

90 Day Delegate Report

September 28th 2021



DR. RICARDO ROSSELLO NEVARES
UNITED STATES REPRESENTATIVE
PUERTO RICO (SHADOW)

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Letter from Dr. Ricardo Rosselló Nevares



OFICINA DEL EX GOBERNADOR
DE PUERTO RICO
RICARDO ROSSELLÓ NEVARES

September 27th , 2021

Hon. Pedro Pierluisi Urrutia
Gobernador de Puerto Rico
La Fortaleza

Dear Governor Pierluisi –

As established by public law 167-2020, I am submitting my 90-day report for your evaluation. Since being elected by direct nomination (write-in) by the people of Puerto Rico for this position, we have been working between 60-80hrs per week on building a framework to effectively complement all statehood efforts. My office's vision is to help achieve equality for the 3.2 million U.S. citizens that reside in the Island. As such, we have determined our mission to be to exert external pressure on Congress, so that they may take the necessary steps to validate the will of the people of Puerto Rico. As previously detailed, I will not receiving compensation for my work, nor will I solicit any reimbursement for expenses. The total cost to the people of Puerto Rico is \$0.00.

In the past 3 months, we have been establishing the ground work for a strong foundation to achieve our mission. An expansive effort that includes over 700 extended delegates in 30 states has initiated. We expect this number to continue to increase. In addition, we have started organizing Congressional districts in the U.S., a chief priority of my office. Congressional efforts have yielded close to 50 direct meetings with heavy emphasis on the Natural Resources Committee. As part of coalition building efforts, we have engaged with 10 organizations whose mission aligns with that of equality for the people of Puerto Rico. We have executed and are preparing events to highlight the unjust colonial situation for the U.S. citizens in the Island. Media, forum, and citizen engagement efforts are outlined.

I am pleased to submit the full report to you and to the People of Puerto Rico. In it you will find an executive summary, results at a glance, the basis of the operation, a mission and vision statement, along with the development of the objectives and tasks that have been executed. Appendices are added for support. Your comments, as well as those of my constituents are very much welcomed. It is an honor to serve in an effort to end colonialism once and for all, and provide equality to the United States Citizens that reside on the Island through Statehood.

Very best wishes,

A handwritten signature in blue ink, appearing to read "Ricardo Rosselló Nevares".

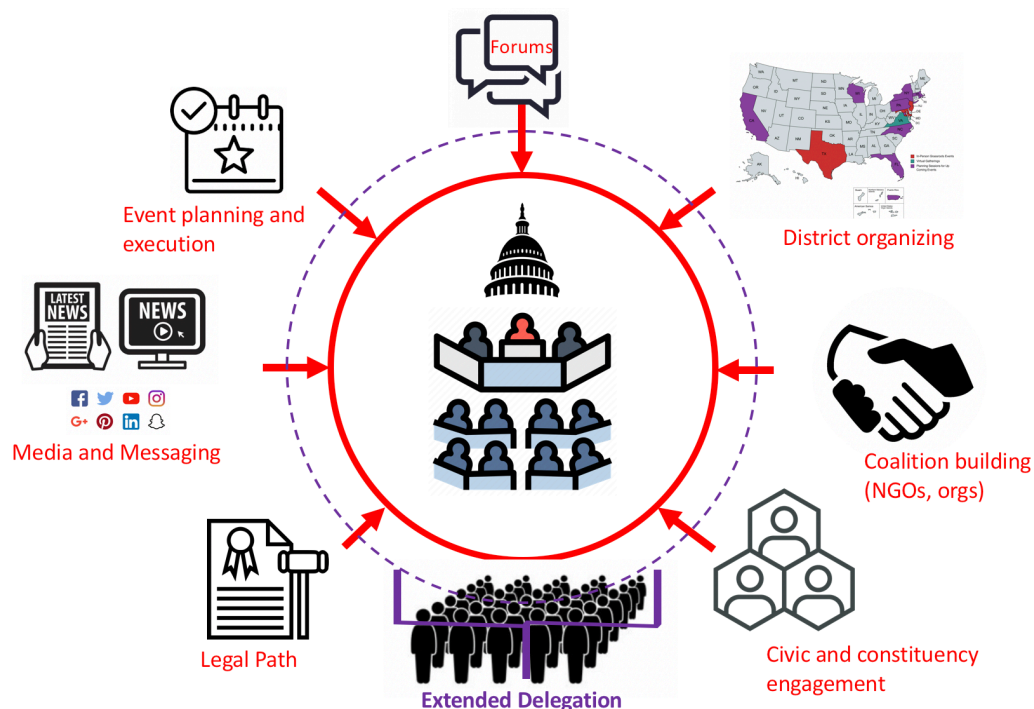
Ricardo Rossello Nevares
Former Governor of Puerto Rico , United States House Representative for Puerto Rico (Shadow)

CC: The People of Puerto Rico

rossello@delegates.pr.gov

Executive Summary

Synopsis: The following provides a high-level executive summary of the delegate's actions and operations. The **vision** of our office is to provide equality to the United States Citizens that reside in Puerto Rico. Our **mission** is to exert external pressure on Congress to induce an action that will end colonialism and provide the binding choice of statehood to Puerto Rico. Those actions in short order are: (1) district organization, (2) congressional efforts, (3) coalition building, (4) civic and constituency engagement, (5) event planning and execution, (6) media and messaging, (7) legal path, (8) forum participation. All these efforts are accentuated by our extended delegation. A visual representation can be seen in image below.



Operations: Different from other elected officials, delegates are responsible for all administrative and clerical duties in addition to official duties. Guidelines were provided by PRFAA. Weekly meetings between the delegates were established from July (Tuesdays at 10am), as well as monthly meetings with the PRFAA team. I dedicate 60-80 hrs./week to my role as a delegate.

Extended Delegation: Key initiative spearheaded by 4 members of the delegation (Melinda Romero, Roberto Lefranc Fortuño, Mayita Melendez and myself) to expand the network of collaborators. We currently have 720 extended delegates, 24% being from the mainland, spanning 30 states. The expanded delegation will be a key part of the execution of the 8 objectives. I designed, wrote content, programmed, and executed the website: delegates.us.

District Organization: The chief objective of our office is to organize congressional districts and establish a national network of support for statehood. So far, we have had 3 in-person district grassroots events (Texas, Maryland, New Jersey) and virtual interactions with 10 other states, comprising a total of 22 engagements.

Congressional Effort: A total of 49 congressional meetings held and 140 individual letters sent. Focus has been on the Natural Resources Committee.

Constituency and Civic Engagement: We have held town-hall meetings (30 + Equality Gatherings) covering 90% of the municipalities in Puerto Rico. We have also held 107 individual meetings with constituents. We have had civic engagement in various states as well.

Communications, Media and Messaging: 8 media interventions, including op-eds and a piece on *The Hill*. 10 workshops for elected and extended delegates on media and messaging. Several recent actions have garnered attention, such as the amicus brief for the Vaello-Madero case, the extended delegation, the 51x51 initiative, and the November 7-9th gathering.

Event Planning and Execution: This is a longer-term proposition. Nonetheless, several events have been planned and executed. They include the on-going 51x51 effort in front of the White House, planning for the November 7-9th events, as well as other initiatives that will soon follow.

Legal Path: Drafted and submitted an amicus brief for the Vaello-Madero case at the U.S. Supreme Court. Identified pro-bono counsel. Organized pre-draft conversations with case experts. Held meetings with other (28) amici from the case.

Coalition Building: Have engaged with 10 organizations whose objectives align with our effort.

Participation in Forums: Another longer-term proposition. Established first steps to create colloquia in academic forums. Participated in several other public forums (8).

Path Forward -- Short, Mid and Long Term Goals: The short-term goals are focused on laying the foundation for growth and future execution of the operation. On the policy front, we are focused on getting H.R. 1522 out of the National Resources Committee. Mid-term objectives (1-2 years) are to organize districts to impact mid-term congressional races; all the aforementioned objectives will be in full flight. If H.R. 1522 passes the Natural Resources Committee, mid-term focus will be both on getting support to pass the project in the House and lay the foundations in the Senate. Long-term (3-5 years) goals are to establish a robust self-standing national network for Puerto Rican equality and community engagement. We have achieved congressional action regarding the colonial status for Puerto Rico and offering the island the CHOICE to become a state.

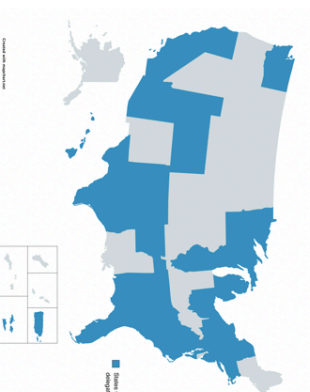
Expenses: Ricardo Rossello does not receive a salary nor does he ask for expense reimbursement. All expenses are shouldered by the delegate. Total cost to the People of Puerto Rico: \$0.00

Actions at a glance

Congressional effort

	NRC	House	Senate
Letters	25	100	40
Contacts	17	60	23
Meetings	8	39	10

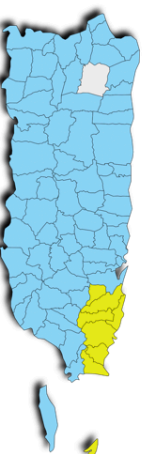
Extended delegation



720 extended delegates
 173 state side
 30 states with delegates
 5 work meetings with the extended delegation

Constituency engagement

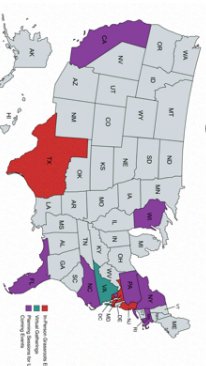
DR. RICARDO ROSSELLLO NEVARES
 UNITED STATES REPRESENTATIVE
 PUEERTO RICO (SHAPOW)



- 90% of island municipalities covered (equality gatherings)
- 50-60 people per townhall
- 107 individual constituent meetings

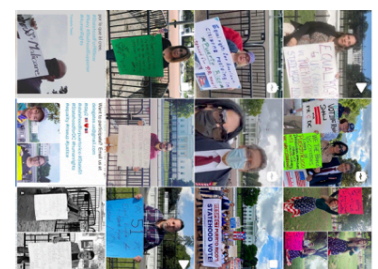


District organization



- 3 states with in person grassroots district organization meetings
- 10 states virtual meetings

Actions @ a glance



- ### Events
- 51x51
 - State Gatherings
 - Online training
 - November 7-9th

- Legal Path: Amicus brief (SSI)
- Organizations engagement: 10 orgs and NGOs
- Forums participated: 8
- Media and messaging: 8 interventions and 10 workshops
- Expense to Puerto Rico: \$0.00

Introduction & Background

The following section provides a condensed historic perspective on the status issue in Puerto Rico, leading to the current state of play.

500 Years of Colonialism

Living for more than 500 years in a colonial territory, Puerto Ricans have never been treated as equal citizens. The first 400 years, as a colonial and possession of Spain; the past 120 as a colonial territory of the United States. After 40-some odd years as a territory of the U.S., the colony was rebranded as a “Free Associated State” (in Puerto Rico), but known as a Commonwealth in the United States. At the beginning of this rebranding, a narrative was established that this would enhance the quality of life and reduce the socio-economic gap between the states and Puerto Rico. In addition, this “new pact” was said to be a bilateral agreement between the United States and Puerto Rico. Far from reducing inequities, the gaps in poverty, income, and other critical measures of wellbeing grew. In addition, the falsely claimed bilateral pact is still, in fact, a complete unilateral power venue, supported by the territorial clause of the Constitution of the United States.

The last 50 years have been an ideological struggle to solve this status problem. Furthermore, the integrity and functionality of government started having severe problems, which would inevitably lead to economic, fiscal, and structural collapse. The poverty, inequality, and economic gaps are all larger now than they were in the late 1960s.

The last 10 years: Structural breakdown and the will of the people squarely supporting statehood

In 2012, a plebiscite was held on election day (November 6th). This referendum was a two-part question. First, it asked: **Should Puerto Rico continue its current territorial status?** Secondly, it proposed: **Which non-territorial option do you prefer?** The results from that event were as follows:

First question

Choice	Votes	%
No	970,910	53.97
Yes	828,077	46.03
Valid votes	1,798,987	95.74
Invalid or blank votes	80,215	4.26

Second question

Choice	Votes	%
Referendum passed Statehood	834,191	61.16
Free Association	454,768	33.34
Independence	74,895	5.49
Valid votes	1,363,854	72.58
Invalid or blank ballots	515,348	27.42
Registered voters and turnout	2,402,941	78.19

Table 1: Results from the 2012 plebiscite.

Source: CEEPUR

However, the general election was won by the party that supported the colonial regime, and efforts were stalled. Things continued to get worse for Puerto Rico, hitting historical milestones. Under the Alejandro García Padilla administration, the Government of Puerto Rico defaulted on its debt, causing a severe rating degradation of Puerto Rico's bonds, and closing the door to the markets for the foreseeable future. All the while, rampant unemployment and a moribund economy had taken hold.

Statehood Commission (2017) Tennessee Plan

In 2016, a new administration took form and established as a priority employing bolder mechanisms to validate the will of the People of Puerto Rico.

On July 11th, 2017, another plebiscite was held (A Plebiscite for the Immediate Decolonization of Puerto Rico). In this occasion, the plebiscite asked the voters to choose amongst the three status alternatives readily accepted by international law. The results once again favored statehood.

Choice	Votes	%
Statehood	508,862	97.13%
Free Association / Independence	7,981	1.52%
Current Status	7,048	1.35%
Valid votes	523,891	99.76%
invalid or blank votes	1,247	0.24%
Total votes	525,138	100%
Registered voters and turnout	2,260,804	23.23%

Table 2: Results from the 2017 plebiscite. Source: CEEPUR

Following the tradition established by Tennessee in 1796, Puerto Rico embarked on an effort to send a Shadow Delegation to Congress. This strategy has been utilized by 7 states that had petitioned statehood, but action had not been forthcoming. These were Michigan, Iowa, California, Oregon, Kansas, and most recently, Alaska. Currently, Washington, D.C. has a Shadow Delegation as well. In 2017, as a programmatic commitment of the *Plan para Puerto Rico*, I put forth the legislation to create our shadow delegation (Puerto Rico Statehood Commission, Act 30-2017). That delegation was composed of 2 Senators and 5 representatives. Among them, 3 former governors were appointed serve as Shadow Delegates. The delegation submitted yearly reports to the governor.

2020 Plebiscite

In 2020, Puerto Rico embarked on yet another plebiscite, the third one in the last decade. As with the previous two, statehood prevailed. In this circumstance, statehood was pitted against all other alternatives (viable or not) in a Yes or No vote. The Yes vote garnered 52.52% of the ballots, demonstrating once again that the majority in Puerto Rico prefers statehood over the sum of all other alternatives.

Elected Congressional Delegation

Based on the result of the 2020 plebiscite, Act 167-2020 was enacted to continue with the Tennessee Plan strategy established in 2017 (see **Appendix**). The main difference now being that this delegation would be elected and not appointed. On May 17th, 2021, an election was held where 4 House Representatives (shadow) and 2 Senators (Shadow) were selected. On the 1st of July, most of the delegates were sworn-in at La Fortaleza, and by July 8th, all the delegates had been duly sworn-in.

Current State of Play

The House recently passed a bill to grant statehood to Washington, D.C., a great first step to give its citizens equal representation. The time is ripe for the 3.2 million Puerto Ricans, who share Washingtonians' predicament of second-class citizenship, to get a binding commitment from Congress to become a state.

During the 2020 presidential campaign, Joe Biden declared: "I happen to believe that statehood would be the most effective means of ensuring that residents of Puerto Rico are treated equally, with the same representation at the federal level. But the people of Puerto Rico must decide, and the United States federal government must respect their decision and act on it."

The House has begun moving in the right direction with H.R. 1522, a statehood bill sponsored by Reps. Darren Soto, Jennifer Gonzalez and others. H.R. 1522 represents the best solution to Puerto

Rico's colonial dilemma, as it responds directly to the democratic will expressed by the island's voters and binds Congress to that decision (see HR.1522 in **Appendix**).

