



DEPARTMENT of the INTERIOR

news release

For Release: May 19, 1994

OPINION EDITORIAL

By Assistant Secretary of the Interior for the Office of
Territorial and International Affairs Leslie Turner

DON'T PLAY MUSICAL CHAIRS WITH OUR INSULAR NEIGHBORS

The timing of a recent proposal entitled "The Territorial Administration Cessation Act," which calls for abolishing the Office of Territorial and International Affairs (OITA), could not have been worse. More specifically, in a time when our global military priorities are changing and we are downsizing our forces, and reducing our need for military facilities, shutting down the office now would certainly be counter productive. This is no time to be playing musical chairs with the lives of our insular neighbors, especially in a time when they already feel left out and like second class citizens. This is a time to demonstrate that we are good neighbors and proud partners, willing and ready to stand together. Moreover, this is a time when prudent management, strong leadership, and creative planning now will help to turn challenges into new opportunities for the insular areas.

Beyond even these considerations, however, the proposal has failed to take into account the disruptive impact that the transfer of functions would likely have on many of the projects and issues which are already in progress. I can appreciate the concerns of those who are apprehensive about the mission of the Office of Territorial and International Affairs. I am not, however, persuaded that under the Clinton Administration these concerns have been substantiated.

Transferring the functions of OTIA now will result in little more than rearranging chairs and moving office labels. Such drastic measures would only serve to impede the progress that the insular areas are making and hinder their accomplishments.

Since becoming Assistant Secretary of OTIA in May 1993, I have tried to foster a climate that encourages the building of partnerships with island leaders. Moreover, we have made tremendous progress working together to remove obstacles. In many cases, the real work on issues that should have been resolved years ago has just begun.

- more -

The proposal to abolish OTIA, however well intended, is based more on past actions and practices of an old OTIA. This is a new OTIA with a new vision, which includes the interest of the insular areas as one of its top priorities, and its people, as part of the solution. Further, in an era of widespread disenchantment with the notion that government regulation is the answer to everything -- and at a time when this Administration is increasingly espousing a philosophy of reinventing a government that works better and cost less, we are rolling up our sleeves and getting on with getting the job done.

Let me make it clear to the friends and critics of OTIA, we will do whatever is prudent to ensure the peace and prosperity of the insular areas. We are all members of the American political family, and will do everything in our power to help the insular areas realize mutual respect, political freedom, equal justice and economic progress.

We are not perfect, but we try. We will make some mistakes along the way, but our overall accomplishments will be the proof, as we go about the business of building a better government to serve the people.

I ask that your readers judge the Office of Territorial and International Affairs under the Clinton Administration, not on past actions and past practices, but on the partnerships that we are building and the progress we are making.

COMMENCEMENT SPEECH - UNIVERSITY OF THE VIRGIN ISLANDS
ST. CROIX CAMPUS

GOOD AFTERNOON ... IT IS WONDERFUL TO BE HERE WITH GOVERNOR FARRELLY, LIEUTENANT GOVERNOR HODGE, DOCTOR KEAN, MEMBERS OF THE VIRGIN ISLANDS LEGISLATURE, DOCTOR HEATH, MEMBERS OF BOTH THE BOARD OF TRUSTEES AND THE BOARD OF OVERSEERS, CONGRESSMAN DE LUGO, FACULTY, STUDENTS, AND A MOST JOYOUS GOOD AFTERNOON TO THE MOST DISTINGUISHED GRADUATING CLASS OF 1994.

I THANK THE GRADUATING CLASS AND DOCTOR KEAN FOR ALLOWING ME TO PARTICIPATE IN THIS COMMENCEMENT CEREMONY. I AM GREATLY HONORED TO SHARE THIS DAY WITH YOU BECAUSE OF THE MOMENTOUS OCCASION IT MARKS. IT IS A DOUBLE PLEASURE FOR ME BECAUSE I AM SHARING THE PLATFORM WITH DEAR FRIENDS WHOM I HAVE WORKED SO CLOSELY WITH OVER THE PAST YEAR.

IT IS TRULY AN HONOR AND AN AWESOME RESPONSIBILITY TO BE THE SPEAKER AT ONE OF THE MOST NOTABLE OCCASIONS IN YOUR LIVES. I WALKED THE FLOOR FOR SEVERAL DAYS AND MANY HOURS AS I CONTEMPLATED WHAT I WOULD SAY TO YOU THIS AFTERNOON. OVER AND OVER AGAIN, I ASKED MYSELF ... WHAT DOES ONE SAY? DO I TELL THESE YOUNG GRADUATES TO PREPARE FOR A HEAVY DOSE OF CYNICISM

IN ORDER TO DEAL WITH AN EVER-CHANGING WORLD? DO I WARN THEM ABOUT HAVING A LIFE-SAVER OF HOPE TO KEEP THEM FROM SINKING IN THE OCEAN OF OPPORTUNITY?

OR DO I WARN THEM TO PREPARE FOR AN EXCITING JOURNEY THROUGH LIFE FILLED WITH JOY AND EXUBERANCE?

I TRIED TO RECALL THE COMMENCEMENT SPEECH GIVEN AT MY OWN COLLEGE GRADUATION TO DECIDE WHETHER THERE WERE WORDS OF ENCOURAGEMENT AND MOTIVATION THAT I COULD PASS ON TO YOU. BUT FRANKLY MY MIND IS TOTALLY BLANK OF ANYTHING THAT ANYONE SAID DURING MY COMMENCEMENT EXERCISES.

THE ONLY THING I RECALL WAS THE JOYOUS FEELING OF HAVING MADE IT THROUGH SOME VERY DIFFICULT TIMES, SOME VERY TRYING CLASSES AND SOME VERY TRYING RELATIONSHIPS. THE MOST VIVID RECOLLECTION I HAVE OF MY GRADUATION EXPERIENCES FROM COLLEGE AND LAW SCHOOL IS THE IMAGE OF THE STUDENTS TOSSING THEIR GRADUATION CAPS IN THE AIR AND SHOUTING "I MADE IT."

I REALIZED THAT WHATEVER I SAID ... I WOULD BE SAYING IT TO THE FUTURE BUILDERS AND LEADERS OF TOMORROW.

WELL, CLASS OF 1994, OF THE UNIVERSITY OF THE VIRGIN ISLANDS -- YOU'VE MADE IT. THE ONLY WORDS I WISH TO SPEND SOME TIME DISCUSSING WITH YOU ARE THE WORDS I HEARD MOST RECENTLY IN THE CONTEXT OF A DISCUSSION ON THE NEED FOR THOSE TO RESPOND TO THE CHALLENGES OF TODAY. THOSE WORDS ARE -- BE STRONG, BE GOOD AND BE FLEXIBLE.

DRAMATIC CHANGES ARE SWEEPING THE GLOBE. WHO WOULD HAVE THOUGHT THAT BY THIS TIME OF MAY 22, 1994, NELSON MANDELA WOULD BE ADDRESSED AS PRESIDENT MANDELA OF THE SOUTH AFRICAN GOVERNMENT? TRULY THIS MAN IS STRONG.

WHO WOULD HAVE THOUGHT THE COLD WAR WOULD BE OVER? THAT THE UNITED STATES WOULD BE FLOCKING TO THE FORMER SOVIET UNION TO PROVIDE TECHNICAL AND OTHER DEVELOPMENTAL ASSISTANCE.

WHO WOULD HAVE THOUGHT THAT WE WOULD SEE SIX WOMEN IN THE U.S. SENATE AND THAT ONE OF THOSE MEMBERS, SENATOR CAROL MOSSLEY BRAUN, WOULD HAVE THE FORTITUDE AND WISDOM TO ADVISE HER COLLEAGUES THAT THE RECOGNITION OF THE PATENT OF THE DAUGHTERS OF THE CONFEDERACY WAS NOT AN ACT THAT SHOULD BE DONE BY THIS CONGRESS?

WHO WOULD HAVE THOUGHT THAT WE WOULD SEE NINETY MINORITY MEMBERS IN THE U.S. CONGRESS?

AND ON A MORE PERSONAL NOTE, I'M SURE THAT THERE ARE MANY INDIVIDUALS WHO WOULD SAY TO SOME, TO MOST, OR TO ALL OF YOU, WHO WOULD HAVE THOUGHT THAT ON THIS DAY OF MAY 22, 1994, -- YOU WOULD BE WALKING ACROSS THIS STAGE TO RECEIVE YOUR DEGREES?

SURELY THE EVENTS OCCURRING AROUND US AND THE EVENTS OCCURRING TO US HAVE REQUIRED AND WILL CONTINUE TO REQUIRE US TO BE STRONG, TO BE GOOD, AND TO BE FLEXIBLE.

THERE IS A PLACE AND A ROLE FOR EACH OF YOU WITHIN YOUR FAMILIES, WITHIN YOUR COMMUNITIES, WITHIN THIS NATION AND WITHIN THIS WORLD. IN COMPLETING YOUR EDUCATIONAL EXPERIENCES HERE AT UVI, YOU HAVE PREPARED YOURSELF FOR THAT PLACE AND FOR THAT ROLE. FOR SOME OF YOU, THAT PLACE AND THAT ROLE MAY BE VERY CLEAR. FOR SOME OF YOU, THAT PLACE AND THAT ROLE WILL CHANGE DRAMATICALLY AS YOU MOVE FROM SEASON TO SEASON IN YOUR LIVES.

FOR OTHERS, THAT PLACE AND THAT ROLE ARE A COMPLETE MYSTERY AND YOU HAVE NO SENSE OF THE NEXT DIRECTION IN WHICH YOU SHOULD MOVE. I SURELY HOPE THAT WHATEVER DIRECTION YOU TAKE IN THE NEXT FEW WEEKS, MONTHS AND YEARS THAT YOU POSITION YOURSELVES TO CARE FIRST FOR YOURSELVES AND FOR THOSE YOU LOVE -- BECAUSE IF YOU DO NOT TAKE CARE OF HOME, YOU CANNOT TAKE CARE OF NEIGHBOR.

BUT YOU MUST NOT BECOME SO ENGROSSED IN CARING FOR SELF AND FOR HOME THAT YOU FORGET THE OBLIGATIONS AND THE NEED TO CARE FOR NEIGHBOR. SERVICE AND GIVING BACK TO THE COMMUNITY HAVE ALWAYS BEEN THE HALLMARKS OF THOSE WHO SEEM TO BE TROD UPON THE HARDEST.

WHILE I WAS THINKING ABOUT WHAT WORDS TO SHARE WITH YOU TODAY, AN EXPERIENCE I HAD WITH MY FAMILY CAME TO MIND OVER AND OVER AGAIN. AND I SHARE IT WITH YOU FOR WHATEVER PURPOSE IT MAY SERVE.

I WAS STILL IN COLLEGE AT THE TIME, AND ONE OF MY OLDEST SISTERS HAD JUST STARTED MEDICAL SCHOOL IN BOSTON. MY FATHER, MY TWO YOUNGER BROTHERS AND I TRAVELED TO BOSTON TO VISIT MY

SISTER AND SPEND SOME FAMILY TIME TOGETHER. WE WERE NOT VERY FAMILIAR WITH THE BOSTON AREA, AND MY SISTER SUGGESTED THAT WE MIGHT WANT TO TAKE THE "T", THE LOCAL TRAIN, AND WALK THE FREEDOM TRAIL IN BOSTON, WHICH MARKED THE EFFORTS OF THE EARLY AMERICANS FOR INDEPENDENCE AND FREEDOM FROM THE INTOLERANCE AND SERVITUDE OF MOTHER ENGLAND.

