

(H. B. 876)

(No. 30-2017)

(Approved June 5, 2017)

AN ACT

To establish an “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico”; create, as a transitory measure, the Puerto Rico Equality Commission attached to the Puerto Rico Federal Affairs Administration, to be constituted by the first delegation of two U.S. Senators and five U.S. Representatives who shall promote, in the Congress and the Federal Government, the electoral mandate ensuing from the November 6th, 2012 plebiscite and any equivalent, future electoral mandate rejecting the current territorial, colonial status and seeking admission as a state into the Union on an equal footing with the citizens of all other states; and for other purposes.

STATEMENT OF MOTIVES

With a population of 3.5 million people, the island of Puerto Rico is the oldest and most populated colony among the nations of the civilized world. It is a colony inhabited by citizens of the United States of America who are deprived of the full democratic rights enjoyed by the U.S. citizens residing in the fifty states.

Since 1898, by a provision of the Treaty of Paris, which ended the Spanish-American War, the island of Puerto Rico has been a possession of the United States of America and its inhabitants have been subject to the laws and decrees of the Congress and the President of the United States.

In 1917, the Congress granted the U.S. citizenship to the inhabitants of Puerto Rico by means of a statute. Puerto Ricans, however, cannot vote for the President or elect a voting delegate to the Congress that rule them. The People of Puerto Rico have shed their blood in every war and armed conflict where the United States has been involved by determination of a President (Commander in Chief) they did not

elect; and except for the federal tax on the income earned in the territory, the people of Puerto Rico comply with and pay all the taxes, excise taxes, and financial obligations imposed thereon by a Congress in which they have no fair representation.

In fact, Puerto Rico has been abiding, for the past 119 years, by the laws and decrees of an Executive and a Legislative Branch that were constituted without the democratic support of the inhabitants of the island.

Origins

On July 25, 1898, the United States invaded Puerto Rico. The victim of said military occupation was not an uninhabited rock or an indigenous society. The United States occupied an island with over one million inhabitants who were civilized people, who had an organized government structure and the participation of democratic political parties pursuant to an Autonomous Charter granted by Spain.

During the deliberations regarding the Treaty of Paris, neither the United States nor Spanish diplomats took into consideration the opinion or preference of the people of Puerto Rico, who were reduced to tenants of a farm or property that one party ceded to the other.

Overcoming these challenges, Puerto Rico's political leadership at the time responded swiftly and favorably to the reality of the new Metropolis. By 1899, two main political parties had been already organized —the Republican and Federal Parties— seeking to achieve the assimilation requested by the U.S. Capital. The Congress' inaction, reluctance, and improvisation triggered other claims, including the independence movement.

Cuba, the other Spanish colony in the Caribbean taken by force of arms in 1898, was granted its independence by the Congress in 1902, just four years after the end of the Spanish-American War. Puerto Rico was treated differently. Rather than granting the Island its independence, the Congress granted U.S. citizenship to Puerto Ricans. The message was clear: We will stay in Puerto Rico.

Throughout the 20th century and the early 21st century, however, the decision regarding what to do with the “colony,” the “territory,” the “possession” of Puerto Rico has been the great dilemma that demoralizes, humiliates, and undermines the democratic prestige of the United States before the world’s eyes.

Without Consent

In 1952, San Juan and Washington D.C. created a bill to cover up this colonial subjugation. The “People of Puerto Rico” were authorized to call a Constitutional Convention to draft a Constitution that would be submitted for the Congress’s approval and for ratification in a referendum. The Puerto Rican political leadership in power at the time attempted to exalt the process under the pretenses of having created a new autonomous status called the “Commonwealth.”

