

the party on October 15, 1998. It is the formula in which the party proposes its goal to be reached as Puerto Rico moves through its self-determination and political status resolution process.

H.R. 4751 is the measure that Congress would have to approve to attempt to implement the party's enhanced commonwealth formula. Various versions of this enhanced commonwealth formula have been promoted in Puerto Rico for five decades as a theory of political status purporting to offer the benefits of both statehood and independence without the full burdens of either.

The contention that this commonwealth formula might be legally possible and politically realistic is the subject of continuing debate within the Commonwealth. Today, we will focus on the many commonwealth status questions which arise in this long-standing debate.

Let me point out that this hearing is not a hearing on the many other recommendations for resolving the status of Puerto Rico. This is not a hearing on the Independence Party's recommendations, nor a hearing on the New Progressive Party's recommendations, nor a hearing on the administration's recommendations. This is a hearing on H.R. 4751, the Popular Democratic Party's commonwealth status recommendations.

The Popular Democratic Party was invited to testify at this hearing. Unfortunately, the president of the party declined our invitation.

[The prepared statement of Mr. Young follows:]

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[The text of H.R. 4751 follows:]

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The CHAIRMAN. At this point, I will recognize my good friend, the governor, for an opening statement.

STATEMENT OF HON. CARLOS A. ROMERO-BARCELO, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PUERTO RICO

Mr. ROMERO-BARCELO. Thank you. Thank you, Mr. Chairman. Mr. Chairman, for the overwhelming majority of the 3.9 million loyal U.S. citizens in Puerto Rico who cherish democracy and love liberty and love this nation. This year has brought forth many feelings and emotions related to more than 100 years of territorial status. The strongest of these feelings and emotions for most in Puerto Rico has been a renewed resolve to complete the overdue task of forming a more perfect union with the rest of our nation based on equality. I say this because it is more clear than it has ever been that the desire of the U.S. citizens of Puerto Rico for equal justice and equal opportunity with all other U.S. citizens will not be fully realized until the status question is resolved.

In 1998, I predicted that Congress would regret its failure to heed this committee and approve legislation establishing a process to resolve the status of Puerto Rico. This prediction is being proven correct. The lack of a Congressionally approved policy regarding the status of Puerto Rico is beginning to produce unpredictable results in the legal and political process that impacts U.S. national interests, and you can look at the record.

On July 17 of this year, a Federal district court ruled that Federal law must be compatible with local law to apply in Puerto Rico. The court's order stated that Puerto Rico must give specific consent to application of Federal law since consent of the governed is denied to U.S. citizens in Puerto Rico by virtue of the fact that we lack voting representation in Congress. Although I believe that this decision will be overturned, however, it is a decision by the U.S. District Court.

On August 4 of this year, a Federal district court decided that the U.S. citizens of Puerto Rico have a right to vote in election for the President and Vice President of the United States. The Legislative Assembly of Puerto Rico took it upon themselves to carry out the court's order by enabling the presidential vote to take place even if the vote will not be counted. If the court's ruling is overturned, this election will be an historic expression of the desire of the U.S. citizens of Puerto Rico for enfranchisement as enjoyed by our fellow citizens in the rest of the nation.

The controversy over Vieques has provoked some in Washington and Puerto Rico to argue that Puerto Rico should separate from the rest of the nation and go its own way if it is unwilling to host national defense training exercises. This would not be said if citizens of an area in a State were to take the same stand regarding military operations in their area. Fortunately, cooler heads have prevailed, recognizing that the Vieques question is not that simple and that it directly involves the question of disenfranchisement and Puerto Rico's lack of sovereignty or lack of participation in the exercise of sovereignty.

These court rulings which attempt to address the denial of equal democratic rights for 3.9 million U.S. citizens have something in common with the desperation born of deep frustration in the case of Vieques. These two very different problems are, in a sense, the same and best can be understood as a manifestation of the need for Congress to define the constitutionally valid options for resolving the status of Puerto Rico. Vieques could never have happened if the U.S. citizens of Puerto Rico were not disenfranchised under our present territorial status, which we euphemistically call "Commonwealth."

In a very different way, the introduction of H.R. 4751 is also a manifestation of the need for Congress to commit itself to a status resolution process. Regardless of the subjective motives of the sponsor, my colleague on the Republican side, Mr. Doolittle, on the objective level of fact, this bill contains the status formula adopted by the Popular Democratic Party of Puerto Rico in October 1998, just before the last status vote was conducted under local law, and this is what was discussed before the people of Puerto Rico. It is the commonwealth option that the leaders of the pro-commonwealth party offer the people of Puerto Rico, an option which accepts permanent disenfranchisement in exchange for a package of unrealistic and unattainable package of legislated rights.

