

[109H4867]

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

..... introduced the following bill; which was referred to the Committee on

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 2007”.

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, including initial plebiscite and subsequent procedures.

Sec. 4. Applicable laws and other requirements.

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

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) On November 30, 1992, President George
4 H.W. Bush issued a Memorandum to Heads of Ex-
5 ecutive Departments and Agencies recognizing that
6 “As long as Puerto Rico is a territory ... the will
7 of its people regarding their political status should
8 be ascertained periodically by means of a general
9 right of referendum ...”.

10 (2) Consistent with this policy, on December
11 23, 2000, President William J. Clinton issued Exec-
12 utive Order 13183, establishing the President’s Task
13 Force on Puerto Rico’s Status for purposes that in-
14 cluded identifying the options for the territory’s fu-
15 ture political status “... that are not incompatible
16 with the Constitution and basic laws and policies of
17 the United States ...”, as well as the process for re-
18 alizing such options.

19 (3) President George W. Bush adopted Execu-
20 tive Order 13183 and, on December 3, 2003,
21 amended it to require that the President’s Task
22 Force on Puerto Rico’s Status issue a report “... no
23 less frequently than once every 2 years, on progress

1 made in the determination of Puerto Rico's ultimate
2 status.”.

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

6 (A) The Congress provide within a year for
7 a federally sanctioned plebiscite in which the
8 people of Puerto Rico would be asked to vote on
9 whether they wish to remain a United States
10 territory or pursue a constitutionally viable
11 path toward a permanent nonterritorial status.

12 (B) If the people of Puerto Rico elect to
13 pursue a permanent nonterritorial status, Con-
14 gress should provide for a subsequent plebiscite
15 allowing the people of Puerto Rico to choose be-
16 tween one of the two permanent nonterritorial
17 status options. Once a majority of the people
18 has selected one of the two options, Congress is
19 encouraged to begin a process of transition to-
20 ward that option.

21 (C) If the people of Puerto Rico elect to
22 remain as a United States territory, further
23 plebiscites should occur periodically, as long as
24 a territorial status continues, to keep Congress
25 informed of the people's wishes.

1 **SEC. 3. FEDERALLY SANCTIONED PROCESS FOR PUERTO**
2 **RICO'S SELF-DETERMINATION, INCLUDING**
3 **INITIAL PLEBISCITE AND SUBSEQUENT PRO-**
4 **CEDURES.**

5 (a) **FIRST PLEBISCITE UNDER THIS ACT.**—The
6 Puerto Rico State Elections Commission shall conduct a
7 plebiscite in Puerto Rico during the 111th Congress, but
8 not later than December 31, 2009. The ballot shall provide
9 for voters to choose only between the following two op-
10 tions:

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

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

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

22 (b) **PROCEDURE IF MAJORITY IN FIRST PLEBISCITE**
23 **FAVORS CONTINUED TERRITORIAL STATUS.**—If a major-
24 ity vote in a plebiscite held under subsection (a) favors
25 the continuation of the existing territorial status, the
26 Puerto Rico State Elections Commission shall conduct ad-

ditional plebiscites under subsection (a) at intervals of every 8 years from the date that the results of the prior plebiscite are certified unless a majority of votes in the prior plebiscite favors pursuing a permanent nonterritorial status.

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

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

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

The two options set forth on the ballot shall be preceded by the following statement: Instructions: Mark the option

1 you choose as each is defined below. Ballots with more
2 than one option marked will not be counted.

3 (d) PERIOD FOR HOLDING PLEBISCITE.—If a major-
4 ity vote in the first plebiscite under subsection (a) favors
5 permanent nonterritorial status, the plebiscite under sub-
6 section (c) shall be held during the 112th Congress, but
7 no later than December 31, 2011. If a majority vote in
8 a plebiscite referred to in subsection (b) favors permanent
9 nonterritorial status, the plebiscite under subsection (c)
10 shall be held not later than 2 years after the certification
11 of the majority vote in such plebiscite under subsection
12 (b).

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

14 (a) APPLICABLE LAWS.—All Federal laws applicable
15 to the election of the Resident Commissioner of Puerto
16 Rico shall, as appropriate and consistent with this Act,
17 also apply to any plebiscite held pursuant to this Act. Any
18 reference in such Federal laws to elections shall be consid-
19 ered, as appropriate, to be a reference to the plebiscites,
20 unless it would frustrate the purposes of this Act.

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

1 (c) RULES AND REGULATIONS.—The Puerto Rico
2 State Elections Commission shall issue all rules and regu-
3 lations necessary to carry out the plebiscites under this
4 Act.

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

7 (1) All eligible voters under the electoral laws in
8 effect in Puerto Rico at the time the plebiscite is
9 held.

10 (2) All United States citizens born in Puerto
11 Rico who comply, to the satisfaction of the Puerto
12 Rico State Elections Commission, with all Puerto
13 Rico State Elections Commission requirements
14 (other than the residency requirement) applicable to
15 eligibility to vote in a general election.

16 Persons eligible to vote under this subsection shall, upon
17 request submitted to the Puerto Rico State Elections
18 Commission prior to the plebiscite concerned, be entitled
19 to receive an absentee ballot for such plebiscite.

20 (e) CERTIFICATION OF PLEBISCITE RESULTS.—The
21 Puerto Rico State Elections Commission shall certify the
22 results of each plebiscite held under this Act to the Presi-
23 dent of the United States and the Senate and House of
24 Representatives of the United States.

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

12 **SEC. 5. AVAILABILITY OF FUNDS FOR THE SELF-DETER-**
13 **MINATION PROCESS.**

14 During the period beginning October 1, 2007, and
15 ending on the date the President determines that all the
16 plebiscites required by this Act have been held, the Sec-
17 retary of the Treasury may allocate, from the funds pro-
18 vided to the Government of Puerto Rico under section
19 7652(e) of the Internal Revenue Code, not more than
20 \$5,000,000 to the State Elections Commission of Puerto
21 Rico to be used for expenses of carrying out each plebiscite
22 carried out under this Act, including for voter education
23 materials certified by the President’s Task Force on Puer-
24 to Rico’s Status as not being incompatible with the Con-
25 stitution and basic laws and policies of the United States.

- 1 Such amounts may be as identified by the President's
- 2 Task Force on Puerto Rico's Status as necessary for such
- 3 purposes.