend  
7 to such bilateral agreements.

8 (iii) Operating authority issued by the Department of Transportation in  
9 implementation of bilateral agreements negotiated by the Government of the  
10 Commonwealth of Puerto Rico shall be subject to the President's right of  
11 disapproval as contained in section 801(a) of this Act.

12 (iv) In addition to the obligations established under subpart 4, the officials of  
13 the Government of the United States are directed to assist and cooperate with the  
14 appropriate officials of the Commonwealth of Puerto Rico in the implementation  
15 of any air transportation agreement entered into pursuant to the authority herein  
16 established."  
17

## 18 SUBPART 6. DEVELOPMENT OF TOURISM

19 Section 4a(1) of the Coastal Barrier Resources Act of 1982, 16 U.S.C. Section  
20 3503(a)(1), is amended by adding to the end of the subsection:

21  
22 "Notwithstanding the foregoing, no area within the Commonwealth of Puerto  
23 Rico shall be included within the Coastal Barrier Resources System."  
24

## 25 SUBPART 7. INTERNATIONAL TRADE

26 (a) Section 2 of the Act of April 12, 1900, 48 U.S.C. 739, is amended by  
27 inserting the following subsection:

28  
29 "1. To the extent consistent with the international obligations of the United  
30 States, the Commonwealth of Puerto Rico is authorized to impose tariff duties on  
31 foreign origin products imported into Puerto Rico. Such tariff duties shall be in  
32 addition to the general tariff duties applicable to products imported into the  
33 customs territory of the United States."  
34

1 (b) Section 1102 of the Omnibus Trade and Competitiveness Act of 1988, 19  
2 U.S.C. § 2902, is amended by adding a new subsection (e) as follows:

3  
4 "(e) During the negotiation of any trade agreement affecting Puerto Rico under  
5 subsections (a), (b), and (c), the President shall seek the participation of the  
6 Commonwealth of Puerto Rico in the negotiation process, and shall consult with  
7 the Governor of the Commonwealth of Puerto Rico concerning the potential  
8 impact of any proposed tariff rate change on the economy of Puerto Rico.

9 The Government of the United States shall seek to obtain favorable treatment  
10 from foreign countries for exports from the Commonwealth of Puerto Rico and  
11 shall encourage other countries to consider Puerto Rico as a developing territory for  
12 purposes of their respective General Systems of Trade Preferences, and any such  
13 regional systems of trade preferences."  
14

#### 15 **SUBPART 8. MARITIME**

16 (a) Section 9 of the Puerto Rican Federal Relations Act, 48 U.S.C. Section  
17 744, is amended to add at the end of the provision:

18  
19 "except that those provisions of the Shipping Act, 1916, administered by the Federal  
20 Maritime Commission shall not be applicable to the trade between Puerto Rico and  
21 the States of the United States. The Commonwealth of Puerto Rico is authorized to  
22 establish its own maritime commission which, when established in accordance  
23 with Puerto Rico law shall exercise exclusive jurisdiction over service, rates, fares,  
24 and practices governing the trade between Puerto Rico and the states of the United  
25 States."  
26

27 (b) Section 1 of the Shipping Act, 1916, as amended, 46 U.S.C. App. Section  
28 801, is amended by inserting after the second "possession of the United States"  
29 and at the end of the provision, the following phrase: "not including the  
30 Commonwealth of Puerto Rico."  
31  
32

1     **SUBPART 9. JURISDICTION OVER MARITIME RESOURCES.**

2             (a) Amend Section 3(21) of the Magnuson Fishery Conservation and  
3 Management Act, as amended, 16 U.S.C. 1802(21) to read as follows:

4  
5             "(21) The term 'State' means each of the several States, the District of  
6 Columbia, American Samoa, the Virgin Islands, Guam, and any other territory or  
7 possession of the United States, but does not include the Commonwealth of Puerto  
8 Rico."  
9

10            (b) Amend the first sentence of Section 2(6) of the Magnuson Fishery  
11 Conservation and Management Act, as amended, 16 U.S.C. 1802(6) to read as  
12 follows:

