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**HEARING ON H.R. 4751, PUERTO RICO-
UNITED STATES BILATERAL PACT OF
NON-TERRITORIAL PERMANENT UNION
AND GUARANTEED CITIZENSHIP ACT**

**UNEDITED TRANSCRIPT
COMMITTEE ON RESOURCES**

**October 4, 2000
Washington, DC**



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Mr. DOOLITTLE. Ladies and gentlemen, the hearing will resume. I would ask our witnesses to return to the witness table. We may have another vote here in 45 minutes, but hopefully we will have made substantial progress by then.

Mr. Thornburgh, I think with your indulgence, we will go with Mr. Farrow as the lead administration witness first. Mr. Farrow is Co-Chair of the President's Interagency Group on Puerto Rico here in Washington, D.C. Mr. Farrow, you are recognized.

STATEMENT OF JEFFREY L. FARROW

Mr. FARROW. I am Jeffrey Farrow, Co-Chair of the President's Interagency Group on Puerto Rico. I will present the executive branch's overall views. William Treanor of the Justice Department and Robert Dalton of the State Department will address some questions in greater detail. We are accompanied by Janice Podolny of the Immigration and Naturalization Service. I will also submit a letter from the Secretary of Labor, Alexis Herman.

[The letter from Ms. Herman follows:]

***** INSERT *****

Mr. FARROW. Our first point is that you are doing a great service by considering this bill. It raises issues that have prevented Puerto Rico's fundamental question from being resolved. It reflects the proposal of leaders of one of Puerto Rico's most supported political parties. They said votes for the "none of the above" column in the last status referendum would be votes for this proposal. They are now asking to try to have it implemented by July 25, 2002.

Although it is called a commonwealth proposal, it is for a very different governing arrangement than the present one. It is also different from the commonwealth in the only other status referendum in Puerto Rico in recent decades, and it differs from the commonwealth proposal that the leaders of the party made to you in 1997.

However, it reflects a desire for greater autonomy while retaining most of the benefits that the United States has provided that has been a major force in the island's public debate.

The proposal's fundamental elements include Puerto Rico would be a sovereign nation but in a permanent union with the United States under a binding agreement; the United States would continue to grant citizenship and all assistance currently granted to residents; the Commonwealth would determine the application of other Federal laws and be able to enter into agreements with other countries.

Many aspects of this proposal would require actions by the United States to be implemented, so Puerto Ricans should know the United States' views on it before they consider it.

The proposal includes a combination of aspects of different statuses. Many people may find the combination attractive. As stated, though, the combination is an incompatible mixture of benefits of national sovereignty and benefits of a U.S. status. Many of the individual elements would be appropriate under one status or another, but others are impossible or unacceptable. My written statement explains some problems. Our other witnesses will explain others.

The positions we are expressing cannot be expected to change. Most are based on requirements our government lacks the power to change or so basic that they are not really discretionary. Our positions were developed by permanent officials of the agencies involved as well as by administration appointees. They are generally consistent with bipartisan decisions of this committee and the Senate committee.

We can only determine which elements of the proposal should be retained in a status option when the leaders of the party clarify which fundamental status they want. Is national sovereignty more desirable than permanent union, citizenship, and programs? It would be understandable if it is, but it is their choice. It also may be that with explanations, some elements of this proposal can be modified to make them acceptable, even if most cannot.

Puerto Rico's parties should not be expected to draft a proposal that is acceptable as drafted, but it is our responsibility to advise them of the problems, as this hearing is doing, so they can develop a realistic proposal. We will also soon report on the viability of the proposals of Puerto Rico's other parties, as Chairman Young has requested.

The President has additionally initiated a dialogue on the issue that will continue past his administration. He plans to act further to ensure this. The major candidates to succeed him have committed to continue the effort, so it should be expected to.

It is important to the United States as well as to Puerto Rico. The island's lack of votes raises questions of democratic rights. The uncertainty regarding its ultimate status raises questions of how economic and social policies should apply.

If Puerto Rico is to be a nation, as this bill proposes, we should gear programs to eventual nationhood. If it is to be a permanent member of the United States family, we should work toward equal treatment. Puerto Rico's status to date is as much about what the Federal Government would implement as it is about which option would be best. It is so intense, it affects attention to the island's social and economic needs. This proposal is not an option, but the administration has no preference among the proposals that are— independence, free association, and statehood, as well as the Federal commonwealth governing arrangement.

We strongly believe that Puerto Ricans should be enabled to obtain any of the options that would enable them to elect the officials who make their national laws, but we do not feel the current arrangement, which we respect, has to change until a majority has decided on one of those options. Instead, we should further clarify what the realistic options are so the people can make a fair, informed choice as they are ready to.

Thank you. I will be pleased to answer any questions.

Mr. DOOLITTLE. Thank you.

[The prepared statement of Mr. Farrow follows:]

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Mr. DOOLITTLE. Our next witness will be Mr. William M. Treanor, Deputy Assistant Attorney General, Office of Legal Counsel of the U.S. Department of Justice. Mr. Treanor?