However, a second bill (H.R. 2070), pushed by Reps. Nydia Velazquez and Alexandria Ocasio-Cortez of New York, proposes an assembly that allows a "self-determination process" to decide between "the viable options," even though it has been demonstrated by the direct vote of the people that statehood is the most viable and popular option. H.R. 2070 is essentially kicking the can further down the road. It is an anti-democratic bill, as it runs directly counter to the notion of self-determination, it dismisses the elected will of the people, and is downright discriminatory. It also creates a new level of non-binding bureaucracy in the admission process, perpetuating the current colonial regime.

A leading group of constitutional scholars wrote to Congress in support of the statehood bill put forth by Soto and Gonzalez, as it abides by the will of the Puerto Rican people. They rejected the Velazquez/Ocasio-Cortez proposal as unconstitutional.

Notwithstanding, both bills are under the consideration of the Natural Resources Committee. Although a markup for these bills is expected in the following months, no date has been set as of September 26th, 2021.

Mission, Vision and Objectives

Problem: Over 3 million US citizens that live in Puerto Rico are treated unequally, are disenfranchised, and have no voting representation in Congress. Even as islanders have supported statehood in three consecutive plebiscites, action in Congress is slow to evolve.

Opportunity: The United States is living through a divisive phase that has sprouted several movements for social justice, voting, civil and human rights, racial equality, and democracy. Puerto Rico's situation is intimately linked to all these issues. Adding to this the fact that the Capital of the United States is also seeking statehood, all the elements of social empathy, support, and visibility are materializing. What's more, Democrats –most of whom have been aligned with the aforementioned movements– control both chambers of Congress and the Executive Branch. It's time to execute.

Vision: To help achieve equality and a better quality of life for the U.S. citizens that live in Puerto Rico by providing a path towards statehood.

Mission: To exert external pressure on Congress to move a bill that will offer the choice of Statehood for Puerto Rico (to this date, it is H.R. 1522/S. 780), and that the decision of Puerto Ricans needs to be binding. We will do this by amassing a national network of support for equality and voting rights for the U.S. citizens that reside in Puerto Rico.

Objectives:

To exert pressure, my office will focus on the following critical objectives:

- (1) **Organize the Districts:** This is my office's top priority. Community organization is a paramount effort. There are 5.3 million Puerto Ricans in the Mainland. If organized appropriately, we can yield significant power and determine congressional election outcomes. This effort will have short, mid, and long-term outlooks and objectives.

- (2) **Efforts in Congress:** Plan to meet and discuss with House and Senate members (and their staffs) the need to act on the status issue for Puerto Rico; and more specifically, on moving H.R. 1522 out of committee. In addition, work with extended delegates that are constituents to strike a direct cord with their representatives.
- (3) **Communications, messaging and media:** Our message needs to have enough amplitude to get support. To achieve this, we must create a network that can deliver the appropriate messaging to be replicated and discussed. Social media support is critical, but so is connecting every media outlet or program that is available and at our disposal.
- (4) **NGOs, SIGs, and other organizations:** Capturing the support of Non-Governmental Organizations, Civil Rights coalitions, and other Special Interest Groups will give us leverage and visibility with congresspersons that depend on those constituencies. Identifying, communicating with, and garnering their support is essential.
- (5) **Event planning and execution:** As with all social movements, events need to be coordinated to garner national attention for our cause. These take time, as well as a large and committed support cast.
- (6) **Legal path:** Support, create, participate in efforts to address the current undemocratic and unjust system in Puerto Rico through the courts.
- (7) **Forum participation:** Impact and participate in all local, national, and international forums regarding the status issue, or adjacent issues regarding voting rights, democracy, racial, and citizen equality. These include academic, institutional, and otherwise.
- (8) **Constituency outreach and engagement:** Engage with citizens in the island and in the mainland in individual meetings and town halls.

These objectives and the short-term work that has been done are the subject of most of the remaining report.

Operations

PRFAA has established a set of guidelines for the Congressional Delegation. Please see **Appendix** for these guidelines. These are guidelines are effective since the 1st of July, 2021.

Delegates have the right to a salary of \$90,000, plus \$30,000 for expenses. As is public knowledge, I sent you and PRFAA's Executive Director a letter notifying that **I chose to decline the salary and the reimbursement of expenses** associated with my position (see Letter to Governor, **Appendix**).

In addition, I communicated to PRFAA that I will not require other items, such as printing, office space, office supplies, or stationary. Those are all expenses I will absorb.

Other requirements, such as submitting economic and financial statements to the pertinent authorities, have been complied with.

Aside from salary and expenses, it is important to note that delegates don't have access to much (if any) administrative assistance. Therefore, these **administrative and clerical roles are part of the Delegate's responsibility**. Some of these include, planning, mailing, engaging, travel arrangements, calendaring, follow up engagements, brief preparation, research, writing, connecting with Congress, and other clerical duties.

The official website presence is hosted by the Puerto Rico Innovation and Technology Service (PRITS). I have been working with PRITS directly to develop the portals. I have submitted all the elements pertaining to my portal. I have also written and submitted other documents to support the overall website.

On August 10th, the Executive Director of PRFAA asked us to send a 1-page summary of weekly updates. I have submitted them every week since then (Sample update, **Appendix**).

As a delegation, we have been meeting routinely every Tuesday, since mid-July. Some weeks, the time and date has changed to accommodate fellow delegates. Melinda Romero and Roberto Lefranc have been particularly helpful leading efforts in the organization and documentation of the meetings. **I have attended all the meetings.** Additionally, we have had three meetings with PRFAA's executive director; the final one held on September 22nd; one in which the Governor was present.

Activity

Pre-swearing in Engagement

Prior to swearing in, the delegation meet on 4 occasions virtually. In that time-span, work was done to establish the vision and direction of the office. I created a Proposed Vision presentation, the bulk of which is embodied in the figure annexed to the executive summary. It was determined by the delegation that, on some occasions, the delegates would all work together in one effort; on other occasions, a group and/or an individual effort would suffice. Our delegation had a two-day symposium in La Fortaleza, where various topics were discussed. I swore into office on the 7th of July, 2021.

Extended Delegation

The Extended Delegation initiative is an effort subscribed by four of the members of the delegation to enhance outreach, create a national structure, and become more effective with the Congressional Delegation's objectives. Those members are Melinda Romero, Roberto Lefranc Fortuño, Maria Meléndez, and Ricardo Rosselló. I proposed the idea on our first meeting post-election, weeks before swearing in, and we started working from that moment on.

Extended delegates are integrated into the delegation's efforts by filling out a form with the relevant demographical data and making a sworn statement committing to the same requirements as the elected delegates, except for the "full time work" clause.

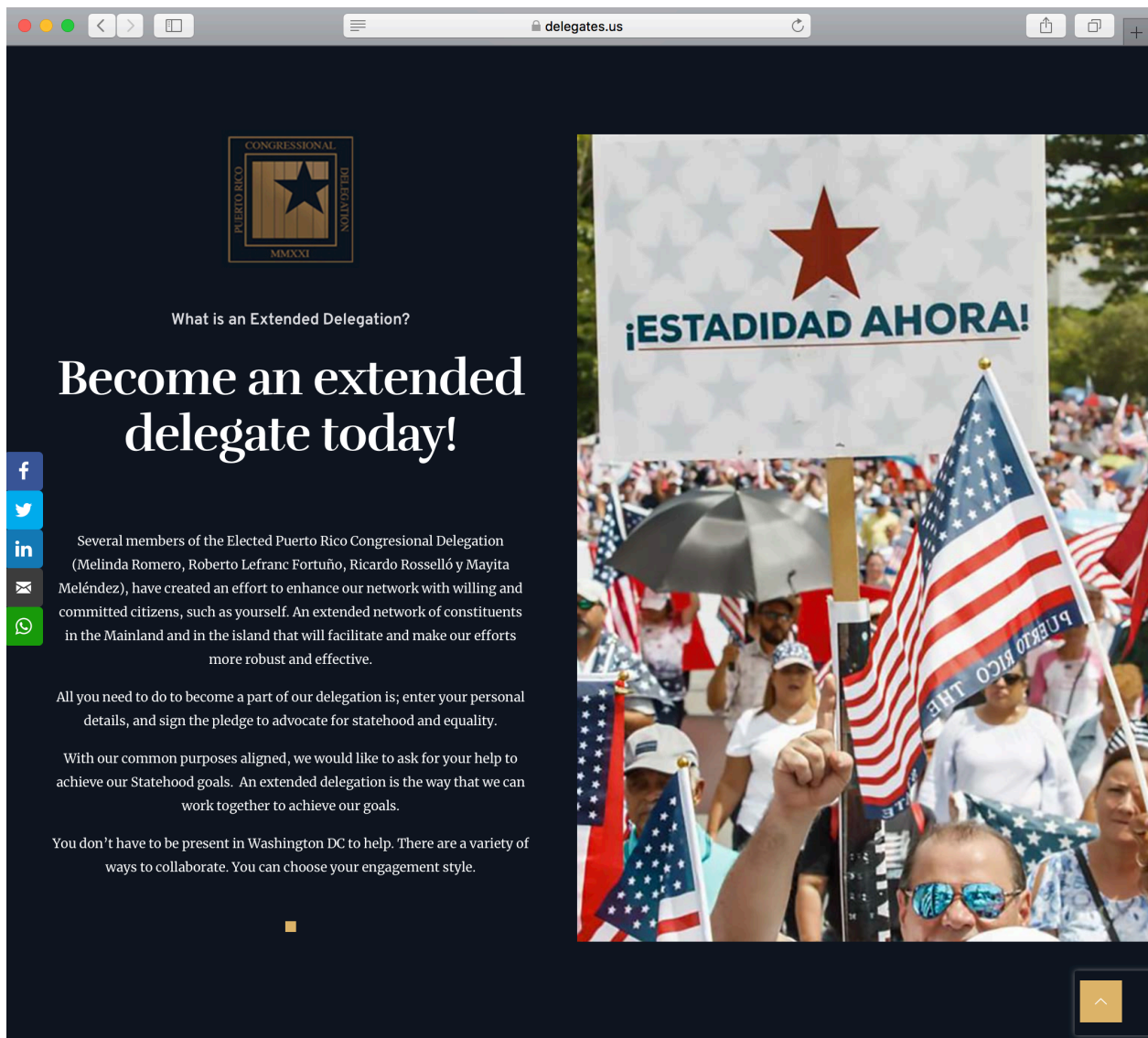


Figure 1: A snapshot of the extended delegate website (www.delegates.us).

Within a reasonable timetable, the elected delegates and some volunteers try to reach out to all those who subscribed as extended delegates.

As of September 26th, 2021, there were [720](#) extended delegates, 24% of whom reside in the mainland. There are 30 states represented by extended delegates.

for Puerto Ricans (in the island and the states) with political power to address key issues to the community.



Figure 3: One of the in-person grassroots meetings in Texas. This one in Houston.

The first steps in this effort have been established. I organized and participated in three initial state meetings (Texas, Maryland and New Jersey) to start building this structure. Some of them had to be broken down to a few interventions, due to limitations from the pandemic. There are already 6 other states in the pipeline for future in-person activities, with others still working on details. We will also work with other virtual alternatives, in response to the pandemic. A reasonable time point to assess the growth and potential impact of this initiative will be December 2021, when we should be finishing the first round of meetings. A second round will follow, with expected results and updates by the Summer of 2022.

Meetings have lasted several hours, establishing a strategic path for growth, and task execution on all levels of the objectives of our office.

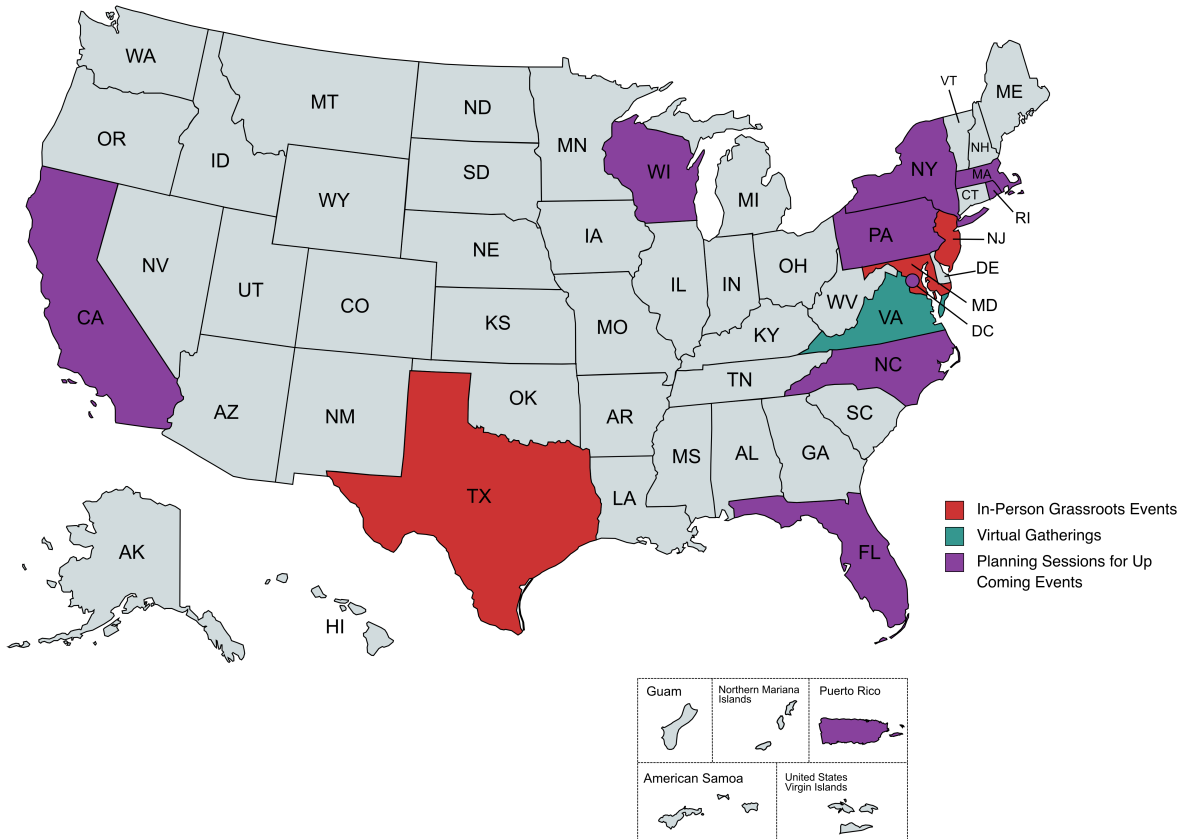


Figure 4: This map showcases the in-person grassroots gatherings my office (red), and a virtual one (green). There are have been other planning sessions with leadership on 10 other sites (VA included).

Next visits : While we were somewhat limited to travel because of the pandemic, we have engaged with leadership in 10 other sites, comprising of a total of 22 meetings with leadership.

Citizen Engagement (gatherings and in person engagements)

Constituent and citizen engagement is a critical function of a Congressional Shadow Delegation. For this reason, we have established town-hall meetings throughout the island to discuss my office’s agenda and answer questions or concerns directly from constituents. These town-halls are called Equality Gatherings. As of September 29th, we have covered over 90% of the island with these gatherings (see map).

In addition to town-halls, we created a one-on-one meeting request mechanism in delegate.us. This is a direct way to interact with constituents. As of September 26th, my office has had 107 meetings with constituents.

Efforts in Congress

As discussed in our September 21st meeting, in this section we will layout the general breakdown of our efforts in congress. Since many of the meetings are on-going efforts, the names of the congresspersons will not be divulged in this report. Of note, Delegate Melendez has been working diligently on visits and her insights were valuable to the whole delegation.

Although efforts have spanned throughout the House and Senate, special focus has been placed on the Natural Resources Committee. H.R. 1522 is under that committee's consideration, and it is an important first step to have it reach the floor of the House of Representatives.

Individual letters have been sent to a total of 100 House members and 40 Senators (Sample letters can be seen in the **Appendix**). And direct communications have been established between my office and the offices of 83 of these members of Congress (60 on the House side, 23 on the Senate).

Regarding our focus on the Natural Resources Committee, we have written letters to 16 members, which produced meetings with 8 of them, plus several follow up meetings. To date, we have had 39 House office meetings and 10 in the Senate.

Important to note, I have been able to have 5 meetings with members of Congress, where I bring along a constituent of their district. This has proven to have a meaningful effect.