13  
14            "The term 'exclusive economic zone' means the zone established by Proclamation  
15 Numbered 5030, dated March 10, 1983, except that such zone shall not include  
16 zones contiguous to the territorial sea of the Commonwealth of Puerto Rico,  
17 provided that the Commonwealth of Puerto Rico shall take no action that would  
18 purport to restrict or charge fees to vessels of the United States for the right to fish  
19 for highly migratory species of fish within any fishing jurisdiction the  
20 Commonwealth of Puerto Rico may establish beyond its territorial waters."  
21

22            (c) The Puerto Rican Federal Relations Act is amended by inserting a new  
23 Section 8C, as follows:

24  
25            "Title to all living and non-living resources and to all submerged lands and  
26 resources thereunder extending seaward from the outer boundary of the territorial  
27 waters of the Commonwealth of Puerto Rico presently under the jurisdiction of the  
28 United States is hereby conveyed to the People of Puerto Rico, and placed under the  
29 control of the Government of the Commonwealth of Puerto Rico."  
30

31     **SUBPART 10. INTELLECTUAL PROPERTY**

32            (a) Section 101 of Title 17 of the United States Code is amended as follows:

1 (1) By inserting the following new definitions in alphabetical order:  
2

3 "The 'design of a useful article,' hereinafter referred to in this Title as a  
4 'design,' consists of those aspects or elements of the article, including its two  
5 dimensional or three dimensional features of shape and surface, which make up the  
6 appearance of the article, and shall include a 'typeface' as herein defined.

7 A design is 'of Puerto Rican origin' (a) if more than 50 percent of its  
8 development costs have been incurred within the Commonwealth of Puerto Rico,  
9 irrespective of whether such design is fixed in a useful article in the  
10 Commonwealth of Puerto Rico; or (B) if it is first fixed in the Commonwealth of  
11 Puerto Rico in a useful article intended to be distributed to the public for  
12 commercial purposes.

13 A 'typeface' consists of a set of letters, numbers, or other symbolic  
14 characters, whose forms are related by repeating design elements consistently  
15 applied in a notational system, to the extent that the repeating design elements in  
16 the combination employed in a notational system are (A) original, (B) distinct, and  
17 (C) incorporated in a useful article whose normal use is in composing text or other  
18 cognizable combination of characters."  
19

20 (2) By adding, after the semicolon in the second sentence of the  
21 definition of "Pictorial, graphic, and sculptural works," the following:

22  
23 "except where a design of Puerto Rican origin is involved,"  
24

25 (b) Section 102 of Title 17 of the United States Code is amended by adding a  
26 new subsection 102 (a)(8) as follows:

27  
28 "(8) designs of useful articles, where such designs are of Puerto Rican  
29 origin."  
30

31 (c) Section 113 of Title 17 of the United States Code is amended by adding a  
32 new subsection (d) as follows:  
33

1           “(d) in the case of a design of Puerto Rican origin, the scope of exclusive  
2 rights in a copyrighted work does not extend to a design that is (i) staple or  
3 commonplace, such as a standard geometric figure, familiar symbol, emblem, or  
4 motif, or other shape, pattern, or configuration which has become common,  
5 prevalent, or ordinary; (ii) different from a design excluded by (i) hereof only in  
6 insignificant details or in elements which are variants commonly used in the  
7 relevant trades; (iii) dictated primarily by a utilitarian function of the article in  
8 which it is fixed; (iv) composed of three-dimensional features of shape and surface  
9 with respect to men's, women's, and children's apparel; or (v) fixed in a semi-  
10 conductor chip product that is protected under Chapter 9 of this title.  
11 Notwithstanding the foregoing, the scope of exclusive rights shall not be limited by  
12 the employment in the design of subject matter excluded under (i) through (iii)  
13 hereof, if the design is a substantial revision, adaptation, or rearrangement of said  
14 subject matter: *provided*, however, that such exclusive rights shall be available for  
15 a design employing subject matter protected under Chapters 1 through 8 of this  
16 title, or Title 35 of the United States Code, only if such protected subject matter is  
17 employed with the consent of the proprietor thereof. Such protection shall be  
18 independent of any subsisting protection in subject matter employed in the design,  
19 and shall not be construed as securing any rights to subject matter excluded from  
20 protection or as extending any subsisting protection.”  
21