In 1953, they presented said misrepresented reality to the United Nations Organization to relieve Washington from the humiliating obligation of filing annual reports on Puerto Rico with the Committee on Decolonization. The inexorable course of history shattered the illusion by revealing the Congress’ absolute power under the Territory Clause; the outcome of the plebiscites; the ongoing claims over the political status; the opinions of the U.S. Department of Justice and the Congress; the rulings of the U.S. Supreme Court which, as recently as 2016, clearly confirmed the Island’s colonial status through their opinions and rulings; and the progressive revalidation of the statehood movement founded in the early 20th century.

On November 6, 2012, the people of Puerto Rico went to the polls to express their will: 53.97% of voters expressed their disapproval and rejection to the current colonial status; and 61.16% voted in favor of Statehood.

Since then, the so-called consent of the “people of Puerto Rico” to the relationship established during the constitutional process in 1952, was withdrawn. For all political purposes, the United States of America has been exercising colonial dominion over Puerto Rico since 2012, without the consent of Puerto Ricans and in violation of international law.

An Unfinished Debate

The paradox facing the United States of America when it acquired the Spanish colonies in 1898 was noticed from the very beginning during the debate over the ratification of the Treaty of Paris. It was staunchly opposed by prominent politicians, such as the 22nd President of the United States, Grover Cleveland; the 23rd President of the United States, Benjamin Harrison; the Secretary of State of Wilson’s administration, William Jennings Bryan; as well as writers and intellectuals, including Mark Twain, William James, E. L. Godkin, and Andrew Carnegie. The arguments presented against the ratification of the Treaty were morally devastating.

They described the United States’ intent to become an empire possessing the former European colonies to be an irrational, unnatural, and absurd act, because said Nation had emerged from an act of war to free itself from European imperialism 122 years earlier. It was then stated that, seizing the Spanish colonies to gain possession and to rule over them, implied disregarding the basic principles that gave life to the United States of America.

Article IV, Section 3, Clause 2 (Territory Clause of the Constitution of the United States of America) is, at present, an archaic and morally and politically rebuttable provision. Said Clause was drafted initially to address the nation’s potential growth represented by the contiguous continental territories at the dawn of the 20th century, and employed in the acquisition, possession and administration of colonies.

Such a great debate has remained unfinished because, after granting the U.S. citizenship to the inhabitants of Puerto Rico in 1917, the Congress still bears the ignominious responsibility of subjecting them to an inferior, subjugated, and unequal colonial status.

Financial Consequences

It is evident that, even though it was not a state, the impoverished Puerto Rico of 1898 experienced an economic transformation under the United States rule. The resulting socioeconomic assimilation brought about a healthy and progressive island for a while. This was achieved by adapting the U.S. capitalist model, but keeping the roots and the values of its Hispanic culture.

Said transformation was beneficial for both the ruler and the ruled. It proved greatly beneficial in geopolitical and military terms during wartime. The Island's sugar monoculture served as a business basis for the agricultural industry and market in the continental U.S. The industrial transformation and economic development undergone by Puerto Rico strengthened the U.S. influence in Latin America, counterbalancing the communist infiltration in this hemisphere promoted by Cuba during the Cold War years. As a result, the Island's purchasing power made it the most lucrative consumer market in this hemisphere for the Continental U.S.

The financial and social failure of the Commonwealth of Puerto Rico as a colony of the United States has become more evident in recent years. Puerto Rico has suffered a 14.6% economic contraction and the loss of 300,000 inhabitants in the past 10 years. Puerto Rico has a deficit that exceeds \$7.0 billion as a result of the inequality and the limitations of being a colony.

The economic, financial, and budget crisis that the Government of Puerto Rico is currently facing also has two root causes. The ruling class and the public administrators that took turns in power during past years made mistakes and accumulated a monumental debt as a result of the limitations of being a colony.

Moreover, for 119 years, Puerto Rico has carried the burden of living in a state of uncertainty without the economic tools that are available to the states of the Union and to sovereign and independent countries.