WE DEPARTED FROM THE LOCAL "T" AND BEGAN WALKING UNFAMILIAR BLOCKS, FOLLOWING THE TOURIST FREEDOM TRAIL SIGNS. AS WE ADVANCED SEVERAL BLOCKS, WE FOUND OURSELVES BETWEEN TWO BUILDINGS, AN APARTMENT STRUCTURE ON THE LEFT AND A BRICK STRUCTURE ON THE RIGHT. SUDDENLY OUT OF NOWHERE A ROCK CRASHED IN FRONT OF US.

WITHOUT DISCUSSION AND PROBABLY WITHOUT MUCH THOUGHT, WE FORMED A SINGLE LINE. MY FATHER IN THE BACK, MY SISTER AND I IN FRONT, MY TWO BROTHERS IN THE MIDDLE. WE LOOKED AT EACH OTHER IN A BIT OF CONFUSION, DISREGARDED THE EVENT AND CONTINUED TO MOVE FORWARD. WITHIN TAKING A FEW STEPS, A SECOND, THIRD AND A FOURTH ROCK CAME CRASHING TOWARDS US, AND GLASS FRAGMENTS BROKE OVERHEAD AGAINST THE WALL AS WE MOVED FORWARD IN A SILENT SINGLE LINE.

IT SUDDENLY OCCURRED TO US THAT WE WERE IN THE MIDST OF AN ATTACK. APPARENTLY WE HAD STUMBLED INTO A ZONE IN BOSTON IN WHICH AMERICANS OF A CERTAIN SHADE OF SKIN COLOR SUCH AS OURS WERE NOT WELCOMED. FOR THOSE OF YOU WHO ARE UNFAMILIAR WITH BOSTON, THE NEW ENGLAND AREA, THERE ARE SOME ENCLAVES WHERE RACIAL INTOLERANCE AND HATRED ARE DEEPER AND STRONGER AND MORE VICIOUS THAN THE INTOLERANCE THAT WAS ENCOUNTERED DURING THE CIVIL RIGHTS MOVEMENTS IN THE DEEP SOUTH.

WELL, ON THIS HOT CLEAR SUMMER DAY, IT BECAME VERY CLEAR THAT WE WERE NOT TO WALK THE FREEDOM TRAIL THAT DAY. WE WERE NOT TO EXPERIENCE THE DEMOCRATIC SOCIETY FOR WHICH SO MANY HAD STRUGGLED AND DIED. WE TURNED TOWARDS EACH OTHER AND AGREED THAT WE WERE UNABLE TO MOVE FORWARD AND THAT WE OUGHT TO TRY TO MAKE OUR WAY BACK TO THE TRAIN STATION.

MIND YOU, THERE WAS STILL A CONSTANT BARRAGE OF ROCKS AND FRAGMENTS OF GLASS CRASHING OVERHEAD. STILL, NONE OF US WAS HIT BY A SINGLE ROCK OR A SINGLE SHARD OF GLASS.

WE CHANGED OUR DIRECTION AND HEADED BACK TOWARDS THE TRAIN STATION. AS WE MOVED CLOSER TO THE TRAIN, A CARLOAD OF YOUNG

WHITE MALES APPROACHED US AND BEGAN SCREAMING RACIAL EPITHETS. SOON THE CAR ADVANCED TO A POSITION WHERE IT WAS BETWEEN US AND THE TRAIN STATION.

DESPITE THIS UNSETTLING EXPERIENCE, ALL OF US WERE VERY CALM. AND FOR EITHER REASONS OF YOUTHFUL IGNORANCE OR BOLD COURAGE WE DID NOT PANIC.

AGAIN WITHOUT THE NEED FOR VERBAL COMMUNICATION, OUR POSITIONAL ALIGNMENT CHANGED. MY FATHER ADVANCED TO THE HEAD OF THE LINE, MY SISTERS AND I WERE BEHIND HIM, AND MY TWO YOUNGER BROTHERS WERE IN THE REAR. THE MENACING GROUP OF YOUNG WHITE MALES ADVANCED CLOSER, THEIR RAGE AND INSULTS GROWING LOUDER AND MORE INTENSE.

NOW, ANYONE WHO KNOWS MY FATHER, WOULD KNOW THAT MY FATHER IS A VERY, VERY PASSIVE INDIVIDUAL. HE DISLIKES ARGUMENTS; HE DISLIKES FIGHTING AND HE WOULD RATHER WALK AWAY AND KEEP THE PEACE. BUT THAT DAY, HIS FAMILY THREATENED BY UNEXPLAINABLE IGNORANCE, WAS A DAY TO ACT.

THERE WAS NOT MUCH DISCUSSION AMONG US, HE SIMPLY SAID, "I'LL TAKE THE RING LEADER, AND YOU (MEANING MY SISTER AND I), HANDLE THE REST," WHILE MY YOUNG BROTHERS WOULD RUN FOR THE TRAIN.

MY FATHER IS A RATHER LARGE MAN, AND HE OFTEN CARRIED A BRASS- HANDLED WALKING CANE. ON THIS HOT SUMMER DAY IN BOSTON, THIS HUGE AND BOLD MAN STOOD BEFORE THE THREATENING GANG AND TAPPED HIS BRASS HANDLED CANE ON THE GROUND, FOCUSED HIS ATTENTION ON THE OBVIOUS RING LEADER AND SAID, "LET'S GO AT IT, YOU AND ME, HERE AND NOW."

UNBEKNOWNST TO MY FATHER, WHOSE ATTENTION WAS FOCUSED IN A FORWARD FASHION, NONE OF US HAD ANY INTENTION OF RUNNING FOR THE TRAIN AND LEAVING HIM TO FIGHT A FAMILY BATTLE.

THE RING LEADER LOOKED AT MY FATHER, LOOKED AT US, LOOKED AT HIS GROUP OF COHORTS AND SAID TO HIS COHORTS "LET'S GO." THEY JUMPED IN THEIR CAR AND SPED AWAY.

LONG AFTER THE EVENT WAS OVER, MY FATHER SAID TO ME THAT HE OFTEN THOUGHT ABOUT THE EVENTS OF THAT DAY AS WE TRIED TO

WALK THE FREEDOM TRAIL. AND HE CONSTANTLY MARVELED AT THE PROTECTION THE FAMILY EXPERIENCED FROM THE ROCKS AND GLASS THAT WERE BEING HURLED. HE SAID HE OFTEN FELT THAT A WALL OF PROTECTION HAD ENCLOSED US BECAUSE SOMEONE AMONG HIS GROUP OF CHILDREN WAS BEING PROTECTED FOR A PARTICULAR PURPOSE, FOR A PARTICULAR ROLE, FOR A PARTICULAR PLACE HE OR SHE WOULD BE CALLED TO FILL IN THIS WORLD.

EACH OF YOU HAS PREPARED WELL FOR THE ROLE AND PLACE WHICH AWAIT HIM OR HER. AS I LOOK OUT AT THIS GRADUATING CLASS, I WONDER -- WILL YOU, YOUNG WOMAN, BE THE NEXT PRESIDENT OF THE UNITED STATES. WILL YOU, YOUNG MAN, FIND A MEANS TO PERMIT THIS TERRITORY TO VOTE FOR PRESIDENT? WILL YOU, YOUNG WOMAN, FIND THE CURE FOR AIDS, STOP BABIES FROM HAVING BABIES AND BROTHERS FROM KILLING BROTHERS.

WILL YOU BE A MOTHER, YOU A FATHER, YOU THE NEXT NOBEL PEACE WINNER, YOU A DANCER, POET, BUSINESSPERSON OR BROKER. THE POSSIBILITIES ARE ENDLESS.

YOU HAVE BEEN TESTED HERE AT THIS GREAT UNIVERSITY AND FOUND WORTHY OF THE HONOR OF BEING A GRADUATE OF THE UNIVERSITY OF

THE VIRGIN ISLANDS. AND YOU ARE READY TO STEP INTO THE ENDLESS POSSIBILITIES THAT AWAIT YOU.

YOUR TIME AT THE UNIVERSITY OF THE VIRGIN ISLANDS HAS BEEN A TRAINING GROUND. DOCTOR KEAN, THE PRESIDENT OF THE UNIVERSITY, ASSISTED BY THE FACULTY AND MEMBERS OF THE UNIVERSITY HAD THE FORESIGHT TO STRIVE FOR EXCELLENCE AND THE CREATION OF A MULTICULTURAL EDUCATION BY DEVELOPING LINKAGES WITH OTHER INSTITUTIONS SUCH AS THE UNIVERSITY OF THE WEST INDIES, UNIVERSITIES IN PUERTO RICO AND THE U.S. MAINLAND, INCLUDING FAIRLEIGH-DICKINSON UNIVERSITY, HOWARD UNIVERSITY, THE UNIVERSITY OF SOUTH CAROLINA AND MY ALMA MATER, NEW YORK UNIVERSITY.

DIVERSE PROGRAMS SUCH AS THE EASTERN CARIBBEAN CENTER WHICH SERVE AS AN OUTREACH FOR INTERNATIONAL ACTIVITIES HAVE PREPARED YOU FOR THE CHALLENGES TO COME.

AS YOU WALK ACROSS THIS STAGE, RECEIVE YOUR DIPLOMA AND SHAKE HANDS WITH THE VARIOUS ATTENDEES ASSEMBLED HERE --- WALK STRONG, WALK GOOD AND WALK FLEXIBLE.

THERE ARE GOOD TIMES AND DIFFICULT TIMES AHEAD. THERE ARE JOYS AND HOPES AND SORROWS AND DISAPPOINTMENTS THAT AWAIT YOU. BUT WE NEED YOU IN THIS WORLD. THERE IS MUCH TO CHANGE AND OH SO MUCH TO ENJOY.

ON BEHALF OF THE PRESIDENT OF THE UNITED STATES, WILLIAM JEFFERSON CLINTON, AND THE SECRETARY OF THE INTERIOR, BRUCE BABBITT --- I ASK YOU TO BE STRONG ... BE GOOD ... AND BE FLEXIBLE... CONGRATULATIONS, AND MAY GOD BLESS AND KEEP YOU.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

March 25, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-218

TO: Legislative Liaison Officer -

JUSTICE - Faith Burton - (202)514-2141 - 217
NSC - William H. Itoh - (202)456-6534 - 249
INTERIOR - Ralph Hill - (202)208-6706 - 329
CEA - Francine Obermiller - (202)395-5036 - 242
NEC - Elizabeth Lindemuth - (202)456-6630 - 429
STATE - Matt Winslow - (202)647-4463 - 225
COMMERCE - Michael A. Levitt - (202)482-3086 - 324
USTR - Fred Montgomery - (202)395-3475 - 223
EPA - Thomas C. Roberts - (202)260-5414 - 326
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DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
HHS - Frances White - (202)690-7760 - 328
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TREASURY - Richard S. Carro - (202)622-1146 - 228
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ENERGY - Bob Rabben - (202)586-6718 - 209
OPM - James N. Woodruff - (202)606-1424 - 331
VA - Robert Coy - (202)535-8113 - 229

FROM: JAMES J. JUKES (for) *Ji-*
Assistant Director for Legislative Reference

OMB CONTACT: GERRI RATLIFF (395-3883)
Secretary's line (for simple responses): 395-3454
and HR

SUBJECT: OMB Request for Views RE: S 447/*and HR* Insular
Areas Policy Act

DEADLINE: C.O.B. April 5, 1993

COMMENTS: The Senate Energy and Natural Resources Committee scheduled a hearing on S. 447 for March 30th, but it has been postponed and not yet rescheduled.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
Irene James
Bob Damus
Bruce Beard
Ron Cogswell
Vince Foster
Bruce Reed
Jeff Watson
Al Sefarian (sec.
5)

:

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this
_____ response sheet

103D CONGRESS
1ST SESSION

S. 447

To facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25 (legislative day, JANUARY 5), 1993

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

A BILL

To facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be referred to as the "Insular Areas
4 Policy Act".