		NRC	House	Senate
Letters		25	100	40
Contacts		17	60	23
Meetings		8	39	10

Table 3: brief summary of congressional efforts. Overall, 49 meetings, 83 contacts and 140 letters.

In addition to this, our extended delegation colleagues have begun sending letters and contacting their congressperson to discuss the matter of Puerto Rico. We estimate that over 100 letters have been sent to Congress by extended delegates.

Communications, Media and Messaging (Social Media, Other Media)

The media component has two parts: traditional media and social media. Since the start of my term in office, we have had 7 traditional media interactions, including a piece on *The Hill* (see **Appendix**), and OP-ED pieces published or under consideration. In addition to these direct engagements, several efforts, such as the extended delegation, the 51x51 initiative, the amicus brief, and the November 7-9th gathering, have all been subject of media discussion.

Additionally, some of our extended delegation colleagues are also engaging with their local media outlets to shed light on the issue of Puerto Rico's colonial status.

Social media is an important resource that needs to be maximized. Therefore, as part of our extended delegation efforts, we are establishing workshops to empower our delegates to be more active and effective online. We have had 10 of these meetings.

Messaging is critical. There are high-level overall messages that are being developed, as well as niche, and context-specific ones. These are being utilized and distributed to Congress, distinct forums, and in coalition-building with NGOs.

Lastly, we have begun an effort to inform our extended delegation and our constituency of the actions taken by the extended delegation and future initiatives.

Event Planning

To pursue robust advocacy and issue awareness, events must be planned and executed. The scale and effectiveness of these events will vary, but they must be done continuously to sustain the conversation in an already loaded environment. As part of our vision, we recognize that events take time and people to be properly executed. The extended delegation will play a key role in this endeavor.

Nevertheless, we have already started participating in and organizing various kick-starter events. One of these is the **51x51** initiative. Our goal here is simple. Make a statement for 51 days in front of the White House. The objective is to showcase a variety of messages –all constituent generated— as to why it is imperative for Congress and the White House to act on this critical issue of American democracy. As of today, a few weeks have transpired, and there has been continuous and daily citizen engagement. We have created a platform for people sign up and we are contacting our extended delegation to help and participate.

At the tail end of this effort, we have planned a **3-day event**, where we will have several activities. First, we will have our first in-person delegate gathering in Washington, DC. The extended delegation will work on a path-forward initiative, gather in front of the White House on November 8th (51st day), hold a demonstration outside of the Supreme Court before the Vaello-Madero case (where we have submitted an amicus brief as a Delegation), in addition to other congressional activities in the pipeline. As part of this effort, my office is planning the logistics of many of the folks that will travel to Washington, DC. Leading up to the November event, we will be announcing other initiatives.



We have also participated in several events, including the National Puerto Rican Equality Coalition (NAPREC)'s event in Capital Hill and town-hall (July 21st, 2021). Roberto Lefranc Fortuño and Jackie Rodriguez organized a visit (September 20-24th) for a group of 25 women leaders. We also engaged in a local Festival in Pennsylvania on September 26th, as an outreach effort for the extended delegation.

It is important to note that event creation will be a more prevalent component as time progresses. This will give us the opportunity to plan accordingly and garner more support.

Legal Path

In addition to the political and policy path, the legal avenue presents an opportunity to highlight the inherent limitations and inequalities present in the colonial territory. More so, it will serve to break down inherent obstacles that are limiting tangible resources for our people. One such case is the case of United States of America v. Jose Luis Vaello-Madero.

Our office had several conversations with several experts on the matter to prepare for next steps. In addition, we are grateful to John F. Nevares Esq for being the pro-bono council that represents the delegation on this matter. We also set up a Q&A session with the rest of the Congressional Delegation regarding the details of the case.

Since then, I began drafting a potential argument to complement the respondent on the case. Once the respondents submitted their documentation, we had a week to work on the submission. I developed the arguments and examples (stemming from my Administration), wrote the draft and worked to identify a counsel of record that would advise and work pro-bono on the case (at no cost to the people of Puerto Rico). **It is important to note that the complete delegation subscribed to the amicus brief, making it a stronger document.**

Our amicus brief focuses solely on the premise and argument of powerlessness. As delegates (shadow), we are the epitome of powerlessness in Congress. Having shadow delegates crystalizes the fact that the island has no power within the forum that has ultimate authority over it (Congress). The goal of our brief is to (1) define the delegation and showcase the powerlessness inherent in it, (2) give concrete examples of how this powerlessness manifests in the body that has authority over Puerto Rico (Congress), and (3) tie it to the Vaello-Madero case for SSI. Although there are plenty of examples, the three chosen are recent. They are:

- 1) **The imposition of PROMESA:** This is an example of a bill that was rejected by the majority of the people of Puerto Rico (we can give polls examples), that could not be imposed anywhere else. The potential impact in pensions reduction, outside of the will of the people is one example of this powerlessness.

- 2) **The exclusion of Puerto Rico from the 2017 Tax Reform Law:** Right after Hurricane Maria and with everyone paying attention to the situation in Puerto Rico. All we had to do was insert a line that said: “for the purposes of this law, Puerto Rico is treated as part of the United States”.
- 3) **The persistent and agonizing inequality and cliff for Medicaid recipients in Puerto Rico and Medicare advantage limitations.** Puerto Rico receives an unequal treatment and is always subject to non-continuous funding.

The full amicus brief can be seen in the **Appendix**.

Post submission, my office has been working with other groups that have submitted amicus briefs to the Supreme Court, on behalf of the respondent, to establish a cohesive and united path forward. We have since held two group meetings, in addition to independent individual ones.

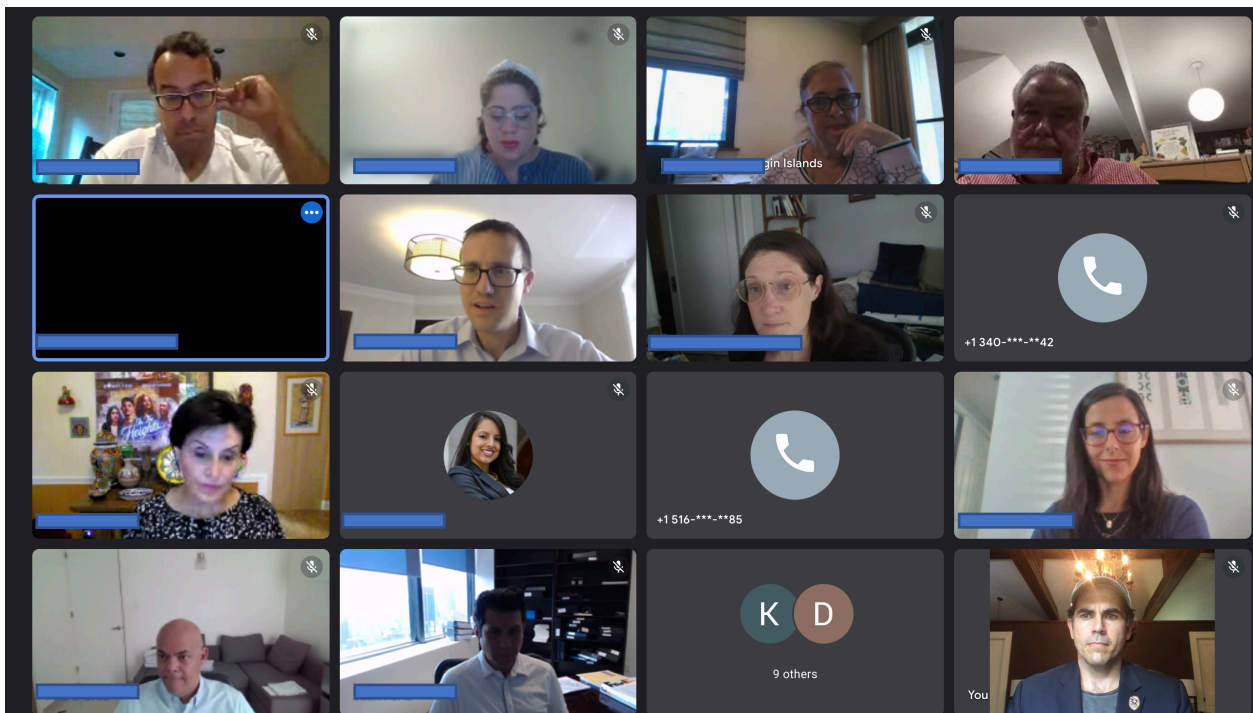


Figure 7: Virtual Group Meeting with amici from the Vaello Madero case.

Coalition building: Rallying Support from Organizations

As part of our mission and objectives, we seek to reach out to a variety of organizations that have influence in Congress, and have them champion the cause of equality and statehood for Puerto Rico. As with the congressional meetings several of these are currently open-ended discussions.

As of September 26th, our office has engaged with 10 organizations.

Participation in forums

In addition to participating in gatherings (over 30), and national grassroots events (around 15), we also participated in the NAPREC town-hall.

In addition, we have had conversations with Academia to participate in forums. We have engaged 4 institutions in conversations to establish colloquiums around the status issue. Recently, I was invited to give a colloquium presentation at a local university in the DC-Metro area.

As with events, forum participation should be an area of future growth.

Path forward

So far, our office has laid the foundation for the objectives that will drive our mission and vision. It is important to have a high-level sense of the expectations moving forward. We have divided this into short, mid and long-term goals.

Short-term: Laying the foundation (3-6 months)

The short-term goals include enhancing the growth of the extended delegation network and collaborate to provoke the Natural Resources Committee in the House of Representatives to push forward H.R. 1522. There is expectation that there will be a markup session in the NRC for both status bills. Therefore, congressional efforts should focus on that committee.

In addition, several initiatives such as events, forums, and media engagements will start playing a larger role. We expect to have 10 Grassroots District events, and perhaps more as things move along.

The first week of November will see enhanced activity, with events and constituency engagements in Washington DC., congressional engagements, events, legal path and other initiatives will take foot during this time span.

Mid-term: Causing a measurable impact (1-2 years)

Congressional elections will be a critical event as well as progress of HR.1522. Therefore, mid-term objectives will focus on establishing tangible results. On the first front, it is important to be an active player in the congressional mid-term elections. Supporting statehood champions needs to be a focus. The growth of the extended delegation and its networks will allow us to determine where we can play a significant role in sustaining or changing congressional seats for the benefit of equality. A summer 2022 assessment and symposium is warranted to be as effective as possible.

Although we don't know what the fate of HR.1522 will be at this juncture, we need to assume that it is still a relevant topic of discussion and make sure it is an advocacy cause worth congressional consideration. As more people participate in support, it will become increasingly harder for Congress to side step or ignore efforts to give Puerto Rico a democratic, constitutional and binding choice for statehood.

Long-term: Equality and National Puerto Rican Network (3-6 years)

Farther away in time, specifics are less clear. However, following suite with the short and mid-term objectives, it is critical that we have lofty aspirations. First, the having a self-sustaining national network that supports equality and statehood for Puerto Rico. This is a critical effort that is primed by the delegation, but whose legacy should prevail thereafter. Secondly, at this juncture, if we have not done so yet, we must have embarked on a path to statehood, supported by congress and The President of the United States.

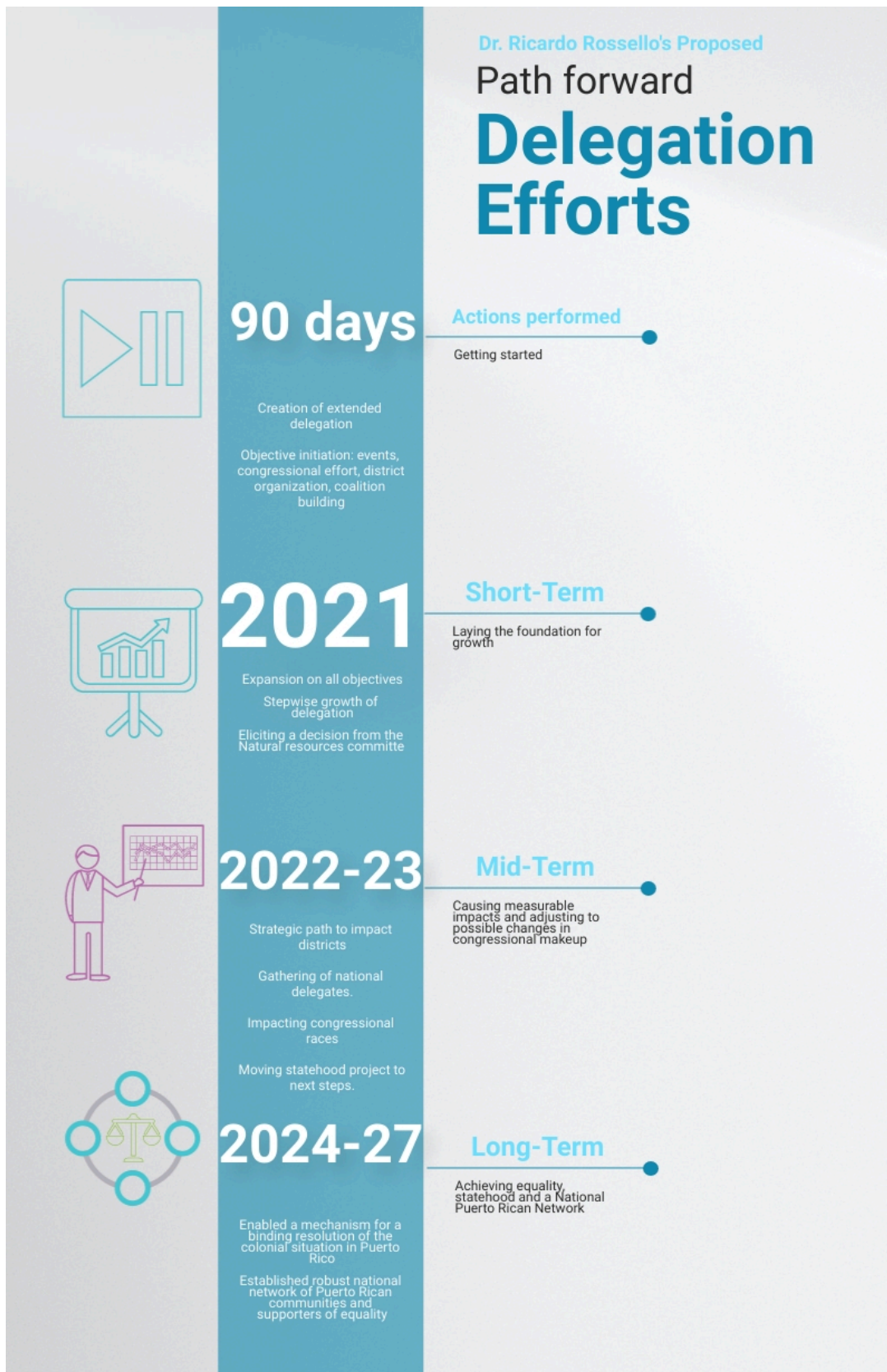


Figure 8 :Timeline representation of short, mid and long-term objectives.

Expenses

Our office has declined salary and reimbursement of expenses. We have also shouldered the costs of administrative, clerical, travel and programming efforts. Below is a summary.

Income/ Salary: \$ 0.00

Reimbursements: \$0.00

Website costs: The delegate shoulders the cost

Stationary and business cards: The delegate shoulders the cost

Office: The delegate shoulders the cost

Travel: The delegate shoulders the cost

Administrative and clerical costs: Performed by the delegate; the delegate shoulders the cost

Council for Amicus Brief: Pro-bono

TOTAL COST TO THE PEOPLE OF PUERTO RICO: \$0.00

Appendix

Letter to the Executive Director and Governor, salary decline

Dr. Ricardo Rosselló Nevares
Exgobernador de Puerto Rico

29 de junio de 2021

Lcda. Carmen Feliciano Márquez
Directora Ejecutiva
Puerto Rico Federal Affairs Administration
1100 17th St NW #701
Washington, DC 20036

Estimada licenciada Feliciano Márquez:

Notifico por este medio que, una vez sea certificado como Delegado Congressional, estaré declinando el salario asignado a dicha posición. Asimismo, me amparo en el Artículo III del reglamento, a fin de cumplir con las especificaciones de ley y con la opinión que emitió la Oficina de Ética Gubernamental de Puerto Rico en este respecto. Le adelanto mi decisión, a fin de que pueda hacer los arreglos presupuestarios pertinentes.