When Alaska and Hawaii were admitted as states into the Nation, their per-capita income increased by 69% and 52%, respectively. Said rise was reflected just 10 years after their admission. The exports in Alaska tripled; tourism in Hawaii increased by 20% and the number of hotel accommodations also tripled. As for Hawaii, foreign investment increased from \$168 million to \$625 million after its admission. The average annual income in Alaska and Hawaii is \$65,000 whereas in Puerto Rico it is less than \$19,000.

Today, Puerto Rico is an example of the United States' unsuccessful colonial model to which its opponents resort to discredit it.

Federalism is the solution. The failed colonial model prevents Puerto Rico from realizing its full financial and social potential. If Puerto Rico is prepared for Statehood, as was the case of Alaska and Hawaii, the State of Puerto Rico could contribute proportionately to the economic power of the Union just as those two former territories do at present.

Solutions

The final and definite solution for Puerto Rico's colonial status is federated statehood, which already obtained a broad and unequivocal mandate in the 2012 plebiscite.

Every time the issue of Puerto Rico's colonial status arises in national and international scenarios, Washington's ruling class expresses its respect toward the "self-determination" of the People of Puerto Rico. During her intervention this summer, United States Ambassador to the United Nations, Samantha Power, replied to the report of the Committee on Decolonization, by stating that: "The People of Puerto Rico have the right to self-determination by choosing between three

decolonizing formulas recognized by international law: statehood, independence, and free association.” The people of Puerto Rico exercised their right to self-determination by choosing statehood as the “decolonizing formula,” as expressed in the 2012 plebiscite on status.

It is time to recognize the irrefutable facts and absolute truths. The United States Congress has dismantled the constitutional framework of 1952. The Puerto Rico Oversight, Management, and Economic Stability Act, better known as PROMESA, passed by the Congress in 2016, conferred to the designated members of its board powers that subvert the powers that the Constitution of Puerto Rico confers upon the highest-ranking officials elected by the People of Puerto Rico, namely, the Governor, the members of the Legislative Assembly, and the Mayors. For all practical purposes, the Congress reverted us to the time when the Governor, the Treasurer, and the members of the Judicial Branch were designated by the people in Washington, and when the President had the authority to veto the budget approved by the Legislative Assembly.

Said retrogression to early colonialism compels us to act on the clamor of the United States Citizens of Puerto Rico for the implementation of a decolonizing agenda. History has taught us that in the U.S. democracy, one neither requests nor prays for rights, but rather demands and claims them.

Therefore, through this Act, this Legislative Assembly decided to adopt an Equality Plan —to which other territories have resorted in seeking to become states— in order to establish the Organic Act of the First Puerto Rican Delegation to the United States Congress demanding that the will of our qualified voters, freely and democratically expressed on the November 6, 2012 plebiscite, on which an overwhelming majority rejected the colonial status and stated their preference for the Puerto Rico’s admission as a State into the Union, be recognized, accepted, and

protected, and that this delegation be recognized as the first representatives and senators of the new State.

The Organic Act of the First Puerto Rican Delegation to the United States Congress is a normal, natural, legitimate, and logical action of a people that claim and demand their most fundamental democratic rights as citizens of the United States of America.

The fight and clamor for Puerto Rico's admission as a State into the Union is both a duty of democratic legitimization for all of the U.S. citizens of Puerto Rico, and a democratic reaffirmation of the principles upon which the Union was founded for the U.S. Citizens of the fifty states of the Union.

To be validated before the whole world as a democratic model that deserves to be followed, the United States of America must honor in Puerto Rico the principles upon which they proclaimed themselves as a Union independent from the European imperialism in 1776. The United States must honor the lives sacrificed and the blood shed by thousands of fellow Puerto Ricans in the battlefields, and they must show that America continues to be true to the model of multinational and multicultural coexistence that opened the doors to migrants worldwide, all of which contributed to the constitution of the most sovereign, free, independent, and powerful nation on the face of the Earth.