5 SEC. 2. DEFINITIONS.—For the purposes of this Act:

6 (1) The term "Secretary" means the Secretary
7 of the Interior;

8 (2) The term "insular area" means the terri-
9 tories of Guam, the Virgin Islands, American

1 Samoa, the Commonwealth of the Northern Mariana
2 Islands, and the Trust Territory of the Pacific Is-
3 lands (Palau) until such time as the Trust Territory
4 of the Pacific Islands is terminated; and

5 (3) The term "Council" means the Insular
6 Areas Policy Council as established under section 3
7 of this Act.

8 SEC. 3. INSULAR AREAS POLICY COUNCIL.—(a) In
9 order to coordinate the actions of the Federal Government
10 with respect to the insular areas under the jurisdiction of
11 the Secretary, there is hereby established an Insular Areas
12 Policy Council.

13 (b) The Council shall be composed of the following
14 Federal officials or their designees: the Secretaries of
15 State, Defense, Commerce, Treasury, Labor, Health and
16 Human Services, Agriculture, Housing and Urban Devel-
17 opment, Education, Veterans Affairs, the Administrator
18 of the Small Business Administration, the Administrator
19 of the Environmental Protection Agency, the Director of
20 the Federal Emergency Management Agency, the Attor-
21 ney General, and the Secretary of the Interior who shall
22 serve as Chairman of the Council. The Chairman may re-
23 quest the participation of any other Federal agency in the
24 work of the Council.

1 (c) The Council shall meet at such time as the Chair-
2 man may request, but not less often than twice a year
3 to:

4 (1) Review the activities of the Department of
5 the Interior and other Federal agencies with respect
6 to the insular areas;

7 (2) Identify Federal funding priorities with re-
8 spect to the insular areas;

9 (3) Review and approve, with any modifications
10 decided upon by the Council, the "State of the
11 Islands" report pursuant to section 4 of this bill;

12 (4) Determine the appropriate role of the insu-
13 lar areas in the foreign and domestic policy of the
14 United States and the effects of such policy on those
15 areas;

16 (5) Make such recommendations to the Presi-
17 dent and the Congress regarding the insular areas
18 as they determine to be appropriate; and

19 (6) Consider any other appropriate matters
20 which Council members may suggest.

21 SEC. 4. REPORT.—(a) The President shall prepare
22 and transmit a "State of the Islands" report (hereinafter
23 in this section referred to as the "Report") to the appro-
24 priate committees of the United States House of Rep-
25 resentatives and the Committee on Energy and Natural

1 Resources of the United States Senate not later than
2 March 1 of each year.

3 (b) Each Federal agency with programs operating in
4 the insular areas under the jurisdiction of the Secretary
5 of the Interior shall report to the Secretary on such activi-
6 ties no later than November 15 of each year. The Sec-
7 retary of the Interior shall prepare a draft of the Report
8 and submit such draft to the head of government of each
9 of the insular areas for comment. The Secretary shall then
10 submit the Report, with such changes as he deems appro-
11 priate, to the Insular Areas Policy Council along with the
12 comments which he has received from the insular area
13 governments for review no later than January 15 of each
14 year. After consideration by the Council, the Report shall
15 be submitted to the President, with any modifications de-
16 cided upon by the Council, for transmittal to the Congress.

17 (c) For each of the insular areas the Report shall in-
18 clude data summarizing social, economic, and political
19 conditions and trends through the preceding fiscal years;
20 a statement of current policy issues, foreseeable future de-
21 velopments, and recommended short-term and long-term
22 policy objectives. The report shall include, but not be lim-
23 ited to, information for each insular area on: population;
24 immigration and emigration; public health; crime and law
25 enforcement; public infrastructure including utilities,

1 transportation and communications; housing; income; pri-
2 vate sector activities and development potential; employ-
3 ment; education and training; the fiscal position of the
4 local government; amounts and uses of Federal direct and
5 indirect assistance including, but not limited to, tax and
6 trade policies; the efficiency of local government; inter-
7 national obligations or undertakings regarding the area;
8 compliance with legislative mandates; a summary of any
9 relevant Federal agency reports or audits; the applicability
10 or inapplicability of Federal statutory and administrative
11 actions and their effect; the effectiveness and delivery of
12 Federal programs; significant differences in the treatment
13 of the area or its residents under any Federal policy or
14 program relative to the treatment of the States or their
15 citizens, including the statutory basis for such treatment,
16 the purposes therefor, and the effects thereof; and such
17 information as is relevant to his responsibilities in the Re-
18 public of the Marshall Islands and the Federated States
19 of Micronesia under Public Law 99-239, and the Republic
20 of Palau after termination of the Trust Territory of the
21 Pacific Islands. The Report shall clearly state the policy
22 objectives of the President with regard to each of the insu-
23 lar areas, together with the specific proposals needed to
24 accomplish such policy objectives.

1 SEC. 5. DUTIES OF THE SECRETARY.—The Secretary
2 shall:

3 (a) Provide Federal agencies with such information
4 and advice as may be necessary to structure Federal pro-
5 grams, laws, or regulations affecting any insular area to
6 the political, social, cultural, and economic conditions in
7 such insular area to further the objective of such program,
8 law, or regulation and to prevent or reduce any adverse
9 effect upon such insular area;

10 (b) Inform the local government of any insular area
11 of any Federal action which would significantly affect such
12 insular area; solicit the comments and recommendations
13 of such local government and provide those comments and
14 recommendations together with the Secretary's analysis
15 and advice to the head of the Department or Agency pro-
16 posing such action; and

17 (c) In consultation with the governments of the insu-
18 lar areas, assist in the development of the priorities for,
19 and the levels of, Federal assistance for the next fiscal
20 year, including recommendations with respect to the allo-
21 cation of funds among the various agencies with respon-
22 sibilities in any of the insular areas and on the appropriate
23 level of activity by each such agency in order to achieve
24 Federal policy objectives.

1 SEC. 6. USE OF FEDERAL AGENCIES.—To the maxi-
2 mum extent practicable, the Secretary is authorized to use
3 the personnel and services of other Federal agencies in
4 carrying out his responsibilities with respect to the insular
5 areas. The head of each Federal agency is directed to co-
6 operate with the Secretary and to make such personnel
7 and services available as the Secretary may request. The
8 Secretary shall reimburse other Federal agencies for the
9 cost of the use of personnel and services except for the
10 cost of salary and base benefits, unless such costs are
11 authorized to be provided on a non-reimbursable basis.

12 SEC. 7. AUTHORIZATION.—There are hereby author-
13 ized to be appropriated such sums as may be necessary
14 to carry out the purposes of this Act.

O

HR 154 revised

[DISCUSSION DRAFT]

MARCH 9, 1993

103D CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. DE LUGO introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for the development and implementation of appropriate policies concerning insular areas of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 SECTION 1. SHORT TITLE, TABLE OF CONTENTS, AND DEFINITIONS.
4

5 (a) SHORT TITLE.—This Act may be cited as the
6 "Insular Areas Policy Act".

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

- Sec. 1. Short title, table of contents, and definitions.
- Sec. 2. Findings and purposes.
- Sec. 3. Policy.
- Sec. 4. United States Insular Areas Policy Council.
- Sec. 5. Authority and responsibilities of the Council.
- Sec. 6. Reports to Congress.
- Sec. 7. Delegation and use of executive agencies.
- Sec. 8. Transfers.
- Sec. 9. Authorization of appropriations.

3 (c) DEFINITIONS.—For the purposes of this Act—

4 (1) the term “insular areas” means the terri-
5 tories of American Samoa, Guam, and the Virgin Is-
6 lands, the Commonwealth of the Northern Mariana
7 Islands, and the Trust Territory of the Pacific Is-
8 lands until such time as the Trust Territory of the
9 Pacific Islands is terminated;

10 (2) the term “Council” means the United
11 States Insular Areas Policy Council established by
12 section 4; and

13 (3) the term “executive agency” has the mean-
14 ing given such term by section 105 of title 5, United
15 States Code.

16 **SEC. 2. FINDINGS AND PURPOSES.**

17 (a) FINDINGS.—The Congress finds that—

18 (1)(A) the Federal Government has special re-
19 sponsibilities regarding the insular areas;

1 (B) the United States does not have clear poli-
2 cies for meeting its responsibilities regarding the in-
3 sular areas;

4 (C) the Federal Government has often failed to
5 : consider the unique circumstances and needs of the
6 insular areas in the development and implementation
7 of domestic and foreign policy;

8 (D) the executive branch lacks an adequate or-
9 ganizational arrangement for—

10 (i) developing and implementing policies
11 with respect to or substantially affecting the in-
12 sular areas;

13 (ii) coordinating the operation of Federal
14 programs affecting the insular areas;

15 (iii) fostering the social, economic, and po-
16 litical development of the insular areas; and

17 (iv) being responsive to the Congress in the
18 discharge of the constitutional responsibilities of
19 Congress with regard to the insular areas;

20 (E) the insular areas lack power that States
21 have in the Federal decisionmaking process to en-
22 sure appropriate policies; and

23 (F) policies and programs, therefore, are often
24 inappropriately applied to the insular areas, to the

1 detriment of both the insular areas and the attain-
2 ment of the objectives of Federal policy;

3 (2) the ultimate relationships of the insular
4 areas to the United States may not yet be deter-
5 mined;

6 (3) the economies of the insular areas face im-
7 pediments imposed by such factors as location, cli-
8 mate, natural resources, infrastructure, population,
9 availability of capital, and unintentionally imposed
10 Federal constraints;

11 (4) the economies of the insular areas, in some
12 cases, are precariously based on Federal policies over
13 which the insular areas have little control;

14 (5) the insular areas have distinct cultural and
15 historical experiences;

16 (6) the insular areas face substantial social
17 problems;

18 (7) the needy in the insular areas are inequi-
19 tably treated in some Federal programs; and

20 (8) public services for the residents of the insu-
21 lar areas often compare unfavorably with services
22 enjoyed by the residents of the States.

23 (b) PURPOSES.—The purposes of this Act are to—

24 (1) state policy objectives regarding the insular
25 areas; and

1 (2) establish a Federal executive organization
2 to—

3 (A) develop and implement policies regard-
4 ing or affecting the insular areas which are ap-
5 propriate in light of the areas' unique cir-
6 cumstances and needs;

7 (B) coordinate Federal actions in a man-
8 ner which recognizes the special responsibilities
9 of the Federal Government regarding the insu-
10 lar areas and serve as a liaison between the ex-
11 ecutive branch and the governments of the insu-
12 lar areas;

13 (C) provide the assistance necessary in the
14 insular areas to achieve the objectives of Fed-
15 eral policy and foster the social, economic, and
16 political development of the areas; and

17 (D) ensure that the Congress receives the
18 information necessary to discharge its con-
19 stitutional responsibilities regarding the insular
20 areas.

21 **SEC. 3. POLICY.**

22 Pursuant to its authority and responsibility under the
23 Constitution of the United States regarding the insular
24 areas, the Congress states that it is the policy of the Fed-
25 eral Government to promote, to the fullest extent possible,

1 the self-determined political, social, and economic develop-
2 ment of the insular areas, consistent with local cultural
3 values and the status of the areas, to the levels enjoyed
4 by the several States and to recognize the unique char-
5 acter of the areas in the extension of Federal laws and
6 regulations to them.