Como he expresado desde el momento que acepté la voluntad del pueblo que me eligió por nominación directa para esta posición, servir a Puerto Rico es un gran honor y privilegio. Mi remuneración por llevar acabo esta encomienda será cumplir a cabalidad con el mandato de luchar sin tregua por la igualdad de derechos ciudadanos y civiles que bien merecen todos los ciudadanos americanos puertorriqueños.

Agradezco su atención y espero pronto seguir trabajando mano a mano por un mejor futuro para nuestra Isla.

Atentamente,



Ricardo Rosselló

C: Hon. Pedro Pierluisi, Gobernador de Puerto Rico
Sra. Noelia García, Secretaria de la Gobernación

Colleague letters (sample)

I. Sample letter to supporter



September 2nd, 2021

Congresswoman [redacted]
House Office Building
Washington, DC 20515

Dear Congresswoman Leger,

I hope this letter finds you well. I am writing to you as the former Governor of Puerto Rico and current congressional delegate.

The first purpose of this letter is to introduce you to the notion that Puerto Rico recently elected a Congressional Delegation (shadow), much like Tennessee, Alaska, and 5 other territories did before they became states. Our delegation's mission will be to help shepherd the will of the People of Puerto Rico and have our territory be admitted as a state of our Great Nation. We will do so by organizing communities in congressional districts, as well as garnering support from other key stakeholders.

Secondly, I would like to thank you on behalf of the People of Puerto Rico for supporting equality and statehood. Co-sponsoring HR 1522 is a significant step forward in the true battle favoring democratic rights. I would appreciate meeting with your staff to discuss a strategic path to achieve the goals of this statehood bill. I will make myself available at your convenience, in person or virtually.

Resolving this unfinished business of American Democracy is central to the values of the Hispanic Caucus. The issue of Puerto Rican Statehood is at the core of the current social justice movements and the efforts against voting suppression. As you know, there are over 3 million US Citizens in Puerto Rico -mostly Latinos- that have been disenfranchised at the federal level. In the past decade, Puerto Ricans have gone to the ballot box at the local level in three occasions. In all three instances, statehood and equality have prevailed. However, little action has been taken by Congress. The time is now. Puerto Rico wants and is ready to add value to our Great Nation.

As member of the Puerto Rico delegation, I would love to engage and support Congresswoman Leger with this and other relevant initiatives. I am sure that the other members of our delegation would love to lend their support as well.

rossello@delegates.pr.gov



Sincerely,

Ricardo Rosselló Nevares
Former Governor of Puerto Rico
United States House Representative for Puerto Rico (Shadow)

Cc: [redacted]
Legislative Director

II. Letter to undecided



September 22, 2021

Senator [redacted]
Senate Office Building
Washington, DC 20510

Dear Senator Cantwell,

I hope this letter finds you well. I am writing to you as the former Governor of Puerto Rico and current congressional delegate.

The first purpose of this letter is to introduce you to the notion that Puerto Rico recently elected a Congressional Delegation (shadow), much like Tennessee, Alaska, and 5 other territories did before they became states. Our delegation's mission will be to help shepherd the will of the People of Puerto Rico and have our territory be admitted as a state of our Great Nation. We will do so by organizing communities in congressional districts, as well as garnering support from other key stakeholders.

Secondly, I would like to encourage you to co-sponsor and/or support S.780, a bill that would give the People of Puerto Rico the CHOICE of becoming a state. The bill -similar to the one presented for Hawaii- provides for a yes or no vote on statehood, with a binding resolution. The alternative to this project, S.865, has severe constitutional problems, has no final binding resolution, and sidesteps the direct vote of the people of Puerto Rico. By supporting S.780 you don't have to be a statehood supporter, but rather a supporter of the CHOICE made by the American Citizens that live in Puerto Rico.

The issue of Puerto Rican Statehood is at the core of the current social justice movements and the efforts against voting suppression. As you know, there are over 3 million US Citizens in Puerto Rico -mostly Latinos- that have been disenfranchised at the federal level. In the past decade, Puerto Ricans have gone to the ballot box at the local level in three occasions. In all three instances, statehood and equality have prevailed. However, little action has been taken by Congress. The time is now. Puerto Rico wants and is ready to add value to our Great Nation.

As member of the Puerto Rico delegation, I would love to engage and support Senator Cantwell with this and other relevant initiatives. I am sure that the other members of our delegation would love to lend their support as well.

rossello@delegates.pr.gov



Sincerely,

Ricardo Rosselló Nevares
Former Governor of Puerto Rico
United States House Representative for Puerto Rico (Shadow)

Cc: [redacted]
Legislative Director

III. Letter to congressional leadership



OFICINA DEL EX GOBERNADOR
DE PUERTO RICO
RICARDO ROSSELLÓ NEVARES

August 9, 2021

Senator Charles Schumer
322 Hart Senate Office Building
Washington, D.C. 20510
Phone: (202) 224-6542
Fax: (202) 228-3027

Dear Leader Schumer –

I hope this message finds you well. The purpose of this letter is to introduce you to the notion that Puerto Rico recently elected a Congressional Delegation (shadow), much like Tennessee, Alaska, and 5 other territories did before they became states. Our delegation's mission will be to help shepherd the will of the People of Puerto Rico and have our territory be admitted as a state of our Great Nation. We will do so by organizing communities in congressional districts, as well as garnering support from other key stakeholders.

I am requesting a meeting with you and/or your staff to introduce various members of the delegation and discuss the path forward.

I will always be grateful for your advice and direction when I was Governor of Puerto Rico. Your support for our people is unquestionable. Without your intervention and leadership, the Island would have not received the much needed funds for recovery post Hurricane Maria.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricardo Rossello Nevares".

Ricardo Rossello Nevares
Former Governor of Puerto Rico
United States House Representative for Puerto Rico (Shadow)

Cc: Mike Lynch, Chief of Staff
Cc: Meghan Tiara, Legislative Director

(P. de la C. 2605); 2020, ley 167

**Ley para crear la Delegación Congressional de Puerto Rico.
Ley Núm. 167 de 30 de diciembre de 2020**

Para establecer la “Ley para crear la Delegación Congressional de Puerto Rico”; a los fines de disponer las reglas para la celebración de una elección especial en la que se elegirá dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos que representarán a Puerto Rico ante el Congreso para exigir que se respete el mandato electoral a favor de la Estadidad y que se proceda a admitir a Puerto Rico como un Estado de Estados Unidos de América; disponer las facultades y deberes de dichos delegados especiales; facultar a la Comisión Estatal de Elecciones, conforme a derecho; y para otros fines relacionados.

EXPOSICIÓN DE MOTIVOS

I. Tránsito Histórico

El pasado 3 de noviembre de 2020, el Pueblo de Puerto Rico mayoritariamente votó para que Puerto Rico sea admitido como un Estado de Estados Unidos de América. La voluntad del Pueblo debe respetarse y el Gobierno debe enfocar sus esfuerzos en hacer cumplir su mandato. Este mandato, ratifica lo que el Pueblo de Puerto Rico expresó en las urnas en los años 2012 y 2017. No hay excusas para oponerse a dicho mandato que fue avalado por una mayoría absoluta de los electores que ejercieron su derecho al voto. La mayoría del Pueblo avaló claramente la Estadidad en el plebiscito del 2020, por lo que no se puede argumentar el ataque infundado que algunos sectores le hicieron a la consulta del año 2012. Además, la participación en este plebiscito fue abrumadora, por lo que no se puede argumentar el ataque infundado de algunos sectores a la consulta del año 2017.

La historia moderna de Puerto Rico, particularmente durante los pasados 122 años, ha tenido una constante: la desigualdad de sus residentes en comparación con los ciudadanos que residen en los demás estados. La causa de esa desigualdad es el estatus territorial de la Isla. No debemos perpetuar la desigualdad. El pueblo en las pasadas consultas del 2012, 2017 y 2020 ha apoyado la visión de igualdad de derechos que promueve el Partido Nuevo Progresista y nuestra administración tiene como política

pública conseguir la igualdad para los 3.2 millones de ciudadanos americanos que residen en Puerto Rico.

La lucha por la igualdad no debe tener pausa. Las grandes luchas de derechos civiles, especialmente durante los pasados 100 años, no han tomado un descanso independientemente de las circunstancias históricas. Aunque la lucha de muchos grupos continúa en los estados y en muchos países, Puerto Rico tiene que cruzar el umbral de esa lucha y exigir el derecho al voto y la igualdad que solo garantiza la Estadidad. Ello, como reconocimiento de que queremos y exigimos gozar de todos los derechos y responsabilidades como ciudadanos americanos. De hecho, mientras más se tarde la lucha por la igualdad, mayor será la brecha política, social y económica entre los que viven en el territorio y los que están en el continente. Atrasar la igualdad equivale a alejarla.

II. El significado político de la Estadidad para Puerto Rico

En el aspecto político, como estado tendremos voz y voto en el Congreso con al menos cuatro representantes y dos senadores que defiendan con poder real, producto del sufragio universal de los electores puertorriqueños, los intereses de sus constituyentes ante el Gobierno Federal. Podremos votar por el presidente de Estados Unidos, lo que representa un gran atractivo político a nivel nacional: al tratarse del primer estado de mayoría poblacional hispana con amplia participación en ambos partidos nacionales. Con el poder del voto presidencial, podremos exigirles al presidente y a los candidatos a la presidencia de ambos partidos –como lo hacen todos los estados- que nos traten en igualdad de condiciones y que nos rindan cuentas. Con la Estadidad, aseguraremos la única fórmula de unión permanente con Estados Unidos. Así lo reconoce la Constitución pues le autoriza al Congreso disponer y hasta deshacerse de sus territorios al amparo de la cláusula territorial. En fin, el único estatus permanente e indisoluble dentro de Estados Unidos, según lo ha reconocido el Tribunal Supremo de Estados Unidos, es la Estadidad.

III. El significado de la Estadidad para nuestra ciudadanía americana

Con la Estadidad, tendremos una ciudadanía permanente e irrevocable. La ciudadanía americana para las futuras generaciones de puertorriqueños en nuestro archipiélago no está garantizada bajo el estatus actual colonial. Un Congreso no puede obligar a un Congreso futuro y un territorio puede ser separado de la Unión. Bajo nuestro estatus actual, nuestra ciudadanía es el resultado de la ley Jones de 1917, la cual puede ser derogada por el Congreso. Pero al convertirnos en un Estado, los ciudadanos americanos en Puerto Rico tendrán la protección de ser ciudadanos bajo la Enmienda

XIV de la constitución y, por lo tanto, participarán de todos los derechos, beneficios y obligaciones que la misma concede.

IV. El impacto social de la Estadidad

Con la Estadidad, Puerto Rico recibirá ayudas federales bien garantizada por la Constitución de Estados Unidos cuando Puerto Rico se convierta en un Estado y la ciudadanía de nuestros residentes estaría en igualdad de condiciones con los estados. Nuestros sectores más necesitados serán tratados en igualdad de condiciones en programas y servicios gubernamentales críticos como: la salud (en *Medicaid* y *Medicare*), la nutrición, las ayudas sociales, la vivienda, la infraestructura, beneficios para nuestros veteranos, retirados, y la seguridad pública. La estabilidad que alcanzaremos como estado incentivará la inversión y la creación de empleos en la Puerto Rico al eliminar la inestabilidad e incertidumbre que representa el estatus actual.

V. El impacto económico de la Estadidad

La estabilidad política que conlleva la unión permanente representa un ambiente de estabilidad de inversión. Así quedó demostrado por el súbito crecimiento económico que experimentaron Alaska y Hawái después de sus respectivas admisiones como estados. La distancia entre Hawái y la costa Oeste de Estados Unidos continentales es 2.5 veces más lejana (2,760 millas) que la que separa a Puerto Rico de la costa Este de Estados Unidos continentales (1,150 millas).

Aun así, por su belleza natural, clima y atractivos turísticos –características que comparte con Puerto Rico- y por la estabilidad que trajo consigo la Estadidad, el promedio de ingreso por hogar en Hawái ronda por los \$70,000 por año, el séptimo más alto en la Nación, mientras que en Puerto Rico es mucho menor que el del estado más pobre, Mississippi. Estudios recientes reflejan que aun cuando la economía nacional tiene proyecciones positivas de crecimiento, especialmente en su producto nacional bruto, la economía local tiene un pronóstico negativo. Aun luego de la pandemia del COVID-19, se ha proyectado un crecimiento económico a nivel nacional sin precedentes y la Isla –como territorio– tiene una proyección de continua contracción.

VI. Protegiendo Nuestra Cultura e Idioma

La Estadidad, lejos de relegar nuestro patrimonio cultural a un segundo plano, lo fortalecerá. Estados Unidos es el segundo país de mayor habla hispana en el mundo. Hay 50 millones de americanos que hablan español y que residen en Estados Unidos. En ningún país sudamericano, centro americano, ni en España, hay tantos

hispanoparlantes como en Estados Unidos. Sólo México tiene una población mayor. Aun así, a ningún estado se le ha requerido que establezca el inglés como su único idioma oficial. De hecho, la Décima Enmienda a la Constitución de Estados Unidos prohíbe tal acción. En la actualidad, varias jurisdicciones en Estados Unidos continentales reconocen otros idiomas como idiomas oficiales. Sin embargo, la referida enmienda protege el poder de los estados, no de los territorios. De hecho, ya como territorio, el Congreso requirió que el idioma de enseñanza en nuestro sistema de instrucción pública fuese el inglés y ello porque la cláusula territorial –la misma que impera hoy– se lo permite. Hoy, más puertorriqueños viven en los estados que en el archipiélago y ello no ha sido impedimento para que conserven nuestra cultura y costumbres.

De igual forma, nada detendrá nuestro folklore y nuestra puertorriqueñidad. Nuestras costumbres y tradiciones se mantendrán inalteradas con la admisión de Puerto Rico como un estado de la Unión. Dos ejemplos de lo anterior son Hawái y Alaska, estados muy particulares y que llevan muy a fondo sus tradiciones y costumbres milenarias: adquiridas en distintas identidades nacionales que van mucho más lejanas que las nuestras, por haber sido formadas antes del encuentro con las culturas europeas.

VII. Estadidad: Derribando Mitos

Por años, los detractores de la Estadidad han creado un mito sobre el proceso de la Estadidad para Puerto Rico. Por ello, con la aprobación de esta Ley, lucharemos con éstos para que el pueblo, tanto en el continente como en Puerto Rico, se sienta confiado que con su voto a favor del sí, alcanzaremos la Estadidad. Es decir, lucharemos por defender el voto mayoritario del Pueblo. Distinto a lo que proyectan los detractores de la Estadidad, la mayoría de los habitantes del continente y en los estados favorecen la Estadidad para Puerto Rico. Recientemente, una encuesta nacional reflejó que sobre el 60% de los estadounidenses dijeron que favorecen la Estadidad para Puerto Rico.

De los 5 partidos que se postularon en la anterior elección general, sólo el Partido Nuevo Progresista solicitó un voto por la Estadidad en las elecciones generales y propuso una serie de medidas para asegurar que se cumpla el mandato del Pueblo.

La propuesta que defendió la votación por Sí a la Estadidad incluye:

- Que el Gobernador y la Comisionada Residente lleven a la capital federal los resultados de la consulta.

- Realizar una campaña en medios nacionales a favor de la igualdad y sobre el respeto a la voluntad mayoritaria de los puertorriqueños.
- Presentar los resultados en los foros nacionales e internacionales como la Organización de Naciones Unidas y la Organización de Estados Americanos, entre otros.
- Junto a la Comisionada Residente, se creará una Comisión para identificar y presentar al Congreso aquellas leyes federales necesarias para incluir a Puerto Rico como Estado.
- Se establecerá una Delegación Congressional de Puerto Rico desde el año 2021 para fortalecer nuestros representantes con el mandato electoral. Según fue propuesto en el Programa de Gobierno, se realizará una elección especial para que el Pueblo directamente escoja la delegación que representará a Puerto Rico para exigir al Congreso que proceda a admitir a Puerto Rico como un Estado de Estados Unidos.