The time has come for Puerto Rico to demand and claim what it is rightfully ours. As for Washington, the time has come to listen to the moral voice of its ancestors and honor the ideals consecrated in the history of the United States of America.

This measure is a key to cause the Federal Government to address the colonial status issue, which impairs the social and economic growth of Puerto Rico.

Therefore, in accordance with Public Law 113-76 (2014), this Legislative Assembly approved Act No. 7-2017, known as the “Puerto Rico Immediate Decolonization Act.” This piece allows the people of Puerto Rico to use federal legislation to further the decolonization agenda supported by the voters in the 2012 plebiscite. Moreover, this measure enables the use of yet another mechanism to achieve the same purpose, as proposed by this Administration to the People under the Plan for Puerto Rico.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Article 1.- Title

This Act shall be known as an “Act for Equality and Congressional Representation of the U.S. Citizens of Puerto Rico.”

Article 2.- Definitions

For purposes of this Act, the term:

(a) “Legislative Assembly” – means the House of Representatives and the Senate of Puerto Rico, as a whole.

(b) “Commission” – means the “Puerto Rico Equality Commission,” which is, as provided in this Act, a legal entity of the Government of Puerto Rico to constitute the “congressional delegation” thereof, and to carry out the electoral mandate of the U.S. citizens of Puerto Rico ensuing from the November 6, 2012 plebiscite, and the public policy set forth in this Act.

(c) “Congressperson” – means, regardless, any natural person who has been designated or elected to represent Puerto Rico as a “Representative” or as a “Senator” in the United States House of Representatives or the United States Senate, respectively.

(d) “Congress” – means the House of Representatives and the Senate of the United States of America, as a whole.

(e) “Congressional Delegation” – means, collectively, the two (2) “Senators” and the appropriate number of “Representatives,” according to the population, who shall represent the U.S. citizens of Puerto Rico in the United States Congress through the Equality Commission created hereunder; and until they or their successors are elected in a congressional election.

(f) “Governor” – means the Governor of Puerto Rico.

(g) “President” – means the President of the United States of America.

(h) “Representative” – means any natural person who holds a position in the Equality Commission or who has been elected and certified in a congressional election as a Representative of a Congressional District of Puerto Rico to the United States House of Representatives for a two (2)-year term.

(i) “Senator” – means any natural person who holds a position in the Puerto Rico Equality Commission or who has been elected and certified in a congressional election as a “Class I,” “Class II,” or “Class III” Senator of the State of Puerto Rico to the United States Senate.

(j) “Class I Senator” – means the term used in the federal rules to classify a member of the United States Senate elected by a direct vote cast at a congressional election for a period equivalent to the remaining term of Class I Senators and, upon the expiration of said term, elected on subsequent congressional elections for each six (6)-year term as a Class III Senator.

(k) “Class II Senator” – means the term used in the federal rules to classify a member of the United States Senate elected by a direct vote cast at a congressional election for a period equivalent to the remaining term of the Class II Senators and, upon the expiration of said term, elected on subsequent congressional elections for each six (6)-year term as a Class III Senator.

Article 3.- Declaration of Public Policy

After one hundred eighteen (118) [sic] years of territorial and colonial status, and taking into account the results of the November 6, 2012 plebiscite, a majority of voters, all of which are U.S. citizens of Puerto Rico, rejected the current political status as a territory of the United States of America, and claimed equal rights and duties as U.S. citizens through the admission of Puerto Rico as a State into the Union. It is hereby declared as the mandate of the people and as the public policy of the Government of Puerto Rico that:

(a) The aforementioned plebiscite represents the most recent and clear will of a majority of the U.S. citizens of Puerto Rico, by virtue of their right to petition the Federal Government to redress any grievances under the First Amendment to the Constitution of the United States of America.

(b) Having certified the results of said plebiscite, 53.97% of voters categorically rejected the colonial and territorial status instituted in 1898 under the Treaty of Paris; 61.16% of voters who expressed their preference, specifically supported equal rights and duties inherent to Statehood as the final and permanent mechanism for decolonization; 33.34% of voters supported a Treaty of Free Association; and 5.49% of voters supported full Independence.

