

117TH CONGRESS  
1ST SESSION

# H. R. 2070

To recognize the right of the People of Puerto Rico to call a status convention through which the people would exercise their natural right to self-determination, and to establish a mechanism for congressional consideration of such decision, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Ms. VELÁZQUEZ (for herself, Ms. OCASIO-CORTEZ, Ms. WATERS, Mr. SCOTT of Virginia, Mrs. CAROLYN B. MALONEY of New York, Mr. DAVID SCOTT of Georgia, Mr. MCGOVERN, Mr. TAKANO, Mr. NADLER, Mr. NEAL, Mr. MEEKS, Mr. SCHIFF, Mr. RUIZ, Mr. SUOZZI, Mr. ESPAILLAT, Mr. GREEN of Texas, Ms. PRESSLEY, Mr. THOMPSON of Mississippi, Ms. JAYAPAL, Ms. CLARKE of New York, Ms. MENG, Mr. SIRES, Ms. ADAMS, Ms. ESHOO, Mr. LEVIN of Michigan, Mr. BROWN, Ms. LEE of California, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. GARCÍA of Illinois, Ms. BUSH, Mr. DANNY K. DAVIS of Illinois, Ms. MATSUI, Mr. EVANS, Mr. CONNOLLY, Ms. OMAR, Mrs. HAYES, Mr. BOWMAN, Mr. HUFFMAN, Ms. BASS, Mr. MFUME, Ms. BLUNT ROCHESTER, Mr. DOGGETT, Mr. VEASEY, Ms. SCANLON, Mr. JONES, Mrs. TORRES of California, Mr. WELCH, Ms. TLAIB, Mr. KHANNA, Ms. KELLY of Illinois, Mr. SAN NICOLAS, Mr. SEAN PATRICK MALONEY of New York, Ms. JACKSON LEE, Ms. WILD, Ms. GARCIA of Texas, Ms. SEWELL, Ms. ESCOBAR, Mr. VARGAS, Mr. THOMPSON of California, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. CARSON, Mr. QUIGLEY, Ms. LEGER FERNANDEZ, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. ROYBAL-ALLARD, Ms. TITUS, Mr. CORREA, Mr. HIGGINS of New York, Mr. RUSH, Mr. CASTRO of Texas, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To recognize the right of the People of Puerto Rico to call a status convention through which the people would exercise their natural right to self-determination, and to establish a mechanism for congressional consideration of such decision, and for other purposes.

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 Self-De-  
5 termination Act of 2021”.

6 **SEC. 2. FINDINGS.**

7       Congress finds as follows:

8           (1) In 1898, the United States defeated the  
9 Spanish Kingdom in the Spanish-American War and  
10 acquired by conquest Puerto Rico, Guam, and the  
11 Philippines pursuant to the Treaty of Paris.

12          (2) In 1900, Congress established a civilian  
13 government on the island through the Foraker Act.  
14 Among other points, that Act established an “execu-  
15 tive council” consisting of various department heads  
16 and a presidentially appointed civilian governor.

17          (3) The Foraker Act also established the Resi-  
18 dent Commissioner position to represent island in-  
19 terests in Congress. These duties came to include  
20 nonvoting service in the House of Representatives.

1           (4) In 1901, the Supreme Court’s decisions in  
2     *Downes v. Bidwell* and its progeny held that for pur-  
3     poses of the Constitution’s Uniformity Clause, Puer-  
4     to Rico was not part of the United States and sub-  
5     ject to the plenary powers of Congress, which in  
6     turn established a colonial relationship. Justice  
7     White, in concurrence, opined that Congress has dis-  
8     cretion to decide whether and when to incorporate a  
9     territory into the United States.

10           (5) Congress recognized Puerto Rico’s authority  
11     over matters of internal governance in 1950 with the  
12     passage of the Puerto Rico Federal Relations Act of  
13     1950 (Public Law 81–600), providing for a constitu-  
14     tional government for the island which was adopted  
15     by Congress as a compact for the people of Puerto  
16     Rico and the subsequent ratification of the island’s  
17     constitution in July 1952.

18           (6) On November 18, 1953, the United Nations  
19     recognized Puerto Rico as a self-governing political  
20     entity under the United Nations General Assembly  
21     Resolution 748.

22           (7) The political status of Puerto Rico is of sig-  
23     nificant interest to communities both on and off the  
24     island, including diaspora groups that continue hav-

1       ing strong cultural ties and socioeconomic ties to  
2       Puerto Rico.

