

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

November 26, 2018

Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington D.C.

Dear Acting Attorney General Whitaker:

We write to request the Department of Justice (DOJ) to assist the government of Puerto Rico in certifying a plebiscite that will allow for the resolution of Puerto Rico's century-old territorial status. This request is being made pursuant to existing law. Indeed, Congress has already provided the means for the DOJ to assist the Puerto Rican government in conducting a straightforward yes-or-no ratification vote on Puerto Rico's admission as a state. Under the *Consolidated Appropriations Act of 2014*, Pub. L. 113-76, 128 Stat. 5-6, the DOJ is authorized to spend \$2.5 million for "objective, nonpartisan voter education about, and a plebiscite on, options that would **resolve** Puerto Rico's future political status" (emphasis added).

Furthermore, a proposed vote on Puerto Rico's admission as a state would be consistent with the procedures that led to most states – most recently Alaska and Hawaii – transitioning from territory status to statehood. On August 26, 1958, a vote was held in Alaska on the yes-or-no question: "Shall Alaska be immediately admitted into the Union as a State?" Similarly, on June 27, 1959, a vote was held in Hawaii on the yes-or-no question: "Shall Hawaii be immediately admitted into the Union as a State?" In each case, the outcome of the vote led to prompt federal action resulting in statehood for both territories.

To date, Puerto Ricans have voted on the question of status on five occasions. On the last two plebiscites – in 2012 and 2017 – those, who voted, overwhelmingly chose statehood with 61% and 97% of the vote respectively. However, all these votes were locally sponsored and not federally-sanctioned, nor were they strict yes-or-no votes on statehood for Puerto Rico. If the duly-constituted government of the territory, established and exercising its delegated local powers under federal law (Pub. L. 82-447), determines to conduct a yes-or-no vote on statehood under Pub. L. 113-76, the legal standard prescribed by Congress for federal recognition of such an act of self-determination is clear. It is the Attorney General's duty and responsibility to certify that the definition of any option to **resolve** the status of Puerto Rico on the ballot and related education materials are "not incompatible with the Constitution and laws and policies of the United States." The statehood option, which Puerto Ricans have already supported twice, unequivocally meets

both criteria, as it would **resolve** the status of Puerto Rico in a way that is compatible with the Constitution, laws and policies of the United States.

Should the territorial government choose this path and submit a plan for a plebiscite on statehood to the DOJ, we trust that the Department will expeditiously fulfill its responsibility under Pub. L. 113-76 and assist the Government of Puerto Rico in completing this vital task towards resolving the century-old debate on status of the island that has kept millions of our own fellow citizens in an indefinite state of inequality. After 120 years under the American flag, and 101 years of American citizenship, resolution of the question of Puerto Rico's ultimate status is long past due.

Respectfully,



Rob Bishop
Chairman



Don Young
Chairman Emeritus



Doug LaMalfa
Chairman
Subcommittee on Indian,
Insular and Alaska Native
Affairs



Jenniffer González-Colón
Vice-Chair
Subcommittee on Indian,
Insular and Alaska Native
Affairs

cc: The Honorable Ricardo Rosselló, Governor of Puerto Rico
The Honorable Thomas Rivera-Schatz, President of the Puerto Rico Senate
The Honorable Carlos "Johnny" Méndez, Speaker of the Puerto Rico House of Representatives