(c) A transition process shall begin immediately in order to cease the imposition on Puerto Rico of any other form of territorial and colonial status under any method or modality of judicial interpretation of Article IV, Section 3, Clause 2 of the Constitution of the United States of America; and to set Puerto Rico on a path toward statehood, as soon as practicable, on equal footing with the states of the Union under the Constitution of the United States of America.

(d) The U.S. citizens of Puerto Rico are internally organized as a Republican form of government, and are governed by a Constitution that was approved by the Congress and the President, and that is compatible with all of the requirements imposed on the states of the Union by the Constitution of the United States of America.

(e) Currently, as a state of the Union, Puerto Rico has the right to a congressional delegation composed of two (2) Senators and, according to its current population, five (5) Representatives, as provided in Sections 2 and 3 of Article I of the Constitution of the United States of America.

(f) This is not an isolated decolonization attempt; the local Government approved Act No. 7-2017, known as the “Puerto Rico Immediate Decolonization Act,” in order to use the mechanism provided under Public Law 113-76 (2014) to decolonize Puerto Rico.

Article 4.- Transitory Measures to Constitute the Congressional Representation of the United States Citizens of Puerto Rico

Section 1.- Creation of the Puerto Rico Equality Commission

(a) It is hereby created as a legal entity of the Government of Puerto Rico.

(b) The Commission shall have an official seal bearing the words “Puerto Rico Equality Commission” and the design provided by said entity.

(c) The Commission shall have a website available in both English and Spanish containing information on the purposes and actions thereof.

(d) The Commission shall be attached to the Puerto Rico Federal Affairs Administration (hereinafter, the PRFAA).

Section 2.- Duties and Powers of the Commission

The Commission shall have the following duties and powers:

(a) To rigorously and promptly carry out the electoral mandate and the public policy set forth in Article 3 of this Act, including the promotion and defense of any

other future electoral mandate of Puerto Rico's voters, which may be equivalent thereto, including the results of the plebiscite to be held in accordance with Act No. 7-2017, known as the "Puerto Rico Immediate Decolonization Act."

(b) To exercise all of the powers and duties inherent to the congressional delegation of the State of Puerto Rico, which was declared vacant in accordance with Article 3(f) of this Act.

(c) To educate on, advocate, and promote the admission of Puerto Rico as a state of the United States and the achievement of equal rights and duties for all of the U.S. citizens residing in Puerto Rico.

(d) To request, take action, and demand participation and recognition as Congresspersons of the U.S. citizens of Puerto Rico in the United States Senate and the United States House of Representatives.

(e) To advise the Governor of Puerto Rico, the agencies, public instrumentalities, and political subdivisions of the Government of Puerto Rico as well as to the general public on the legal and political aspects involved in the promotion of the admission of Puerto Rico as a state of the United States of America.

(f) To appear before the Congress, The White House, the federal agencies, and courts in order to express itself regarding any matter within its jurisdiction.

(g) To sue, and be sued in its own name, in the Court of First Instance of Puerto Rico in relation to complaints or causes of action brought against any natural or juridical person who fails to comply or interferes with the fulfilment of the requirements, purposes, and objectives of this Act.

(h) To evaluate, further, and facilitate the development of initiatives to promote the admission of Puerto Rico as a state of the United States of America and to achieve equal rights and duties for all of the U.S. citizens residing in Puerto Rico.

(i) To draft and submit to the Governor of Puerto Rico, as well as to the Legislative Assembly, through the Office of the Secretary of the Senate and the Office of the Clerk of the House of Representatives, an annual report stating in detail all of the efforts made, the actions and initiatives taken, as well as the projects carried out by the Commission while discharging its powers and duties. This report shall be submitted not later than on June 30 of the year following the reported calendar year beginning with calendar year 2017.