22           (d) Chapter 3 of Title 17 of the United States Code is amended by the  
23 addition of a new Section 306 as follows:  
24

25       “§ 306. DESIGNS OF PUERTO RICAN ORIGIN

26           (a) The provisions of Section 302 through 305 of this Chapter shall not apply to  
27 copyrights in designs of Puerto Rican origin.

28           (b) Copyright in a design of Puerto Rican origin subsists from its creation and  
29 endures for a period of ten years.

30           (c) A term of copyright provided by this section shall run to the end of the  
31 calendar year in which it would otherwise expire.”  
32

33           (e) Section 407 of Title 17 of the United States Code is amended by adding  
34 the following language before the semicolon in Section 401 (b)(1):

1  
2       ", or, in the case of a design of Puerto Rican origin, the symbol D (the letter D in a  
3 circle), or the words 'Design Copyright,' or the abbreviation 'Des. Copr.'."

4  
5       (f) Section 407 of Title 17 of the United States Code is amended by striking  
6 the period at the end of Section 407 (c) and adding the following language:

7  
8       ", or the work is a design of Puerto Rican origin."

9  
10       (g) Section 901 (a) of Title 17 of the United States Code is amended by  
11 adding a new subsection (10) as follows:

12  
13       " (10) a mask work is 'of Puerto Rican origin' (a) if more than 50% of its  
14 development costs have been incurred within the Commonwealth of Puerto Rico,  
15 irrespective of whether such mask work is fixed in a computer chip in the  
16 Commonwealth of Puerto Rico; or (B) if it is first fixed in the Commonwealth of  
17 Puerto Rico in a computer chip intended to be distributed to the public for  
18 commercial purposes."

19  
20       (h) Section 906 of Title 17 of the United States Code is amended by adding  
21 at the end thereof the following:

22  
23       "(c) The limitations on exclusive rights provided under subsections (a)  
24 and (b) of this section shall not apply to mask works of Puerto Rican origin."

25  
26       (i) The foregoing Sections (a) through (h) shall apply after the date of  
27 enactment to all acts of manufacture or distribution that occur in the United  
28 States after such date, to all acts of importation into the United States that occur  
29 after such date, and to all violations of the exclusive rights of the copyright's  
30 owner under Title 17 of the United States Code that occur after such date.

1   **SUBPART 11. FEDERAL PROGRAMS**

2       (a) Consolidation of grant-in-aid programs. The Puerto Rico Federal  
3 Relations Act is amended by inserting a new Section 59, as follows:

4  
5       "SECTION 59.

6       In order to minimize the burden caused by existing application and reporting  
7 procedures for grant-in-aid programs available to the Commonwealth of Puerto  
8 Rico it is hereby declared to be the policy of the Congress, notwithstanding any  
9 provision of law to the contrary, that:

10       (a) At the request of the Governor of the Commonwealth, any department or  
11 agency of the government of the United States which administers any Act of  
12 Congress which specifically provides for making grants to the Commonwealth  
13 under which payments received may be used by the Commonwealth only for  
14 certain specified purposes (other than direct payments to classes of individuals,  
15 including, but not limited to, Aid to Families with Dependent Children, Title IV-A  
16 of the Social Security Act, 42 U.S.C. 601; Medicaid, Title XIX of the Social Security  
17 Act, 42 U.S.C. 2396; Supplemental Security Income, Title XVI of the Social Security  
18 Act, 42 U.S.C. 1381; Foster Care, Title IV-E of the Social Security Act, 42 U.S.C. 670;  
19 and Nutrition Assistance Program, 7 U.S.C. 2028) shall, acting through appropriate  
20 administrative authorities of such department or agency, consolidate any or all  
21 grants made to the Commonwealth for any fiscal year or years;

