

109TH CONGRESS
2D SESSION

H. R. 4867

To provide for a federally sanctioned self-determination process for the people of Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2006

Mr. FORTUÑO (for himself, Mr. SERRANO, Ms. PRYCE of Ohio, Mr. CANTOR, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. RAHALL, Mr. HOYER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY of Rhode Island, Mr. HYDE, Mr. PUTNAM, Mr. FLAKE, Mr. PENCE, Mr. TOM DAVIS of Virginia, Mr. KILDEE, Mr. WELLER, Mr. McKEON, Mr. FEENEY, Mr. BROWN of South Carolina, Mr. BONILLA, Mr. ABERCROMBIE, Mr. FOLEY, Mr. CALVERT, Mr. CANNON, Mr. GILCHREST, Mr. PEARCE, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. PETERSON of Pennsylvania, Mr. RENZI, Mrs. DRAKE, Mr. DOOLITTLE, Ms. BORDALLO, Mr. DENT, Ms. HARRIS, Mr. WESTMORELAND, Mr. POE, Mr. PETERSON of Minnesota, Mr. CONAWAY, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. MICA, Mr. CROWLEY, Mr. BOUSTANY, Mrs. BLACKBURN, Mr. SCHWARZ of Michigan, Ms. HART, Mr. FATTAH, Mr. MACK, Mr. WELDON of Florida, Mr. McCAUL of Texas, Mr. FITZPATRICK of Pennsylvania, Mr. CRAMER, Mr. FOSSELLA, Mr. HENSARLING, Mr. WAMP, Mr. COBLE, Mr. MOLLOHAN, Mr. HOSTETTLER, Mr. MCCOTTER, Mr. KELLER, Mr. KUHL of New York, Mr. GOHMERT, Mr. MORAN of Virginia, Mr. WYNN, Mr. KIND, Mr. CONYERS, Mr. NADLER, Mr. WALDEN of Oregon, Mrs. TAUSCHER, and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for a federally sanctioned self-determination process for the people of Puerto Rico.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Puerto Rico Democracy Act of 2006”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Federally sanctioned process for Puerto Rico’s self-determination, in-
 cluding initial plebiscite and subsequent procedures.

Sec. 4. Applicable laws and other requirements.

Sec. 5. Availability of funds for the self-determination process.

8 **SEC. 2. FINDINGS.**

9 The Congress finds the following:

10 (1) On November 30, 1992, President George
 11 H.W. Bush issued a Memorandum to Heads of Ex-
 12 ecutive Departments and Agencies recognizing that
 13 “As long as Puerto Rico is a territory . . . the will
 14 of its people regarding their political status should
 15 be ascertained periodically by means of a general
 16 right of referendum . . .”.

17 (2) Consistent with this policy, on December
 18 23, 2000, President William J. Clinton issued Exec-
 19 utive Order 13183, establishing the President’s Task
 20 Force on Puerto Rico’s Status for purposes that in-
 21 cluded identifying the options for the territory’s fu-
 22 ture political status “. . . that are not incompatible

1 with the Constitution and basic laws and policies of
2 the United States . . .”, as well as the process for
3 realizing such options.

4 (3) President George W. Bush adopted Execu-
5 tive Order 13183 and, on December 3, 2003,
6 amended it to require that the President’s Task
7 Force on Puerto Rico’s Status issue a report “. . .
8 no less frequently than once every 2 years, on
9 progress made in the determination of Puerto Rico’s
10 ultimate status.”.

11 (4) On December 22, 2005, the Task Force ap-
12 pointed by President George W. Bush issued a re-
13 port recommending that:

14 (A) The Congress provide within a year for
15 a federally sanctioned plebiscite in which the
16 people of Puerto Rico would be asked to vote on
17 whether they wish to remain a United States
18 territory or pursue a constitutionally viable
19 path toward a permanent nonterritorial status.

20 (B) If the people of Puerto Rico elect to
21 pursue a permanent nonterritorial status, Con-
22 gress should provide for a subsequent plebiscite
23 allowing the people of Puerto Rico to choose be-
24 tween one of the two permanent nonterritorial
25 status options. Once a majority of the people

1 has selected one of the two options, Congress is
 2 encouraged to begin a process of transition to-
 3 ward that option.

4 (C) If the people of Puerto Rico elect to
 5 remain as a United States territory, further
 6 plebiscites should occur periodically, as long as
 7 a territorial status continues, to keep Congress
 8 informed of the people's wishes.

9 **SEC. 3. FEDERALLY SANCTIONED PROCESS FOR PUERTO**
 10 **RICO'S SELF-DETERMINATION, INCLUDING**
 11 **INITIAL PLEBISCITE AND SUBSEQUENT PRO-**
 12 **CEDURES.**

13 (a) **FIRST PLEBISCITE UNDER THIS ACT.**—The
 14 Puerto Rico State Elections Commission shall conduct a
 15 plebiscite in Puerto Rico during the 110th Congress, but
 16 not later than December 31, 2007. The ballot shall provide
 17 for voters to choose only between the following two op-
 18 tions:

19 (1) Puerto Rico should continue the existing
 20 form of territorial status as defined by the Constitu-
 21 tion, basic laws, and policies of the United States.
 22 If you agree, mark here _____.

23 (2) Puerto Rico should pursue a path toward a
 24 constitutionally viable permanent nonterritorial sta-
 25 tus. If you agree, mark here _____.