La Delegación Congressional de Puerto Rico 2021-2024 será escogida en una votación especial administrada por la Comisión Estatal de Elecciones el 16 de mayo del 2021 y comenzará sus labores en Washington, DC, a partir del 1 de julio del 2021. La papeleta contendrá dos columnas y estará destinada a que los electores escojan dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos.

Los delegados deberán ser mayores de edad; dominar los idiomas español e inglés; cumplir con las disposiciones del Artículo 7.2 de la Ley 58-2020; ser residentes de Puerto Rico o de Washington, DC. Asimismo, para participar de la elección, deberán comprometerse bajo juramento a defender el mandato del Pueblo expresado el pasado 3 de noviembre de exigir que Puerto Rico sea admitido como Estado de Estados Unidos; y deberán trabajar activamente a tiempo completo durante el término de su cargo para lograr ese fin. Cualquier persona que incumpla con alguno de estos requisitos podrá ser descalificado en el Tribunal de Primera Instancia de San Juan. Cualquier sustituto que sea necesario se seleccionará por elección especial administrada por la Comisión Estatal de Elecciones.

La Ley 58-2020 y su Capítulo XI será aplicable en aquello que no sea incompatible con esta Ley y sus propósitos. La Delegación tendrá el cometido y encomienda de exigir que el Congreso proceda a admitir a Puerto Rico como estado de Estados Unidos de América. Los gastos permitidos de la Delegación y los salarios de

los delegados serán sufragados por los fondos asignados a la Administración de Asuntos Federales de Puerto Rico (PRFAA, por sus siglas en inglés).

DECRÉTASE POR LA ASAMBLEA LEGISLATIVA DE PUERTO RICO:

Artículo 1.- Título.

Esta Ley se conocerá y podrá ser citada como la “Ley para crear la Delegación Congressional de Puerto Rico”.

Artículo 2.- Propósito y Declaración de Política Pública

Por tercera vez en la pasada década, el Pueblo de Puerto Rico acudió a las urnas y votó mayoritariamente a favor de la Estadidad. En el último plebiscito, el Pueblo respondió mayoritariamente “SÍ” a una pregunta muy sencilla y comprometedor: ¿Debe Puerto Rico ser admitido inmediatamente dentro de la Unión como un Estado? Ante esta situación, nuestro deber ministerial como Gobierno es respetar y defender que el mandato del electorado sea implementado.

De conformidad con estos resultados, el propósito de esta Ley es crear una Delegación Congressional de Puerto Rico que llevará a cabo sus funciones a partir del 1 de julio del 2021. Dicho mandato, se materializará mediante la celebración de una elección especial para que el Pueblo directamente escoja la delegación que representará a Puerto Rico para exigir al Congreso que proceda a admitir a Puerto Rico como Estado de Estados Unidos.

Esta Delegación, se compondrá de dos (2) senadores y cuatro (4) representantes, electos en una elección especial. La Delegación tendrá el cometido de exigir que el Congreso proceda a admitir a Puerto Rico como estado de Estados Unidos.

Artículo 3.- Disposiciones Supletorias

A los fines de instrumentar electoralmente el plebiscito aquí ordenado, se utilizarán como supletorias a la presente Ley las disposiciones de la Ley 58-2020, según enmendada, conocida como “Código Electoral de Puerto Rico de 2020” y de la “Ley para la Fiscalización del Financiamiento de Campañas Políticas en Puerto Rico”, incluyendo sus respectivos reglamentos, en todo aquello que no sea campo ocupado en esta Ley ni la contradiga. La Ley 58-2020 y su Capítulo XI será aplicable al procedimiento de elección de los delegados en aquello que no sea incompatible con esta Ley y sus propósitos.

Artículo 4.- Elección de la Delegación

La Delegación Congressional de Puerto Rico 2021-2024 será escogida en una elección especial administrada por la Comisión Estatal de Elecciones que será celebrada el domingo, 16 de mayo del 2021, y comenzará sus labores en Washington, DC, a partir del 1 de julio del 2021 hasta el 31 de diciembre del 2024.

La Comisión Estatal de Elecciones anunciará la elección especial mediante proclama que se publicará no más tarde del 28 de febrero de 2021 en dos (2) periódicos de circulación general en Puerto Rico: en los idiomas español e inglés. Además del emblema institucional y el nombre de la Comisión Estatal de Elecciones de Puerto Rico, en el encabezamiento de la proclama se incluirá la fecha y el título “Ley para crear la Delegación Congressional de Puerto Rico”.

Artículo 5.- Proclama

El texto de la Proclama será el siguiente:

Con la aprobación de la Ley ____ - _____, conocida como la “Ley para crear la Delegación Congressional de Puerto Rico”, se dispuso la celebración de una elección especial en la que aquellos electores elegibles podrán elegir dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos, cuya función será exigir al Congreso de Estados Unidos que respete y haga valer el resultado del Plebiscito de 2020 y que proceda a admitir a Puerto Rico como un Estado de Estados Unidos de América. Todo ciudadano interesado que necesite realizar alguna transacción en el Registro General de Electores antes de su cierre, incluyendo nuevos electores, tiene hasta cincuenta (50) días antes de la realización de la elección especial para actualizar su condición electoral, reactivarse o inscribirse para poder votar. Además, de necesitarlo, el elector, tiene hasta esa fecha para solicitar una transferencia, o una reubicación y solicitar Voto Ausente, Voto Adelantado y Voto en el Colegio de Fácil Acceso. Las Juntas de Inscripción Permanentes (JIP) de la Comisión Estatal de Elecciones estarán abiertas al público en horario regular para realizar todas estas transacciones. La Comisión Estatal de Elecciones, en el ejercicio que le confiere la Ley, proclama lo siguiente:

PRIMERO: Fecha del Plebiscito

El domingo, 16 de mayo de 2021, se realizará una elección especial para elegir dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos, cuya función será exigir al Congreso de Estados Unidos que respete y haga valer el resultado del Plebiscito de 2020 y que proceda a admitir a Puerto Rico como un Estado de Estados Unidos de América, en

todos los precintos electorales y, por la presente, se convoca a participar en el mismo a todos los electores calificados.

SEGUNDO: Horario de la Votación

El proceso de votación de elección especial será en “colegio abierto”, desde las nueve (9:00) de la mañana y hasta las cinco (5:00) de la tarde. La "Ley Seca" aplicará solamente durante el mencionado horario y con las excepciones dispuestas en el Código Electoral de Puerto Rico.

TERCERO: Papeleta de Votación

Habrà una sola papeleta que contendrà dos columnas y estarà destinada a que los electores escojan dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos.

CUARTO: Certificación de los Resultados

La contabilización de los votos y la certificación de sus resultados por la Comisión Estatal de Elecciones solo se realizará conforme a la doctrina del Tribunal Supremo de Puerto Rico en el caso *Suárez Cáceres v. Com. Estatal Elecciones*, 176 DPR 31, (2009). El voto no emitido y el depositado en blanco sin expresión válida de intención del elector “de ninguna manera puede ser contado para efectos de influir o afectar el resultado de una elección, referéndum o plebiscito, entre otros eventos electorales”.

QUINTO: Sistema de Escrutinio

Para este plebiscito se utilizará el mismo sistema de escrutinio electrónico utilizado en las Elecciones Generales, conforme a lo dispuesto en la Resolución CEE-RS-1 5-21 aprobada el 30 de octubre de 2015, capaz de contar los votos de forma fácil, segura y confiable, con mecanismos de seguridad y auditorías que garanticen transparencia en el proceso de votación.

SEXTO: Identificación de los Electores

Para poder votar en los colegios será requisito la presentación de una tarjeta de identificación vigente autorizada por el Código Electoral de Puerto Rico de 2020. También se realizará el entintado del dedo a los electores, luego de votar.

SÉPTIMO: Voto Ausente y Adelantado

A tenor con el Código Electoral de Puerto Rico, la Comisión garantizará el derecho al Voto Ausente y al Voto Adelantado a todos los electores domiciliados en Puerto Rico calificados para esos tipos de votaciones y que lo hayan solicitado en o antes de los cincuenta (50) días previos a la realización del plebiscito, cuando se realiza el cierre del Registro.

OCTAVO: Garantía del Derecho al Voto

La Comisión Estatal de Elecciones proveerá medidas y remedios a los fines de garantizar el derecho al voto de cualquier elector que, por razones no atribuibles a este, sea indebidamente omitido del Registro General de Electores de Puerto Rico.

Conforme al Código Electoral, la Comisión también implementará mecanismos para la votación de electores con impedimentos físicos, los que convalecen en hospitales y viviendas, y aquellos reclusos en hogares de adultos mayores o en instituciones penales.

También conforme al Código Electoral, ningún patrono público o privado podrá impedir a sus empleados el derecho a votar. Si algún patrono violare la norma antes establecida, estará sujeto a las sanciones penales que dispone dicho Código Electoral.

NOVENO: Educación y Divulgación

Como parte de los esfuerzos continuos para educar y orientar a los ciudadanos y electores sobre todos los alcances de la Ley que instrumenta esta elección especial y de los procesos electorales relacionados con esta proclama, no más tarde de los cuarenta y cinco (45) días a partir de la aprobación de esta Ley, el Presidente de la Comisión Estatal de Elecciones publicará y actualizará de manera constante en el portal de Internet de esta Agencia un espacio prominente y titulado “Ley para crear la Delegación Congressional de Puerto Rico” con el contenido de esta Ley, de esta proclama y con todo material oficial e informativo sobre este evento electoral.

DÉCIMO: Leyes Supletorias

Para instrumentar electoralmente este plebiscito, se utilizarán como supletorias las disposiciones del Código Electoral de Puerto Rico y de la “Ley para la Fiscalización del Financiamiento de Campañas Políticas en Puerto Rico”, incluyendo sus respectivos reglamentos, en todo aquello que no sea campo ocupado por esta Ley ni afecte los propósitos y éxito de este evento electoral.

Artículo 6.- Alternativas y Diseño de la papeleta

Habr  una sola papeleta que contendr  dos columnas y estar  destinada a que los electores escojan dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la C mara de Representantes de Estados Unidos.

La Comisi n Estatal de Elecciones, siguiendo rigurosamente las disposiciones de este Art culo y sin sujeci n a ninguna otra ley o reglamento, dise nar  e imprimir  la papeleta a utilizarse que deber  ser en un color s lido que no sea utilizado como color distintivo por ning n partido pol tico en Puerto Rico; que tenga tama o uniforme; impresa en tinta negra con todos sus textos en los idiomas ingl s y espa ol; y en papel grueso de manera que lo impreso en esta no se trasluzca al dorso para que pueda ser contabilizada por el sistema de escrutinio electr nico.

No m s tarde del 15 de marzo de 2021, el Presidente de la Comisi n Estatal de Elecciones realizar  los sorteos p blicos para determinar el orden de los candidatos y candidatas en las columnas de la papeleta de votaci n la elecci n especial de 16 de mayo de 2021. El proceso deber  ser p blico y los resultados del sorteo deber n ser certificados por un abogado notario p blico.

La Comisi n Estatal de Elecciones dise nar  la papeleta de conformidad con esta Ley y la Ley 58-2020, seg n enmendada, conocida como “C digo Electoral de Puerto Rico de 2020” y establecer  aquellas instrucciones que procedan, de conformidad con ambos estatutos.

Art culo 7.- Campa a de Educaci n

La Comisi n Estatal de Elecciones deber  llevar a cabo una campa a de educaci n masiva a los electores sobre esta elecci n especial de manera objetiva y sin favorecer a candidato alguno. Esta campa a deber  comenzar en o antes del 1 de marzo de 2021.

Art culo 8.- Requisitos de los candidatos a ser delegados

Los candidatos a ser delegados especiales deber n ser mayores de edad; dominar los idiomas espa ol e ingl s; cumplir con las disposiciones del Art culo 7.2 de la Ley 58-2020; ser residentes de Puerto Rico o de Washington, DC; para participar de la elecci n, deber n comprometerse bajo juramento a defender el mandato del Pueblo expresado el pasado 3 de noviembre de exigir que Puerto Rico sea admitido como un Estado de Estados Unidos; y deber n comprometerse, bajo juramento, a trabajar activamente a tiempo completo durante el t rmino de su cargo para lograr ese fin. Cualquier persona que incumpla con alguno de estos requisitos podr  ser descalificado en el Tribunal de Primera Instancia de San Juan. Cualquier sustituto que sea necesario se seleccionar 

por elección especial de la Comisión Estatal de Elecciones, de conformidad con las disposiciones que para esto establezca dicho organismo gubernamental.

Artículo 9.- Fecha de radicación de candidaturas

Los aspirantes al cargo de delegados deberán presentar su candidatura en o antes del 28 de febrero del 2021. Para el 15 de marzo del 2020, los aspirantes al cargo de delegados deberán haber presentado ante la Comisión Estatal de Elecciones tres mil (3,000) peticiones de endosos.

La convocatoria a la elección se hará por la Comisión Estatal de Elecciones al menos treinta (30) días antes del evento electoral.

Artículo 10.- Votación

El domingo, 16 de mayo de 2021, se realizará una elección especial para elegir dos (2) delegados especiales al Senado de Estados Unidos y cuatro (4) delegados especiales a la Cámara de Representantes de Estados Unidos, cuya función será, de conformidad con esta Ley, exigir al Congreso de Estados Unidos que respete y haga valer el resultado del Plebiscito de 2020, y que proceda a admitir a Puerto Rico como un Estado de Estados Unidos en todos los precintos electorales y, por la presente, se convoca a participar en el mismo a todos los electores calificados.

La votación se llevará a cabo en colegio abierto desde las 9:00 am y hasta las 5:00 pm. La llamada “Ley Seca” aplicará solamente durante el mencionado horario y con las excepciones dispuestas en el Código Electoral de Puerto Rico

La votación se llevará a cabo de conformidad con las disposiciones de esta Ley, y de la Ley 58-2020, según enmendada, conocida como “Código Electoral de Puerto Rico de 2020”.

Para este evento, la Comisión Estatal de Elecciones podrá consolidar centros y colegios de votación según las necesidades. No obstante, asegurará que se habiliten al menos cinco (5) centros de votación por cada distrito representativo según divididos para efectos de los cargos de representantes a la Cámara de Representantes de Puerto Rico.

Artículo 11.- Facultades de la Comisión

Los términos aplicables al manejo de la elección podrán ser modificados por la Comisión Estatal de Elecciones de ser necesario y razonable para lograr que se realice el evento electoral de forma adecuada, tomando en consideración la salud y seguridad

pública, pero garantizando el derecho del elector al sufragio universal de conformidad con la Constitución de Puerto Rico y su jurisprudencia aplicable.

Artículo 12.- Deberes de los Delegados

Luego de que sean certificados por la Comisión Estatal de Elecciones, los delegados comenzarán sus funciones el 1 de julio de 2021. Una vez comiencen sus funciones, los delegados presentarán un informe cada noventa (90) días sobre sus gestiones al Gobernador de Puerto Rico. El incumplimiento de alguno de sus deberes dará paso a un proceso, que podrá ser incoado por el Secretario de Justicia ante el Tribunal de Primera Instancia para destituir al delegado si se demuestra su incumplimiento.

Artículo 13.- Gastos de los Delegados

Los gastos permitidos de la Delegación y los salarios de los delegados serán sufragados por los fondos asignados a la Administración de Asuntos Federales de Puerto Rico (PRFAA, por sus siglas en inglés).

Artículo 14.- Disposiciones Adicionales

Las funciones de los delegados no podrán ser paralizadas conforme al Artículo 678 del Código de Enjuiciamiento Civil de Puerto Rico de 1933.

Artículo 15.- Financiamiento de Campañas

Las disposiciones de la Ley 222-2011, según enmendada, conocida como “Ley para la Fiscalización del Financiamiento de Campañas Políticas en Puerto Rico”, serán de aplicación a la elección que será celebrada en esta Ley.