PUERTO RICO STATUS

HEARING BEFORE THE COMMITTEE ON RESOURCES HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

H.R. 856

A BILL TO PROVIDE A PROCESS LEADING TO FULL SELF-
GOVERNMENT FOR PUERTO RICO

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guished statesman, in 1966 you participated, it says here, in a status commission report. In that status commission report, Don Luis, that you were a signatory.

Mr. FERRÉ. Yes.

Mr. GUTIERREZ. How did it describe el estado libre asociado or the commonwealth of Puerto Rico, and did it describe it as it has been described today?

Mr. FERRÉ. Well, if you read my testimony before this Committee on the Young bill, that was 724, you will see what I said. At that time what was understood was something that was supposed to have the compact, but the compact was not true. That is where the people were misled. There has been no compact with Congress. It was simply just giving us some initial local freedom to elect our governor and so on, but not to remove us from the clause of the territorial clause of the Constitution. The Federal Relations Act was not amended. And by the way, the best—the man who was the great consultant of the Minot, who then became the President of the Supreme Court of Puerto Rico. In his book, which was mentioned here this afternoon by Congressman Barceló, Romero-Barceló, said that he was convinced that Puerto Rico was still a colony in 1990. And that is his opinion—now he was the—

Mr. GUTIERREZ. In fact, we just asked him, but that status commission report, did it describe el Estado Libre Asociado as a dignified option?

Mr. FERRÉ. It is a question of statesmanship.

Mr. GUTIERREZ. OK.

Mr. FERRÉ. In this illustration were two very important words.

The CHAIRMAN. Thank you, Governor. And again, thank you for taking the time and presenting the views and the history behind it. We deeply appreciate your participation.

Mr. FERRE. Thank you.

The CHAIRMAN. You are excused. The next person will be Jeff Farrow, Co-Chairman, Administration Interagency Working Group on Puerto Rico, Washington, D.C. Jeff, I have great sympathy, but also this is what you get paid for. You waited all day long.

Mr. FARROW. Mr. Chairman, this is why I took this job.

The CHAIRMAN. Besides that, they have got great golf courses in Puerto Rico, don't they? Go ahead.

Mr. FARROW. Thank you, Mr. Chairman and distinguished members.

The CHAIRMAN. We have the last witness of the day. It has been a long hearing. If we can have Luis and Patrick take it outside. Thank you. Go ahead, Jeff.

STATEMENT OF JEFFREY L. FARROW, CO-CHAIR, THE PRESIDENT'S ADMINISTRATION WORKING GROUP ON PUERTO RICO, WASHINGTON, DC

Mr. FARROW. Thank you for inviting the Clinton Administration to testify on authorizing the people of Puerto Rico to express their preference regarding their islands' relationship to the United States before the end of 1998 and the bill that you and other Members sponsored to provide a process leading to full self-government for the Commonwealth, H.R. 856.

Let me begin by expressing appreciation for the interest and initiative of yourself and the other primary sponsors of the bill in Puerto Rico's political status dilemma. It is a matter of transcendent importance, concerning the political rights of millions of U.S. citizens and a major factor in determining the approach to many of the serious social and economic challenges faced in the islands.

It is also, however, extremely complex and sensitive, involving much of the range of Federal policy, central questions of identity, a century of history, the interests of political parties that are based on conflicting visions of what the best status for the islands would be and differences so intense that they hinder action on the issue itself and other issues as well.

President Clinton is dedicated to supporting the people of Puerto Rico's decision of what status their island should have. He has pledged to back statehood or independence if Puerto Ricans vote for either one and to do his best to make the Commonwealth arrangement work better for them if they want to continue it.

He has also, though, recognized that the frustrating debate is likely to persist until the Federal Government clarifies what the options really are and how they can be implemented. The differing status aspirations that Puerto Ricans have long discussed largely hinge on fundamental Federal decisions that have not been made.

The President has therefore favored Puerto Ricans making a choice in concert with Congressional action in a process that is developed together with the people's representatives.

Establishing a process that would enable this matter to finally be resolved is his highest priority regarding Puerto Rico, and he is fully committed to working with you and others in the Congress, with Puerto Rico's leaders, and others to establish it as soon as possible.

The President believes that the Federal Government should number one, provide the people of Puerto Rico with options that are serious and fair responses to their diverse, expressed aspirations and, number two, commit to act on implementing an option that is authorized by a majority vote in Puerto Rico. He very much hopes that such a process will be underway next year, the centennial of the United States acquisition of Puerto Rico. He looks forward to our entering the new millennium having concluded the debate and implementing the will of the Puerto Rican people.

To facilitate the enactment of the law that is needed, the Administration offers the following comments on H.R. 856.

Democratic principles require that the expressed aspirations of Puerto Ricans be central to the development of the options (which also must be viable from the Federal perspective). The President regards this as an integral part of the sound process.