1 The two options set forth on the ballot shall be preceded
2 by the following statement: Instructions: Mark the option
3 you choose as each is defined below. Ballots with more
4 than one option marked will not be counted.

5 (b) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE
6 FAVORS CONTINUED TERRITORIAL STATUS.—If a major-
7 ity vote in a plebiscite held under subsection (a) favors
8 the continuation of the existing territorial status, the
9 Puerto Rico State Elections Commission shall conduct ad-
10 ditional plebiscites under subsection (a) at intervals of
11 every 8 years from the date that the results of the prior
12 plebiscite are certified unless a majority of votes in the
13 prior plebiscite favors pursuing a permanent nonterritorial
14 status.

15 (c) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE
16 FAVORS PERMANENT NONTERRITORIAL STATUS.—If a
17 majority vote in any plebiscite held under subsection (a)
18 favors permanent nonterritorial status, the Puerto Rico
19 State Elections Commission shall conduct a plebiscite
20 under this subsection. The ballot on the plebiscite under
21 this subsection shall provide for a vote to choose only be-
22 tween the following two options:

23 (1) Statehood: Puerto Rico should be admitted
24 as a State of the Union, on equal footing with the
25 other States. If you agree, mark here_____.

1 (2) Sovereign nation: Puerto Rico should be-
2 come a sovereign nation, either fully independent
3 from or in free association with the United States
4 under an international agreement that preserves the
5 right of each nation to terminate the association. If
6 you agree, mark here _____.

7 The two options set forth on the ballot shall be preceded
8 by the following statement: Instructions: Mark the option
9 you choose as each is defined below. Ballots with more
10 than one option marked will not be counted.

11 (d) PERIOD FOR HOLDING PLEBISCITE.—If a major-
12 ity vote in the first plebiscite under subsection (a) favors
13 permanent nonterritorial status, the plebiscite under sub-
14 section (c) shall be held during the 111th Congress, but
15 no later than December 31, 2009. If a majority vote in
16 a plebiscite referred to in subsection (b) favors permanent
17 nonterritorial status, the plebiscite under subsection (c)
18 shall be held not later than 2 years after the certification
19 of the majority vote in such plebiscite under subsection
20 (b).

21 **SEC. 4. APPLICABLE LAWS AND OTHER REQUIREMENTS.**

22 (a) APPLICABLE LAWS.—All Federal laws applicable
23 to the election of the Resident Commissioner of Puerto
24 Rico shall, as appropriate and consistent with this Act,
25 also apply to any plebiscite held pursuant to this Act. Any

1 reference in such Federal laws to elections shall be consid-
2 ered, as appropriate, to be a reference to the plebiscites,
3 unless it would frustrate the purposes of this Act.

4 (b) FEDERAL COURT JURISDICTION.—The Federal
5 courts of the United States shall have exclusive jurisdic-
6 tion over any legal claims or controversies arising from
7 the implementation of this Act.

8 (c) RULES AND REGULATIONS.—The Puerto Rico
9 State Elections Commission shall issue all rules and regu-
10 lations necessary to carry out the plebiscites under this
11 Act.

12 (d) ELIGIBILITY.—Each of the following shall be eli-
13 gible to vote in any plebiscite held under this Act:

14 (1) All eligible voters under the electoral laws in
15 effect in Puerto Rico at the time the plebiscite is
16 held.

17 (2) All United States citizens born in Puerto
18 Rico who comply, to the satisfaction of the Puerto
19 Rico State Elections Commission, with all Puerto
20 Rico State Elections Commission requirements
21 (other than the residency requirement) applicable to
22 eligibility to vote in a general election.

23 Persons eligible to vote under this subsection shall, upon
24 request submitted to the Puerto Rico State Elections

1 Commission prior to the plebiscite concerned, be entitled
2 to receive an absentee ballot for such plebiscite.

3 (e) CERTIFICATION OF PLEBISCITE RESULTS.—The
4 Puerto Rico State Elections Commission shall certify the
5 results of each plebiscite held under this Act to the Presi-
6 dent of the United States and the Senate and House of
7 Representatives of the United States.

8 (f) REPORT AFTER SECOND PLEBISCITE.—No later
9 than 6 months after the plebiscite provided for in section
10 3(c), the President’s Task Force on Puerto Rico’s Status
11 shall submit a report to the Congress, prepared in con-
12 sultation with the Governor, the Resident Commissioner,
13 the President of the Senate of Puerto Rico, and the Speak-
14 er of the House of Representatives of Puerto Rico, detail-
15 ing measures that may be taken to implement the perma-
16 nent nonterritorial status option chosen in the plebiscite
17 together with such recommendations as the Task Force
18 may deem appropriate.

19 **SEC. 5. AVAILABILITY OF FUNDS FOR THE SELF-DETER-**
20 **MINATION PROCESS.**

21 During the period beginning October 1, 2006, and
22 ending on the date the President determines that all the
23 plebiscites required by this Act have been held, the Sec-
24 retary of the Treasury may allocate, from the funds pro-
25 vided to the Government of Puerto Rico under section

1 7652(e) of the Internal Revenue Code, not more than
2 \$5,000,000 to the State Elections Commission of Puerto
3 Rico to be used for expenses of carrying out each plebiscite
4 carried out under this Act, including for voter education
5 materials certified by the President's Task Force on Puer-
6 to Rico's Status as not being incompatible with the Con-
7 stitution and basic laws and policies of the United States.
8 Such amounts may be as identified by the President's
9 Task Force on Puerto Rico's Status as necessary for such
10 purposes.

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