(j) To take any legal or civil action as necessary to promote the admission of Puerto Rico as a state of the United States, including the participation of the members of the Commission in state, national, and international forums and the press.

(k) To adopt bylaws for its internal operations.

Section 3.- Composition of the Commission

(a) The Commission shall be composed of seven (7) members, to wit, two (2) Senators, and five (5) Representatives.

(b) The Representatives and Senators members of the Commission shall be representatives-at-large of the People of Puerto Rico to the United States Congress until otherwise provided by Law.

Section 4.- Appointments

(a) The Governor, not later than thirty (30) days as of the approval of this Act, shall appoint all of the members of the Commission and shall designate one of them as the Chair thereof. The members of the Commission shall be deemed to hold trust positions at the discretion of the Governor.

(b) The advice and consent of a majority of the members of each House of the Legislative Assembly shall be required before the appointed members of the Commission are sworn in.

(c) Upon confirmation by the Legislative Assembly, but prior to holding office at the Commission, all the members of the Commission shall take a loyalty oath before the Secretary of State of Puerto Rico. No appointed member of the Commission shall hold office as a Representative or Senator prior to taking the loyalty oath. The loyalty oath shall be the following: “I, (name of the Commission member), a citizen of the United States of America, am (age number) years-old, (marital status), resident and voter of the municipality of (name of the municipality), Puerto Rico, solemnly swear to have been appointed and confirmed by the Legislative Assembly of Puerto Rico as a (Senator or Representative) to the Puerto Rico Equality Commission, created by virtue of Act No. __ [sic] -2017, and that I fully satisfy all of the legal requirements established for this office. Furthermore, I do solemnly swear that I bear true faith and allegiance to the public policy and all of the provisions of the aforementioned Act in order to carry out the mandate of a majority in the November 6, 2012 plebiscite, and any future electoral mandate whereby a majority of voters, all of which are United States citizens of Puerto Rico, reassert their rejection to the current political status as a territory of the United States of America; and their demands for equal rights and duties as United States citizens through the admission of Puerto Rico as a State into the Union. I do solemnly swear that I will defend the Constitution of the United States of America and the Constitution and the Laws of Puerto Rico against all enemies, foreign or domestic; that I will bear true faith and allegiance thereto, including the right of the United States citizens of Puerto Rico to petition the Congress to redress the territorial and colonial grievances under the First Amendment to the Constitution of the United States of America with respect to the final solution to the colonial issue of Puerto Rico. That I take all of these obligations freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties upon which I am about to enter.”

(d) The aforementioned oath shall be administered by the Secretary of State not later than five (5) calendar days following the confirmation of each of the members of the Commission by the Legislative Assembly.

(e) The two (2) Senators must be at least thirty (30) years of age at the time of their appointment, be United States citizens during the nine (9) years prior to their appointment, be able to speak and write English and Spanish fluently, and be voters and residents of Puerto Rico.

(f) The five (5) Representatives must be at least twenty-five (25) years of age at the time of their appointment, be United States citizens during the seven (7) years prior to their appointment, be able to speak and write English and Spanish fluently, and be voters and residents of Puerto Rico.

(g) The members of the Commission shall hold office until their successors are appointed, in the case of a vacancy, by the Governor, confirmed by a majority of the members of each of House of the Legislative Assembly, and take office; or until their successors are elected by the direct vote cast at a congressional election and take office, according to the permanent rules provided in Article V of this Act.

(h) The members of the Commission shall be entitled to per diems in connection with the discharge of the duties imposed thereon under this Act. The members of the Commission shall be entitled to reimbursement of any necessary expenses they incur in the discharge of their duties, responsibilities, and official business inside or outside of the jurisdiction of Puerto Rico, subject to the regulations adopted by the Commission to such effects.

