

104TH CONGRESS
2D SESSION

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To provide for referenda to resolve the political status of Puerto Rico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 1996

Mr. CRAIG (for himself, Mr. SIMON, Mr. THOMAS, Mr. REID, Mr. GRAHAM, Mr. AKAKA, and Mr. COHEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for referenda to resolve the political status of Puerto Rico, 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. FINDINGS.**

4 Congress finds that—

5 (1) the United States exercises sovereignty over
6 Puerto Rico pursuant to the Treaty of Paris pro-
7 claimed by President McKinley on April 11, 1899,
8 Article IX of which provides that the “civil rights

1 and political status of the native inhabitants” of
2 Puerto Rico “shall be determined by the Congress”;

3 (2) Congress continues to carry out all Federal
4 responsibilities with respect to Puerto Rico, includ-
5 ing those set forth in article IX of the treaty of ces-
6 sion, pursuant to the territorial clause of the United
7 States Constitution (article IV, section 3, clause 2),
8 which provides that “Congress shall have Power to
9 dispose of and make all needful Rules and Regula-
10 tions respecting the Territory or other Property be-
11 longing to the United States”;

12 (3) in the Act of March 2, 1917 (39 stat. 951,
13 chapter 145), Congress provided for civil administra-
14 tion of Puerto Rico and declared that, by virtue of
15 that Act, the inhabitants of Puerto Rico shall be
16 citizens of the United States, with such civil rights
17 and political status as Congress determined to be
18 consistent with residence in an unincorporated terri-
19 tory rather than a State of the Union;

20 (4) in accordance with the Act of July 3, 1950
21 (64 Stat. 319, chapter 446), the people of Puerto
22 Rico adopted a constitution in 1952 that, after
23 amendment and approval by Congress, established
24 the current Commonwealth structure for self-govern-
25 ment in respect of internal affairs and local govern-

1 ment administration, subject to the United States
2 Constitution and Federal law applicable to Puerto
3 Rico; and

4 (5) the United States, consistent with its con-
5 stitutional process, is committed to respecting the
6 principle of self-determination as part of any proce-
7 dure to resolve the political status of Puerto Rico.

8 **SEC. 2. REFERENDA.**

9 (a) **POLICY OF THE UNITED STATES.—**(1) **IN GEN-**
10 **ERAL.—**It is the policy of the United States that the resi-
11 dents of Puerto Rico periodically should be afforded an
12 opportunity freely to express their wishes regarding their
13 political status.—

14 (2) **OPTIONS.—**The self-determination process for
15 Puerto Rico should be one that enables the people of Puer-
16 to Rico to preserve their current political status if that
17 is their preference, or to choose to seek, in accordance with
18 a process approved by Congress and the residents of Puer-
19 to Rico—

20 (A) admission as a State of the Union on
21 the basis of full equality; or

22 (B) withdrawal of United States sov-
23 ereignty in favor of independence or free asso-
24 ciation.

1 (b) REQUIREMENTS.—A referendum under this
2 Act—

3 (1) shall be conducted among persons in Puerto
4 Rico who meet the residency, United States citizen-
5 ship, and other requirements of applicable law gov-
6 erning voter eligibility in Puerto Rico;

7 (2) shall otherwise be in accordance with appli-
8 cable provisions of the elections law of Puerto Rico
9 and other relevant local and Federal law consistent
10 with this Act; and

11 (3) shall be decided by a majority of the votes
12 cast.

13 (c) REFERENDUM BY THE END OF 1998.—

14 (1) IN GENERAL.—A referendum under this Act
15 shall be conducted not later than December 31,
16 1998.

17 (2) FORMAT.—

18 (A) PART ONE OF THE BALLOT.—In the
19 referendum under paragraph (1), the option of
20 continuing the current Commonwealth arrange-
21 ments and Puerto Rico's current political sta-
22 tus, or, alternatively, entering on a process
23 leading to permanent full self-government
24 through separate sovereignty or statehood, shall

1 be presented in Part One of the ballot as Op-
2 tions A and B, as follows:

3 “PART ONE

4 “OPTION A.—COMMONWEALTH: The resi-
5 dents of Puerto Rico desire to continue the current
6 Commonwealth structure for self-government with
7 respect to internal affairs and administration under
8 a local constitution, subject to the provisions of the
9 Constitution and laws of the United States that
10 apply to Puerto Rico. Puerto Rico will remain an
11 unincorporated territory of the United States, and
12 application of Federal law and provisions of the
13 Constitution to Puerto Rico remains within the dis-
14 cretion of Congress. The future status of Puerto
15 Rico will be determined through a process author-
16 ized by Congress that includes self-determination by
17 the residents of Puerto Rico in periodic referenda.

18 “OPTION B.—PATH TO SEPARATE SOV-
19 EREIGNTY OR STATEHOOD: The residents of
20 Puerto Rico desire to enter on a process for Con-
21 gress and the residents of Puerto Rico to define and
22 approve in a later vote a transition to permanent full
23 self-government through either separate sovereignty
24 or statehood as set forth in Part Two of this bal-
25 lot.”.