3               (8) The United States has a legal duty to com-  
4       ply with Article 1 of the International Covenant on  
5       Civil and Political Rights, which establishes that all  
6       peoples have the right to self-determination and “by  
7       virtue of that right they freely determine their polit-  
8       ical status and freely pursue their economic, social  
9       and cultural development”.

10              (9) The status convention provides a delibera-  
11       tive, comprehensive, and uninterrupted space of dia-  
12       logue that can define the future of Puerto Rico.

13   **SEC. 3. PUERTO RICO STATUS CONVENTION.**

14       (a) IN GENERAL.—The legislature of Puerto Rico has  
15       the inherent authority to call a status convention through  
16       an Act or Concurrent Resolution, constituted by a number  
17       of delegates to be determined in accordance with legisla-  
18       tion approved by the Government of Puerto Rico, for the  
19       purpose of proposing to the people of Puerto Rico self-  
20       determination options. A status convention called by the  
21       legislature of Puerto Rico shall—

22              (1) be a semipermanent body that is dissolved  
23       only when the United States ratifies the self-deter-  
24       mination option presented to Congress by the status

1 convention as selected by the people of Puerto Rico  
2 in the referendum under section 5; and

3 (2) consist of delegates elected by the voters of  
4 Puerto Rico in an election conducted according to  
5 the enabling legislation for the status convention as  
6 approved by the legislature of Puerto Rico.

7 (b) PUBLIC FINANCING OF DELEGATE ELEC-  
8 TIONS.—

9 (1) FUND ESTABLISHED.—There is hereby es-  
10 tablished in the Treasury of the United States a  
11 fund to be known as the “Puerto Rico Status Con-  
12 vention Public Matching Fund” which shall be ad-  
13 ministered by the Puerto Rico State Commission on  
14 Elections and subject to oversight by the Federal  
15 Election Commission. To the extent amounts are  
16 made available in the fund for this purpose, the  
17 Puerto Rico State Commission on Elections shall  
18 distribute amounts in the fund such that \$4 is dis-  
19 tributed to each candidate for delegate for every \$1  
20 that the candidate receives as a campaign contribu-  
21 tion that is—

22 (A) less than \$100; and

23 (B) donated by a resident of Puerto Rico.

1           (2) REQUIREMENTS FOR FUNDING.—To be eli-  
2           gible to receive funds under this subsection, a can-  
3           didate for delegate shall—

4                   (A) agree to increased financial oversight  
5                   from the Federal Election Commission;

6                   (B) limit campaign spending to not more  
7                   than \$25,000; and

8                   (C) demonstrate a basic level of support  
9                   from residents of Puerto Rico by receiving from  
10                  residents of Puerto Rico not fewer than 50 do-  
11                  nations from 50 individuals of not more than  
12                  \$50.

13           (3) ADMINISTRATIVE AMOUNTS.— Not more  
14           than 10 percent of amounts made available under  
15           paragraph (4) may be use for administrative costs of  
16           the Federal Election Commission.

17           (4) AUTHORIZATION OF APPROPRIATIONS.—  
18           There is authorized to be appropriated and deposited  
19           into the Puerto Rico Status Convention Public  
20           Matching Fund to carry out this section \$5,500,000.

21           (c) DELEGATES.—Delegates elected under subsection  
22 (a)(2), in consultation with the Commission, shall—

23                   (1) debate and draft definitions on self-deter-  
24                   mination options for Puerto Rico, which shall be

1 outside the Territorial Clause of the United States  
2 Constitution;

3 (2) draft a least one accompanying transition  
4 plan for each self-determination option; and

5 (3) select and present to the people of Puerto  
6 Rico the self-determination options that will be in-  
7 cluded in the referendum under section 5.

8 **SEC. 4. CONGRESSIONAL BILATERAL NEGOTIATING COM-**  
9 **MISSION.**

10 (a) **ESTABLISHMENT.**—There is established a Con-  
11 gressional Bilateral Negotiating Commission (hereinafter  
12 referred to as the “Commission”) to provide advice and  
13 consultation to delegates elected under section 3(a)(2).