7 **SEC. 4. UNITED STATES INSULAR AREAS POLICY COUNCIL.**

8 (a) **ESTABLISHMENT.**—There is hereby established a
9 United States Insular Areas Policy Council. The Council
10 shall be composed of—

11 (1) the members of the cabinet of the Presi-
12 dent;

13 (2) the Director of the Office of Management
14 and Budget, the Directors of the National Security,
15 Domestic Policy, and Economic Security Councils,
16 and the Director of the Office of Environmental Pol-
17 icy;

18 (3) the United States Trade Representative;

19 (4) the Administrator of the Environmental
20 Protection Agency, the Director of the Federal
21 Emergency Management Agency, and the Adminis-
22 trator of the Small Business Administration; and

23 (5) such other heads of agencies as the Chair
24 of the Council may request.

1 The members of the Council may designate a policy-level
2 official to attend meetings of the Council in their absence.

3 (b) CHAIR.—The Secretary of the Interior shall chair
4 the Council on behalf of the President of the United
5 States. This subsection shall not be construed as affecting
6 access by the Congress or committees of either House of
7 the Congress to information, documents, and studies in
8 the possession of, or conducted by or at the direction of,
9 personnel involved in carrying out the provisions of this
10 Act.

11 (c) MEETINGS.—The Council shall meet at such
12 times as its Chair may request, but not less often than
13 twice a year.

14 (d) STAFF.—

15 (1) IN GENERAL.—The Council shall be as-
16 sisted by a staff which may not exceed the number
17 of positions transferred to the Council by section 8.

18 (2) EXECUTIVE DIRECTOR.—The staff shall be
19 headed by an Executive Director who shall be a per-
20 son who is knowledgeable of the political, social, cul-
21 tural and economic circumstances and needs relating
22 to the insular areas. The Executive Director shall be
23 appointed by the President upon the rec-
24 ommendation of the Chair of the Council.

1 (3) DEPUTY DIRECTORS.—The Executive Di-
2 rector shall be assisted by two Deputy Directors, one
3 of whom shall assist the Director with regard to
4 matters within the responsibility of the Department
5 of the Interior's Office of Territorial and Inter-
6 national Affairs as of the day before the date of en-
7 actment of this Act and the other of whom shall be
8 responsible for matters concerning the programs of
9 other agencies affecting the insular areas and relat-
10 ed laws and regulations. The Deputy Directors shall
11 be appointed by and serve at the pleasure of the
12 President upon the recommendation of the Chair of
13 the Council.

14 (4) MEMBER REPRESENTATIVES.—(A) Each
15 member of the Council shall designate a policy-level
16 official of the department or or agency that they
17 head to work with the staff of the Council and offi-
18 cials of the governments of the insular areas on an
19 ongoing basis on the coordination and adaptation of
20 policies and activities affecting the insular areas, to
21 advise on matters affecting the areas, and to oversee
22 the conduct of all programs within the responsibility
23 of the executive agency affecting the insular areas.

24 (B) As used in subparagraph (A) and in sub-
25 section (a), the term "policy-level official" means an

1 individual whose position has been determined to be
2 of a confidential, policy-determining, policy-making,
3 or policy-advocating character by—

4 (i) the President for a position that the
5 President has excepted from the competitive
6 service (as used in title 5, United States Code);

7 (ii) the Office of Personnel Management
8 for a position that the Office has excepted from
9 the competitive service (as used in title 5, United
10 States Code); or

11 (iii) the President or the head of an agency
12 for a position excepted from the competitive
13 service (as used in title 5, United States Code)
14 by statute.

15 (e) COMPENSATION.—(1) Section 5314 of title 5,
16 United States Code, is amended by inserting at the end
17 the following:

18 "Executive Director, United States Insular
19 Areas Policy Council."

20 (2) Section 5315 of title 5, United States Code, is
21 amended by adding at the end the following:

22 "Deputy Directors, United States Insular Areas
23 Policy Council."

1 SEC. 5. AUTHORITY AND RESPONSIBILITIES OF THE COUN-

2 CIL.

3 (a) AUTHORITY.—The Council shall exercise respon-
4 sibilities, as follows:

5 (1) The responsibilities of the Assistant Sec-
6 retary of the Interior, Territorial and International
7 Affairs under Executive Order No. 12569 (48
8 U.S.C. 1681 note) and Orders of the Secretary of
9 the Interior 3046 (February 14, 1980) and 3142
10 (October 15, 1990), and all statutory or other au-
11 thority for administration of insular affairs vested in
12 the Secretary of the Interior, except that the audit
13 responsibility regarding Federal funds transferred to
14 the Office of the Inspector General, Department of
15 the Interior pursuant to Public Law 97-357 (96
16 Stat. 1705) shall continue to be exercised by the In-
17 spector General. The audit responsibility of the In-
18 spector General regarding insular receipts and ex-
19 penditures shall be transferred to auditors in the in-
20 sular areas when the Chair of the Council deter-
21 mines that the insular government concerned has es-
22 tablished an independent and adequately funded
23 local audit capability.

24 (2) The responsibility for government in Amer-
25 ican Samoa presently assigned to the Secretary of
26 the Interior by Executive Order No. 10264 of June

1 29, 1951 (48 U.S.C. 1661 note), as limited by the
2 Act of December 8, 1983 (97 Stat. 1462).

3 (3) The responsibility for relations with the
4 Government of Guam in matters not within the pro-
5 gram responsibility of another executive agency as of
6 the day before the date of enactment of this Act, as-
7 signed to the Secretary of the Interior by the Or-
8 ganic Act of Guam (82 Stat. 847).

9 (4) The responsibility for relations with the
10 Government of the Northern Mariana Islands in
11 matters not within the program responsibility of an-
12 other executive agency as of the day before the date
13 of enactment of this Act, assigned to the Secretary
14 of the Interior by Executive Order No. 12572 of No-
15 vember 3, 1986 (48 U.S.C. 1681 note).

16 (5) The responsibility for government in Terri-
17 tory of the Pacific Islands as of the day before the
18 date of enactment of this Act, assigned to the Sec-
19 retary of the Interior by Executive Order No. 11021
20 of May 8, 1962 (48 U.S.C. 1981 note).

21 (6) The responsibility for relations with the
22 Government of the Virgin Islands in matters not
23 within the program responsibility of another execu-
24 tive agency as of the day before the date of enact-
25 ment of this Act, assigned to the Secretary of the

1 Interior by the Revised Organic Act of the Virgin Is-
2 lands (82 Stat. 842).

3 (b) RESPONSIBILITIES.—The Council shall have the
4 responsibility to—

5 (1) provide the Congress, the President, and ex-
6 : ecutive agencies with such information and advice as
7 may be necessary to develop or implement policies or
8 programs regarding or substantially affecting the in-
9 sular areas so that they are appropriate in light of
10 the policy set forth in section 3;

11 (2)(A) inform the governments of the insular
12 areas of Federal actions or proposed actions which
13 would affect the insular areas, (B) solicit the com-
14 ments and recommendations of such governments
15 regarding those actions or proposals, and (C) pro-
16 vide such comments and recommendations, together
17 with analysis and advice, to the head of the execu-
18 tive agency taking or proposing such action or the
19 Council or the President, as may be appropriate;

20 (3) provide and coordinate the provision of such
21 technical and other assistance and advice as may be
22 required in light of the policy set forth in section 3;

23 (4) coordinate Federal actions in a manner
24 which recognizes the special responsibilities of the
25 Federal Government regarding the insular areas and

1 serve as a liaison where necessary between the exec-
2 utive branch and the governments of the insular
3 areas; and

4 (5) perform such other activities as may be nec-
5 essary to carry out its responsibilities under this
6 Act.

7 SEC. 6. REPORTS TO CONGRESS.

8 (a) IN GENERAL.—The Council shall submit a report
9 on the state of the insular areas to the Committee on Nat-
10 ural Resources of the House of Representatives and the
11 Committee on Energy and Natural Resources of the Sen-
12 ate not later than March 1 of each year. The report shall
13 indicate the social, economic, and political situations of
14 each insular area through the preceding fiscal year. The
15 report shall detail changes in those situations which oc-
16 curred during the fiscal year as well as foreseeable future
17 developments and shall include, but not be limited to—

18 (1) the political relationship of the area with
19 the Federal Government;

20 (2) the applicability or inapplicability of Federal
21 laws and regulations and their impacts;

22 (3) the effectiveness and delivery of Federal
23 programs and the activities and accomplishments of
24 executive agencies pertaining to the area;

- 1 (4) significant differences between the treat-
2 ment of the area and its residents under any Fed-
3 eral policy or program relative to the treatment of
4 the States and their citizens;
- 5 (5) the adequacy of essential public infrastruc-
6 ture;
- 7 (6) private sector activities and development
8 and investment potential;
- 9 (7) existing education, employment, and job op-
10 portunities and training;
- 11 (8) the fiscal positions of the area;
- 12 (9) Federal fiscal and economic policies as they
13 impact the area;
- 14 (10) amounts and uses of Federal direct and
15 indirect assistance;
- 16 (11) public services and the efforts of executive
17 agencies to improve them;
- 18 (12) international obligations or undertakings
19 regarding the area;
- 20 (13) compliance with legislative mandates; and
21 (14) any comments which the government of
22 the area has requested be included.
- 23 (b) PROGRAM OF PRESIDENT AND REC-
24 OMMENDATIONS.—The report shall clearly state the pro-
25 gram of the President with regard to the matters specified

1 in subsection (a) together with such specific proposals to
2 accomplish the program as the Council deems appropriate
3 and recommended actions to address the conditions and
4 developments referred to in subsection (a).

5 (c) REQUIRED SUBMISSIONS FOR REPORT PREPARA-
6 TION.—To facilitate the preparation of the report—

7 (1) each executive agency with programs oper-
8 ating in or affecting the insular areas shall report to
9 the Executive Director of the Council on such activi-
10 ties not later than November 15 of each year; and

11 (2) the Executive Director of the Council shall
12 submit a draft of the report, developed after full
13 consultation with the governments of the insular
14 areas, to the Council for review not later than Janu-
15 ary 15 of each year.

16 SEC. 7. DELEGATION AND USE OF EXECUTIVE AGENCIES.

17 (a) DELEGATION.—The Council may from time to
18 time make such provisions as it deems appropriate author-
19 izing the performance of any of the functions transferred
20 to it by the provisions of this Act by any of its staff, or,
21 with the concurrence of the head of any executive agency,
22 may assign specific functions to such agency subject to
23 the supervision of the Chair of the Council. The Chair of
24 the Council shall notify the Committee on Natural Re-
25 sources of the House of Representatives and the Commit-

1 tee on Energy and Natural Resources of the Senate not
2 less than 60 days prior to an assignment of responsibility
3 to another executive agency. Such notice shall indicate the
4 reasons for such assignment, the scope of such assign-
5 ment, the duration of the assignment, the concurrence of
6 the head of the executive agency to which the function is
7 assigned, and the continued supervision and responsibility
8 of the Chair.

9 (b) USE OF EXECUTIVE AGENCIES.—

10 (1) IN GENERAL.—To the maximum extent
11 practicable, the Chair of the Council shall use the
12 personnel and services of other executive agencies in
13 carrying out the responsibilities assigned to the
14 Council by this Act.

15 (2) DUTIES.—The head of each executive agen-
16 cy shall cooperate with the Council and its staff in
17 carrying out the purposes of this Act, keep the staff
18 of the Council fully informed on policies or programs
19 regarding or substantially affecting the insular
20 areas, and make such personnel and services avail-
21 able as the Chair may request. The Council shall re-
22 imburse such agencies for any additional cost in-
23 curred in making such personnel and services avail-
24 able to the Council.