Artículo 16.- Reglamentación

La Comisión Estatal de Elecciones y la Oficina del Contralor Electoral diseñarán y adoptarán, respectivamente, aquellos reglamentos, documentos y formularios necesarios para implementar las disposiciones de esta Ley. Para ello, se faculta a la Comisión Estatal de Elecciones para que apruebe toda norma, regla, reglamento, manual de procedimientos y carta administrativa que entienda prudente y razonable para administrar los eventos que mandata esta Ley, pero en todas y cada una, de dichas normas administrativas se mantendrá el principio establecido por el Tribunal Supremo de Puerto Rico en cuanto al balance electoral; entendiéndose que cada partido tendrá derecho al balance electoral, pero, el partido que no tenga sus funcionarios presentes para las distintas etapas de los procedimientos ante la Comisión, estará renunciando a

su representación de balance. *Olvin Valentín v. CEE, CT-2020-24 y 25*, ____ D.P.R. ____ (2020), Opinión y Sentencia de 23 de noviembre de 2020.

Artículo 17.- Derogación.

Se deroga la Ley 30-2017, según enmendada, conocida como “Ley por la Igualdad y Representación Congressional de los Ciudadanos Americanos de Puerto Rico”, toda vez que sus disposiciones son incompatibles con las de esta Ley.

Artículo 18.- Supremacía.

Las disposiciones de esta Ley prevalecerán sobre cualquier otra disposición de ley que no estuviere en armonía con lo aquí establecido.

Artículo 19.- Salvedad.

Si cualquier parte de esta Ley fuese declarada nula o inconstitucional por un tribunal de jurisdicción y competencia, tal declaración no afectará ni invalidará el resto de la Ley y su efecto quedará limitado al aspecto objeto de dicho dictamen judicial.

Artículo 20.- Vigencia y traducción oficial.

Esta Ley entrará en vigor inmediatamente después de su aprobación. No más tarde de quince (15) días tras su aprobación, esta Ley será traducida por la Oficina de Servicios Legislativos y será remitida al Departamento de Estado de Puerto Rico, el cual emitirá copia fiel y exacta de dicha Ley, en ambos idiomas, español e inglés, al Presidente de Estados Unidos de América, y a los Presidentes de la Cámara de Representantes y el Senado de Estados Unidos.

I. The Hill, June 2021



Puerto Rico's former governor stages a comeback

BY RAFAEL BERNAL - 06/15/21 04:33 PM EDT

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Puerto Rico's former governor is staging a political comeback as a newly-elected member of the territory's congressional shadow delegation, less than two years after he resigned in disgrace.

Former Gov. Ricardo Rosselló's speedy return to politics has been met with everything from disdain to disbelief, but he remains one of the most recognizable Puerto Rican faces in national politics.

And Rosselló's election by write-in ballot was an unexpected show of strength for a politician whose public career was widely perceived to be at an end.

"A week before the election I still saw a write-in candidacy as practically impossible," Rosselló told The Hill in an exclusive interview. "It had never been done in Puerto Rico."

Earlier this month, the territory's electoral commission certified the election for the shadow delegation, where Rosselló received 53,823 write-in votes.

With that result, Rosselló will join the delegation of four shadow representatives, whose main job is to lobby for Puerto Rican statehood in

II. OP-ED sample (May, 2021)

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GUEST COMMENTARY OPINION

Puerto Ricans have spoken: Statehood is the answer | Commentary

By RICARDO A. ROSSELLÓ
GUEST COLUMNIST | MAY 13, 2021 AT 5:30 AM



The desire of the people of Puerto Rico and Washington, D.C., to join their fellow American citizens under the banner of statehood has been made abundantly clear. Unfortunately, Puerto Rico, whose people have voted for statehood three times in the past nine years, is stuck in limbo between two separate and entirely divergent congressional proposals — one of which is a shameful and unjust political tactic.

While Washington, D.C., has long fought a battle for statehood, Puerto Rico has the dubious distinction of being the longest-standing territory of the United States. Right now, we Puerto Ricans have one of the best opportunities in decades to enact legislation that could lead to statehood for both our territory and D.C., but political maneuvering risks any hope of bringing real and complete citizenship to my island's people.

ADVERTISING



The House recently passed a bill to grant statehood to Washington, D.C., a great first step to grant its citizens equal representation. I genuinely hope the quest for D.C. statehood is successful, but I also urge our nation's leaders to not forget the 3.2 million Puerto Ricans who share Washingtonians' predicament of second-class citizenship.

During the 2020 presidential campaign, Joe Biden declared: "I happen to believe that statehood would be the most effective means of ensuring that residents of Puerto Rico are treated equally, with the same representation at the federal level. But the people of Puerto Rico must decide, and the United States federal government must respect their decision and act on it."

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LATEST GUEST COMMENTARY

Mr. President: Puerto Ricans have made that decision, with yet another vote in November favoring statehood. When will the federal government finally take “yes” for an answer?

The best solution is a statehood bill ([HR 1522](#)) sponsored by Reps. Darren Soto, Jennifer Gonzalez and others. However, a second bill ([HR 2070](#)), pushed by Reps. Nydia Velazquez and Alexandra Ocasio-Cortez of New York, proposes an assembly that allows a “self-determination process” to decide between “the viable options,” even though we already know the most viable and popular option.

ADVERTISING

By kicking the can further down the road, the HR 2070 bill is anti-democratic, runs directly counter to the notion of self-determination, dismisses the elected will of the people, and is downright discriminatory. It creates a new level of non-binding bureaucracy in the admissions process, perpetuating the current colonial regime.

A leading group of constitutional scholars [wrote](#) to Congress in support of the statehood bill put forth by Soto and Gonzalez, as it abides by the will of the Puerto Rican people. They reject the Velazquez/Ocasio-Cortez proposal as unconstitutional.

“Quite simply, Congress does not have the power to create a permanent union between Puerto Rico and the United States except by admitting Puerto Rico into statehood,” the letter’s authors wrote.

So why would the authors of this ill-advised bill HR 2070 aim to inhibit the statehood effort and disregard the will of the people? Why would they do this in complete contrast to all other efforts for social justice and equality that they have supported?

Those are questions for the authors of HR 2070 to answer but I suspect this group has one goal in mind: Get D.C. statehood approved without Puerto Rico being part of it.

Rather, they would push Puerto Rico down a path of independence that Puerto Ricans have consistently rejected and would undoubtedly fail again in the future (For the record, Independence has never obtained more than 6% at the ballot box: 0.6% in 1969, 1.52% in 2017, 2.6% in 1998, 5.49% in 2012, 4.5% in 1993). In the meantime, the deliberation process Velazquez and Ocasio-Cortez envision would sustain long into the future the current discriminatory colonial regime that treats Puerto Ricans as different, second-class citizens, with no right to vote at the federal level.

Anyone who supports equality, justice, and the right to vote, who values full inclusion, who rejects discrimination on the basis of race or geographic location needs to pay attention to this issue. We can’t leave Puerto Rico behind again.

Ricardo A. Rosselló served as governor of Puerto Rico from 2017 to 2019.



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H. R. 1522

To provide for the admission of the State of Puerto Rico into the Union.

IN THE HOUSE OF REPRESENTATIVES

March 2, 2021

Mr. Soto (for himself, Miss González-Colón, Mrs. Murphy of Florida, Mr. Young, Mr. Torres of New York, Mr. Diaz-Balart, Mr. Raskin, Mr. Bacon, Mr. Bera, Mr. Bilirakis, Mr. Bishop of Georgia, Mr. Brendan F. Boyle of Pennsylvania, Mr. Carbajal, Mr. Carson, Ms. Castor of Florida, Mr. Correa, Mr. Crist, Mrs. Demings, Mr. Deutch, Mr. Evans, Mr. Foster, Ms. Lois Frankel of Florida, Mr. Gallego, Mr. Garbarino, Mr. Gimenez, Mr. Hastings, Mr. Katko, Mr. Kilmer, Mr. Krishnamoorthi, Mr. McNerney, Mr. Norcross, Ms. Plaskett, Mr. Posey, Mrs. Radewagen, Ms. Salazar, Mr. San Nicolas, Mr. Sessions, Mr. Sires, Ms. Stefanik, Mr. Swalwell, Mr. Trone, Mr. Vargas, Mr. Waltz, Ms. Wasserman Schultz, Ms. Wild, Ms. Wilson of Florida, Mr. Gomez, Mr. Brown, Mr. Johnson of Georgia, Mrs. Beatty, Mr. Beyer, Mr. Cohen, and Ms. Barragán) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the admission of the State of Puerto Rico into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Puerto Rico Statehood Admission Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) United States national sovereignty in Puerto Rico was established by the Treaty of Paris between the United States and the Kingdom of Spain (30 Stat. 1754), signed on December 10, 1898.

(2) Puerto Rico is governed by the United States under laws enacted by Congress in the exercise of its power to make rules and regulations governing territory belonging to the United States, pursuant to article IV, section 3, clause 2 of the Constitution.

(3) For reasons of precedent primarily related to the Philippines also ceded by Spain after the Spanish-American War, substantially the same majority in the United States Supreme Court that established the “separate but equal” doctrine in *Plessy v. Ferguson* determined in the 1901 *Downes v. Bidwell* decision that Puerto Rico was an unincorporated territory of the United States, a status of possession that continues today.

(4) After agreeing to independence for the Philippines, also acquired through the Spanish-American War, on March 2, 1917, Congress granted statutory United States citizenship to the residents of Puerto Rico. Such action has historically led to incorporation and eventual statehood but was denied to Puerto Rico due to anomalies emanating from the 1901 *Downes* ruling and its progeny, even as fellow Americans in Hawaii and Alaska attained statehood.

(5) Puerto Rico has a territorial constitution that is republican in form and compatible with the United States Constitution as well as the principles of the Declaration of Independence, and that is equivalent to a State constitution, having been democratically ratified by the United States citizens of the territory on November 4, 1952, and subsequently approved by the Congress of the United States through Public Law 82-447.

(6) Thirty-two territories previously have petitioned Congress for statehood based on democratically expressed consent of the governed, and each was duly admitted as a State of the Union pursuant to article IV, section 3, clause 1 of the United States Constitution, with equal rights and responsibilities of national and State citizenship under the United States Constitution.

(7) Puerto Ricans have contributed greatly to the nation and its culture and distinguished themselves in every field of endeavor. However, the denial of equal voting representation and equal treatment by the Federal Government stands in stark contrast to their contributions.

(8) Since becoming a United States territory, more than 235,000 American citizens of Puerto Rican heritage have served in the United States military.

(9) Thousands of United States military service members of Puerto Rican heritage have received numerous medals, distinctions, and commendations of every degree, including for valorous military service in the twentieth and twenty-first centuries.

(10) Nine United States military service members from Puerto Rico have been awarded the Medal of Honor, and many have been awarded the Distinguished Service Cross or the Navy Cross.

(11) The 65th Infantry Regiment in Puerto Rico (known as the “Borinqueneers”) was awarded the Congressional Gold Medal ([Public Law 113–120](#)) for its contributions and sacrifices in the armed conflicts of the United States, including World War I, World War II, and the Korean War.

(12) To further recognize and pay tribute to the bravery of the Puerto Rican soldiers of the 65th Infantry Regiment, Congress expressed support for the designation of April 13 as National Borinqueneers Day in the National Defense Authorization Act for Fiscal Year 2021 ([Public Law 116–283](#)).

(13) Unincorporated territory status means that Federal laws can be applied to Puerto Rico and its American citizens differently, on unequal and, at times inequitable terms, compared not only to the States and their residents, but also unlike territories that are parts of the United States. This has limited the development of Puerto Rico and hindered its economy.

(14) Unincorporated territory status has resulted in millions of residents leaving Puerto Rico to secure equal rights of citizenship attainable only in a State, and that enable Americans to seek greater opportunities and a better quality of life in the States. Approximately 65 percent of all people of Puerto Rican origin now live in the States, with the increasing rate of population loss in the territory creating a severe strain on the local tax base and workforce participation.

(15) Other than its unincorporated territory status and its unequal treatment under some Federal laws, Puerto Rico is socially, economically, politically, and legally integrated into the nation. Numerous territories admitted as States did not have as strong a record of self-determination favoring statehood as the majority votes by American citizens in Puerto Rico favoring admission to the Union.

(16) In November 2012, a majority of voters rejected continuation of the current territory status, and 61.2 percent of those expressing a choice on status alternatives chose statehood.

(17) In June 2017, a vote was held to confirm the aspirations of the people of Puerto Rico. As advised by the United States Department of Justice, all available status options were included in the ballot. Amid an opposition boycott, statehood received 97 percent of the votes casted, while independence and the current status received less than 3 percent of the vote.

(18) In November 2020, following Alaska and Hawaii precedent, Puerto Rico voters were presented with the question: “Should Puerto Rico be admitted immediately into the Union as a State? Yes or No”. A clear majority of 52.52 percent voted in the affirmative.

(19) In December 2020, the Puerto Rico legislature, following the absolute majority victory obtained by statehood in the plebiscite, approved a Joint Resolution petitioning, on behalf of the People of Puerto Rico, that Congress and the President of the United States admit Puerto Rico into the Union as a State and appointed official representatives to manage the transition to statehood.

(20) No large and populous United States territory inhabited by American citizens that has petitioned for statehood has been denied admission into the Union.

SEC. 3. ADMISSION.

Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(c), the Commonwealth of Puerto Rico is hereby declared to be a State of the United States of America, and as such shall be declared admitted into the Union on an equal footing with the other States in all respects.

SEC. 4. PHYSICAL TERRITORY.

The State of Puerto Rico shall consist of all the islands, together with their appurtenant reefs, seafloor, and territorial waters in the seaward boundary, presently under the jurisdiction of the territory of Puerto Rico.

SEC. 5. CONSTITUTION.

The constitution of the State of Puerto Rico shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. The constitution of the Commonwealth of Puerto Rico, as approved by Public Law 82-447 and subsequently amended, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed as the constitution of said State.

SEC. 6. CERTIFICATION BY PRESIDENT.

Upon enactment of this Act, the President of the United States shall certify such fact to the Governor of Puerto Rico. Thereupon the Governor shall, within 30 days after receipt of the official notification of such approval, issue a proclamation for the election of Senators and Representatives in Congress.

SEC. 7. RATIFICATION VOTE.

(a) Ratification Of Proposition.—At an election designated by proclamation of the Governor of Puerto Rico, which may be either the primary or the general election held pursuant to section 8, or a territorial general election, or a special election, there shall be submitted to voters, for adoption or rejection, a ballot with the following ratification question: “Shall Puerto Rico immediately be admitted into the Union as a State, in accordance with terms prescribed in the Act of Congress approved (date of approval of this Act)?: Yes ____ No ____.”.

(b) Certified Results.—If the foregoing proposition is adopted by a majority of the votes cast in the election conducted under subsection (a), the President of the State Elections Commission of Puerto Rico shall certify the results of the election and shall transmit the certified results of the election to the Governor. Not later than 10 days after the date of certification, the Governor shall declare the results of the election and transmit the certified results of the

submission to the President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives.

(c) **Presidential Proclamation.**—Upon receipt of the Governor’s declaration pursuant to subsection (b), the President of the United States shall issue a proclamation declaring certified the results of the submission and the date Puerto Rico is admitted as a State of the Union on an equal footing with all other States, which date must follow the certification of results of the general elections required by section 6 of this Act, but not later than 12 months from the date on which the aforementioned submission results were certified in order to facilitate a transition process. Upon issuance of the proclamation by the President, Puerto Rico shall be deemed admitted into the Union as a State.

(d) **Termination Of Act If Proposition Not Adopted.**—If the foregoing proposition is not adopted by a majority votes cast in the election conducted under subsection (a), the provisions of this Act shall cease to be effective.

SEC. 8. ELECTION OF OFFICERS.

The proclamation by the Governor in section 6 shall designate and announce the dates and other requirements for primary and general elections under applicable Federal and local law for representation in the Senate and the House of Representatives in accordance with the following:

(1) In the first election of Senators, the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. Nothing in this section shall impair the privilege of the Senate to determine the class and term to which each of the Senators-elect shall be assigned.

(2) In the first election of Representatives following admission, and subsequent elections until the next Census-based reapportionment cycle, Puerto Rico shall be entitled to the same number of Representatives as the State whose most recent Census population was closest to, but less than, that of Puerto Rico, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, that any such increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13), nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; [2 U.S.C. 2a](#)), for the Eighty-third Congress and each Congress thereafter, unless Congress acts to increase the total number of members of the House of Representatives. Thereafter, the State of Puerto Rico shall be entitled to such number of Representatives as provided for by applicable law based on the next reapportionment. The apportionment of congressional districts for the first election and subsequent election of Representatives shall be conducted as provided for by the Constitution and laws of Puerto Rico.

