

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2499) TO PROVIDE
FOR A FEDERALLY SANCTIONED SELF-DETERMINATION PROCESS FOR
THE PEOPLE OF PUERTO RICO

APRIL 28, 2010.—Referred to the House Calendar and ordered to be printed

Mr. POLIS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1305]

The Committee on Rules, having had under consideration House Resolution 1305, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2499, the Puerto Rico Democracy Act of 2009, under a structured rule. The rule provides one hour and 30 minutes of general debate with one hour equally divided and controlled by the Chair and Ranking Minority Member of the Committee on Natural Resources and 30 minutes controlled by Representative Velázquez of New York. The resolution waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The resolution pro-

vides one motion to recommit with or without instructions. The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and all points of order against the amendment in the nature of a substitute (except for clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 407

Date: April 28, 2010.

Measure: H.R. 2499.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 2–9.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 408

Date: April 28, 2010.

Measure: H.R. 2499.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for amendment #13 by Rep. Broun (GA) and Rep. Gary Miller (CA), which would require that English be the only official language of Puerto Rico if it becomes a state.

Results: Defeated 2–9.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 409

Date: April 28, 2010.

Measure: H.R. 2499.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for amendment #15 by Rep. Broun (GA) and Rep. Chaffetz (UT), which would add a new section at the end of the bill to require Puerto Rico, if it becomes a state, to have laws in place to ensure that its residents have the Second Amendment right to own, possess, carry or use for lawful self defense, store assembled at home, and transport for lawful purposes, firearms and ammunition in any amount, consistent with federal law.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 410

Date: April 28, 2010.

Measure: H.R. 2499.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for amendment #17 by Rep. Rangel (NY), which would authorize a process to conduct a plebiscite in Puerto Rico with four options: independence, statehood, commonwealth, and Puerto Rico should not consider this issue at the present time.

Results: Defeated 4–9.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Foxx (NC): Would allow supporters of the commonwealth status quo the option of voting their preference during the second stage of the plebiscite. (10 minutes)

2. Gutierrez (IL): Would provide the Puerto Rican people have the option to choose “none of the above” with regard to the status of Puerto Rico. (10 minutes)

3. Gutierrez (IL): Would provide that the ballots in the plebiscite to be conducted under H.R. 2499 are printed in Spanish. (10 minutes)

4. Burton (IN), Young, Don (AK): Would retain the requirement that all ballots used for authorized plebiscites include the full content of the ballot printed in English. It would also require the Puerto Rico State Elections Commission to inform voters in all authorized plebiscites that if Puerto Rico retains its current status or is admitted as a State: (1) any official language requirements of the Federal Government shall apply to Puerto Rico to the same extent as throughout the United States; and (2) it is the Sense of Congress that the teaching of English be promoted in Puerto Rico in order for English-language proficiency to be achieved. (10 minutes)

5. Velázquez (NY), Gutierrez (IL): Would expand eligibility to vote in the any plebiscites authorized by this bill to U.S. citizens of Puerto Rican descent residing in any of the 50 States. (10 minutes)

6. Velázquez (NY): Would eliminate the first round of voting in Section 2 of the bill and insert an option for Commonwealth as a fourth option to the ballot. It also would provide for a runoff process if no option receives more than 50 percent of the vote that would be between the two options that received the most votes. (10 minutes)

7. Velázquez (NY): An amendment in the nature of a substitute that would express that it is the Sense of Congress that a proposal for a change of status must come first from the Commonwealth of Puerto Rico before Congress decides to consider the issue, therefore respecting their right of self-determination. (10 minutes)

8. Hastings, Doc (WA): An amendment in the nature of a substitute that would state that Puerto Rico has, and has had, the authority to conduct plebiscites. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 5, strike “3” and insert “4”.

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here _____.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTIERREZ OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 4, line 5, strike “on the following 3 options:” and insert “on the following 4 options:”.

On page 4, after line 16, insert the following:

“(4) None of the Above. If you agree, mark here _____.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTIERREZ OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In the header of section 3(e), strike “ENGLISH BALLOTS” and insert “LANGUAGE OF BALLOTS”.

In section 3(e), strike “printed in English” and insert “printed in Spanish. Upon request by an eligible voter, the Puerto Rico State Elections Commission shall provide said eligible voter with a ballot printed in English”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 3(e) to read as follows:

(e) ENGLISH LANGUAGE REQUIREMENTS.—The Puerto Rico State Elections Commission shall—

(1) ensure that all ballots used for any plebiscite held under this Act include the full content of the ballot printed in English;

(2) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, the official language requirements of the Federal Government shall apply to Puerto Rico in the same manner and to the same extent as throughout the United States; and

(3) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, it is the Sense of Congress that it is in the best interest of the United States for the teaching of English to be promoted in Puerto Rico as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, strike line 8 and all that follows through “Persons eligible” on line 13 and insert the following:

(2) An individual residing outside of Puerto Rico, if the individual—

(A)(i) is a resident of the United States, including a resident of any territory, possession, or military or civilian installation of the United States, at the time the plebiscite is held; and

(ii) would be eligible to vote in the plebiscite but for the individual’s residency outside of Puerto Rico;

(B) was born in Puerto Rico; or

(C) has at least one parent who was born in Puerto Rico.

This paragraph shall apply notwithstanding any rule or regulation issued under subsection (b). Persons eligible

Page 6, after line 7, add the following:

(g) RECOGNITION OF RIGHT TO VOTE.—Congress recognizes the right of Puerto Ricans residing outside of Puerto Rico to vote in any plebiscite held under this Act and requests the Commonwealth Elections Commission of Puerto Rico to devise methods and procedures for such Puerto Ricans, including those born in, or having at least one parent born in, Puerto Rico, to register for and vote in absentia.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, strike line 8 and all that follows through line 5 on page 4 and insert the following:

(a) AUTHORITY TO CONDUCT PLEBISCITE.—The Government of Puerto Rico is authorized to conduct a plebiscite on the following 4 options:

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here ____.

(b) RUNOFF PROCESS.—

(1) IN GENERAL.—If no option receives votes on more than 50 percent of the ballots cast, the Government of Puerto Rico shall conduct a runoff process to permit voters to select among the 2 options that received the most votes.

(2) OPTION TO SELECT NONE OF THE ABOVE.—In a runoff process conducted under this subsection, voters shall be permitted to vote for—

(A) the option that received the most votes;

(B) the option that received the second most votes; or

(C) neither of those options.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Puerto Rico Democracy Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress respects the self-determination right of the people of Puerto Rico to choose their future relationship to the United States.

(2) Congress pledges not to dissuade, influence, or dictate a status option to the people of Puerto Rico.

(3) Congress will respectfully postpone consideration of the Puerto Rico status question until it receives an official proposal from the people of Puerto Rico to revise the current relationship between Puerto Rico and the United States that was made through a democratically held process by direct ballot.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico. The 2 options set forth on the ballot may be preceded by the following statement: “Instructions: Mark one of the following 2 options:

“(1) Puerto Rico should conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.

“(2) Puerto Rico should NOT conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.”.

Amend the title so as to read: “A bill to express the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico, and for other purposes.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DOC HASTINGS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Puerto Rico Plebiscite Act of 2010”.

SEC. 2. PLEBISCITE.

Puerto Rico has and has had the authority to conduct a plebiscite of its residents on its future political status and to transmit the result to Congress.

Amend the long title so as to read: “A bill to clarify Puerto Rico plebiscite authority.”.