1 SEC. 8. TRANSFERS.

2 (a) IN GENERAL.—The personnel employed in con-
3 nection with, and the assets, liabilities, contracts, prop-
4 erty, facilities, records, and unexpended balance of appro-
5 priations, and other funds employed, held, used, arising
6 from, available to, or to be made available in connection
7 with the functions and offices, or portions thereof, ref-
8 erenced in by section 5, including all senior executive serv-
9 ice positions, shall be transferred to the Council for appro-
10 priate allocation by the Chair in accordance with any ap-
11 plicable laws and regulations relating to transfer of func-
12 tions. Unexpended funds transferred pursuant to this sec-
13 tion shall be used only for the purposes for which the
14 funds were originally authorized and appropriated, except
15 that such funds may be used for the expenses associated
16 with the transfer pursuant to this Act.

17 (b) OMB DUTY.—In order to facilitate the transfers
18 effected by this section, the Director of the Office of Man-
19 agement and Budget, in consultation with the Chair of
20 the Council and the Committee on Natural Resources of
21 the House of Representatives and the Committee on En-
22 ergy and Natural Resources of the Senate, shall make
23 such determinations as may be necessary with regard to
24 functions, offices, or portions thereof, dispositions of per-
25 sonnel, assets, liabilities, grants, contracts, property,
26 records, and unexpended balances of appropriations, au-

1 thorizations, apportionments, allocations, and other funds
2 held, used, arising from, available to, or to be made avail-
3 able in connection with such functions, offices, or portions
4 thereof, as may be necessary to resolve disputes between
5 the Chair and the heads of the executive agency from
6 which the transfer was made which may arise in connec-
7 tion with the transfers. This subsection does not vest in
8 the Director of the Office of Management and Budget any
9 of the functions, power of duties of the Council or its
10 Chair or staff or the executive agency. The authority and
11 direction given by this subsection to the Director of the
12 Office of Management and Budget shall terminate 60 days
13 after the date of the enactment of this Act.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as may be necessary to carry out the purposes of this Act.

MEMORANDUM FROM LILLIAN FERNANDEZ



TO: BILL BURTON (OFFICE OF THE CHIEF OF STAFF)
RICHARD FEINBERG (NSC)
RETA LEWIS (POLITICAL)
LORRAINE MILLER (LEGISLATIVE)
GERRI RATLIFF (OMB)
DONSIA STRONG (DOMESTIC POLICY)
SUZANNA VALDEZ (PUBLIC LIAISON)

RE: PRELIMINARY MEETING ON PUERTO RICO - AGENDA AND
MATERIALS

DATE: AUGUST 23, 1993

I am forwarding to you the tentative agenda for the Puerto Rico meeting and various documents and reading materials for your information. I hope you will be able to attend this meeting which is scheduled for Wednesday, August 25 at 11 a.m. in 112 of the East Wing. If you are not able to attend please let me know if you will be sending a representative from your office.

Please feel free to call me on extension 6620 if you have any questions for suggestions.

AUGUST 25TH MEETING ON PUERTO RICO

TENTATIVE AGENDA

- GENERAL DISCUSSION ON POLICY ISSUES RELATING TO PUERTO RICO**
- IDENTIFY PRIORITIES**
- INTERNAL COORDINATION AND CONSIDERATION OF THESE ISSUES FOR DEVELOPMENT OF ADMINISTRATION POSITION**

MATERIALS FOR DISTRIBUTION -

EXECUTIVE ORDERS -

ROOSEVELT (1934)
KENNEDY (1963)
BUSH (1992)

**FOREIGN AFFAIRS COMMITTEE REPORT LANGUAGE ON H.R. 2583 RE:
PUERTO RICO**

H.CON.RES. 94 (SERRANO)

RECENT ARTICLES:

N.Y.TIMES, 8/15/93, "PUERTO RICO'S IDENTITY, UP FOR A VOTE"
WASHINGTON POST, 8/20/93, "PUERTO RICO: STATEHOOD SHOWDOWN"

Executive Order

ESTABLISHING THE DIVISION OF TERRITORIES AND ISLAND POSSESSIONS IN THE DEPARTMENT OF THE INTERIOR AND TRANSFERRING THERETO THE FUNCTIONS OF THE BUREAU OF INSULAR AFFAIRS, WAR DEPART- MENT, PERTAINING TO THE ADMINISTRATION OF THE GOVERNMENT OF PUERTO RICO

WHEREAS section 16 of the act of March 3, 1933 (ch. 212, 47 Stat. 1517),
the President to investigate and determine what reorganizations are necessary, --
accomplish the purposes therein stated, and authorizes the President to make such
reorganizations by Executive order; and

WHEREAS after investigation I find and declare that the establishment of a
Division of Territories and Island Possessions in the Department of the Interior
and the transfer thereto of the functions of the Bureau of Insular Affairs, War
Department, pertaining to the administration of the Government of Puerto Rico is
necessary to effectuate the purposes of the said section 16;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me
by the aforesaid section 16 of the act of March 3, 1933, it is ordered that a division
which shall be known as the Division of Territories and Island Possessions be, and it
is hereby, established in the Department of the Interior; and it is further ordered that
all of the functions of the Bureau of Insular Affairs, Department of War, together
with its personnel, records, supplies, equipment, and property of every kind, and
unexpended balances of appropriations and/or allotments in Washington and else-
where, pertaining to or connected with the administration of the Government of
Puerto Rico, be, and they are hereby, transferred from the Department of War to
the Division of Territories and Island Possessions, Department of the Interior, to
be administered under the supervision of the Secretary of the Interior.

This order will become effective in accordance with the provisions of section 1
of title III of the act of March 20, 1933 (ch. 3, 48 Stat. 16): *Provided*, That in case it
shall appear to the President that the interests of economy require that the transfer

2
be delayed beyond the date this order becomes effective, he may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time.

FRANKLIN D. ROOSEVELT

Done in triplicate.

The White House,

May 29, 1934.

[No. 5730]

DOCUMENT 89
MEMORANDUM OF THE PRESIDENT
(JULY 25, 1961)

Because of the importance and significance of Puerto Rico in the relations of the United States with Latin America and other nations, it is essential that the executive departments and agencies be completely aware of the unique position of the Commonwealth, and that policies, actions, reports on legislation, and other activities affecting the Commonwealth should be consistent with the structure and basic principles of the Commonwealth.

On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its constitution. This proclamation was the culmination of a series of legislative and electoral steps which began with the passage of Public Law 600, 81st Congress, 64 Stat. 319 (1956). Public Law 600 made provision for the organization of a constitutional government by the people of Puerto Rico. In a referendum, held on June 4, 1951, the proposals of this law received the overwhelming approval of the people of Puerto Rico.

Following approval, a Puerto Rican constitutional convention drafted a constitution, which was approved by a referendum held on March 3, 1952. The Congress in turn approved this constitution. Public Law 447, 82d Congress, 68 Stat. 327 (1952).

The Commonwealth structure, and its relationship to the United States which is in the nature of a compact, provide for self-government in respect of internal affairs and administration, subject only to the applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act, and the acts of Congress authorizing and approving the constitution.

On November 27, 1963, the General Assembly of the United Nations recognized that the people of the Commonwealth of Puerto Rico, exercising effectively the right of self-determination in a free and democratic way, had achieved a new constitutional status and that, in view of this new status, it was appropriate that the United States should cease the transmission of information with regard to Puerto Rico under article 73(e) of the Charter. U.N. Gen. Ass. Res. 748 (VIII) (1963).

All departments, agencies, and officials of the executive branch of the Government should faithfully and carefully observe and respect this arrangement in relation to all matters affecting the Commonwealth of Puerto Rico. If any matters arise involving the fundamen-

tal of this arrangement, they should be referred to the Office of the President.

The legislative steps which have led to the achievement by Puerto Rico of Commonwealth status have made inapplicable the provisions of Executive Order No. 6726 of May 29, 1934, insofar as they pertain to or are connected with the administration of the Government of Puerto Rico. This order no longer applies to Puerto Rico.

This memorandum shall be published in the Federal Register.

JOHN F. KENNEDY

November 30, 1992

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Puerto Rico is a self-governing territory of the United States whose residents have been United States citizens since 1917 and have fought valorously in five wars in the defense of our Nation and the liberty of others.

On July 25, 1952, as a consequence of steps taken by both the United States Government and the people of Puerto Rico voting in a referendum, a new constitution was promulgated establishing the Commonwealth of Puerto Rico. The Commonwealth structure provides for self-government in respect of internal affairs and administration, subject to relevant portions of the Constitution and the laws of the United States. As long as Puerto Rico is a territory, however, the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum or specific referenda sponsored either by the United States Government or the Legislature of Puerto Rico.

Because Puerto Rico's degree of constitutional self-government, population, and size set it apart from other areas also subject to Federal jurisdiction under Article IV, section 3, clause 2 of the Constitution, I hereby direct all Federal departments, agencies, and officials, to the extent consistent with the Constitution and the laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing Federal program or activity would increase or decrease Federal receipts or expenditures, or would seriously disrupt the operation of such program or activity. With respect to a Federal program or activity for which no fiscal baseline has been established, this memorandum shall not be construed to require that such program or activity be conducted in a way that increases or decreases Federal receipts or expenditures relative to the level that would obtain if Puerto Rico were treated other than as a State.

If any matters arise involving the fundamentals of Puerto Rico's status, they shall be referred to the Office of the President.

This guidance shall remain in effect until Federal legislation is enacted altering the current status of Puerto Rico in accordance with the freely expressed wishes of the people of Puerto Rico.

The memorandum for the heads of executive departments and agencies on this subject, issued July 25, 1961, is hereby rescinded.

This memorandum shall be published in the Federal Register.

Foreign Affairs Committee report on HR 2553

48

sell arms to the developing

vision to exchange information with the Middle East, rep-
a. The committee notes with
e's Republic of China to with-
rges the People's Republic of

as the inception of the Perm-
always been a goal. The com-
consider expanding the talks
blic of China continues to sit

of conventional weapons pro-

the Arms Export Control Act
submit to Congress additional
ed weapons sale would meet
purchasing or grant-recipient
would increase regional ten-
spabilities.

endent inspectors general at

it of the March 1, 1993 report
sual for Administration and
cern has been raised about
Nations Bureaucracy.

f the Congress that the Presi-
arsuading the Secretary Gen-
mediate steps to implement
March 1, 1993 report, giving
at the organization urgently
ndent office of inspector gen-
am and administrative audit
usses the sense of the Con-
an inspector general should

ent should seek to persuade
hich the United States is a
ectors general, where appli-
elop effective means to elimi-

of the Congress that all re-
neral, or of existing instru-
e audit and review functions
d be fully available to mem-

ling adherence to the United

he Congress that the Presi-
he Secretary General of the

United Nations that the United Nations will comply with Article 100 of the U.N. Charter; that neither the Secretary General nor his staff should seek or receive instructions from any government or from any other authority external to the United Nations; and that the President should report to Congress when he receives such an assurance from the Secretary General of the United Nations.

The committee adopted this provision in response to concerns because of pressure from the People's Republic of China the Secretary General denied a dissident Chinese citizen an opportunity to address the media on the premises of the United Nations, a privilege which is routinely granted to dissidents from other countries.

State Department treatment of Puerto Rico

It is the intent of the committee that the Department of State treat Puerto Rico in strict accordance with President Bush's memorandum dated November 30, 1992, which directed: "all Federal department, agencies, and officials, to the extent consistent with the Constitution and laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing federal program or activity would increase or decrease federal receipts or expenditures, or would seriously disrupt the operation of such program or activity"

Communications to the Department of State from or concerning Puerto Rico should be directed to the appropriate Federal agency or to the White House.

