

**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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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.

This, quite honestly, is one of my biggest concerns with the Constitutional Assembly approach, where a select and limited group of delegates would be entitled to unilaterally come up with a status proposal that we, in this House, all know would not be acceptable to the United States 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 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.

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's work together to unlock this process and bring final solution to Puerto Rico's century old colonial predicament.

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.

When I was honored to be named Chairman of the Committee on Natural Resources earlier this year, I issued an agenda of American values to guide the committee in its consideration of the many pressing issues we face within our broad jurisdiction. One part of that agenda stated, in reference to the territorial possessions of the U.S., that we must recognize that there is an inherent right of political self-determination.

The document noted, and I quote, "For a majority of our territories, circumstances of history and acquisition are similar. However, timelines to establish any other political status will vary. When appropriate, we should work toward providing clear direction to achieve political status consistent with the U.S. Constitution."

Since the establishment of the Commonwealth of Puerto Rico in 1952, four popular votes have been held on the status issue in three plebiscites and one referendum.

In going back just to the 1970s, at least 40 separate measures have been introduced in Congress to resolve or clarify Puerto Rico's political status. In addition, Congress has held at least 10 hearings, and four measures have received either House or Senate action.

Further, we have the report by the President's Task Force on Puerto Rico's Status, released last year, which was the subject of a hearing by the committee.

With all this background, it does appear to me that among all of the territorial possessions of the United States, this is indeed the time when we should work toward providing clear direction to Puerto Rico to resolve its political status in a manner consistent with the U.S. Constitution.

As such, we are meeting today to examine a simple proposition that nonetheless does elicit complex responses. The proposition is whether or not the people of Puerto Rico are satisfied with the status quo in terms of their political status. The responses are extremely complex, and often tinged with heated political rhetoric and deep-seated emotions.

I believe that this Subcommittee's responsibility is to be an honest broker with the people of Puerto Rico as this issue moves forward. At the same time, I would submit that it would be misleading to ignore the recommendations of the report by the President's Task Force, the positions of previous Administrations, our committee's own record, international law, and indeed, our country's Constitution.

So I conclude by thanking again the distinguished gentlelady from the Virgin Islands, Chairman Donna Christensen, as well as the Ranking Member of this Subcommittee, the gentleman from Puerto Rico, Luis Fortuño, for holding this hearing. I commend my Ranking Member of the full committee, Chairman Don Young, as well as other Members of Congress that have joined us today or will join us for debate on this issue, and listening to those who have come to testify.

Thank you, Madame Chair.

[The prepared statement of Mr. Rahall follows:]

**Statement of The Honorable Nick J. Rahall, Chairman,
Committee on Natural Resources**

Thank you, Madame Chair. Nearly a year ago, when the Full Committee convened a Oversight Hearing to receive testimony on the Report by the President's

Task Force on Puerto Rico's Status, I saluted the twenty-one Puerto Rican families who had lost a loved one in our war with Iraq.

Since then, three more soldiers who call Puerto Rico home have made the ultimate sacrifice to keep our country free. To the Rodriguez, Montalvo, and Soto-Pinedo families; we regret your loss and honor your loved ones, along with the twenty-one other patriotic families in Puerto Rico with a brief moment of silence.

Madame Chair, we are here today because the people of Puerto Rico have been suffering from political status injustice for more than a century. In 1898, when we first raised our stars and stripes beyond our continental borders, did we unwittingly lower the promise of freedom, representation, and democracy upon which we had built our country? If time has been our judge, then the clock seems to favor injustice because more than one-hundred years of disenfranchisement and inequity remain.

This is not to say that the issue has not been raised before this Congress. Everyone in this room, along with the millions in Puerto Rico listening to our proceedings know that Congress has tried to find a way to resolve the status issue. We realize how important the issue of status is for the people of Puerto Rico; it is debated daily, written about often, and divides friends and families.

In going back just to the 1970's, at least forty separate measures have been introduced in Congress to resolve or clarify Puerto Rico's future status. Congress has held at least ten hearings and only four measures have received either House or Senate action. It seems that a lot has been done and very little has been accomplished.

This may hold true in Puerto Rico as well.

In the past century, three plebiscites have gauged the people's desires to advance their current political status in the American family as a U.S. territory. It has become clearer that with each completed plebiscite, all has become vague, with a choice of "None of the Above" garnering more votes than any other political status option on the ballot in the 1998 plebiscite.

Madame Chair, it seems the adage; "the more things change the more they remain the same;" holds true.

