

**H.R. 900, PUERTO RICO
DEMOCRACY ACT OF 2007;
AND H.R. 1230, PUERTO RICO
SELF-DETERMINATION ACT
OF 2007**

LEGISLATIVE HEARINGS

BEFORE THE

SUBCOMMITTEE ON INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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**STATEMENT OF THE HON. LUIS G. FORTUÑO, THE RESIDENT
COMMISSIONER FROM THE COMMONWEALTH OF PUERTO
RICO**

Mr. FORTUÑO. Thank you, Madame Chair. Madame Chair, I want to take this opportunity to thank you for holding this very important hearing today. It has certainly been a pleasure serving with you in the Subcommittee, and I look forward to continuing to work with you in a bipartisan manner to address the current inequities in the way our nation treats U.S. citizens and nationals, not only in Puerto Rico, but in all of its territories.

I also want to commend Chairman Nick Rahall and Ranking Member Don Young for their longstanding leadership and commitment in ensuring that my constituents, the four million U.S. citizens that reside in Puerto Rico, are granted the opportunity to participate in the truly decolonizing and fair self-determination process.

Furthermore, I want to thank my fellow Subcommittee Members that are here or will join us today, and extend a warm welcome to our other colleagues present in the hearing who are not Members of this Subcommittee, but have taken time from their busy schedules because of their keen interest in this very important matter.

In particular I want to thank my three fellow Puerto Ricans in Congress: José Serrano, Luis Gutierrez, and Nydia Velázquez. During my two years in Congress they have provided me with invaluable insights, but most of all with their friendship.

Last, but not least, I want to welcome all of our witnesses, most of whom have traveled from the island to be with us today to provide the Subcommittee with their views on this vitally important issue.

In our political affairs, consensus is beneficial when it can be achieved. But the fact is that in a democracy, we are based on majority rule.

Today we do not have majority rule in Puerto Rico on the question of a permanent, non-territorial, and fully democratic future political status, even though this is clearly the most critical issue we face as a people. Instead, we have polarity or minority rule because no defined political status option has received a majority in the last two locally sponsored status votes.

Against this backdrop, you may wonder how it is that I can come before you today and tell you that we have a consensus in Puerto Rico on what Congress must do about the political status question. Yet that is exactly what I am here to tell you.

We have an overall consensus in Puerto Rico that our current relation with the U.S. is territorial in nature, not fully democratic, not fully self-governing, not based on equal rights and duties of citizenship, and does not fully implement the principle of government by consent of the governed.

We have an overall consensus that our current political relationship with the United States no longer serves either Puerto Rico or the U.S. well. We have an overall consensus that the time for change into a permanent, non-territorial relationship with the United States is not only long overdue, but urgently needed. The reality is that the island's current status does not enable the people

of Puerto Rico to fulfill their potential for social, economic, and political development.

It is not only a political problem; it is also money invested in Puerto Rico's chronic economic under-performance. This includes the local economic recession, even in the midst of our national economic growth and expansion, as well as high unemployment, while national unemployment is at record lows. This economic reality translates into human discouragement and unrealized dreams, and have forced many of my constituents—some people say about 6,000 per month—to move to the mainland in search for better opportunities and equality.

We have a sacred duty to our children and future generations to stop this cycle of unfulfilled human potential. That is why there is a consensus in Puerto Rico that the current status must be changed to a new status that is permanent and non-territorial; one that redeems the promise of democracy and opportunity for our people.

To be sure, the political parties in Puerto Rico still have the most profound differences on what permanent non-territorial status we prefer. We also disagree on the procedure to achieve majority rule and status issue.

In other words, we agree that there is a problem, but are at odds as to what the solution and the process to reach that solution should be.

But I believe we have a consensus that calls upon Congress to recognize a democratic referendum process, grounded in self-determination by the people, based on options compatible with the Constitution, but formulated with local participation.

In this regard, while I strongly believe that H.R. 900 offers a much better approach and process to resolving once and for all Puerto Rico's status dilemma, I have to admit that H.R. 1230 is more realistic than its previous version in the sense that it recognizes the need for a new status that is non-territorial and permanent. That mere recognition in itself constitutes one step in the right direction.

We, however, still have major differences about how to ensure that the people have a direct vote at each stage of the process and that Constitutionally valid options are proposed instead of options that are legally impossible. Those issues are clearly addressed in H.R. 900 but not so in H.R. 1230.