(i) The members of the Commission shall be deemed to be public officials as to any actions taken in the discharge of their duties, obligations, and prerogatives under this Act. Said members shall have legislative immunity within their individual capacity while discharging their duties. The members of the Commission shall also have immunity equal to that granted to Executive Cabinet members. The members

of the Commission shall be entitled to request and receive legal representation and protection under Act No. 104 of June 29, 1955, as amended, within the scope of their duties.

(j) There shall be no conflict of interest between the members of the Commission and the Government of Puerto Rico. Moreover, Act No. 1-2012, known as the “Puerto Rico Government Ethics Act of 2011,” shall apply to the members of the Commission.

Section 5.- Vacancies in the Commission

(a) At the request of a majority of the members of the Commission or on his own motion, the Governor may declare vacant the office of any member of the Commission for breach of trust or noncompliance with his duties under this Act or the bylaws adopted by the Commission.

(b) Whenever a vacancy arises in the office of a Representative or a Senator of the Commission, the Governor shall appoint a successor within a term thirty (30) days after the vacancy becomes official; provided that the substitute meets all of the constitutional and legal requirements to hold said office. The substitute shall meet all of the requirements and comply with all of the procedures provided for in this Article.

Section 6.- Bylaws

The Commission shall draft and approve bylaws which shall govern the internal operations thereof on or before thirty (30) calendar days after all of the members of the Commission are sworn in. A copy of said bylaws approved by the Commission shall be filed with the Secretary of State of Puerto Rico not later than five (5) business days after the approval thereof. The bylaws of the Commission shall not be subject to the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act.”

Section 7.- Internal Operations

(a) The Commission shall meet at least once every month.

(b) A total of four (4) members, at least one of whom (1) shall be a Senator, shall constitute a quorum once all of the appointed members take office.

(c) All the agreements of the Commission, convened on a monthly meeting, shall be reached by a unanimous vote of all the members present and upon establishing a quorum. If a unanimous vote was not reached, the matter shall be brought to the consideration of the Governor not later than five (5) business days after said unanimous vote could not be reached. The Governor shall inform his decision not later than three (3) calendar days after receipt of notice that a unanimous vote could not be achieved. The decision of the Governor, upon notice thereof to the Commission, shall become final, binding, and enforceable on all members of the Commission. If the Governor decides not to intervene, the decision of a majority of the members of the Commission shall prevail and be enforceable on all members of the Commission. For purposes of this subsection, it shall be necessary that at least one of the Senators of the Commission concurs for a decision of a majority to prevail.

(d) On special circumstances arising on days other than on the monthly meetings of the Commission, the Chair of the Commission may discuss and vote on matters that cannot be delayed with all of the members of the Commission through written or telephone communication. If a unanimous vote was not reached, the provisions of the preceding subsection shall apply.

Section 8.- Budget of the Commission

The PRFAA shall request and justify before the Office of Management and Budget (OMB) and the Legislative Assembly the allocation of funds for the operations of the Commission as part of the budget thereof.

Article 5.- General Provisions

Section 1.- Laws in Conflict

Should the provisions of this Act be in conflict or inconsistent with the provisions of any other law, the provisions of this Act shall prevail.

Section 2.- Severability Clause

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 3.- Anti-Injunction Clause

No Injunction whatsoever shall be issued to prevent the application of this Act or any provisions thereof.

Article 6.- Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 30-2017 (H. B. 876)** of the **1st Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to establish an “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico”; create, as a transitory measure, the Puerto Rico Equality Commission attached to the Puerto Rico Federal Affairs Administration, to be constituted by the first delegation of two U.S. Senators and five U.S. Representatives who shall promote, in the Congress and the Federal Government, the electoral mandate ensuing from the November 6th, 2012 plebiscite and any equivalent, future electoral mandate rejecting the current territorial, colonial status and seeking admission as a state into the Union on an equal footing with the citizens of all other states; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 13th day of June, 2017.

Orlando Pagán-Ramírez
Acting Director