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS**PART A—AUTHORIZATION OF APPROPRIATIONS***Section 201.—Authorizations of appropriations*

Section 201 authorizes the following amounts for international information exchange activities and educational and cultural exchange programs:

- (1) \$489,854 million in fiscal year 1994 and \$503,362 million in fiscal year 1995 for salaries and expenses;
- (2) \$137,043 million in fiscal year 1994 and \$140,743 million in fiscal year 1995 for Fulbright exchange programs;
- (3) \$109,079 million in fiscal year 1994 and \$111,325 million in fiscal year 1995 for other educational exchange programs;
- (4) \$26,351 million in fiscal year 1994 and \$28,362 million in fiscal year 1995 for broadcasting to Cuba;
- (5) \$606,790 million in fiscal year 1994 and \$717,790 million in fiscal year 1995 for other international broadcasting activities;
- (6) \$4,390 million in fiscal year 1994 and \$4,398 million for the Office of the Inspector General;
- (7) \$48 million in fiscal year 1994 and \$49,926 million in fiscal year 1995 for the National Endowment for Democracy;
- (8) \$23 million in fiscal year 1994 and \$23,821 million in fiscal year 1995 for the East-West Center; and
- (9) \$2.1 million in fiscal year 1994 and \$2.4 million in fiscal year 1995 for American studies collections, of which \$1.650 million in fiscal year 1994 and \$1.950 million in fiscal year

103D CONGRESS
1ST SESSION

H. CON. RES. 94

Expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1993

Mr. SERRANO submitted the following concurrent resolution; which was referred jointly to the Committees on Foreign Affairs and Natural Resources

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the expression of self-determination by the people of Puerto Rico.

Whereas the people of Puerto Rico are natural-born citizens of the United States but do not enjoy all of the individual rights and liberties accorded to other American citizens under the United States Constitution;

Whereas the future status of Puerto Rico remains under discussion among residents of the Island of Puerto Rico and among Puerto Ricans residing in the 50 States of the United States; and

Whereas the Charter of the United Nations, a treaty to which the United States is a signatory, expresses the right of self-determination, that is the right of a people to decide for themselves the political status under which they live: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) reaffirms the commitment of the people of
4 the United States to the principle of self-determina-
5 tion;

6 (2) reasserts the principle, first articulated by
7 the Congress in its ratification of the Charter of the
8 United Nations, that with respect to territories
9 whose peoples have not yet attained a full measure
10 of self-government, the interests of the inhabitants
11 of such territories are paramount; and

12 (3) endorses the right of the people of Puerto
13 Rico to political self-determination.

○

Puerto Rico

Americans and Latin Americans

NY Times
Aug 15 / 1993

Puerto Rico's Identity, Up for a Vote

By LARRY ROHTER

IN little more than three months, Puerto Ricans will be asked whether they prefer to become the 51st state, remain a commonwealth or seek independence. The campaign leading up to the vote is barely under way, but it is clear that partisans of all three options are also grappling with an underlying question: What does it mean to be a Puerto Rican?

Ever since the United States seized this lush Caribbean island in 1898 as booty of the Spanish-American War, the relationship between the mainland and the Commonwealth of Puerto Rico has been marked by ambivalence on both sides. Puerto Ricans have often seemed unsure whether to regard themselves as Americans, Latin Americans or both.

Many on the mainland evidently find it difficult to regard a mixed-race, Spanish-speaking society with a per capita annual income of just over \$6,000 as truly being part of America.

If it were a state, Puerto Rico would have more members in Congress than 25 states. Since its 3.7 million people do not live in a state, they do not pay Federal taxes and they have their own Olympic team. But they still can be drafted.

The plebiscite comes at a moment when Puerto Ricans are being sharply reminded of their second-class colonial status. With only symbolic representation in Congress and unable to vote in Federal elections unless they live on the mainland, they watched impotently as the Clinton Administration and Congress, intent on reducing the budget deficit, hacked away at the corporate tax exemptions that have been the backbone of the local economy for the last 40 years.

As a result, Puerto Rican subsidiaries of mainland companies saw the reduction of the 100 percent income credit that encouraged many to locate here. The companies will now be expected to pay \$3.75 billion in Federal taxes during the next five years, which, leaders here fear, could encourage them to shift their operations to Mexico to benefit from the North American Free Trade Agreement. Washington has offered little in compensation from the expected losses. Furthermore, the Nov. 14 vote is not binding, so that even if the statehood option wins narrowly, as many here predict, Congress could reject the island's petition to join the union.

A Plebiscite or an Opinion Poll?

From 1989 through 1991 both the Senate and the House, urged on by the Bush Administration, debated legislation that would have established a binding plebiscite. In the end they failed to take action, fueling the suspicion here that Congress is simply unwilling to add a 51st star to the flag. "Statehood is contrary to the national interest of the United States," said Ruben Berrios, head of the Puerto Rican Independence Party. "That is why there was no plebiscite."

Largely because of that experience, Puerto Ricans cannot even agree what to call the upcoming vote. Gov. Pedro Rossello of the pro-statehood New Progressive Party has called it both a "plebiscite" and a "referendum." On the other hand, the Popular Democratic Party, which favors commonwealth, refers to it as an "opinion poll" or "consultation," implicitly downgrading its importance. Carlos Noriega Rodriguez, head of the Puerto Rico Bar Association, dismisses it as "a sterile exercise," while some



Puerto Rico's Governor, Pedro J. Rossello, addressing a pro-statehood rally

independence supporters recently complained to the United Nations that the vote is "a colonial mechanism" and "an attempt at deception."

Every President since Truman has supported the notion of self-determination for Puerto Rico, but then again, the White House would only have to make a decision on Puerto Rico's status should Congress approve statehood. "Whatever they decide, I will support," Mr. Clinton said last month on "Larry King Live." "I think they, the people of Puerto Rico, should decide."

But exactly what constitutes "the people of Puerto Rico" is the subject of some debate. Mr. Rossello wants to limit participation to Puerto Ricans who live on the island. Both the commonwealth and independence parties argue, however, that the 2.6 million Puerto Ricans who live on the mainland, more than half of them in New York and vicinity, must also be granted voting rights if the result is to have any meaning.

San Juan or Timbuktu

"We believe that Puerto Ricans are a nationality apart and distinct from the rest of the world," said Sen. Eudaldo Baez Galib, a commonwealth supporter. "It doesn't matter whether they live in San Juan, New York or Timbuktu."

Not surprisingly, many mainland Puerto Ricans also take that position. "This is not an election for state assemblyman or to raise taxes," said Representative Jose Serrano of the Bronx, one of three Puerto Ricans in Congress. "This is a vote that may determine for all time

the future of an entire people."

Puerto Ricans on the mainland see Puerto Ricans as people on the mainland. "Some of us were born on the mainland, some came with our families. But on the mainland do so as a resident, not as a ship between the United States and we deserve to have our voice heard."

Opposition parties have a different view of that position because they believe for commonwealth and independence stronger among mainland Puerto Ricans here on the island. Differences further cloud the issue: A slogan "statehood is for the poor."

Mr. Rossello says the issue is residence, not nationality. He intends to exclude Puerto Ricans from the vote, he said, except people born in California. New York to get on a plane and vote in whatever referendum there. That is not acceptable.

But Mr. Rossello and his party want mainland Puerto Ricans, who they charge for statehood in November. "Some of us are kind of this," said Angelo Falcon, Institute for Puerto Rican Policy. "How can the Government of Puerto Rico support them on the tax benefits then go back to Puerto Rico and does not allow us to vote? It is like the black sheep in the family."

Americans and Latin Americans
NY Times
Aug 15/1993

Puerto Rico's Identity, Up for a Vote

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Associated Press

Puerto Rico's Governor, Pedro J. Rossello, addressing a pro-statehood rally last month.

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Every President since Truman has supported the notion of self-determination for Puerto Rico, but then again, the White House would only have to make a decision on Puerto Rico's status should Congress approve statehood. "Whatever they decide, I will support," Mr. Clinton said last month on "Larry King Live." "I think they, the people of Puerto Rico, should decide."

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the future of an entire people."

Puerto Ricans on the mainland "are as much Puerto Ricans as people on the island," he said. "Some of us were born on the mainland. Some of us came with our families. But all of us who live on the mainland do so as a result of the relationship between the United States and Puerto Rico, and we deserve to have our voices heard."

Opposition parties have a vested interest in that position because they believe that support for commonwealth and independence is even stronger among mainland Puerto Ricans than here on the island. Differences of class and race further cloud the issue: A slogan proclaims that "statehood is for the poor."

Mr. Rossello says the issue is a matter of residence, not nationality. Explaining why he intends to exclude Puerto Ricans on the mainland from the vote, he said, "You would not expect people born in California who now live in New York to get on a plane and go to California and vote in whatever referendums are decided there. That is not acceptable."

But Mr. Rossello and his party risk alienating mainland Puerto Ricans, who they expect to lead the charge for statehood in Congress after November. "Some of us are kind of ticked off by all of this," said Angelo Falcon, president of the Institute for Puerto Rican Policy in New York. "How can the Government of Puerto Rico ask us to support them on the tax benefits program and then go back to Puerto Rico and draft a bill that does not allow us to vote? It makes us feel like the black sheep in the family."

Washington Post 8/20/93
Roger E. Hernandez

Puerto Rico: Statehood Showdown

Congress has been passing it off for years, but sometime soon it is going to have to grab hold of this hot potato, even if it stings: What about Puerto Rico?

On Nov. 14, the people of Puerto Rico vote on whether the island should join the Union as the 51st state, continue as a commonwealth or become an independent republic.

Commonwealth supporters want to keep the political status pretty much as it is now, an "associated free state" of U.S. citizens who (if living in Puerto Rico itself) do not vote for president or have representation in Congress, but are exempt from federal taxes. Statehood supporters say that commonwealth is just a nice name for colonization and that Puerto Ricans should have all the rights and duties of citizens on the mainland. Independence supporters say Puerto Rico is culturally a Latin American nation and that as such it should be on its own, like the Dominican Republic or Uruguay.

Independence has no chance to win. That leaves it between statehood and commonwealth. But no matter the vote's result, nothing will happen without congressional approval.

That is the way it should be. If Puerto Rico wants to become a state, it is only right that the rest of the states approve its entry. Similarly, changes in the commonwealth formula—now being worked out by the island's pro-commonwealth party—should not be taken unilaterally.

Yet Congress wishes Puerto Rico would just go away. Every poll taken in the last few years projects the statehood option will win a close race, leaving Congress with a choice it would rather not make: Do we allow a poor, tropical island of Spanish-speakers to be as much a part of the United States as Massachusetts?

Dodging the topic has become an art form. Hearings have been postponed. Hearings have been canceled. Bills have been killed in committee. Bills have been stalled in committee. The Clinton administration, too, is mastering avoidance behavior. Unlike the Bush administration, which supported statehood if Puerto Ricans chose it, the Clinton White House has not said where it stands.

Jose Serrano, the Democratic congressman from New York, has introduced a resolution that forces Congress to take a stand before November, so that when Puerto Ricans enter the voting booth they know whether the plebiscite is binding upon the United States or a mere beauty contest. The bill has gone nowhere. As it stands now, Puerto Ricans will vote not knowing whether their decision will be taken seriously.

Odds are Congress will not make the referendum binding, at least not before it takes place. But sooner or later, Congress is going to have to face the showdown it does not want.

The most likely scenario is that statehood will win and that Puerto Rico Gov. Pedro Rossello, who supports statehood, will present the result to Congress. His hope is that the fact that a fully democratic referendum took place will render Congress unable to continue to ignore the issue.

Then the political maneuvering begins on the Hill as Congress defines the terms of statehood. Whatever it decides would be taken back to Puerto Rican voters in the form of a second plebiscite, this one a simple yes-no.