For example, Governor Acevedo's proposal for enhanced commonwealth, as included in his party's 2004 platform, provides, among other things, number one, that Puerto Rico would be a sovereign nation but in permanent union with the U.S. as part of a covenant to which the United States will be permanently bound.

Two. That Puerto Rico would be able to veto most Federal laws.

Three. That Puerto Rico would be able to invalidate Federal court jurisdictions.

Four. That Puerto Rico would be able to enter into trade and other agreements with foreign nations and join international organizations separate from the U.S.

Five. That the U.S. would continue all current assistance programs to Puerto Rico, plus a new annual block grant for socio-economic development.

Six. That the U.S. would provide new incentives for investment in Puerto Rico.

Seven. That the U.S. would continue to grant free entry to any goods shipped from Puerto Rico.

Eight. That the U.S. would continue to grant U.S. citizenship to persons born in Puerto Rico.

And nine. That residents of Puerto Rico would not have to pay Federal taxes.

Anyone who objectively reviews the Governor's enhanced commonwealth wish list and is honest about it will have to conclude that the definition that he is trying to sell in Puerto Rico and to some of our colleagues here is unconstitutional and thus not acceptable to the Congress. As a matter of fact, similar proposals have been rejected by this very same committee and the Federal Executive Branch in the past.

My friends, the best of two worlds, as labeled by the Governor's party, does not exist. If it did, I have no doubts that we in Congress would immediately receive 50 other requests for the same deal.

This, quite honestly, is one of my biggest concerns with the Constitutional Assembly approach, where a select and limited group of delegates will be entitled to unilaterally come up with a status proposal that we in the House, in this House, all know would not be acceptable to the U.S. Congress. A Trojan Horse, if you will.

That being said, I firmly believe that most of the issues where we currently lack consensus could be resolved through the very deliberative process we commence today. The success of these hearings and other future proceedings before Congress on this issue will rest on whether or not we are able to advance the goal of Federal sponsorship of a limited status resolution process; one that will enable the issues, and which there is no consensus to resolve by self-determination, majority rule, and government by consent of the governed, selecting by their direct vote their status preference.

It is in this spirit of seeking solutions based on inclusion of all ideas from those with a legitimate interest in this question that I literally welcome and encourage the contributions to this discourse by Representatives Serrano, Velázquez, and Gutierrez, as well as all sectors on the island. Together with all our colleagues in the House and the Senate, we are seized with a solemn and sacred duty, and with God's help, I trust we will acquit ourselves in a way that honors our people and our nation.

Madame Chair, as you know, just a few weeks ago we celebrated the 90th anniversary of the granting of U.S. citizenship by Congress to Puerto Ricans. The final resolution of Puerto Rico's status dilemma has been stalled for too long. Let us work together to unlock this process and bring a final solution to Puerto Rico's century-old colonial predicament. Thank you again.

[The prepared statement of Mr. Fortuño follows:]

**Statement of The Honorable Luis G. Fortuño,
Subcommittee on Insular Affairs**

Madame Chair, I want to take this opportunity to thank you for holding this very important hearing today. It has certainly been a pleasure serving with you in the subcommittee, and I look forward to continuing to work with you in a bipartisan manner to address the current inequities in the way our Nation treats U.S. citizens and nationals, not only in Puerto Rico, but in all of its territories.

I also want to commend Chairman Nick Rahall and Ranking Member Don Young for their long-standing leadership and commitment in ensuring that my constituents, the 4 million U.S. citizens that reside in Puerto Rico, are granted the opportunity to participate in a truly decolonizing and fair self-determination process.

Furthermore, I want to thank my fellow subcommittee members that are here or will join us today, and extend a warm welcome to our other colleagues present in the hearing, who, while not members of this subcommittee, have taken time from their busy schedules because of their keen interest in this very important matter. In particular, I want to thank my three fellow Puerto Ricans in Congress: José Serrano, Luis Gutierrez and Nydia Velazquez. During my two years in Congress, they have provided me with invaluable insights, but most of all, with their friendship. Last, but not least, I want to welcome all of our witnesses, most of whom traveled from the Island to be with us today to provide the subcommittee with their views on this vitally important issue.

In our political affairs, consensus is beneficial when it can be achieved, but the fact is that, in a democracy, we govern based on majority rule.

Today we do not have majority rule in Puerto Rico on the question of a permanent, non territorial and fully democratic future political status, even though this is clearly the most critical issue we face as a people. Instead, we have plurality or minority rule, because no defined political status option has received a majority vote in the last two locally sponsored status votes.