1 (B) PART TWO OF THE BALLOT.—Part
2 Two of the ballot shall present voters with a
3 choice between 2 options for ending the current
4 territorial status in favor of separate sov-
5 ereignty, in the form of independence, or free
6 association as may be agreed, according to
7 international law and definitions compatible
8 with the constitutional process and practices of
9 the United States, or, alternatively, full integra-
10 tion into the United States constitutional sys-
11 tem on the basis of equality. The definitions of
12 separate sovereignty and full integration leading
13 to statehood shall appear in Part Two of the
14 ballot as Options A and B, as follows:

15 “OPTION A.—SEPARATE SOVEREIGNTY:
16 The residents of Puerto Rico desire to be a separate
17 sovereign nation that exercises all the powers of gov-
18 ernment with respect to its territory and population,
19 with full authority and responsibility for its internal
20 and external affairs, through independence (or free
21 association as may be agreed). Puerto Rico will be-
22 come fully self-governing under its own constitution
23 establishing a republican form of government, which
24 shall be the supreme law. The United States Con-
25 stitution and laws shall no longer apply, and the sov-

1 ereignty, nationality, and citizenship of the United
2 States in Puerto Rico shall terminate based on ap-
3 proval of separate sovereignty by Congress and the
4 residents of Puerto Rico. Birth in Puerto Rico or re-
5 lationship to a person who acquired United States
6 citizenship by statute due to birth in Puerto Rico
7 during the territorial period no longer will confer
8 United States citizenship, but such persons shall
9 have a right to retain statutory United States citi-
10 zenship for life based on continued allegiance to the
11 United States and election or designation as pre-
12 scribed by Congress consistent with the transition to
13 separate sovereignty and succession of nationality.

14 “OPTION B.—STATEHOOD: The residents of
15 Puerto Rico desire admission of Puerto Rico as a
16 State of the Union. Through statehood residents of
17 Puerto Rico will have a status and rights secured
18 under the United States Constitution, which will be
19 the supreme law of the land with the same force and
20 effect as in the other States of the Union. The sov-
21 ereign State of Puerto Rico will be in permanent
22 union with the United States, and powers not dele-
23 gated to the Federal Government or prohibited to
24 the States by the United States Constitution shall be
25 reserved to the people of Puerto Rico or the State

1 Government. The United States nationality and citi-
2 zenship of persons born in Puerto Rico will be guar-
3 anteed in the same way it is for all United States
4 citizens born in other States of the Union. United
5 States citizens in Puerto Rico will have full and
6 equal rights and duties of United States citizenship,
7 including voting rights in elections for President and
8 Vice President, as well as representation by 2 mem-
9 bers in the United States Senate and proportionally
10 on the basis of population in the House of Rep-
11 resentatives.”.

12 (3) INSTRUCTIONS TO VOTERS.—

13 (A) PART ONE.—The instructions to voters
14 for Part One of the ballot in a referendum
15 under this subsection shall state that a voter
16 may select Option A or Option B by marking
17 either option, but that ballots with both options
18 marked in Part One will not be counted.

19 (B) PART TWO.—The instructions to vot-
20 ers for Part Two of the ballot in such a referen-
21 dum shall state that a voter may vote on Part
22 Two regardless of how the voter voted on Part
23 One, or even if they did not vote on Part One.
24 The instructions to voters on Part Two shall
25 also state that Part Two is to determine the

1 preference of voters as between the options for
2 seeking separate sovereignty or statehood in
3 case a majority of the voters voting on Part
4 One approve that course as set forth in Option
5 B on Part One of the ballot. The voters shall
6 be instructed to approve Option A or Option B
7 in Part Two by marking either, but that ballots
8 with both options marked in Part Two will not
9 be counted.

10 (4) VALIDITY OF EITHER PART.—On any ballot
11 cast in a referendum under this subsection either
12 Part One or Part Two shall be counted if properly
13 cast, even if the other part of the ballot is not count-
14 ed due to the manner in which the other part has
15 been cast.

16 **SEC. 3. IMPLEMENTATION.**

17 (a) SELECTION OF CURRENT STATUS OR REJECTION
18 OF TRANSITION.—If a majority of the voters approve con-
19 tinuation of the current unincorporated status and the
20 present ‘Commonwealth’ structure for local self-govern-
21 ment, or on rejection of a transition plan, unless otherwise
22 provided by Congress, referenda on the future political
23 status of Puerto Rico shall be held in accordance with this
24 Act every 4 years thereafter, but not within 270 calendar
25 days of a general election, in order to ensure that the right

1 of the people of Puerto Rico to self-determination is re-
2 spected, and that the people periodically are afforded the
3 opportunity freely to express their wishes with respect to
4 resolution of Puerto Rico's status based on permanent full
5 self-government.

6 (b) SELECTION OF STATEHOOD.—If statehood is se-
7 lected, the President, not later than 180 days after the
8 referendum, shall transmit to the Congress legislation pro-
9 viding for the admission of Puerto Rico as a State of the
10 Union in accordance with a transition plan that includes
11 procedures for approval of the terms of admission and im-
12 plementation thereof by a majority vote of the residents
13 of Puerto Rico.

14 (c) SELECTION OF SEPARATE SOVEREIGNTY.—If
15 separate sovereignty is selected, the President, not later
16 than 180 days after the referendum, shall transmit to the
17 Congress legislation to providing a plan for the transition
18 to an international sovereign-to-sovereign relationship gov-
19 erned by a treaty or international agreement (including
20 measures to cease conferral of United States citizenship
21 on persons born in Puerto Rico), and such legislation shall
22 include procedures for approval of the transition to sepa-
23 rate sovereignty by a majority vote of the residents of
24 Puerto Rico.

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