There is a lot for Congress to fine tune. Should there be a transitional period to phase in federal taxes and benefits? Should Puerto Ricans be immediately enfranchised to vote in presidential elections and send members to Congress, or should that be phased in too?

But the biggest fight may be over the referendum itself. Should a simple majority be enough make Puerto Rico a state? Or should a majority of, say, two-thirds be required?

Look for a bipartisan effort to raise the minimum margin as much as possible. If enough supporters of independence and commonwealth band together, statehood may still win, but not by the necessary margin. That gives Congress a way to keep Puerto Rico out without actually saying "No."

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WHITE HOUSE INTERGOVERNMENTAL AFFAIRS
ROUTING SHEET

Wensia-fyi
Sent/Logged
10/21
Pv

FROM: Marcia L. Hale

DATE: 10/20/93

OCT 20 REC'D

SUBJECT: Puerto Rico

TO:

☒ Mack McLarty

☒ Roy Neel

☒ Leon Panetta

☒ Joan Baggett

☒ Rahim Emanuel

☒ Mark Gearan

☒ David Gergen

☐ John Gibbons

☒ Alexis Herman

☒ Tony Lake

☒ Bruce Lindsey

☒ Bernie Nussbaum

☒ Howard Paster

☒ John Podesta

☒ Jack Quinn

☒ Carol Rasco

☒ Bob Rubin

☐ Eli Segal

☐ Ricki Seidman

☒ George Stephanopoulos

☐ Laura Tyson

☒ Christine Varney

☐ David Watkins

☒ Maggie Williams

COMMENTS:

☒ Chris Edley

On November 14, 1993, Puerto Rico is holding a non-binding plebiscite to determine if the people of Puerto Rico want statehood, commonwealth or independence.

Latest polls indicate that the vote is a dead heat between statehood and commonwealth.

If statehood wins Governor Rossello and his party will petition Congress for statehood. They will ask Congress to sponsor a binding referendum.

Regardless of the outcome of the plebiscite some type of activity will begin in Congress -- hearings may begin shortly after the vote.

We will need to release a statement on November 15, from the President, on the outcome of the vote. Attached is the President's most recent statement on the subject, which is consistent with campaign statements. He will support the outcome of the plebiscite. "I want the people of Puerto Rico to chart their own destiny."

Remember, that should statehood pass and a Puerto Rican referendum begins to move through Congress that similar activities will be renewed on behalf of DC statehood, which the President supports.

Please let me know if you have any additional thoughts on this matter. I will begin working with Mark and Dee Dee on the statement to be released after the vote.

Thanks.

Q Mr. President, Puerto Rico is still a colony of the United States. A referendum on its future is up and coming on the island. If it opts for statehood, would you push for it?

THE PRESIDENT: Absolutely. Our relationship with Puerto Rico is an important one. We have a lot of Puerto Ricans living not only on the island but also in this country. And my feeling has always been that if they wanted to become a state, with not only the benefits but the responsibilities that statehood would entail -- even financially they would get some things and they would lose some things if they became a state -- that we should support that.

And my commitment from the beginning has been quite consistent - that I wanted the people of Puerto Rico to chart their own destiny. If they wanted to stay a commonwealth, I would do my best to make this present situation work better for them. For example, I have done my best to try to help them with their health care problems and to cover Puerto Rico in the health care plan. If they want to become a state, then I think that we should support that. And I will strongly support statehood if that's the desire of the voters in Puerto Rico. But the citizens there should make the decision. I shouldn't make it for them.

Q Mr. President, on behalf of Telemundo News and (spoken in Spanish) -- Telemundo, muchas gracias.

END6:13 P.M. EDT

PK 10F2

w/ attachment

June 30, 1993

MEMORANDUM TO: DONSIA STRONG
FROM: JIM JUKES *Ji-*
SUBJECT: VOTING IN PRESIDENTIAL ELECTIONS BY RESIDENTS
OF THE INSULAR AREAS

In response to your question, OMB has not taken a position during this Administration on the question of whether, or under what circumstances, the residents of the insular areas should have the right to vote in Presidential elections.

The development of a position on this matter would, in my view, require the participation of the Departments of the Interior, Justice and State, the NSC, and the White House Offices of Counsel, Legislative Affairs, Political Affairs, and Intergovernmental Affairs, as well as the DPC. If you wish to pursue this matter further, I would be happy to discuss procedural options with you.

During the Bush Administration, Interior drafted a report to Congress on the insular areas that included a statement on voting in Presidential elections. A copy of that statement, as modified by White House Counsel and the NSC during the clearance process, is attached FYI. (The Interior report was never transmitted to Congress.)

bcc: Bernie Martin
Gerri Ratliff ✓
Bob Damus
Irene James
Bruce Beard
Ron Cogswell

Draft

their gateways. Insular governments are also invited to seek the Assistant Secretary's assistance as a liaison to other Federal agencies, such as the Federal Aviation Administration, in matters pertaining to aviation.

REPRESENTATION IN CONGRESS FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The CNMI leaders are considering the advantages and disadvantages of supporting a provision for a delegate to the House of Representatives from the CNMI, i.e., an elected Delegate similar to those of Guam, American Samoa and the USVI. Since 1972, Guam and the USVI have elected Delegates to the U.S. House of Representatives; since 1980, American Samoa has done so as well.

As Members of Congress, the Delegates have all rights and privileges, including normal office budgets and committee membership and voting rights, but they may not vote on the House floor. The CNMI elects a Resident Representative to the United States, funded by the CNMI government, who is entitled to receive official recognition by agencies of the Federal Government, but lacks the Member of Congress rights of other insular delegates.

VOTING RIGHTS FOR INSULAR REPRESENTATIVES

The fact that Members of Congress from the U.S. insular areas may not vote on the House floor continues to be an issue in Federal relations with the islands. The current Delegates to the U.S. House of Representatives from American Samoa, Guam, and the USVI may vote in committees and introduce legislation and speak on the House floor but may not vote on the House floor.

VOTING IN PRESIDENTIAL ELECTIONS

✓ The right to vote for President and Vice-President has long been desired by the people and leaders of the insular areas. Because the U.S. Constitution limits that right to residents of States and the District of Columbia, a constitutional amendment would be required to extend the privilege to the insular areas. Extension of the right to vote in Presidential elections would be appropriate in insular areas to which application of the Constitution has been extended in full as a result of the democratically expressed will of a majority of the areas' residents.

DISASTER RESPONSE/HAZARD MITIGATION

Creating a disaster relief fund in OTIA's budget and improving the coordination of Federal response to

Comparison
w/ District
Taxation
issue

30 June

OLC

since early 1970's

if each got 1 electoral vote - overrepresentation

allocation of electoral votes -

DC 23rd amendment - very specific
about electoral votes - 3 votes least populous state

deLugo amendment electoral votes unclear

Sup Ct test for incorporation

"Clearly destined for statehood"

not free from doubt situation has not
arisen

Puerto Rico want to vote for Pres. must
pay taxes

Generally - voting has been linked w/ citizenship
Thus deLugo amendment may be different

10-20%
in American
Samoa

Puerto
Rico

June 30, 1993

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FROM: JIM JUKES 

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bcc: Bernie Martin
Gerri Ratliff
Bob Damus
Irene James
Bruce Beard
Ron Cogswell



United States Department of the Interior



OFFICE OF THE SECRETARY

Washington, D.C. 20240

MEMORANDUM

May 24, 1993

To: Bill Burton, Office of the Chief of Staff
The White House

From: Leslie Turner, Assistant Secretary *PT*
Territorial and International Affairs

Subject: Presidential Vote for the U.S. Insular Areas

Chairman Ron de Lugo of the Natural Resources Subcommittee on Insular and International Affairs has introduced the attached resolution to grant the U.S. citizens of the non-State insular areas the right to vote in Presidential elections. Interior supports extension of this right, and urges the President to endorse the proposal. However, we recommend modifications.

BACKGROUND: Because the Constitution limits voting in Presidential elections to residents of States, U.S. citizens in the insular areas may not vote in such elections. This limitation also applied to the District of Columbia until the 23rd Amendment granted D.C. residents the Presidential vote. The U.S. insular areas include the Commonwealth of Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Territory of Guam, and the Territory of American Samoa. There are three million residents in Puerto Rico and about 300,000 in the other islands. About a million and a half are of voting age. OTIA handles Federal policy for the islands, except Puerto Rico, whose relations with the U.S. are coordinated by the White House. Secretary Babbitt told insular leaders that the Administration supports a more inclusive approach to Federal relations with the islands, including greater participation in the Federal decision-making processes. Extending this voting right directly addresses this commitment by affording the insular areas increased involvement in the national election system. It also extends a right long-denied them because of residence.

CLARIFICATIONS: The 35,000 people of American Samoa are U.S. nationals and would continue to be excluded by the amendment, which would grant only U.S. citizens the vote. Since U.S. nationals owe permanent allegiance to the United States, can become citizens through application, and serve in the Armed Forces, we believe they should have the right to vote for President. De Lugo's amendment also may raise legal questions regarding whether extension of the vote constitutes an act of incorporating the insular areas into the United States. This would mean the full Constitution applies. The tax uniformity clause, therefore, would require insular area residents to pay Federal income tax. Incorporation should be handled in status talks. We recommend that the amendment or report language clarify there is no intent to have the effect of incorporation.

103D CONGRESS
1ST SESSION

H. J. RES. 195

Proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of United States territories.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1993

Mr. DE LUGO (for himself, Mr. EDWARDS of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. MFUME, Mr. SABO, Mr. SERRANO, Mr. PENNY, Mrs. MINK, Mr. MURPHY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. COLEMAN, Mr. PASTOR, Mr. RAHALL, Ms. WATERS, Mr. RANGEL, Mr. HASTINGS, Mr. BERMAN, Mrs. MEEK, Mr. FALCONAVERGA, Mr. PETERSON of Minnesota, Mr. VENTO, Mr. DE LA GARZA, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. DELLUMS, and Mr. UNDERWOOD) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of United States territories.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled*
- 3 *(two-thirds of each House concurring therein), That the fol-*
- 4 *lowing article is proposed as an amendment to the Con-*

stitution of the United States, which shall be valid to all
intents and purposes as part of the Constitution when
ratified by the legislatures of three-fourths of the several
States within seven years after the date of its submission
for ratification:

“ARTICLE —

“SECTION 1. The right of citizens of the United
States to vote in the election for President and Vice Presi-
dent shall not be denied or abridged by the United States
or by any State on account of residency in a territory of
the United States.

“SECTION 2. The Congress shall have power to en-
force this article by appropriate legislation.”.

○

Draft from last
year that had Bush
~~NSC~~ NSC + WH Council
sign offs.

Section I - Introduction

This report is submitted in fulfillment of Public Law 99-239, Title III, Section 302, which requires the submission of periodic Executive Branch policy reports on the noncontiguous Pacific areas. This is the first such report. In fulfillment of Section 303 of P.L. 99-239, the Department of the Interior (DOI), in cooperation with the Department of State and in consultation with insular leaders, held a two-day conference in Honolulu in September 1989 to obtain firsthand the initial views and suggestions of island officials as a basis for drafting this Administration's insular policy report.

Taking the island officials' concerns as the starting point, Interior's Office of Territorial and International Affairs (OTIA), in coordination with the Department of State, held extensive discussions with Federal agencies and insular leaders in various fora, including Pacific Basin Development Council meetings, Guam Commonwealth discussions, Section 902 and Section 702 consultations with the Commonwealth of the Northern Mariana Islands (CNMI), and regular consultation with the U.S. Virgin Islands Government (USVI).