14 (b) **COMPOSITION.**—

15 (1) **IN GENERAL.**—The members of the Com-  
16 mission shall include—

17 (A) the chairs of the Committee on Nat-  
18 ural Resources of the House of Representatives  
19 and the Committee on Energy and Natural Re-  
20 sources of the Senate;

21 (B) the ranking members of the Com-  
22 mittee on Natural Resources of the House of  
23 Representatives and the Committee on Energy  
24 and Natural Resources of the Senate;

1 (C) one member selected by the majority  
2 leader of the House of Representatives;

3 (D) one member selected by the minority  
4 leader of the House of Representatives;

5 (E) one member selected by the majority  
6 leader of the Senate;

7 (F) one member selected by the minority  
8 leader of the Senate;

9 (G) the Resident Commissioner of Puerto  
10 Rico;

11 (H) with the consent of the Speaker of the  
12 House of Representatives and majority leader  
13 of the Senate, a member from the Department  
14 of Justice; and

15 (I) with the consent of the Speaker of the  
16 House of Representatives and majority leader  
17 of the Senate, a member from the Department  
18 of the Interior.

19 (2) REQUIREMENTS FOR CERTAIN MEMBERS.—  
20 Members selected under subparagraphs (C) through  
21 (F) of paragraph (1) shall represent a State or dis-  
22 trict in a State that, as determined by the most re-  
23 cently publicly available data from the Bureau of the  
24 Census, represents one of the 10 States with the

1 largest population of people who identified on the  
2 most recent Census as Puerto Rican.

3 (c) DUTIES AND FUNCTIONS.—The Commission—

4 (1) shall meet periodically with the delegates in  
5 Puerto Rico and the District of Columbia, at the re-  
6 quest of a majority of the delegates, with each meet-  
7 ing required to include at least one delegate from  
8 each of the self-determination options;

9 (2) shall have the authority to—

10 (A) study;

11 (B) make findings;

12 (C) develop recommendations regarding  
13 self-determination options on constitutional  
14 issues and policies related to—

15 (i) culture;

16 (ii) language;

17 (iii) judicial and public education sys-  
18 tems;

19 (iv) taxes; and

20 (v) United States citizenship; and

21 (D) provide technical assistance and con-  
22 stitutional advice to the delegates during the  
23 Puerto Rico status convention;

1           (3) may hold public hearings in connection with  
2 any aspects of the convention at the request of the  
3 delegates or on its own; and

4           (4) may receive testimony.

5 (d) REPORTS.—The Commission shall—

6           (1) not less than quarterly, provide status re-  
7 ports, findings, and studies to the House of Rep-  
8 resentatives and the Senate;

9           (2) not less than once every 12 months, submit  
10 a status report to the House of Representatives and  
11 the Senate; and

12           (3) make reports submitted under paragraph  
13 (2) available to the general public in widely acces-  
14 sible formats in English and Spanish on the same  
15 day that such reports are submitted under para-  
16 graph (2).

17 **SEC. 5. PUERTO RICO STATUS REFERENDUM; EDUCATION**  
18 **CAMPAIGN.**

19 (a) STRUCTURE AND PROCESS.—

20           (1) IN GENERAL.—A referendum vote by the  
21 people of Puerto Rico—

22           (A) may be conducted in a ranked-choice  
23 voting format in which voters rank choices by  
24 preference on their ballots without a limit on  
25 the number of choices ranked;

1 (B) may consist of choices each composed  
2 of a self-determination definition and accom-  
3 panying transition plan as presented by the del-  
4 egates under section 3; and

5 (C) may include more than one choice with  
6 the same self-determination definition, but a  
7 distinct accompanying transition plan as pre-  
8 sented by the delegates under section 3.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated the Puerto  
11 Rico State Commission on Elections, \$2,500,000 to  
12 carry out a referendum vote under this subsection.

13 (b) EDUCATIONAL CAMPAIGN.—

14 (1) IN GENERAL.—Delegates shall carry out an  
15 educational campaign through traditional paid media  
16 related to the referendum under subsection (a).

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated the Puerto  
19 Rico State Commission on Elections, \$5,000,000 to  
20 carry out an educational campaign under this sub-  
21 section. The Federal Election Commission shall en-  
22 sure that funds made available under this paragraph  
23 are divided equally among each self-determination  
24 option represented on the referendum held under  
25 this Act.

1           (3) QUARTERLY CAMPAIGN REPORTS.—Each  
2 delegates shall submit quarterly campaign reports of  
3 the educational campaigns to the Federal Election  
4 Commission.

5 **SEC. 6. CONGRESSIONAL DELIBERATION AND ENACTING**  
6 **RESOLUTION.**

7           If the referendum under this Act is approved by the  
8 people of Puerto Rico, Congress shall approve a joint reso-  
9 lution to ratify the preferred self-determination option ap-  
10 proved in that referendum vote. If the Congress adjourns  
11 sine die before acting on the self-determination option, the  
12 Puerto Rico status convention created under this Act may  
13 meet again and send or resend a self-determination op-  
14 tions to the following Congress.