When Federal judges appointed by the President and confirmed by the Senate ordered judicial remedies for disenfranchisement under—

The CHAIRMAN. Will the gentleman stop for a moment? Whoever has a cell phone in here, the rules are very clear. You will leave

the room or else you will shut off all cell phones. That goes for the members as well as the people in the audience. It is impolite, offensive to me, and I do not think you want to offend this chairman.

The gentleman can proceed.

Mr. ROMERO-BARCELO. Thank you, Mr. Chairman. When Federal judges appointed by the President and confirmed by the Senate ordered judicial remedies for disenfranchisement under the current political status, when national defense operations are halted because the community impacted by training exercises has been left unprotected and denied justice for decades, when the leaders of a political party in Puerto Rico espouse a status formula that is based no special rights that cannot be guaranteed instead of equal rights that are guaranteed, these developments make manifest the need for Congress to meet its constitutional responsibility to establish a clear policy on the future status of Puerto Rico.

The ultimate status of Puerto Rico and enfranchisement of its voters in our nation's democracy so that full self-government is achieved is a political question for Congress to decide based on an informed process of self-determination by the voters. Congress can delay, Congress can run away from it, but in the end, it cannot hide from its constitutional duty to define a status resolution process.

I represent all the citizens of Puerto Rico in this Congress and have no doubts that the status formula contained in H.R. 4751 is not constitutionally, legally, and politically possible.

The people in Puerto Rico who propose this formula are quite aware that it is unprecedented and many realize it probably never will be implemented. Still, in the absence of a Congressional policy that defines the terms for continued commonwealth, statehood, and separate nationhood, many of our fellow citizens in Puerto Rico have concluded Congress will never open up a pathway to a permanent and constitutionally guaranteed status. That is why many have become beguiled and obsessed with the idea that Puerto Rico can have it both ways and enjoy the best features of Statehood and independence, at the same time with the full obligations of neither.

As much as I disagree with that conclusion and as much as I oppose any status not based on equal citizenship for all, I want my constituents who support this formula to be shown respect and to be understood. We need to establish a record that shows Congress understands what it is that they are proposing, even if the party that proposed it is unwilling to defend its contents.

Congress must recognize that the U.S. citizens in Puerto Rico who support this formula are good Americans who were taught to believe in the principle of government by consent. They understand that there is no substitute for consent of the governed, but they have been told that a substitute form of consent is available under the Constitution. It has been the failure of Congress, not the U.S. citizens of Puerto Rico, to honor and redeem the principle of government by consent of the governed as defined by the U.S. Constitution. That lack of a constitutionally valid definition of government by consent has created fertile ground for local political leaders affiliated with "commonwealth" to sow the seeds of confusion about how to achieve a permanent constitutional status based on consent.

Congress has made this status formula called commonwealth to appear plausible by its ambivalence and silence on the status of Puerto Rico. Now events demand that Congress exercise its constitutional power and define the status options and the self-determination process through which the U.S. citizens of Puerto Rico can express and ultimately realize their aspirations for a fully enfranchised and fully self-governing status.

This committee should be commended for holding this hearing so that the U.S. citizens of Puerto Rico can see that the so-called enhanced commonwealth formula would mean less participation for Puerto Rico in the U.S. national economy, less progress toward enfranchisement and equal citizenship rights, and even less certainty of political union and U.S. citizenship for our children in the future.

The 3.9 million U.S. citizens of Puerto Rico need to know the truth about the enhanced commonwealth formula and this hearing should make the truth a matter of record in Congress. For the first time, the details of what the commonwealth supporters elite has proposed in Puerto Rico will be on record so that they may be fully understood by Congress. That should hasten the day when Congress and the U.S. citizens of Puerto Rico will agree on a legitimate process to complete the decolonization of Puerto Rico and finally resolve the issue of 83 years of disenfranchisement of the U.S. citizens of Puerto Rico. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman for the outstanding job he has done on this issue.

[The prepared statement of Mr. Romero-Barcelo follows:]

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The CHAIRMAN. Mr. Dooley, I am going to recognize you because I understand you have someplace to go.

STATEMENT OF HON. CALVIN M. DOOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DOOLEY. Yes. I just want to associate myself with the remarks of Mr. Romero-Barcelo and have a statement I would like to include in the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Mr. Dooley follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

The CHAIRMAN. The lady from the Virgin Islands.

STATEMENT OF HON. DONNA M. CHRISTIAN-CHRISTENSEN, A REPRESENTATIVE IN CONGRESS FROM THE VIRGIN ISLANDS

Ms. CHRISTIAN-CHRISTENSEN. Thank you, Mr. Chairman, for the opportunity to make this opening statement.

Mr. Chairman, I speak as a member who is from one of the off-shore territories of the United States and the closest neighbor to Puerto Rico, with whom we share historical, cultural ties, and kinship through the many families who relocated to St. Croix and the Virgin Islands in the early part of the last century, ties that we celebrate even this week in my home district.