OTIA Assistant Secretary Stella Guerra also met individually with insular leaders to brief them on the development of the draft report and to review the issues being addressed in the report. Written comments from insular officials were solicited not only at the Honolulu conference but also throughout the process.

The **Insular Policy Statement** section of this report describes the Executive Branch's views on insular policy in the context of our evolving relations with the several island jurisdictions. In the **Insular Policy Initiatives** section, the report also offers a series of policy changes, which flow from the Administration's policy framework, to advance the insular areas' economic development and fiscal management, to provide for greater consultation, and to improve access to Federal courts.

The major focus of this report is on policy for Guam, the CNMI, American Samoa, and the U.S. Virgin Islands, which are non-State insular areas over which the United States exercises sovereignty. The Administration included the USVI because this insular area also is within the administrative responsibility of the DOI and shares many of the same problems and concerns as the noncontiguous Pacific areas targeted by the Congressional mandate. The report also makes reference to Palau, for which the United States remains the administering authority under the United Nations

Trusteeship Agreement.

However, the Administration has not extended its comments to the Commonwealth of Puerto Rico because Congress did not intend the scope of this policy report to include this insular area. Hawaii and Alaska are not the object of specific policy guidelines and initiatives outlined in this report because of their essentially different political and economic status.

The Freely Associated States - the Federated States of Micronesia and the Republic of the Marshall Islands - are also in a special category because of their status as sovereign states. We have enunciated policies toward them within the context of the Compacts of Free Association governing the overall Federal relationship with these new nations. The provisions of this report apply to the FAS only where they are specifically mentioned.

Section II - Insular Policy Statement

The clear and longstanding goals of U.S. policy for the insular areas addressed in this report have been, and continue to be, their political, social, and economic development and advancement. The specific objectives and initiatives to promote these aims have varied in the post-World War II era. Different philosophies, approaches, and emphases have been used by various U.S. presidential administrations.

The unique circumstances of each insular area have necessitated a flexible and adaptable approach of the Federal Government best suited to the individual situation of each jurisdiction. The islands vary significantly not only in geography, population, and natural resources but also in their historic relationship to the Federal Government, their current status in the American family, and their levels of political, economic, and social development.

These differences generate varying needs and aspirations, which must be specifically addressed within the context of an overall approach. Changing global and regional conditions, such as the end of the Cold War and the relaxation of East-West tensions in Asia and the Pacific, also influence the situation and conditions in the insular areas and, hence, the approaches which U.S. Government policy takes to those jurisdictions.

SELF-DETERMINATION AND POLITICAL DEVELOPMENT

Despite these variables, Federal policy for these areas has been, and will continue to be, guided by certain fundamental principles. The Administration recognizes the inherent right of self-determination for the people of the insular areas, as duly expressed through democratic means. The United States will continue to maintain a policy of self-determination in which all options for political development are open for discussion, provided those options are economically feasible, do not compromise U.S. national security, and, if the area remains under U.S. sovereignty, are consistent with the Constitution of the United States.

The Administration remains ready to discuss political status options with insular leaders and continues its pledge to make every good faith effort to find mutually acceptable methods to achieve the duly expressed political status goals of the islands' people. Intensive discussions, chaired for the Administration by the Assistant Secretary of the Interior for Territorial and International Affairs, with Guam leaders over their political status proposal exemplify the Federal

Government's readiness to work out new status arrangements.

Expressions of self-determination for some U.S. non-State insular areas have led to political transitions from **unorganized, unincorporated territorial status**, in which the jurisdiction is directly administered by and often from Washington, to an **organized, unincorporated territorial status**, in which the government is organized pursuant to a Federal organic act and United States citizenship is extended. Local self-government has developed further with the adoption of locally drafted constitutions by American Samoa and the Northern Mariana Islands. Although the United States has authorized Guam and the U.S. Virgin Islands to formulate and adopt constitutions, locally-drafted constitutions in those areas subsequently were not approved in territory-wide referenda. The Administration endorses the eventual adoption of constitutions by these areas through democratic processes.

While certain insular areas use the term **commonwealth** as part of the formal name of the jurisdiction, that term has no generally accepted meaning. Both States and territories currently use commonwealth as part of their names. The precise nature of a commonwealth usually is defined by the documents establishing the political entity. The Administration views the choice of a formal name of a jurisdiction to be part of the self-determination process. The democratically expressed desire of the majority should be respected, whether the term commonwealth, territory, or other title is used as part of the name of the particular insular government.

When the people of an insular jurisdiction, in an exercise of their self-determination, choose a general political status that is economically feasible and does not compromise U.S. national security, they then have the right to work out with the Federal Government the specific terms and conditions for the transition to that new status. In the American political system, however, self-determination does not mean the insular areas have the right to determine unilaterally the specific terms of their relationship with the United States. Any relationship in which the United States retains sovereignty must be consistent with the U.S. Constitution.

SELF-GOVERNMENT AND CONSULTATIONS

For insular areas that choose to join or remain in the American political family, we fully support the maximum amount of self-government consistent with U.S. sovereignty and the relevant portions of the U.S. Constitution and Federal laws. U.S. policy in the post-

World War II era has supported increasing self-government through Federal organic acts, locally adopted constitutions, and elected legislatures, governorships, and delegates to the U.S. Congress.

The U.S. Government recognizes the duly elected governments of the insular areas as representing the will of the electorate and will continue to deal with those areas through their duly elected officials. Our national policy in this area has been characterized by a reliance on the insular areas to manage their own local affairs.

Effective local self-government is inextricably related to effective financial management. Therefore, this Administration supports a policy of helping improve financial management expertise and accountability in the insular areas. This proposal - Policy Initiative No. 1 - aims at an Executive Branch review of the current situation in the insular areas regarding financial management and accountability and the development of recommendations for improving current practices.

✓ To improve overall relations between the Federal Government and the insular areas, this Administration also supports a policy of providing increased consultation with insular area leaders on the range of political, economic, and social issues in our relationship. ~~To carry out this policy, the Administration supports the creation of a Federal Interagency Group on Insular Area Affairs. The role and function of this group is described in Policy Initiative No. 2.~~ 0

FEDERAL SOVEREIGNTY AND LOCAL AUTONOMY

A critical and increasingly debated issue in the Federal-insular area dialogue is the relationship between overall Federal sovereignty and local autonomy. This issue involves the general problem of where the line is drawn in the American political system between the powers and prerogatives of the Federal Government and those of the insular governments. The controversy over the delineation of these areas has been exacerbated, at least in part, by the Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands.

The Compacts of Free Association negotiated with these areas recognized the sovereignty of the Federated States of Micronesia and the Republic of the Marshall Islands, while also allowing the citizens of these new states access to some programs and benefits normally associated with residency in areas under U.S. sovereignty. (The Trust Territory of the Pacific

Islands is not under U.S. sovereignty.) The U.S. Constitution does not apply nor has U.S. citizenship been extended to the Freely Associated States. While these Freely Associated States are sovereign, conduct their own foreign relations, and are not subject to the Federal Government's authority over U.S. territories, they entrusted responsibility for their defense to the United States and agreed to consult with the United States on foreign policy issues that affect defense and regional security as long as the Compacts continue in force.

Some insular areas over which the United States exercises sovereignty, whose residents are U.S. citizens or noncitizen nationals, have suggested that they have a right to **full self-government** or **internal sovereignty** that is violated when the Federal Government legislates for those areas and their U.S. citizens and noncitizen nationals. In the American political system, all local governments in an area under the sovereignty of the United States - whether State, county, municipal, or insular - have self-government to the extent that it is consistent with the sovereignty of the Federal Government and relevant provisions of the U.S. Constitution and Federal law.

By its very nature, local self-government in the United States is limited, not full. The assertion of an **internal sovereignty**, therefore, seems to envision a free-association-like status in the U.S. insular areas' overall relationship with the Federal Government, i.e., that Federal authority would be exercised only in the fields of defense and foreign affairs, while these insular areas would have authority over all other matters. This Administration cannot support the view that the Federal Government has or should have only such limited authority over areas that have not opted for free association status.

THE APPLICATION OF FEDERAL LAW

The issue of Federal sovereignty versus local autonomy is most often joined over the question of the application of Federal laws to the non-State insular areas over which the United States exercises sovereignty. The policy of this Administration is that Federal laws, for the most part, should apply equally to U.S. citizens, noncitizen nationals, and alien residents in the U.S. insular areas because those areas and their peoples are part of the United States.

This Administration cannot support insular initiatives that would bestow on local governments a veto power over Federal legislation, whether through **mutual consent** provisions or other similar mechanisms. The exercise of that authority by an insular area would be inconsistent with United States sovereignty and with Federal authority under the U.S. Constitution.

However, the Federal Government has exempted groups and geographic areas from Federal laws. Federal legislation sometimes exempts the insular areas from the application of Federal laws and regulations, especially where the application of those laws and regulations would be inappropriate for geographical, climatological, or economic reasons.

This Administration also recognizes that Federal legislation, especially broadly written laws intended for the contiguous States, can produce an unanticipated adverse effect on insular areas. As a result of this long-held concern of the insular areas and of the Federal Government, the Department of the Interior's Office of the Solicitor has been conducting a comprehensive analysis of the application of Federal laws to the insular areas.

This study, which examines the effects of and undertakes to identify shortcomings in Federal laws as they apply to the USVI, Guam, American Samoa, and the CNMI, is nearing completion. Comments from the governors of these areas have been sought as each component of the study has been drafted. The study will respond to most of the requirements of Section 302 (b)(2) of Public Law 99-239.

There also is a need to ensure that Federal laws that do apply to insular areas can be effectively enforced. In most of the insular areas, a Federal district court is available for that purpose. However, American Samoa does not have a Federal district court, and no other Federal court has been designated to fill that need. Therefore, the Administration proposes in Policy Initiative No. 3 that Federal agencies operating in American Samoa have access to the United States District Court in Hawaii.

their gateways. Insular governments are also invited to seek the Assistant Secretary's assistance as a liaison to other Federal agencies, such as the Federal Aviation Administration, in matters pertaining to aviation.

REPRESENTATION IN CONGRESS FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

The CNMI leaders are considering the advantages and disadvantages of supporting a provision for a delegate to the House of Representatives from the CNMI, i.e., an elected Delegate similar to those of Guam, American Samoa and the USVI. Since 1972, Guam and the USVI have elected Delegates to the U.S. House of Representatives; since 1980, American Samoa has done so as well.

As Members of Congress, the Delegates have all rights and privileges, including normal office budgets and committee membership and voting rights, but they may not vote on the House floor. The CNMI elects a Resident Representative to the United States, funded by the CNMI government, who is entitled to receive official recognition by agencies of the Federal Government, but lacks the Member of Congress rights of other insular delegates.

this is all the draft last year said on voting:

VOTING RIGHTS FOR INSULAR REPRESENTATIVES

★ The fact that Members of Congress from the U.S. insular areas may not vote on the House floor continues to be an issue in Federal relations with the islands. The current Delegates to the U.S. House of Representatives from American Samoa, Guam, and the USVI may vote in committees and introduce legislation and speak on the House floor but may not vote on the House floor.

VOTING IN PRESIDENTIAL ELECTIONS

✓ ★ The right to vote for President and Vice-President has long been desired by the people and leaders of the insular areas. Because the U.S. Constitution limits that right to residents of States and the District of Columbia, a constitutional amendment would be required to extend the privilege to the insular areas. Extension of the right to vote in Presidential elections would be appropriate in insular areas to which application of the Constitution has been extended in full as a result of the democratically expressed will of a majority of the areas' residents.

DISASTER RESPONSE/HAZARD MITIGATION

Creating a disaster relief fund in OTIA's budget and improving the coordination of Federal response to