15 **SEC. 7. JOINT RESOLUTION.**

16           (a) DEFINITION.—The term “joint resolution” means  
17 a joint resolution that is introduced within the 10-day pe-  
18 riod beginning on the date when the results of the ref-  
19 erendum are certified by Puerto Rico’s Commission on  
20 Elections.

21           (b) REFERRAL.—A resolution described in subsection  
22 (a) that is introduced in the House of Representatives  
23 shall be referred to the Committee on Natural Resources  
24 and in the Senate shall be referred to the Committee on  
25 Energy and Natural Resources.

1           (c) DISCHARGE.—If the committee to which a resolu-  
2 tion described in subsection (a) is referred has not re-  
3 ported such resolution (or an identical resolution) by the  
4 end of the day period beginning on the day of certification  
5 of referendum results shall be, at the end of such period,  
6 discharged from further consideration of such resolution,  
7 and such resolution shall be placed on the appropriate cal-  
8 endar of the Body involved.

9           (d) CONSIDERATION.—(1) On or after the third day  
10 after the date on which the committee to which such a  
11 resolution is referred has reported, or has been discharged  
12 (under subsection (c)) from further consideration of, such  
13 a resolution, it is in order (even though a previous motion  
14 to the same effect has been disagreed to) for any Member  
15 of the respective body to move to proceed to the consider-  
16 ation of the resolution. A Member may make the motion  
17 only on the day after the calendar day on which the Mem-  
18 ber announces to the body concerned the Member's inten-  
19 tion to make the motion, except that, in the case of the  
20 House of Representatives, the motion may be made with-  
21 out such prior announcement if the motion is made by  
22 direction of the committee to which the resolution was re-  
23 ferred. All points of order against the resolution (and  
24 against consideration of the resolution) are waived. The  
25 motion is highly privileged in the House of Representatives

1 and is privileged in the Senate and is not debatable. The  
2 motion is not subject to amendment, or to a motion to  
3 postpone, or to a motion to proceed to the consideration  
4 of other business. A motion to reconsider the vote by  
5 which the motion is agreed to or disagreed to shall not  
6 be in order. If a motion to proceed to the consideration  
7 of the resolution is agreed to, the respective body shall  
8 immediately proceed to consideration of the joint resolu-  
9 tion without intervening motion, order, or other business,  
10 and the resolution shall remain the unfinished business of  
11 the respective body until disposed of.

12 (2) Debate on the resolution, and on all debatable  
13 motions and appeals in connection therewith, shall be lim-  
14 ited to not more than 2 hours, which shall be divided  
15 equally between those favoring and those opposing the res-  
16 olution. An amendment to the resolution is not in order.  
17 A motion further to limit debate is in order and not debat-  
18 able. A motion to postpone, or a motion to proceed to the  
19 consideration of other business, or a motion to recommit  
20 the resolution is not in order. A motion to reconsider the  
21 vote by which the resolution is agreed to or disagreed to  
22 is not in order.

23 (3) Immediately following the conclusion of the de-  
24 bate on a resolution described in subsection (a) and a sin-  
25 gle quorum call at the conclusion of the debate if re-

1 requested in accordance with the rules of the appropriate  
2 body, the vote on final passage of the resolution shall  
3 occur.

4 (4) Appeals from the decisions of the Chair relating  
5 to the application of the rules of the Senate or the House  
6 of Representatives, as the case may be, to the procedure  
7 relating to a resolution described in subsection (a) shall  
8 be decided without debate.

9 (e) CONSIDERATION BY OTHER BODY.—If, before  
10 the passage by one body of a resolution of that body de-  
11 scribed in subsection (a), that body receives from the other  
12 body a resolution described in subsection (a), then the fol-  
13 lowing procedures shall apply:

14 (1) The resolution of the other body shall not  
15 be referred to a committee and may not be consid-  
16 ered in the body receiving it except in the case of  
17 final passage as provided in subparagraph (B)(ii).

18 (2) With respect to a resolution described in  
19 subsection (a) of the body receiving the resolution—

20 (A) the procedure in that body shall be the  
21 same as if no resolution had been received from  
22 the other body; but

23 (B) the vote on final passage shall be on  
24 the resolution of the other body.

○