

we ultimately need to be assured that the majority of the people of Puerto Rico will have their voice heard.

I want the witnesses, who have come here today, I want them to know how grateful we are and I look forward to hearing their testimony.

Now, before I introduce the witnesses that are going to testify, let me yield to who today is the ranking member but will be chairman in a couple of weeks, 3 or 4 weeks. But we'll go as it is and we'll yield to the ranking member. That's Senator Bingaman, my co-colleague from New Mexico.

Senator Bingaman.

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR
FROM NEW MEXICO**

Senator BINGAMAN. Thank you very much, Mr. Chairman. I appreciate you having this important hearing. I'm pleased that the committee will have the opportunity here in the final days of this 109th Congress to receive testimony on the report of the President's task force on Puerto Rico's Status.

Over the years, this committee has put many hours into hearings and the consideration of legislation, but enactment has often been frustrated by a lack of consensus in the Congress and in Washington and in Puerto Rico. In recent years, there have been developments that may have changed that political dynamic. For example, the United States has dramatically reduced its military presence on the island. Second, the possessions tax credit has been fully phased out. And third, the free association relationships have been established with three nations in the Pacific.

More recently, this report, that Mr. Marshall is going to testify about, from President Bush's task force has reaffirmed legal positions which seem to me well founded and that were provided to the committee several years ago by the Clinton administration. In two of those findings in particular I would allude to, the current relationship with Puerto Rico is based on the territorial clause and second, that the mutual consent provisions in the new commonwealth proposal cannot be accommodated under the U.S. Constitution. However, with respect to the report's recommendations for legislation, I think it is too early to determine if there is sufficient consensus in the House and the Senate and also whether there is a commitment by this administration to move forward with legislation.

This is an issue of great importance to the people of Puerto Rico. They deserve an opportunity to be consulted. Today is an opportunity to hear what the prospects for consensus are and I will continue to work with you and consult closely with others here on the committee and officials from Puerto Rico and the administration before we proceed. So thank you again for having the hearing. I look forward to hearing the witnesses and continuing to work with you on this issue.

The CHAIRMAN. Thank you very much, Senator Bingaman. Now we have some additional members of the panel who have arrived. On our side, we have distinguished Senator Martinez and it's noteworthy that we have two additional Senators on the Democratic

side, one a new member—not the newest, but a new member from Colorado, Senator Salazar.

It's always a privilege. I'm sure we will hear some insightful questions from you about this situation.

And then we have Senator Menendez. He's newly elected also, so we congratulate you, for the record, on your election and we're glad that you were able to make it here with us today, Senator. Thank you very, very much.

I think the rules would now say we go to Senator Martinez, and then to the Democratic side, to Senator Menendez. Please proceed, Senator. Whatever time you want is yours.

**STATEMENT OF HON. MEL MARTINEZ, U.S. SENATOR
FROM FLORIDA**

Senator MARTINEZ. Thank you, Mr. Chairman, and thank you so much for holding this very important hearing today. I want to express to you my real personal gratitude for making time for this, for the diligent work of the staff. I also want to thank Ranking Member Bingaman for his work on making this hearing possible.

I also just want to take a moment to recognize de una calidad bienvenida to so many people who have traveled here from Puerto Rico to be with us today; most of all, and first and foremost, Governor Acevedo, but also, of course, our Congressman, Luis Fortuño, and the many other elected officials. Mayor O'Neil I know is here and I'm sure there are many others that represent the people of Puerto Rico in different elected offices. So I welcome all of you and look forward to continuing this discussion on this very important issue.

When considering Puerto Rico's status, it is clear that we have been left in an untenable circumstance regarding what the future will hold for the citizens of Puerto Rico. This hearing is critical in answering many of the questions that have, for too long now, gone unanswered. Although it isn't likely that we will hear all the answers today, we are certainly moving in the right direction. This hearing will give us an opportunity to review our Nation's policy toward Puerto Rico—how we got it where we are—and it will also give us an opportunity to discuss where we are heading.

However, first and foremost, we should start by clarifying one point: Puerto Rico is undoubtedly a territory of the United States. Puerto Rico is subject to the Territorial Clause of the U.S. Constitution and, therefore, a territory of the United States since 1898. That has not changed in the last 108 years.

Federal authorities including GAO, CRS, DOJ, State, the Supreme Court, the U.S. House of Representatives and successive U.S. Presidents, including the legislative history of Law 600, which provided Puerto Rico to write a local constitution, and the record of this committee, all make clear that the status of Puerto Rico remains under the Territorial Clause since 1898.

It is for this reason that, as we begin our debate on Puerto Rico's future, we do not forget the obvious—that Puerto Rico is a territory of the United States. What does this mean? Practically, it means that our Federal laws are applicable in Puerto Rico, yet the U.S. citizens of Puerto Rico do not have adequate or proportionate representation to decide those laws. And a government based on rep-