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The reality is that the Island's current status does not enable the people of Puerto Rico to fulfill their potential for social, economic and political development. This is not only a political problem, it is also manifested in Puerto Rico's chronic economic underperformance.

This includes a local economic recession even in the midst of a national economic growth and expansion, as well as high unemployment while national unemployment is at record lows. These economic realities translate into human discouragement and unrealized dreams, and have forced many of my constituents—about 6,000 per month—to move to the mainland in search for better opportunities and equality. We have a sacred duty to our children and future generations to stop this cycle of unfulfilled human potential.

That is why there is a consensus in Puerto Rico that the current status must be changed to a new status that is permanent and not territorial, one that redeems the promise of democracy and opportunity for our people.

To be sure, the political parties in Puerto Rico still have the most profound differences on what permanent non-territory status we prefer. We also disagree on the procedure to achieve majority rule on the status issue. In other words, we agree that there is a problem, but are at odds as to what the solution and the process to reach that solution should be.

But I believe we have a consensus that calls upon Congress to recognize a democratic referendum process grounded in self-determination by the people, based on options compatible with the federal constitution but formulated with local participation.

In this regard, while I strongly believe that H.R. 900 offers a much better approach and process to resolving, once and for all, Puerto Rico's status dilemma, I have to admit that H.R. 1230 is more realistic than its previous version in the sense that it recognizes the need for a new status that is non territorial and permanent. That mere recognition, in itself, constitutes an important step in the right direction.

We, however, still have major differences about how to ensure that the people have a direct vote at each stage of the process, and that constitutionally valid options are proposed instead of options that are legally impossible. Those issues are clearly addressed in H.R. 900, but not so in H.R. 1230. For example, Governor Acevedo's proposal for Enhanced Commonwealth, as included in his party's 2004 Platform, provides, among other things:

1. That Puerto Rico would be a sovereign nation, but in permanent union with the U.S., as part of a covenant to which the United States would be permanently bound;
2. That Puerto Rico would be able to veto most Federal laws;
3. That Puerto Rico would be able to invalidate Federal court jurisdiction;
4. That Puerto Rico would be able to enter into trade and other agreements with foreign nations and join international organizations, separate from the U.S.;
5. That the U.S. would continue all current assistance programs to Puerto Rico, plus a new annual block grant for social and economic development;
6. That the U.S. would provide new incentives for investment in Puerto Rico;
7. That the U.S. would continue to grant free entry to any goods shipped from Puerto Rico;
8. That the U.S. would continue to grant U.S. citizenship to persons born in Puerto Rico, and;
9. That residents of Puerto Rico would not have to pay Federal income taxes.

Anyone who objectively reviews the Governor's Enhanced Commonwealth wish list, and is honest about it, will have to conclude that the definition that he is trying to sell in Puerto Rico and to some of our colleagues here is unconstitutional and thus, not acceptable to the Congress. As a matter of fact, similar proposals have been rejected by this very same Committee and the Federal Executive Branch in the past. My friends, the "best of two worlds", as traditionally labeled by the Governor's party, does not exist. If it did, I have no doubts that we in Congress would immediately receive 50 other requests for the same deal.

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The success of these hearings and all other future proceedings before Congress on this issue will rest on whether or not we are able to advance the goal of federal sponsorship of a legitimate status resolution process, one that will enable the issues on which there is no consensus to be resolved by self-determination, majority rule and government by consent of the governed, selecting by their direct vote their status preference.

It is in this spirit of seeking solutions based on inclusion of all ideas from those with a legitimate interest in this question that I not only welcome, but encourage, the contributions to this discourse by Representatives Serrano, Velazquez and Gutierrez, as well as all sectors on the Island. Together with all our colleagues in this House and the Senate, we are seized with a solemn and sacred duty, and with God's help I trust that we will acquit ourselves in a way that honors our people and our nation.

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Ms. CHRISTENSEN. Thank you, Mr. Fortuño. I also recognize and welcome at this time again the distinguished gentleman from West Virginia, and the Chairman of the Natural Resources Committee, Mr. Rahall, and recognize him for any statement that he might make.

STATEMENT OF THE HON. NICK J. RAHALL, II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. RAHALL. Thank you, Madame Chair. I appreciate very much your recognition, as well as your calling this hearing today before the Subcommittee on Insular Affairs on two legislative proposals—H.R. 900, the Puerto Rico Democracy Act, and H.R. 1230, the Puerto Rico Self-Determination Act.