

**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
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This is not really a "statehood bill," or an "independence bill," or a "status quo" bill per se. This is a procedural bill, one that allows for a transparent, democratic process to resolve the status question.

I recognize and respect the aims of those who support H.R. 1230. But I have some fundamental problems with the bill.

First, it contemplates an outcome which may be unconstitutional. It would give Puerto Rico a chance to have a "new Commonwealth" status that gives it all the benefits of statehood but without the same application of federal law as all other states must bear.

And aside from the constitutional problem, I don't believe the House would pass a bill allowing for this arrangement.

Another problem is that the bill seems to avoid the open, democratic process set forth under H.R. 900. This may tend to create confusion among residents of Puerto Rico who want to settle the status question in a directly democratic fashion.

I applaud Chairwoman Christensen for holding a hearing to focus on some of these academic and constitutional questions surrounding these bills.

I would urge my colleagues to carefully consider what process to use and focus first and foremost on which bill conforms most closely to the Constitution.

Ms. CHRISTENSEN. Thank you, Ranking Member Young. The Chair now recognizes the author of H.R. 900, Representative Serrano, for any statement he may have.

STATEMENT OF THE HON. JOSÉ SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SERRANO. Thank you. I really appreciate this opportunity to participate in this hearing. And you would be interested to know that both Ms. Velázquez and I left SBA hearings. She is Chairman of the SBA Committee, and I on Appropriations overseeing SBA's budget. So SBA took second to Puerto Rico today, as it should on any given day.

Let me just comment on the fact that I may be a member, the leader of a group that only has one member: me. And that is anything but the colonial status of Puerto Rico. I know that one of the favorite pastimes in Puerto Rico is trying to figure out whether I support statehood or independence.

I think that is the problem; that for so many years we Puerto Ricans have been asked to be in favor of something, when in fact we should have organized ourselves to be against the colonial status. Get rid of the colony, move it out of the way, and then roll the dice on what comes later and deal as brothers and sisters on the island and in Congress.

And it is with that in mind that I joined Mr. Fortuño. I have always proposed the idea that Puerto Rico first must decide whether it wants to remain in this relationship, or change.

And so H.R. 900 gives us an opportunity to make that decision. And then it puts forth either integration or separation from the American Union as the true alternative.

Now, why do I believe that that is correct? I believe that there are things in life that border, or are, in fact, issues of morality. And I believe as a legislator of 33 years that there is such a thing as legislative morality. So I believe that it is legislatively immoral to present to the people of Puerto Rico a colonial option as one of its choices.

You cannot, in the true American, democratic, constitutional tradition say I give you the choice of joining the Union as a full partner; I give you the choice of becoming a member of the world

community as an independent nation; but I also give you the choice of becoming even a stronger colony. Such a thing doesn't exist, and that is why I have always proposed.

Now, I have to tell you that we make compromises when we want to get something done. So I am not happy with the opening statement of H.R. 900 that says that you wish to remain the same. But I know I can't move to step two if we don't ask that question first. Given a choice, I would never ask that question. I would simply say statehood or independence, and that is the choice.

Now, a comment that was made by our Chairwoman I think merits a comment from me. You say that you like a process that starts from the bottom up. That makes the assumption that the people of Puerto Rico will decide their political future.

It wasn't Puerto Rico that invaded the United States in 1898. It was the United States that invaded Puerto Rico. We have been holding the colony for 109 years. We have to determine whether we want to integrate the colony, or dispose of the colony.

But the U.S. Congress first has to make the determination that this can't continue, and it has to make that change.

Now, as well was said by Mr. Fortuño, which is interesting, no one in Puerto Rico supports the present status. When they say they support commonwealth, they support a new commonwealth, which I call a letter to the Three Kings or a letter to Santa Claus. Because it says let me be a state, but let me be an independent nation; let me change, but not change.

Does Puerto Rico deserve that after 109 years of colonialism? Absolutely. And I would vote for it. Can any Member of Congress outside of three or four of us vote for that? Absolutely not. Because as it was said here, if you go back to your district, somebody is going to ask you that Sunday morning in church, what was it that you gave Puerto Rico that you can't give my district. And that is the problem, that it is not realistic.

Now, also it was said that nothing may change the economics of Puerto Rico. Well, tomorrow we are voting to give the District of Columbia a vote. I will vote for that. Because we know what that integration means. We are also promoting democracy throughout the world, which is good. We know what that means. That is an independent nation, right?

Well, let us face it. Both of those do guarantee certain strong futures. It is the colonial status that guarantees no future at all.

We still live in this Congress in a situation that is sad. I keep bringing up the fact that people have told me at times can I get them stamps for their collection from Puerto Rico. And I still tell the story of the Member of Congress, who is still a Member of Congress, who asked me for currency from Puerto Rico from his collection. So I took a dollar bill from my pocket and gave it to him. And I think that person got the message.

[Laughter.]

Mr. SERRANO. In order for us to move ahead, we have to determine whether we are serious or not. I really would beg those who support the commonwealth to accept the reality that there is such a thing as an enhanced commonwealth; it is called free association. You have to move toward that if you truly believe in an enhanced commonwealth.

But to continue to ask for a commonwealth that is colonial in nature is a disservice to the people of Puerto Rico, is a disservice to this country, and it is a disservice to democracy throughout the world.

I will not rest until the colony is gone. It served a purpose for a long time perhaps, and I give credit to those who took it from where it was to where it is. But it was never the intention of the founders of the commonwealth to keep it as a permanent condition, and it is a condition.

And so I find myself today in a unique situation, a situation similar or identical to what Nydia finds herself in. We were both born in the colony, and now we serve in the Congress of the power that holds the colony. As a Puerto Rican, I don't want my birthplace to be a colony. As an American Congressman, I think it is indecent that my country has colonies in 2007. And this must end.

For that reason I proposed this bill. For this reason I think that the American family will resolve this problem jointly, and the Puerto Rican family will do the same.

Thank you.

Ms. CHRISTENSEN. Thank you, Mr. Serrano. Before I move to the author of H.R. 1230, I ask unanimous consent that the gentleman from Illinois, Mr. Weller, be allowed to sit on the dais and participate in the hearing. Hearing no objections, so ordered.

I also understand, Mr. Weller, that you need to leave us in a few minutes? And we are limiting our opening statements, but I will allow you to acknowledge the witnesses that have traveled today.

STATEMENT OF THE HON. JERRY WELLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. WELLER. Madame Chair, let me just thank you for the courtesy of being able to join you and our colleagues on this very, very important Subcommittee.

I come here today both to support H.R. 900, as well as to echo the comments of the lead sponsors of H.R. 900, my friend, José Serrano, as well as Luis Fortuño, the elected representative of the people of Puerto Rico on behalf of H.R. 900.

I believe Congress has a role to play, and I also believe that H.R. 900 puts into place the appropriate response. I have been a witness as well as a participant in this process over the last 12 years. For some it has been frustrating, but I believe H.R. 900 provides the true answer.

I have a much longer statement I would like to submit for the record. But again, I am here to support H.R. 900. And Madame Chairman, thank you very much for the courtesy of allowing me to present my very brief comments, as well as to express my support. Thank you.

[The prepared statement of Mr. Weller follows:]

Statement of The Honorable Jerry Weller, a Representative in Congress from the State of Illinois

Madam Chairwoman, I am here today to support H.R. 900, the Serrano-Fortuño bill, because I believe Congress has a role to play and a responsibility to enable a process to achieve democratic majority rule in Puerto Rico on the status issue.

The history of frustrating and disagreeable locally sponsored status votes teaches us that a three way choice among options that include a commonwealth definition