22       (b) Any consolidated grant for the Commonwealth shall not be less than the  
23 sum of all grants which the Commonwealth would otherwise be entitled to receive  
24 for such year;

25       (c) The funds received under a consolidated grant shall be expended in  
26 furtherance of the programs and purposes authorized for any of the grants which  
27 are being consolidated, which are authorized under any of the Acts administered by  
28 the department or agency making the grant, and which would be applicable to  
29 grants for such programs and purposes in the absence of the consolidation, but the  
30 Commonwealth shall determine the proportion of the funds granted which shall  
31 be allocated to such programs and purposes; and

32       (d) Each department or agency making grants-in-aid shall, by regulations  
33 published in the Federal Register, provide the method by which the  
34 Commonwealth may submit : (i) a single application for a consolidated grant for  
35 any fiscal year period, but not more than one such application for a consolidated

1 grant shall be required by any department or agency unless notice of such  
2 requirement is transmitted to the appropriate committees of the United States  
3 Congress together with a complete explanation of the necessity for requiring such  
4 additional applications, and (ii) a single report to such department or agency with  
5 respect to each such consolidated grant: *Provided*, That nothing in this paragraph  
6 shall preclude such department or agency from providing adequate procedures for  
7 accounting, auditing, evaluating, and reviewing any programs or activities  
8 receiving benefits from any consolidated grant. The administering authority of any  
9 department or agency, in its discretion, may (i) waive any requirement for  
10 matching funds otherwise required by law to be provided by the Commonwealth  
11 and (ii) waive the requirement that the Commonwealth submit an application or  
12 report in writing with respect to any consolidated grant.

13  
14 (b) Equitable treatment in social programs. The Puerto Rican Federal  
15 Relations Act is amended by inserting a new Section 60 as follows:

16  
17 "SECTION 60.

18 (a) It is the policy of the United States that the allocations to the  
19 Commonwealth of Puerto Rico of the following programs shall achieve full parity  
20 with the States of the Union as soon as possible but in no event later than the fifth  
21 anniversary of the date of enactment hereof with allocations to States of the Union  
22 in the following programs or their successor thereof: Nutrition Assistance Program  
23 (NAP); Aid to Families with Dependent Children (AFDC); and Medicaid; and in no  
24 event later than the ninth anniversary of the date of enactment hereof with  
25 allocations to States of the Union for the Supplemental Security Income (SSI)  
26 program, or its successor.

27  
28 **SUBPART 12. PROTECTION OF WORKERS**

29 (a) Amend Section 3 of the Labor Management Act, as amended, 29 U.S.C.  
30 §153(b), by adding after the first sentence:

31  
32 "; with the exception of cases arising under the jurisdiction of the  
33 Commonwealth of Puerto Rico which are hereby exclusively delegated to the Labor

1 Relations Board of Puerto Rico. Decisions of the Labor Relations Board of Puerto  
2 Rico may be appealed to the Federal Court of Appeals for the First Circuit.

3  
4 (b) The Puerto Rican Federal Relations Act is amended by adding a new  
5 section 61, as follows:

6  
7 "Puerto Rico shall maintain exclusive jurisdiction over employee benefits,  
8 other than the benefits currently covered under the Fair Labor Standards Act, the  
9 Employee Retirement Income Security Act, and the Occupational Safety and Health  
10 Act. Puerto Rico's exclusive jurisdiction shall include, but not be limited to  
11 Christmas bonuses, sick and vacation pay, workman's compensation, and any  
12 other benefits not covered under the current aforementioned federal legislation."  
13

#### 14 **SUBPART 13. PUERTO RICO PARTICIPATION IN FEDERAL APPOINTMENTS**

15 Section 301 of Title 3, is amended by inserting at the beginning thereof the  
16 term "(a)" and by adding at the end thereof the following:

