

116TH CONGRESS
2D SESSION

H. R. 8113

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.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2020

Ms. VELÁZQUEZ (for herself and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Natural Resources

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 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

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

5 (2) In 1900, Congress established a civilian
6 government on the island through the Foraker Act.
7 Among other points, that Act established an “execu-
8 tive council” consisting of various department heads
9 and a presidentially appointed civilian governor.

10 (3) The Foraker Act also established the Resi-
11 dent Commissioner position to represent island in-
12 terests in Congress. These duties came to include
13 nonvoting service in the House of Representatives.

14 (4) In 1901, the Supreme Court’s decisions in
15 *Downes v. Bidwell* and its progeny held that for pur-
16 poses of the Constitution’s Uniformity Clause, Puer-
17 to Rico was not part of the United States. Justice
18 White, in concurrence, opined that Congress has dis-
19 cretion to decide whether and when to incorporate a
20 territory into the United States.

21 (5) Congress recognized Puerto Rico’s authority
22 over matters of internal governance in 1950 with the
23 passage of the Puerto Rico Federal Relations Act of
24 1950, Public Law 81–600, providing for a constitu-
25 tional government for the island which was adopted

1 by Congress as a compact for the people of Puerto
2 Rico and the subsequent ratification of the island's
3 constitution in July 1952.

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

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

15 (8) The status convention provides a delibera-
16 tive, comprehensive, and uninterrupted space of dia-
17 logue that can define the future of Puerto Rico.

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

19 (a) IN GENERAL.—The Legislature of Puerto Rico
20 has the inherent authority to call a status convention, con-
21 stituted by a number of delegates to be determined in ac-
22 cordance to legislation approved by the Commonwealth of
23 Puerto Rico, for the purpose of proposing to the people
24 of Puerto Rico a self-determination option. A status con-
25 vention called by the Legislature shall—

1 (1) be a semipermanent body that is dissolved
2 only when the United States ratifies a self-deter-
3 mination option presented to Congress by the status
4 convention; and

5 (2) consist of delegates elected by Puerto Rican
6 votes, in an election conducted according to the ena-
7 bling legislation for this status convention as ap-
8 proved by the Legislature of the Commonwealth of
9 Puerto Rico.

10 (b) PUBLIC FINANCING OF DELEGATE ELEC-
11 TIONS.—

12 (1) FUND ESTABLISHED.—There is hereby es-
13 tablished a separate fund in the United States
14 Treasury to be known as the Puerto Rico Status
15 Convention Public Matching Fund which shall be
16 administered by the Puerto Rico State Commission
17 on Elections and subject to oversight by the Federal
18 Election Commission. Amounts in the fund shall be
19 used to distribute \$4 to each candidate for delegate
20 for every \$1 that the candidate receives as a cam-
21 paign contribution that is—

22 (A) less than \$100; and

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

1 (2) REQUIREMENTS FOR A MATCHING FUND.—

2 To be eligible to receive funds under this subsection,
3 a candidate 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 less than 50 indi-
11 vidual donations of \$50 or less.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to carry out
14 this section \$5,500,000. Administrative costs for the
15 Federal Election Commission shall not exceed 10
16 percent of this appropriation.

17 (c) DELEGATES.—Delegates elected pursuant to sub-
18 section (a)(2), in consultation with the Congressional Bi-
19 lateral Negotiating Commission, shall—

20 (1) debate and draft definitions on self-deter-
21 mination options for Puerto Rico, which shall be
22 outside the Territorial Clause of the United States
23 Constitution;

24 (2) draft accompanying transition plans for
25 each self-determination option; and

1 (3) choose a self-determination option (and its
2 accompanying transition plan) to present to the peo-
3 ple of Puerto Rico through a referendum vote held
4 in Puerto Rico.

5 **SEC. 4. CONGRESSIONAL BILATERAL NEGOTIATING COM-**
6 **MISSION.**

7 (a) **ESTABLISHMENT.**—There is established a Con-
8 gressional Bilateral Negotiating Commission to provide
9 advice and consultation to delegates of a status convention
10 called under section 3.

11 (b) **COMPOSITION.**—The members of the Commission
12 shall include—

13 (1) the chairs of the Committee on Natural Re-
14 sources of the House of Representatives and the
15 Committee on Energy and Natural Resources of the
16 Senate;

17 (2) the ranking members of the Committee on
18 Natural Resources of the House of Representatives
19 and the Committee on Energy and Natural Re-
20 sources of the Senate;

21 (3) one member selected by the majority leader
22 of the House of Representatives;

23 (4) one member selected by the minority leader
24 of the House of Representatives;

1 (5) one member selected by the majority leader
2 of the Senate;

3 (6) one member selected by the minority leader
4 of the Senate;

5 (7) the Resident Commissioner of Puerto Rico;
6 and

7 (8) with the consent of the Speaker of the
8 House of Representatives and majority leader of the
9 Senate, a member from the Department of Justice.

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

11 (1) shall meet periodically with the delegates in
12 Puerto Rico and the District of Columbia, at the re-
13 quest of the elected delegates;

14 (2) shall have the authority to study, make
15 findings, and develop recommendations regarding
16 the different self-determination options on constitu-
17 tional issues and policies related to culture, lan-
18 guage, the judicial and public education systems,
19 taxes, and United States citizenship, and provide
20 technical assistance and constitutional advice to the
21 delegates throughout the duration of the Puerto
22 Rico status convention;

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

1 (4) may receive testimony.

2 (d) REPORTING.—The Commission shall periodically
3 provide status reports, findings, and studies to the Speak-
4 er of the House of Representatives. All such reports shall
5 be—

6 (1) submitted to the House of Representatives
7 not less than once every 12 months; and

8 (2) made available to the general public in
9 widely accessible formats in English and Spanish on
10 the same day that such reports are submitted to the
11 House of Representatives.

12 **SEC. 5. PUERTO RICO STATUS REFERENDUM.**

13 (a) IN GENERAL.—A referendum vote by residents
14 of Puerto Rico may only be on the self-determination op-
15 tion chosen by the delegates of the status convention.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated \$2,500,000 to carry out a
18 referendum vote under subsection (a).

19 **SEC. 6. CONGRESSIONAL DELIBERATION AND ENACTING**
20 **RESOLUTION.**

21 If the referendum is approved by the people of Puerto
22 Rico, Congress may approve a joint resolution to ratify
23 the self-determination option approved in the referendum
24 vote held under this Act. If the Congress ends before act-
25 ing on the self-determination option, the Puerto Rico sta-

- 1 tus convention created under this Act may meet again and
- 2 send or resend a self-determination option to Congress.

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