(3) The President of the State Elections Commission of Puerto Rico shall certify the results of such primary and general elections to the Governor. Within 10 days of the date of each certification, the Governor shall declare the results of the primary and general elections, and

transmit the results of each election to the President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives.

SEC. 9. CONTINUITY OF LAWS, GOVERNMENT, AND OBLIGATIONS.

Upon the admission of the State of Puerto Rico into the Union, the following shall apply:

(1) **CONTINUITY OF LAWS.**—All laws of the United States and laws of Puerto Rico not in conflict with this Act shall continue in full force and effect following the date of admission of Puerto Rico as a State of the Union.

(2) **CONTINUITY OF GOVERNMENT.**—The individuals holding legislative, executive, and judicial offices of Puerto Rico shall continue to discharge the duties of their respective offices when Puerto Rico becomes a State of the Union.

(3) **CONTINUITY OF OBLIGATIONS.**—All contracts, obligations, liabilities, debts, and claims of the Commonwealth of Puerto Rico and its instrumentalities shall continue in full force and effect as the contracts, obligations, liabilities, debts, and claims of the State of Puerto Rico and its instrumentalities.

(4) **TITLE TO PROPERTY.**—The State of Puerto Rico and its political subdivisions, as the case may be, shall have and retain title to all lands and other properties, real and personal, over which the territory and its subdivisions presently hold title. The United States shall retain title to all property, real and personal, to which it presently has title, including public lands.

SEC. 10. REPEALS.

All Federal and territorial laws, rules, and regulations, or parts of Federal and territorial laws, rules, and regulations, applicable to Puerto Rico that are incompatible with the political and legal status of statehood under the Constitution and the provisions of this Act are repealed and terminated as of the date of statehood admission proclaimed by the President under section 7(c) of this Act. Except for those parts that are not in conflict with this Act and the condition of statehood, the following shall be deemed repealed upon the effective date of the admission of Puerto Rico as a State:

- (1) The Puerto Rican Federal Relations Act of 1950 (Public Law 81–600).
- (2) The Act of July 3, 1950 ([48 U.S.C. 731b–731e](#)).
- (3) The Act of March 2, 1917 (Public Law 64–368).
- (4) The Act of April 12, 1900 (Public Law 56–191).

SEC. 11. SEVERABILITY.

If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid by a court of jurisdiction, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Permits

Assembly Plan Notification/ Application for Approval of Assembly Plan Metropolitan Police Department Washington, DC

- Assembly
 Picket

Mail to: Metropolitan Police Department
Special Operations Division
2850 New York Avenue, NE
Washington, DC 20002

Email to: sod.events@dc.gov



Date Application Submitted: 09/01/2021 Date of Event: 09/15/2021

Purpose:

Simple protest with signs denoting the lack of voting rights for the US citizens of Puerto Rico and Washington DC. The protest will run for 52 days (November 10th).

Location:

1600 block of Pennsylvania Avenue immediately in front of the White House

Principal Officer/Person in Charge (If there is a different person in charge of activities at different locations, each person must be listed):

Ricardo Rossello Nevares, United States Congressional Delegate (Shadow) for Puerto Rico

Contact Information (include area codes with phone numbers)

Day Phone Number: [redacted] Evening Phone Number: [redacted]

Cell Phone Number: [redacted] Fax Number: [redacted]

Email Address(es): rossello@delegates.pr.gov

Event Information

Name of Group: Extended Congressional Delegation of Puerto Rico

Estimated Number of Participants: 1-10

Assembly Time: 3:00 pm Disbanding Time: 5:20 pm

List any special equipment (props, stages, sound equipment, other structures) that will be used in assembly or rally areas (If additional space is needed, please list on a separate sheet):

No

Any planned civil disobedience: Yes No

(If yes, please indicate the individual/group, number of participants & locations)

Signature



Date 09.01.2021



MPDC Assembly/Picket Plan Notification

Rev October 2014

No. 20-303

In The
Supreme Court of the United States

UNITED STATES OF AMERICA,

Petitioner,

v.

JOSÉ LUIS VAELLO-MADERO,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT

**BRIEF OF THE MEMBERS OF THE
CONGRESSIONAL SHADOW DELEGATION OF
PUERTO RICO AS *AMICUS CURIAE*
IN SUPPORT OF RESPONDENT**

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i.

QUESTION PRESENTED

Whether Congress violated the equal-protection component of the Due Process Clause of the Fifth Amendment by establishing Supplemental Security Income—a program that provides benefits to needy, aged, blind, and disabled individuals—and excluding from this national program otherwise qualified citizens solely because they reside in Puerto Rico, a politically powerless U.S. territory that has been subject to Congressional control for over 120 years.

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MISCELLANEOUS

<i>Support to the Board continues to drop</i> , El Nuevo Dia (November 9, 2019), https://www.elnuevodia.com/english/news/story/su pport-to-the-board-continues-to-drop/	6
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**STATEMENT OF INTEREST OF *AMICUS*
*CURIAE*¹**

For over 120 years, Puerto Rico has been subject to U.S. control. During that time, Puerto Ricans, all U.S. citizens, have had no vote in Congress or in presidential elections. Congress has never enacted a law providing for constitutionally available status options to Puerto Rico, provided a constitutionally sanctioned process of self-determination, or agreed to be bound by the will of the people of Puerto Rico as expressed by their democratically elected leaders or as the result of democratically conducted local Puerto Rico referenda. The U.S. has held Puerto Rico in a state of political powerlessness, both excluding the island from voting participation at the federal level and denying it the opportunity for meaningful self-determination. At its sole discretion and acting unilaterally, Congress mandates the application of federal law to Puerto Rico or excludes Puerto Rico from federal legislation. In short, when it comes to Puerto Rico, Congress giveth and Congress taketh away, at will.

Congress' power over Puerto Rico is not accidental. Rather, it is invidiously discriminatory -- the end result and application of a series of early 20th Century Supreme Court cases commonly referred as the

¹ Pursuant to Supreme Court Rule 37.3, the Puerto Rico congressional shadow delegation informs that all parties have consented to the filing of this Brief. This Brief was not authored in whole or in part by counsel for a party, and no one other than *amici curiae* or its counsel has made a monetary contribution to the preparation or submission of this Brief. The congressional shadow delegation includes the following members: Ricardo Rosselló, Melinda Romero Donnelly, Roberto Lefranc Fortuño, Maria Meléndez Altieri, Elizabeth Torres and Zoraida Buxó.

Insular Cases. Starting with *Downes v. Bidwell*, 182 U.S. 244 (1901) and ending with *Balzac v. Porto Rico*, 258 U.S. 298 (1922), the Supreme Court extended to Puerto Rico a doctrine similar to the “separate but equal” doctrine of *Plessy v. Ferguson*, 163 U.S. 537 (1896), under the innocuous-sounding doctrine of “incorporation,” a doctrine that ignores the plain text of the Constitution, its original interpretation, and the foundational principles of our democracy. And so, for 120 years almost to the day, the U.S. citizens of Puerto Rico remain constitutionally separate and unequal from their fellow stateside citizens, fully subject to the whims of Congress, with no voting representation at the federal level, and treated in a manner reminiscent of the manner that African-Americans were and are treated and for similar reasons: race, color, place of residence, and/or origin.

The Puerto Rico congressional shadow delegation (“Shadow Delegation” or “Delegation”) advocates for the empowerment of the People of Puerto Rico by admission to the Union. The Delegation was established by Act No. 167-202 of the Puerto Rico Legislative Assembly on December 30, 2020 and consists of two shadow delegates to the U.S. Senate and four delegates to the U.S. House of Representatives. Puerto Rico democratically elected the current, and first, Shadow Delegation in a special election held on May 16, 2021. The Shadow Delegation commenced its current term on July 1, 2021.

As duly and democratically elected representatives of the people of Puerto Rico, the Shadow Delegation has a compelling interest in securing for Puerto Ricans the rights enjoyed by all fellow American citizens. The Shadow Delegation therefore submits this

Amicus Curiae Brief in support of its position that excluding citizens, such as Vaello-Madero, from receiving SSI simply based on their residency in Puerto Rico is but an egregious example of Congressional discrimination against identifiable and politically powerless insular minorities in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution.

SUMMARY OF ARGUMENT

Residents of Puerto Rico are the embodiment of politically powerless identifiable minorities subject to discrimination by a Congress in which they have no voting representation and a President for whom they cannot vote. Examples of Puerto Rico's political powerlessness are myriad; indeed, they are the norm. But three examples, two of them recent and one endemic, exemplify the rule. As further discussed below, Congress unilaterally imposed on Puerto Rico a fiscal oversight Board, commonly referred to as the PROMESA Board ("Fiscal Board" or "Board"), thereby handing over to unelected federally appointed officials, powers previously exercised by local government-elected officials. Second, in 2017, Congress imposed an excise tax on goods and services from Puerto Rico right on the heels of the devastation wrought by Hurricane Maria. Third, Congress continues its historic underfunding for Medicaid recipients in Puerto Rico.

Here, the Court has before it yet another insidious example of Puerto Rico's powerlessness: exclusion of eligible U.S. citizens residing in Puerto Rico from Supplemental Security Income (SSI). The U.S. seeks to revoke Respondent's, José L. Vaello-Madero's, SSI benefits since he moved from New York to Puerto Rico

because, as determined by the Insular Cases, Congress can unilaterally decide that Puerto Rico is “outside of the United States.” Pet.App.4a; J.A. 39, 45. And it does so in the most pernicious of ways, suing Vaello-Madero -- a disabled SSI recipient who moved to one of the poorest municipalities in Puerto Rico to take care of his ailing wife -- in federal court for alleged misappropriation of funds under both civil and criminal statutes and then presenting him with a stipulation for his signature without the presence of an attorney. J.A. 19, 25, and 37. Vaello-Madero is the personification of political powerlessness: an indigent U.S. citizen of mixed race and Hispanic heritage residing in the U.S. territory of Puerto Rico.

ARGUMENT

I. PUERTO RICO RESIDENTS ARE THE QUINTESSENTIAL EXAMPLE OF POLITICAL POWERLESSNESS

Political powerlessness of a readily undefinable minority is the byword for U.S. citizens residing in Puerto Rico. The U.S. citizens who reside in Puerto Rico do not vote in Presidential elections. Because Puerto Rico has no senators and only a non-voting resident commissioner, residents of Puerto Rico are not able to meaningfully participate in the process of negotiation, revision, and voting in favor or against federal legislation, including legislation that has a direct and distinct impact on the island. The Shadow Delegation is but the projection of Puerto Rico’s inherent powerlessness.

Among many, three examples exemplify Puerto Rico’s powerlessness. The first example is the unilateral and undemocratic imposition of a seven-member oversight Fiscal Board on the people of Puerto Rico.

snomic Stability Act (PROMESA), 48 U.S.C. § 2101 *et seq.* The Board, composed of unelected officials appointed by the President, has and routinely exercises the authority to supervise and modify Puerto Rico's laws and budget and, in its sole discretion may and indeed has, rejected proposed budgets it has deemed not in compliance with the Board's fiscal plan for Puerto Rico. 48 U.S.C. § 2142. The only locally elected official on the Board is the Governor of Puerto Rico who ironically, like the resident commissioner in Congress, has no vote on the Board. The Board has imposed draconian cuts to Puerto Rico's budget, modified and stopped some laws from going into effect laws, and even threatened the continued viability of the healthcare system. See *Financial Oversight & Management Board. v. Aurelius, Inv., LLC*, 140 S. Ct 1649, 1655 (2020) (Sotomayor, J.).

The imposition of a Fiscal Board on Puerto Rico is only possible because Congress has unilaterally rescinded the state-like local self-rule enjoyed by Puerto Rico since 1952; appointed federal unelected officials to the Board; and made patent that Congress is the "ultimate source" of Puerto Rico's power. *Puerto Rico v. Sánchez Valle*, 136 S. Ct. 1863, 1876 (2016). The Board has in effect supplanted many of the powers of the local democratically elected government of Puerto Rico and its ability to determine, enact, and carry out local fiscal policy. The undemocratically accrued power of the Board makes the residents of Puerto Rico the very definition of the politically powerless.

The PROMESA Act was condemned by the vast majority of the people of Puerto Rico.² An undemocratic imposition of Congressional will on the people of Puerto Rico, the Board's extensive powers reach and effectively control or challenge most decisions made by the local government. The Board routinely intrudes in the local policy development processes, creates operational delays on budget reapportionments, frequently reformulates fiscal plans that hinder the proper execution of government initiatives, is not accountable to the public for its actions, and makes many decisions that are not subject to judicial review.³ Given its myopic goal in reducing the territory's expenditures through undemocratic means, the Board has, in effect, eradicated the "fiscal autonomy" of Puerto Rico, namely, the ability of Puerto Rico, like any other state in the Union, to make its own local fiscal decisions, so long as they are not contrary to the U.S. Constitution and federal laws, rules, and regulations. Rather, it is a painful reminder of the political powerlessness of the residents of Puerto Rico.

A second example is the imposition in 2017 of excise (GILTI)⁴ taxes on goods and services produced by U.S. corporations doing business in foreign jurisdictions. *Tax Cuts and Jobs Act of 2017*, Pub. L. No. 115–97, 26 U.S.C. § 951A. Because Congress treats Puerto Rico as a foreign jurisdiction, companies from the

² *Support to the Board continues to drop*, El Nuevo Día (November 9, 2019), <https://www.elnuevodia.com/english/news/story/support-to-the-board-continues-to-drop/>.

³ See *In re Financial Oversight and Management Board for Puerto Rico*, 916 F.3d 98, 112–113 (1st Cir. 2019).

⁴ Global intangible low-taxed income.

mainland U.S. doing business in Puerto Rico were hit with the tax, which had the effect of reducing Puerto Rico's attractiveness as a business jurisdiction. And this happened during one of the most vulnerable moments in the history of Puerto Rico, not long after hurricane Maria's devastating impact on the island.

Despite reiterated requests by the then Governor of Puerto Rico, and current Shadow Delegate Ricardo Rosselló, and the island's resident commissioner, Congress rejected Puerto Rico's request to insert a provision in the Act providing that Puerto Rico would be treated as part of the United States for purposes of the Act. The GILTI tax does nothing to further local "autonomy," and most certainly not in any positive respect. Rather, it is a painful reminder of the politically powerless residents of Puerto Rico.

A third example is the recurring and agonizing inequality and upcoming funding cliff for Medicaid recipients in Puerto Rico. Unlike the states, where Medicaid funding is open-ended, Puerto Rico's access to funds is subject to an annual ceiling established by Section 1108(g) of the Social Security Act. 42 U.S.C. § 1308. This method of funding results in less than equal treatment for the residents of Puerto Rico. While Medicaid in the states is funded based on a federal formula, Medicaid allocation to Puerto Rico is a block grant that provides the island with substantially less funds than what the formula provides to the states. As a result, Medicaid recipients in the island receive limited benefit packages and lower eligibility levels than states, lower provider payment levels, and slow adoption of key administrative systems and processes.

But most troublesome is that the Medicaid block grant to Puerto Rico must be renewed. Currently, and

as is routinely the case, Puerto Rico's Medicaid funding is facing a funding cliff that threatens access to quality care for hundreds of thousands of U.S. citizens in Puerto Rico. The cliff also threatens the local government's ability to support a strong, reliable, and resilient healthcare system, as well as its ability to comply with PROMESA fiscal plans. In fact, the Board has assumed in the past that Medicaid will not be extended to the island, requiring additional draconian cuts to the proposed budgets in order to account for unfunded Medicare coverage. If current law is left unaltered, Puerto Rico will have no choice but to raise eligibility requirements and drop hundreds of thousands of Medicaid beneficiaries from the program and/or make significant cuts in benefits that could negatively impact all areas of medical coverage, including dental, vision, and possibly even prescription drug coverage. Indeed, it will likely cause a collapse in the provider population of physicians, nurses, and other skilled healthcare professionals in Puerto Rico, all in the midst of a pandemic.

Congressional systematic underfunding of Medicaid for Puerto Rico, and the constant threat of a funding cliff, is perhaps the single most egregious example of how the politically powerless residents of Puerto Rico are subjected to discrimination not visited citizens residing in the states. Medicaid allocation to Puerto Rico does not further local autonomy; it is constitutionally sanctioned discrimination against U.S. citizens.