17  
18 "(b) The highest ranking federal officer serving in the Commonwealth of  
19 Puerto Rico for any federal department and agency, or division thereof, and any  
20 other appointment in the Commonwealth of Puerto Rico subject to Senate  
21 confirmation, shall be appointed by the President from a list of eligible candidates  
22 recommended by the Governor of the Commonwealth of Puerto Rico."  
23

#### 24 **SUBPART 14. REPRESENTATION IN UNITED STATES SENATE.**

25 Section 36 of the Puerto Rican Federal Relations Act, 48 U.S.C. Section  
26 891-895, is amended as follows:

##### 27 28 "SUBCHAPTER V. RESIDENT COMMISSIONERS.

##### 29 SECTION 891. RESIDENT COMMISSIONERS; ELECTION.

30 The qualified electors of Puerto Rico shall choose a Resident Commissioner to  
31 the United States Senate and a Resident Commissioner to the United States House  
32 of Representatives at each general election, whose terms of office shall be four years  
33 from the 3d of January following such general election, and who shall be entitled to

1 receive official recognition as such commissioner by all of the departments of the  
2 Government of the United States, upon presentation, through the Department of  
3 State, of a certificate of election of the Governor of Puerto Rico.

4  
5 SECTION 892. QUALIFICATIONS OF COMMISSIONERS; APPOINTMENT TO FILL VACANCY.

6 No person shall be eligible to election as a Resident Commissioner who is not a  
7 bona fide citizen of the United States and who is not more than twenty-five years of  
8 age, and who does not read and write the English language. In case of a vacancy in  
9 either office of Resident Commissioner by death, resignation, or otherwise, the  
10 Governor, by and with the advice and consent of the Senate of the Commonwealth  
11 of Puerto Rico, shall appoint a Resident Commissioner to fill the vacancy who shall  
12 serve until the next general election and until his successor is elected and qualified.

13  
14 SECTION 893. SALARY OF COMMISSIONERS; ALLOWANCES, FRANKING PRIVILEGE.

15 Each Resident Commissioner shall receive a salary payable monthly by the  
16 United States. The Resident Commissioners shall be allowed the same sum for  
17 stationary and for the pay of necessary clerk hire as is allowed Members of the  
18 Senate of the United States and Members of the House of Representatives of the  
19 United States, respectively. The Resident Commissioners shall be allowed the  
20 franking privilege granted Members of Congress.

21  
22 SECTION 894. SALARY AND TRAVELING EXPENSES; PAYMENT.

23 The salary and traveling expenses of the Resident Commissioners from Puerto  
24 Rico to the United States shall be paid in the same manner as the salaries of the  
25 Members of the Senate and the House of Representatives are paid.

26  
27 SECTION 895. OTHER PRIVILEGES.

28 The appropriate sections of Title 2 of the United States Codes and any other  
29 statutory law that relates to the privileges afforded United States Senators shall be  
30 amended to include the Resident Commissioner from the Commonwealth of  
31 Puerto Rico to the United States Senate."

32  
33 **SUBPART 15. JUDICIARY**

34 Section 42 of the Puerto Rico Federal Relations Act, 48 U.S.C. Section 864,  
35 is amended by deleting the last sentence and inserting the following paragraph:

1  
2 "Notwithstanding any other provision of law:

3 (1) The District Court shall not undertake to construe a theretofore unconstrued  
4 Puerto Rico statute or regulation or decide a theretofore undecided point of  
5 substantive Puerto Rico nonstatutory law without having given the Supreme  
6 Court of Puerto Rico the opportunity to construe such statute or regulation or to  
7 rule upon such point of Puerto Rico law.  
8

9 (2) The proceedings of the U.S. District Court for the District of Puerto Rico shall  
10 be conducted in the Spanish language upon the request of any party to the  
11 proceedings.  
12

13 (3) Any issue of law arising under the Puerto Rico Federal Relations Act in any  
14 action or controversy brought in federal court shall be certified to the District of  
15 Columbia Court of Appeals. In addition, the Commonwealth of Puerto Rico,  
16 acting through its Secretary of Justice, may transfer any action brought against it, or  
17 any of its officers or employees acting in their official capacity, from the U.S. District  
18 Court for the District of Puerto Rico to the U.S. District Court for the District of  
19 Columbia."  
20

21 **SUBPART 16. PASSPORTS.**

22 (a) Section 211a of Title 22, is amended by adding after the provision "by  
23 the chief or other executive officer of the insular possessions of the United  
24 States,": "and the Governor of the Commonwealth of Puerto Rico,".