I am more optimistic today with the re-establishment of this Insular Affairs Subcommittee and with Ms. Christensen as its chairwoman. She is a thoughtful leader and I trust that she will conduct this proceeding in a fair and balanced manner. In fact, I applaud her for reaching out into the Puerto Rican community to hear from those who may not have been heard in prior proceedings.

Some have criticized this decision, which has in part left the leaders of Puerto Rico's political parties in the gallery; all of whom have appeared before us in prior years, and at least one have served with us. This Committee knows where you stand and we appreciate you coming to give your support for others in the Puerto Rican community wanting to add their voices to the debate. I welcome all of you.

The two bills before us offer very different approaches to resolve the future political status of Puerto Rico. To be clear, I support only one; H.R. 900. It reflects the recommendations of President Bush's Task Force on Puerto Rico's status. It has historical precedence; affording the people of Puerto Rico the same opportunity afforded to every other U.S. territory or protectorate. Status options that have been deemed constitutional and which also have international recognition.

I realize that there are realities for residents of U.S. territories that confront them daily. The application of Federal laws that do not make sense. Being a part of the U.S. sometimes, and not all the time. Enjoying U.S. citizenship, yet having a unique cultural identity that sets you apart from your fellow Americans on the U.S. mainland.

So, it is no surprise that one would want to support a proposed arrangement that recognizes all those feelings of inequality and disenfranchisement and then empowers you to be in control.

However, we cannot tailor that sort of arrangement. To do so, sends a wrong message not only to our other U.S. territories who have yet to walk down the same path that the people of Puerto Rico are on; but also to the States of our Union.

California is one of the largest economies in the world. Mississippi is one of the poorest States in the Nation. How could either one not ponder what it would be like to independently negotiate a trade deal; or have their legislature be able to annul Federal law?

Madame Chair, I feel that this Subcommittee's hearing is important so that the people of Puerto Rico are dealt with honestly. For decades, we have allowed for the realm of possibilities and it is now time for the realm of reality. We need to give them a process steeped in both historical and constitutional precedence.

Ms. CHRISTENSEN. Thank you, Mr. Chairman. It is also my distinct pleasure to recognize the Ranking Member of the full committee, the gentleman from Alaska, Mr. Young, for any statement he might wish to make.

**STATEMENT OF THE HON. DON YOUNG, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ALASKA**

Mr. YOUNG. Thank you, Madame Chairman, and I will submit for the record my total statement, because much of what is in my statement has already been said by Luis Fortuño.

I am a proud sponsor of H.R. 900. As you know, this is not new to me. We passed this out of the committee very nearly unanimously. We had a margin of about 50 votes on the Floor until the morning we had the vote, and the English first group came out in droves, and they ended up passing it by one vote.

I don't believe that will happen this time. I am very excited about this bill in the sense it is very similar to the one we passed before. I will say that the counter-proposal causes me great concern, because I do believe in my heart of hearts that bill is dead on arrival.

We might work out something a little different than 900, but what was asked by the Governor is an impossibility, and there will be no action in this Congress.

So my goal is to continue to go forth, try to solve this I think long-overdue challenge for the people of Puerto Rico. And I want to thank the people of Puerto Rico. As you know, I have been down there many times, and it is an area which I truly love, and the people.

We had our 45th wedding anniversary in Puerto Rico. And I couldn't think of a better person. And whoever has got that cell phone, they had better shut it off.

I really, really appreciate the passion the Puerto Rican people have on this issue and other issues. If you have never been to a horse race or a cockfight in Puerto Rico, you haven't really experienced excitement.

So Madame Chair, with that, I yield back the balance of my time.

[The prepared statement of Mr. Young follows:]

**Statement of The Honorable Don Young, Ranking Republican,
Committee on Natural Resources**

Madame Chairwoman, thank you for holding this hearing today and for a balanced line-up of witnesses.

First off, let me say I'm a proud cosponsor of H.R. 900, a bill authored by my good friend, Mr. Fortuño, the Ranking Republican of this Subcommittee, and Congressman Serrano.

Many in the room today are familiar with my experience dealing with this issue. In the 105th Congress, I sponsored a bill, H.R. 856, to resolve the political status of Puerto Rico. My principle aim was to consider the status question in a manner that complied with the Constitution and that bore in mind the aspirations of the people of Puerto Rico to determine their future.

After three committee hearings, including two in Puerto Rico, the Committee passed the bill, and so did the House.

While H.R. 900 is somewhat different from the bill I sponsored in 1997, it conforms to my basic goal, which is to enable the people of Puerto Rico to determine their status in a manner that is democratic and consistent with historic, legal, and constitutional precedents.