II. EXCLUDING CITIZENS WHO MEET SSI ELIGIBILITY CRITERIA DOES NOT FUTHER LOCAL “SELF-RULE” OR REFLECT PUERTO RICO’S “UNIQUE” OR “UMPARALLED” RELATIONSHIP TO THE UNITED STATES

In its brief, Petitioner argues that denying SSI benefits is essentially a proxy for Congress’s promotion of “local self-rule.” Petitioner’s Br. 10, 23. Nothing of the sort. Denial of SSI benefits to residents of Puerto Rico is a quintessential example of the use of Congressional power to deny a politically powerless identifiable insular minority -- mixed race citizens of Hispanic heritage in Puerto Rico -- access to a national program by recourse to a line of cases, and reasoning, that dates back to the Insular Cases and, before that to *Plessy v. Fergusson*. Certainly, Petitioner is aware that Congress has not exactly been a big proponent of Puerto Rico’s so-called “local self-rule,” having created and imposed a Fiscal Board on Puerto Rico that has in effect eviscerated one of the most important indicia of meaningful “local self-rule,” namely, control of fiscal policy and empowered a Fiscal Board that has veto power over certain statutes, rules, and regulations that have an effect on, or are affected by, local fiscal policy.

Not surprisingly, Petitioner does not mention PROMESA in its brief; glosses over the fact that the Board was imposed on the politically powerless residents of Puerto Rico; and seems to overlook the obvious: that the Board was widely opposed by residents of Puerto Rico who had no vote in the very Congress that created the Board and who could not vote for the President who appointed the members to the Board. The residents of Puerto Rico do not even have a local

democratically elected official with a vote on the Board. So much for the promotion of “local self-rule.”

However, Petitioner leaves no stone unturned and makes repeated references to the so-called “unique” and/or “unparalleled” relationship between Puerto Rico and the United States. For Petitioner, these terms seem to have the talismanic effect of rendering constitutional the egregious exclusion of the poorest of the poor of a politically powerless insular minority from SSI coverage. But Petitioner is playing loose with terminology without placing it in proper context.

Puerto Rico is essentially a U.S. territory that has been, over time, organized in the nature of a state by Congress. *Examining Bd. of Engr’s, Architects, & Surveyors v. Flores de Otero*, 426 U.S. 572, 597 (1976) (in 1952, Puerto Rico was granted “a measure of autonomy comparable to that possessed by the States.”); see also *U.S. v. Laboy-Torres*, 553 F.3d 715, 721 (2009) (O’Connor, Associate Justice, (retired) (“Puerto Rico possesses a measure of autonomy comparable to that possessed by the states” and “... although Puerto Rico is not a state in the federal Union it seems[s] to have become a State within a common and accepted meaning of the word.”). Like every state, Puerto Rico now has a local constitution; local laws and regulations; local and popularly elected officials; a local judiciary; and an Article III Court – all fully subject to the U.S. Constitution, the U.S. Supreme Court, federal laws, and regulations. But unlike the states, Puerto Rico is subject to the plenary powers of Congress when Congress legislates for Puerto Rico in its capacity as the local government for the territory under Article IV, Section 3, Clause 2 of the United States Constitution, as it did when it enacted the PROMESA law and

basically destroyed Puerto Rico's local fiscal "autonomy," but not when it legislates under its national authority under Article 1, Section 8, Clause 1, as it did when it created SSI.

Puerto Rico is not an independent country; its constitution was unilaterally amended by Congress and was presented to Puerto Rico as a take it or leave it proposition; Congress, not Puerto Rico, is the ultimate source of Puerto Rico's power, *Puerto Rico v. Sánchez Valle*, 136 S. Ct 1863 (2016). Puerto Rico is barred from entering into treaties, establishing foreign relations, or trading with foreign countries; has no local currency; effects no monetary policy, and does not hold a seat and is not recognized as a country by the United Nations. It does not even have its own postal service. Puerto Rico is home to 3.2 million U.S. citizens and, as noted above, cannot vote for the President and has no voting representatives or senators in a Congress that recently imposed on it the Board that, to a significant extent, runs the fiscal policy of the island without the vote of a single locally elected official.

Yes, Puerto Rico's relation to the United States is "unique" and "unparalleled," but only in the sense that as of its last organization by federal statute in 1952, no other U.S. territory had been organized with a government structure (executive, legislative and judicial) and fiscal autonomy so closely similar to that enjoyed by the states. But that is where Puerto Rico's "unique" and "unparalleled" relationship to the U.S. begins and ends.

To be sure, Puerto Rico's relationship with the rest of the U.S. can, in a different sense, be said to be "unique;" but only in that Congress has often singled out Puerto Rico's U.S. citizens and deprived them of

equal treatment afforded to U.S. citizens in the 50 states. In short, Puerto Rico — and by extension Vaello-Madero — are treated by Congress in uniquely unequal ways, separate and unequal, all in violation of the Fifth Amendment.

As amply established by Vaello-Madero and other *amici*, Petitioner has not shown a compelling interest in discriminating against the powerless and readily identifiable U.S. citizens residing in the territory of Puerto Rico, nor has it shown that exclusion of residents of Puerto Rico from SSI is narrowly tailored and is the least restrictive means to achieve a desired purpose. Indeed, as shown by Vaello-Madero and others, the Petitioner's arguments do not even show that the exclusion is rationally related to a legitimate government interest, as was correctly held by the courts below.

The powerlessness of the People of Puerto Rico is precisely the reason why the Puerto Rico Legislature created the Shadow Delegation. It is our duty to responsibly advocate for our people's inalienable rights as U.S. citizens. We therefore respectfully submit that excluding citizens who meet the criteria for SSI simply because they reside in Puerto Rico and are therefore politically powerless and readily identifiable as citizens of mixed race and Hispanic heritage, violates the Fifth Amendment.

CONCLUSION

For the foregoing reasons, the judgment of the First Circuit should be affirmed.

Respectfully submitted,

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No. 20-303

UNITED STATES OF AMERICA,
Petitioner,

v.

JOSÉ LUIS VAELO-MADERO,
Respondent.

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on September 7, 2021, three (3) copies of the BRIEF OF THE MEMBERS OF THE CONGRESSIONAL SHADOW DELEGATION OF PUERTO RICO AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENT in the above-captioned case were served, as required by U.S. Supreme Court Rule 29.5(c), on the following:

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COLIN CASEY HOGAN
NOTARY PUBLIC
District of Columbia

My commission expires April 14, 2022.

No. 20-303

IN THE
Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,
v.
JOSÉ LUIS VAELLO-MADERO,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIRST CIRCUIT

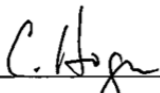
**BRIEF OF THE MEMBERS OF THE
CONGRESSIONAL SHADOW DELEGATION OF
PUERTO RICO AS AMICUS CURIAE
IN SUPPORT OF RESPONDENT**

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the document contains 3,448 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 7, 2021.



Colin Casey Hogan
Wilson-Epes Printing Co., Inc.

Weekly Update (sample)



OFICINA DEL EX GOBERNADOR
DE PUERTO RICO
RICARDO ROSSELLÓ NEVARES

Date: September 3rd, 2021
To: Carmen Feliciano,
From: Ricardo Rossello
Topic: High-level overview of actions for the week of Aug 28th – Sept 3rd.

Dear Executive Director –

In addition to time and effort dedicated to calls and documentation preparation, below is a list of some items performed during the week of August 28th- September 3rd. Should you want to discuss in further detail, please don't hesitate to contact me.

- Two online townhall Gatherings.
- Launched delegates.us effort.
- Participated in media appearances to promote delegate.us effort.
- Two in-person meetings with Congressional Leadership (3 virtual).
- 4th district grassroots organization meeting (San Antonio, Tx).
- First social media training session.
- Constructing amicus brief on SSI (>50 hrs).
- Online visit with leadership in Florida.
- 34 letters sent to Members of Congress and Staff, regarding HR. 1522. Focus: Natural Resources Committee.
- Started individual meetings with constituents: 10 meetings.
- Weekly delegate meeting had quorum.
- Internal preparation of online tools and programming.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricardo Rossello Nevares".

Ricardo Rossello Nevares
Former Governor of Puerto Rico
United States House Representative (Shadow)

Guidelines to Define the Relationship Between the Puerto Rico Congressional Delegation
and the Puerto Rico Federal Affairs Administration

Puerto Rico Federal Affairs Administration

Guidelines
To Define The Relationship
Between The Puerto Rico
Congresional Delegation And
The Puerto Rico Federal Affairs
Administration

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Article I. General Dispositions

Section 1.01 Title

The Delegation will be known as the Puerto Rico Congressional Delegation (the “Delegation”).

Section 1.02 Legal Authority

These Guidelines are adopted under the provisions of Article 5 (d) of Act Number 77 of June 19, 1979, as amended, 3 L.P.R.A. 1705 (d). The Delegation is constituted under the authority of Act. No. 167-2020, as may be amended from time to time (the “Enabling Act”).

It is based on good governance, fiscal & public administration principles for elected officials.

Section 1.03 Applicability

These Guidelines shall be applicable to the use of public funds by the Puerto Rico Federal Affairs Administration to support the Congressional Delegation in accordance with the Enabling Act.

Section 1.04 Purpose

The purpose of the Delegation is to constitute a shadow congressional delegation to represent the U.S. citizens of Puerto Rico in the U.S. House of Representatives and the U.S. Senate, to demand that the U.S. Congress and the Executive Branch act on the electoral mandates resulting from the political status plebiscites held in 2012, 2017, and 2020, and to implement the public policy of the Government of Puerto Rico as established in the Enabling Act.

Section 1.05 Languages

English and Spanish will be the official languages of the Delegation.

Section 1.06 Interpretation

The Executive Director of PRFAA may, through means of regulation or normative letters, clarify and interpret the dispositions of this document, if necessary.

Section 1.07 Definition

The Delegation is composed of members elected by the people of Puerto Rico, in accordance with the Enabling Act.

The terminology used in these Guidelines, not otherwise defined herein, shall have the meaning ascribed to such terms in the Enabling Act.

Article II. Members & Powers

Section 2.01 Composition

The activities of the Delegation shall be carried out by members elected by the people of Puerto Rico, in accordance with Article 2 of the Enabling Act. The time commitment of the Delegates shall be equal to that of full-time job in accordance with Article 8 of the Enabling Act.

Section 2.02 Duties

The duties of the Delegation include, but are not limited to: (a) appearing before Congress, the White House, federal agencies and courts to express themselves in relation to the admission of Puerto Rico as a state of the Union, (b) to educate, advocate and promote the admission of Puerto Rico as a state of the United States and the attainment of full equality of rights and duties for U.S. citizens residing in Puerto Rico, (c) to study, encourage and facilitate the development of initiatives to promote the admission of Puerto Rico as a state of the United States of America and the attainment of equal rights and duties for all American citizens residing in Puerto Rico.

Section 2.03 Code of Conduct

The Delegation shall abide by all laws and regulations applicable to public officers of the Government of Puerto Rico including, but not limited to, the Act 1 of 2012, as amended, and known as the Act of the Ethic Governmental Office of Puerto Rico and the Puerto Rico Political Code of 1902, as amended.

Article III. Salaries

The salaries of the Delegation shall be fixed at \$90,000.00 on annual basis. Each Delegate may use up to a capped amount of \$30,000.00 for official expenses.

If a delegate refuses the salary assigned under this Article, he or she may do so by informing said determination in writing to the Executive Director of PRFAA. In such case, any compensable work of that delegate must be in compliance with the Act of the Ethic Governmental Office of Puerto Rico (Articles 4.3 and 4.4 of Act 1 of 2012, as amended) and will not affect his duty of a full-time job with the Delegation.

Article IV. Travel Expenses
Section 4.01 In General

PRFAA shall cover the travel expenses of the Delegation in accordance with the laws and regulations of the Government of Puerto Rico and to internal regulations as set out by the Executive Director of PRFAA.

Section 4.02 Request for Travel Authorization

(a) Travel Authorization

The delegate shall complete a Request for Travel Authorization, using the form prepared for this purpose by PRFAA. The request for travel authorization, shall indicate the following:

1. Location or place of official travel
2. Duration of the trip
3. Purpose
4. Costs incurred during the course of official business
5. Additional information as required by the Executive Director of PRFAA or her representative.

(b) Use of Personal Funds

The delegate shall cover the expenses from personal funds and then request reimbursement, provided that he or she has obtained a travel authorization. To request such reimbursement, the delegate shall provide receipts and other reliable methods of proof to PRFAA .

Section 4.03 Trip Report

Delegates engaged in official travel shall submit a report to the Executive Director of PRFAA or her authorized representative of their official activities within fifteen (15) days. These reports shall include, but not limited to, the following information:

1. Date and time of departure
2. Purpose and activities
3. Outcome of the mission
4. Date and time of return

Section 4.04 Non-compliance

Any delegate who receives a reimbursement and fails to comply to report within fifteen (15) days as provided in these Guidelines, shall be required in writing to make the report by the Finance Division. If no response to such request is received within the next ten (10) days, and unless the Finance Division establishes otherwise in writing to the delegate, the

Executive Director of PRFAA or her authorized representative may take the following administrative actions:

1. Withhold any other outstanding payments from the delegate.
2. Not reimburse funds to the delegate.

3. To file a collection action.

Section 4.05 Reimbursable and Non-Reimbursable Expenses

(a) Lodging

Lodging shall be only construed as a temporary dwelling place such as a hotel, or short-term rentals.

The determination of the place of lodging shall be guided by the standards of austerity and modesty that should prevail in the use of public funds. When the delegate is required to select among several hotels, he/she shall choose the hotel that offers the most economical and convenient rate for the Government. The Executive Director of PRFAA reserves the right to verify and determine whether the hotel and rates are in accordance with standards of authority, economy and modesty.

(b) Non-Reimbursable Expenses

Expenses incurred in connection with personal matters, except as set forth in Article 9 of these Guidelines, shall be considered non-reimbursable.

As examples, personal expenses such as long-term rental, radio and television rentals, movies, loss of or damage to personal property and parties for the benefit of public officers during official travel are not reimbursable.

Article V. Support from Puerto Rico Federal Affairs Administration (PRFAA) and Other Government Entities

Section 5.01 Support

Support may include, but is not limited to, access to office equipment for the delegates including printers, computers and access to the PRFAA's broadband and information technology support services, preparation and distribution of briefing materials, handouts and other documents as well as support in the planning and execution of Delegation meetings, events and activities. The Executive Director of PRFAA may, at his or her own discretion and as the existing budget may allow, designate PRFAA staff members to support the Delegation either on specific tasks or an ongoing basis.

Section 5.02 Use of Facilities

The members of the Delegation may have access to and enjoy the usage of specially designated office space within PRFAA. The members of the Delegation may have physical access to the common areas of the office and its resources in coordination with PRFAA's Executive Director with respect to the provision of support to the Delegation.

Article VI. Meetings & Hearings

Section 6.01 Meetings

The Delegation will meet in person at least once per month in coordination with the Executive Director of PRFAA. If members are unable to attend in person they may join through teleconference or video conference.

Article VII. Records & Reports

Section 7.01 90-day Reports to the Governor of Puerto Rico

After July 1, 2021, the Delegation shall submit 90-day reports to the Governor of Puerto Rico, or his designee, as provided by Article 12 of the Enabling Act. The Delegation may issue additional reports, as it may deem necessary to advance the public policy defined its Enabling Act.

Article VIII. Public Communications

Section 8.01 Verbal or Written Statements

The Delegation has been entrusted with the responsibility of advancing the public policy defined by the Enabling Act. To that effect, all, individually and collectively have a duty to communicate periodically with stakeholders, the residents of Puerto Rico, and with its target audiences in Washington, D.C. and nationwide.

Article IX. Amendments

Section 9.01 Amendments

These Guidelines may be amended or revised from time to time by the Executive Director of PRFAA, at his or her discretion.

Article X. Parliamentary Process

Section 10.01 Rules of Order

In all matters of parliamentary procedure not specifically governed by these Guidelines or otherwise required by law, the current edition of Robert's Rules of Order (Newly Revised) shall apply.

Article XI. Effectiveness

Section 11.01 Effective Date

These Guidelines shall become effective on July 1, 2021.

