

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SM 1360

SPONSOR: Committee on Rules and Calendar and Senator Klein

SUBJECT: Memorial to Congress regarding Puerto Rico Plebiscite

DATE: April 3, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Kassack</u>	<u>RC</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The memorial urges the Congress of the United States to act without further delay on Puerto Rico's pending petition to establish and define the political status and electoral rights of the citizens of Puerto Rico and authorize a plebiscite for citizens of Puerto Rico to make an informed decision regarding the future political status of their country. A copy of the memorial, after passage, is to be presented to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each number of the Florida delegation to the United States Congress, and to the Governor of Puerto Rico.

II. Present Situation:

Currently, Puerto Rico is a territory of the United States with its citizens enjoying United States citizenship, but not endowed with the political and electoral rights of full representative government.

On January 23, 1997, the Puerto Rico Legislature enacted a resolution requesting the 105th Congress to respond to the democratic aspirations of the American citizens of Puerto Rico by approving legislation authorizing a plebiscite sponsored by the federal government, to be held no later than 1998. Full self government for Puerto Rico is attainable only through establishment of a political status which is based upon either separate sovereignty and nationality or full and equal United States nationality and citizenship through membership in the Union.

House Resolution (H.R.) 856 introduced during the 105th Congress and entitled "A bill to provide a process leading to full self-government for Puerto Rico" proposed to resolve Puerto Rico's political status through a self-determination process for full self-government. In that measure Puerto Rico would be authorized to select between three choices:

- a) a **Commonwealth** structure for local self-government as a U.S. territory;
- b) **Separate Sovereignty** leading to independence or free association; or
- c) **Statehood** leading to equal standing as a State of the Union.

The process would proceed in two stages:

- **The Transition Stage** would begin with a majority vote for one of the status choices for full self-government (separate sovereignty or statehood).¹ Within 180 days of the referendum, the President would submit to Congress a Transition Plan of ten years for the status selected by the Puerto Rican voters.

Once the Transition Plan is approved by Congress through expedited procedures, it would be submitted to the voters of Puerto Rico for ratification. If approved, the transition period would begin by Presidential order. If the plan is rejected, the President is directed to consult with the leaders of Puerto Rico and submit recommendations to Congress.

- **The Implementation Stage** would begin at least two years prior to the end of the Transition Plan. The President would submit to Congress an Implementation Plan to fulfill the status choice of the people of Puerto Rico at least two years before the transition period expires.

Once the Implementation Plan is approved by Congress through expedited procedures, it would be submitted to the voters of Puerto Rico for ratification. If the plan is approved, the final status is implemented by Presidential proclamation. If implementation is defeated, the President would submit recommendations to Congress after consultations with the leaders of Puerto Rico.

Funding for the referenda and voter education is provided through the cover-over of existing federal excise taxes on foreign rum that go to the Puerto Rico Treasury. The necessary amounts for conducting the referenda and voter education would be identified by the President and made available to Puerto Rico. The Government of Puerto Rico then would make grants in the amounts and purposes identified to the State Elections Commission of Puerto Rico.

III. **Effect of Proposed Changes:**

The memorial urges the Congress of the United States to act without further delay on Puerto Rico's pending petition to establish and define the political status and electoral rights of the citizens of Puerto Rico and authorize a plebiscite for citizens of Puerto Rico to make an informed

¹ "If a majority of the voters indicate they are not in favor of one of the options for full self-government (separate sovereignty or statehood), the same question is voted on once every four years. This allows the people of Puerto Rico to continue the existing Commonwealth structure for local self-government as an unincorporated territory, until a majority are ready and satisfied with the terms of full self-government. The periodic referenda requirement insures the integrity of the purpose of the bill, "to provide a process leading to full self-government for Puerto Rico."

decision regarding the future political status of their country. A copy of the memorial, after passage, is to be presented to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each number of the Florida delegation to the United States Congress, and to the Governor of Puerto Rico.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.