

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-

representative democracy clarifying this situation is an absolute necessity.

Mr. Chairman, in order to begin the process of resolving this matter, we need to start by asking one important question: Why is Puerto Rico the only territory in the United States to be granted U.S. citizenship by Congress, while at the same time not being put in a position to establish a permanent relationship with the United States? When the Congress conferred U.S. citizenship for the territories of Alaska and Hawaii, the U.S. Supreme Court interpreted it to mean that the U.S. Constitution applied and those territories were incorporated into the Union. When Congress conferred U.S. citizenship for Puerto Rico, the U.S. Supreme Court deviated from the Alaska and Hawaii precedents and ruled that the Constitution did not apply.

This meant that Congress could govern the U.S. citizens of Puerto Rico under the same unincorporated territory doctrine that applied to non-citizens in the Philippines when it was in transition to independence. Although Congress has been active on this issue, it has not taken the necessary steps to resolve Puerto Rico's status. As a result, some U.S. citizens of Puerto Rico have created a number of unconventional status ideologies and doctrines that combine features of statehood, territorial status and independence. The ideologies and doctrines may be ill-advised or even legally flawed in some respect but they are a direct result of U.S. citizens simply trying to fill the void left by the U.S. Congress.

These doctrines, which now complicate the issue of Puerto Rico's status, most likely would not have been created had Congress not overlooked its responsibility for a territorial status resolution.

I mention this not to chastise previous Congresses but to urge my colleagues to take this matter up in an expeditious fashion, to address it fully and to resolve it finally. As I said earlier, this is long overdue and the people of Puerto Rico deserve their say.

As a result, I have introduced legislation that would move this process forward. It would not dictate the status of Puerto Rico but it would begin a process whereby a resolution of this matter could be reached. This hearing is a critical step toward finding a workable solution and I'm pleased that both sides of this important debate are represented here today and will present testimony to our committee.

While some people support the White House report, others oppose it. Both sides have valuable perspectives and are important to this debate, because both sides have the best interests of Puerto Rico at heart. It is with a tone of civility that we should open this hearing, because there is, I believe, a firm understanding that we are here today to determine what is in the best interests of all U.S. citizens in Puerto Rico and are here to better understand the constitutional options available to future generations of U.S. citizens living in Puerto Rico. Thank you, Mr. Chairman.

[The prepared statement of Senator Martinez follows:]

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

Mr. Chairman, I want to personally thank you for calling this important hearing. The issue of Puerto Rico's status is of great interest to me and many of my constituents in Florida, and it is an issue where a meaningful resolution is well overdue.

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 is unlikely 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 where we are, and will also give us an opportunity to discuss where it is 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 US Constitution, and therefore a Territory of the US since 1898. That has not changed in the last 108 years.

Federal authorities (including GAO, CRS, DOJ, State, US Supreme Court, US House of Representatives, successive US Presidents) including the legislative history of Law 600 (which provided for 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.

And 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 United States citizens of Puerto Rico do not have adequate or proportional representation to decide those laws. In a government based on representative democracy, clarifying this situation is of absolute necessity.

Mr. Chairman, in order to begin the process of resolving this matter, we need to start by asking one important question: why is Puerto Rico the only territory in U.S. history to be granted U.S. citizenship by Congress, while, at the same time, not being put in a position to establish a permanent relationship with the United States?

When the Congress conferred U.S. citizenship for the territories of Alaska and Hawaii, the U.S. Supreme Court interpreted that to mean the U.S. Constitution applied and those territories were incorporated into the union.

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This meant that Congress could govern the U.S. citizens of Puerto Rico under the same unincorporated territory doctrine that applied to non-citizens in the Philippines when it was in transition to independence.

Although Congress has been active on this issue, it has not taken the necessary steps to resolve Puerto Rico's status.

As a result, some U.S. citizens of Puerto Rico have created a number of unconventional status ideologies and doctrines that combine features of statehood, territorial status and independence.

These ideologies and doctrines may be ill-advised or even legally flawed in some respects, but they are the direct result of U.S. citizens simply trying to fill the void left by Congress.

These doctrines, which now complicate the issue of Puerto Rico's status, most likely would not have been created, had Congress not overlooked its responsibility for a territorial status resolution.

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