25 (b) The following new section shall be added to Title 22 as Section 211b;  
26

27 "SECTION 211b. U.S. PASSPORT OFFICE IN PUERTO RICO

28 The Secretary of State shall establish a Passport Office for the Caribbean located  
29 in San Juan, Puerto Rico and shall authorize the Governor of the Commonwealth  
30 to administer such office as required by law."  
31

32 (c) Section 212 of the Immigration and Nationality Act, 8 U.S.C. Section  
33 1182 is amended by adding a new subsection (m) as follows:

1  
2 (M) COMMONWEALTH OF PUERTO RICO; WAIVER OF REQUIREMENTS;  
3 NONIMMIGRANT VISITORS.

4 (1) The requirement of paragraph 26(B) of subsection (a) of this section  
5 shall be waived by the Attorney General upon the request of the Government of  
6 the Commonwealth of Puerto Rico, in the case of an alien applying for admission  
7 as a nonimmigrant visitor at the invitation of the Government of the  
8 Commonwealth and solely for entry into and stay in the Commonwealth of Puerto  
9 Rico for a period not to exceed thirty days.. The District Office for Puerto Rico of  
10 the Immigration and Nationality Service shall issue the special temporary entry  
11 visit visas, as well as other entry visas.

12 (2) If adequate appropriated funds to carry out this subsection are not  
13 otherwise available, the Director of the Immigration and Nationality Service is  
14 authorized to accept from the Government of the Commonwealth of Puerto Rico  
15 such funds as may be tendered to cover all or any part of the cost of administration  
16 and enforcement of this subsection."  
17

## 18 SUBPART 17. LAW ENFORCEMENT

19 Section 287 of the Immigration and Nationality Act, 8 U.S.C. Section 1357,  
20 is amended as follows:

21  
22 "(a) Any officer or employee of the Service authorized under regulations proscribed  
23 by the Attorney General, and any officer or employee of and within the  
24 Commonwealth of Puerto Rico authorized by the Governor of the Commonwealth  
25 of Puerto Rico shall have the power without warrant..."  
26

## 27 SUBPART 18. HISTORIC SITES AND CONSERVATION LANDS

28 Section 8 of the Puerto Rico Federal Relations Act, 48 U.S.C. Section 749 is  
29 amended by redesignating it Section 8A and enacting a new Section 8B:

### 30 31 "SECTION 8B

32 (a)(i) Lands. Title to all lands, buildings, and interests in lands, and other  
33 property within the territorial limits of the Commonwealth of Puerto Rico, and the  
34 harbor areas and navigable streams and bodies of water and submerged lands

1 underlying the same in and around the island of Puerto Rico and the adjacent  
2 islands and waters, acquired by the United States by cession of Spain in the treaty of  
3 Paris entered into on December 10, 1898, and the lands owned by, and administered  
4 under the Caribbean National Forest, is hereby conveyed to the people of Puerto  
5 Rico and placed under the control of the Government of the Commonwealth of  
6 Puerto Rico; *provided*, That the United States and the Commonwealth of Puerto  
7 Rico may negotiate to establish mutually agreed terms and conditions for the  
8 continued use and administration of such lands and properties.

9 (ii) The conveyance described in subsection (i) of this section shall be effective  
10 thirty days after the enactment of this section and the Legislature of the  
11 Commonwealth of Puerto Rico shall have the authority to legislate as it shall deem  
12 advisable with respect to all such Crown Lands conveyed under this section."  
13

#### 14 SUBPART 19. COMMUNITY VALUES

15 The Puerto Rican Federal Relations Act is amended by inserting a new  
16 Section 61 as follows:

17  
18 "SECTION 61.