We, therefore, view Chairman Young's agreement with Senior Democrat Miller to give Puerto Rico's major political parties until March 31 to submit alternatives to the options in the bill and to seriously consider their proposals as a very constructive step. We appreciate the role that Governor Rosselló and Resident Commissioner Romero-Barceló also played in it being taken.

Consequently, the Administration would like to work with the Committee in fashioning the options, considering the proposals of

the parties and others, as well as considering United States necessities, after the parties have had this opportunity to advance their ideas to you.

The bill would ostensibly require a referendum before 1999 and further referendum at least every four years thereafter in the event of no option of obtaining a majority, a majority for the Commonwealth option, or Puerto Rican rejection of Federal status implementation legislation. Rather than suggest a mandate for votes, it would be more appropriate to simply provide a process for and facilitate the status choice.

We also suggest giving the government of Puerto Rico flexibility on calling votes. Further votes might not be desired by Puerto Ricans so often, and in such a case the call for revoting at least every four years would be a burden. Additionally, if Puerto Ricans were to reject statehood or nationhood implementation legislation, it probably would not make sense for them to vote again absent further Federal action.

The bill would call for a plan for a transition of at least ten years in the event of a majority for either nationhood or statehood.

Since the measures that would need to be taken have not been specified and would change as time goes on, we recommend that the length of the transition be set in the transition plan. Congress would still have its say over the duration, since the plan would require Congressional approval.

A more fundamental problem is that H.R. 856 would require that a law be enacted at the end of the transition to nationhood or statehood, in addition to beforehand, in order to actually implement a status change.

The Administration favors prompt, final action on implementing a status change if chosen by a majority of Puerto Ricans. The purpose of a transition should be to permit significantly different policies to be implemented on an orderly basis. A further decision and possibly further requirements at the end of the transition could make the period only a partial transition, or even overturn the original status choice. That could be very problematic. The Federal Government and Puerto Ricans should have greater assurance of actually implementing a status before heading down the path toward it.

The bill includes several provisions regarding the use of English that should be mentioned. One would establish a policy of English being the "common language of mutual understanding" in the United States.

Such a policy is unnecessary and could create divisiveness. We are also concerned that it could be used to question statehood as an option for Puerto Rico. The language that most of Puerto Rico's United States citizens have always used should not be a barrier to full participation in the Federal system if they want it.

Another provision would call for measures to enhance English education in public schools in a transition to statehood. We understand it to mean measures that would supplement educational practice in Puerto Rico, consistent with local control of schools.

Finally, there are provisions that suggest an intent to make English the official language of the Federal Government and the need to use English. As you may be aware, the President indicated his

intent to veto a bill last year, H.R. 123, that would have required the Federal Government to conduct most of its official business in English only. Legislative statements on a need to use English could be used by others to promote goals which are disharmonizing and diversionary. They could also unduly influence the Puerto Rico status decision.

The bill would make some other statements or suggestions which would not be part of the procedure for resolving the status issue that are problematic. These provisions address the current situation and have contributed to controversy about the bill in Puerto Rico.

History has given us the conflicting facts and ambiguities that have fueled Puerto Rico's divisive and distracting status debate for decades. Rather than litigate them now when there is a general consensus on what needs to be done to resolve the dilemma, we think it would be more advisable to simply concentrate on resolving it, establishing a process that includes providing the people of Puerto Rico with options that can end the debate and providing for Federal action on implementing their choice.

Mr. Chairman, it is time for the Federal Government to meet its responsibilities regarding the status question and provide such a process. Puerto Ricans have been asking for the United States to act for years. H.R. 856 provides a basis from which to act. Working together and with others, we can ensure that our great country lives up to its ideals in the case of our 3.7 million fellow citizens in Puerto Rico. It is of vital importance to their future that we do.

The Administration's priority is to get a law enacted that will make it possible to finally and fairly resolve the situation. We will be flexible within the principles that the President has espoused so that agreement can be reached. All of us who are committed to settling the issue should not let this opportunity pass.

Thank you.

[Statement of Mr. Farrow may be found at end of hearing.]

The CHAIRMAN. Thank you, Jeff. That was very good. I will assure that this is what hearings are all about. We will take your comments very seriously and hope you will still be working with Manase and seeing if some of these things can't be added and subtracted from the bill. My goal is to keep you aboard and the President aboard, because I would like to see this done very quickly. There is some comments about the length of time of implementing the act, et cetera. I would like to see it done as rapidly as possible. And we will work along the lines of achieving that. You have a responsibility to the Administration, but that Administration has a responsibility to this Committee to try to achieve those goals together. We can't do it separately. And I think we owe that to the people of Puerto Rico.

The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman. I want to congratulate and congratulate the President on this statement. I think it is a very, very significant statement. It is going to be definitely an historical statement. The questions in the statement about the language clears a lot of the air. I am sure it will have a great impact in Puerto Rico. Anything that makes such a statement from the White House on Puerto Rico has a lot of meaning. And the peo-