

109TH CONGRESS  
2D SESSION

# S. 2661

To provide for a plebiscite in Puerto Rico on the status of the territory.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2006

Mr. MARTINEZ (for himself, Mr. SALAZAR, Mr. CRAIG, Mr. NELSON of Florida, Mr. HAGEL, Mr. CARPER, Mr. ALLARD, Ms. LANDRIEU, Mrs. CLINTON, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for a plebiscite in Puerto Rico on the status  
of the territory.

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.**

4       This Act may be cited as the “Puerto Rico Democ-  
5       racy Act of 2006”.

### 6   **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) in the Memorandum on the Commonwealth  
9       of Puerto Rico (28 Weekly Comp. Pres. Doc. 2324,  
10       dated November 30, 1992), President George H.W.

1 Bush recognized that “[a]s long as Puerto Rico is  
2 a territory ... the will of its people regarding their  
3 political status should be ascertained periodically by  
4 means of a general right of referendum . . .”;

5 (2) consistent with this policy, in Executive  
6 Order No. 13183 (65 Fed. Reg. 82889), President  
7 William J. Clinton established the President’s Task  
8 Force on Puerto Rico’s Status to identify—

9 (A) options for the territory’s future polit-  
10 ical status “... that are not incompatible with  
11 the Constitution and basic laws and policies of  
12 the United States ...”; and

13 (B) the process for realizing the identified  
14 options;

15 (3) in Executive Order 13319 (68 Fed. Reg.  
16 68233), President George W. Bush amended Execu-  
17 tive Order No. 13183 (65 Fed. Reg. 82889) to re-  
18 quire that the President’s Task Force on Puerto  
19 Rico’s Status issue a report “... no less frequently  
20 than once every 2 years, on progress made in the de-  
21 termination of Puerto Rico’s ultimate status.”; and

22 (4) on December 22, 2005, the Task Force ap-  
23 pointed by President George W. Bush issued a re-  
24 port recommending that not later than 1 year after  
25 the date on which the report was published, Con-

gress should provide for a federally sanctioned plebiscite in which the people of Puerto Rico would be asked to vote on whether the people opt to—

(A) remain a United States territory; or

(B) pursue a constitutionally viable path toward a permanent nonterritorial status with the United States.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) COMMISSION.—The term “Commission” means the Puerto Rico State Elections Commission.

(2) COMMONWEALTH.—The term “Commonwealth” means the Commonwealth of Puerto Rico.

(3) TASK FORCE.—The term “Task Force” means the President’s Task Force on Puerto Rico’s Status.

### **SEC. 4. FEDERALLY SANCTIONED PROCESS FOR PUERTO RICO’S SELF-DETERMINATION.**

(a) PLEBISCITE.—

(1) IN GENERAL.—During the 110th Congress, but not later than December 31, 2007, the Commission shall conduct a plebiscite in the Commonwealth, the ballot of which shall provide for voters to choose only 1 of the following options:

1 (A) “The Commonwealth of Puerto Rico  
 2 should continue to be a territory of the United  
 3 States. If you agree, mark here \_\_\_\_\_.”.

4 (B) “The Commonwealth of Puerto Rico  
 5 should pursue a path toward permanent non-  
 6 territory status. If you agree, mark here  
 7 \_\_\_\_\_.”.

8 (2) RULES AND REGULATIONS.—The Commis-  
 9 sion shall issue any rules and regulations necessary  
 10 to conduct the plebiscite under this subsection.

11 (3) CERTIFICATION OF RESULTS.—The Com-  
 12 mission shall certify the results of the plebiscite con-  
 13 ducted under this subsection to the President and  
 14 Congress.

15 (b) FEDERAL COURT JURISDICTION.—The Federal  
 16 courts of the United States shall have exclusive jurisdic-  
 17 tion over any legal claim or controversy arising from the  
 18 implementation of this Act.

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

21 (a) AVAILABILITY OF AMOUNTS DERIVED FROM TAX  
 22 ON FOREIGN RUM.—

23 (1) IN GENERAL.—During the period beginning  
 24 on October 1, 2006, and ending on the date on  
 25 which the results of the plebiscite have been certified

1       under section 4(a)(3), the Secretary of the Treasury  
 2       shall allocate to the Commission, from amounts that  
 3       would otherwise be covered into the treasury of the  
 4       Commonwealth under section 7652(e)(1) of the In-  
 5       ternal Revenue Code of 1986, not more than  
 6       \$5,000,000 to pay the costs incurred by the Com-  
 7       mission in conducting the plebiscite, as determined  
 8       under paragraph (2).

9               (2) DETERMINATION BY THE TASK FORCE.—

10       The amount needed to cover the costs of the plebi-  
 11       scite shall be determined by the Task Force.

12       (b) USE OF FUNDS FOR EDUCATIONAL AND OTHER  
 13       MATERIALS.—The amounts made available to the Com-  
 14       mission under subsection (a)(1) may be used for the cost  
 15       of voter education materials if the content of the materials  
 16       has been certified by the Task Force as not being incom-  
 17       patible with the Constitution or any Federal laws or poli-  
 18       cies.

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