##### 19 (a) DEFINITIONS

20 (1) The term 'antitrust laws' has the same meaning given such term in  
21 the first section of the Clayton Act, 15 U.S.C. Section 12, and shall also include  
22 section 5 of the Federal Trade Commission Act, 15 U.S.C. Section 45.

23 (2) The term 'person in the entertainment industry' means any organization, or  
24 an individual connected with any organization, that produces, distributes,  
25 transmits, or exhibits any form of audio or visual entertainment; and

26 (3) The term "audio or visual entertainment" includes:

27 (i) video, audio, or mixed programs transmitted via  
28 electromagnetic waves of any frequency, whether transmitted to all receivers of a  
29 given type within transmission range, or to only selected receivers on the basis of a  
30 subscription fee or any other criteria.

31 (ii) programs transmitted by cable systems as defined in section  
32 602(5)-(6) of the Cable Communications Policy Act of 1984, 47 U.S.C. Section 522 (5)-  
33 (6), except that reference in 47 U.S.C. Section 522(6) to "video" shall be read as  
34 "video or audio" and references in 47 U.S.C. Section 522(6) to 'television' shall be  
35 read as 'television or radio', and

1 (iii) motion pictures, which include entertainment, using film,  
2 videotapes, videocassettes, compact discs, or any other functionally substantially  
3 equivalent medium, if admission is generally charged for such entertainment, or if  
4 such entertainment is generally made available to the public on a rental or  
5 purchase basis for private viewing.

6 The term 'audio or visual entertainment' does not include  
7 printed or otherwise written material unless such printed or otherwise written  
8 material is used in any form of audio or visual entertainment described above.

9 (b) Upon declaration by the Governor of Puerto Rico (the Governor)  
10 and publication of such declaration in the official register of the Commonwealth of  
11 Puerto Rico, the antitrust laws shall not apply to any joint discussion,  
12 consideration, review, action, or agreement by or among persons in the  
13 entertainment industry for the purpose of, and limited to, developing and  
14 disseminating voluntary guidelines designed to alleviate the negative impact of  
15 violence and drugs in all audio or visual entertainment in Puerto Rico, or in any  
16 subset of audio or visual entertainment in Puerto Rico as the Governor may  
17 designate in any declaration under this section, provided that

18 (1) no declaration by the Governor under this section shall  
19 operate to exempt from the antitrust laws any joint discussion, consideration,  
20 review, action, or agreement that results in a boycott of any person, and

21 (2) no declaration by the Governor under this section shall  
22 operate to exempt from the antitrust laws any activities conducted more than 36  
23 months after such declaration by the Governor. The Governor may limit the effect  
24 of any such declaration to a shorter period if he or she does so in the declaration  
25 itself.

26 (c) A declaration by the Governor under section 2 concerning any forms  
27 of audio or visual entertainment shall not limit his or her authority to make future  
28 declarations concerning those forms of audio or visual entertainment. "

29  
30 **SUBPART 20. ASSUMPTION OF BUDGETARY RESPONSIBILITIES AND**  
31 **TRANSFER OF FEDERAL FUNCTIONS.**

32 The Puerto Rican Federal Relations Act is amended by inserting a new  
33 Section 63, as follows:  
34

1 "The Commonwealth of Puerto Rico shall assume the expenses inherent in all  
2 governmental authority transferred pursuant to this Act.. The Government of the  
3 United States, or any agency thereof, may from time to time delegate to the  
4 Commonwealth of Puerto Rico the total or partial performance of functions vested  
5 in the United States, including the administration of such federal laws and  
6 programs on the island, as may be mutually agreed. "  
7

#### 8 **SUBPART 21.**

9 The enhancements to the Commonwealth relationship adopted pursuant  
10 to this Act shall form part of the Compact entered upon by the Congress and the  
11 People of Puerto Rico in 1952. It may be amended in the same manner as entered  
12 upon in order to provide for the continuing enhancement of the  
13 Commonwealth relationship.  
14