

**H.R. 1522, “PUERTO RICO
STATEHOOD ADMISSION ACT”;
AND H.R. 2070, “PUERTO RICO SELF-
DETERMINATION ACT OF 2021”**

LEGISLATIVE HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

Wednesday, April 14, 2021

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CONTENTS

| | Page |
|---|------|
| Hearing held on Wednesday, April 14, 2021 | 1 |
| Statement of Members: | |
| González-Colón, Hon. Jenniffer, a Resident Commissioner in Congress from the Territory of Puerto Rico | 4 |
| Prepared statement of | 5 |
| Grijalva, Hon. Raúl M., a Representative in Congress from the State of Arizona | 2 |
| Prepared statement of | 3 |
| Velázquez, Hon. Nydia, a Representative in Congress from the State of New York | 9 |
| Westerman, Hon. Bruce, a Representative in Congress from the State of Arkansas | 6 |
| Prepared statement of | 7 |
| Statement of Witnesses: | |
| Acevedo-Vilá, Hon. Aníbal, Former Governor, Popular Democratic Party, San Juan, Puerto Rico | 49 |
| Prepared statement of | 50 |
| De Lourdes Santiago, Hon. María, Senator, Puerto Rico Independence Party, San Juan, Puerto Rico | 53 |
| Prepared statement of | 54 |
| Fuentes Agostini, José, Chair, Puerto Rico Statehood Council, Washington, DC | 22 |
| Prepared statement of | 23 |
| Hernández Montañez, Hon. Rafael, Speaker, Puerto Rico House of Representatives, San Juan, Puerto Rico | 46 |
| Prepared statement of | 47 |
| Natal-Albelo, Hon. Manuel, President, Citizens Victory Movement, San Juan, Puerto Rico | 57 |
| Prepared statement of | 58 |
| Pierluisi, Hon. Pedro R., Governor of Puerto Rico, San Juan, Puerto Rico | 10 |
| Prepared statement of | 12 |
| Ponsa-Kraus, Christina D., Professor of Law, Columbia Law School, New York, New York | 44 |
| Prepared statement of | 45 |
| Vélez-García, Johanne, Vice President, Puerto Rico Democratic Party, San Juan, Puerto Rico | 17 |
| Prepared statement of | 18 |
| Additional Materials Submitted for the Record: | |
| List of documents submitted for the record retained in the Committee's official files | 141 |
| Submissions for the Record by Resident Commissioner González-Colón | |
| Keren Riquelme Cabrera, Puerto Rico Senator at Large, Letter to Chairman Grijalva and Ranking Member Westerman | 98 |
| Puerto Rico Young Republican Federation—Statement for the Record in Support of H.R. 1522 | 99 |
| Pedro R. Pierluisi, Governor of Puerto Rico—Letter to Congressional Leadership Supporting H.R. 1522 & S. 780 | 100 |
| Letter signed by 47 Legal and Constitutional Scholars Supporting H.R. 1522 & S. 780 | 101 |
| Letter signed by 51 Organizations Supporting H.R. 1522 & S. 780 | 104 |

IV

| | Page |
|--|------|
| Additional Materials Submitted for the Record—Continued | |
| Submissions for the Record by Resident Commissioner González-Colón— Continued | |
| José F. Aponte-Hernández, Former Speaker of the House of Representatives of Puerto Rico and Representative at Large— Statement for the Record on H.R. 1522 | 107 |
| Civil Rights Coalition for Puerto Rico Statehood, Letter to House and Senate in Support of H.R. 1522 & S. 780 | 119 |
| Puerto Rico Estadidad, Letter to House and Senate with over 100 citizen signatures in Support of H.R. 1522 & S. 780 | 122 |
| Milagros G. López Campos, Municipal Legislator of Carolina, Puerto Rico, Statement for the Record in Support of H.R. 1522 | 126 |
| Gregoria Igartua, Domestic and International Legal Advice LLC, Statement for the Record in Support of H.R. 1522 | 127 |
| Ricardo Marrero-Passapera, Candidate for Puerto Rico Congressional Delegation, Letter to Chair Grijalva and Ranking Member Westerman in Support of H.R. 1522 | 133 |
| Democratic Party of Puerto Rico, Letter to Rep. Joaquin Castro in Support of H.R. 1522 | 137 |
| Submissions for the Record by Rep. Soto | |
| Steny H. Hoyer, Majority Leader of the U.S. House of Representa- tives, Testimony for the Record | 139 |
| Submissions for the Record by Rep. Velázquez | |
| Status, Our People and Right to Vote, by Victoria Muñoz Mendoza and Héctor Luis Acevedo, <i>El Nuevo Día</i> , March 25, 2021 | 140 |

LEGISLATIVE HEARING ON H.R. 1522, TO PROVIDE FOR THE ADMISSION OF THE STATE OF PUERTO RICO INTO THE UNION, “PUERTO RICO STATEHOOD ADMISSION ACT”; AND H.R. 2070, TO RECOGNIZE THE RIGHT OF THE PEOPLE OF PUERTO RICO TO CALL A STATUS CONVENTION THROUGH WHICH THE PEOPLE WOULD EXERCISE THEIR NATURAL RIGHT TO SELF-DETERMINATION, AND TO ESTABLISH A MECHANISM FOR CONGRESSIONAL CONSIDERATION OF SUCH DECISION, AND FOR OTHER PURPOSES, “PUERTO RICO SELF-DETERMINATION ACT OF 2021”

**Wednesday, April 14, 2021
U.S. House of Representatives
Committee on Natural Resources
Washington, DC**

The Committee met, pursuant to notice, at 1 p.m., via Webex, Hon. Raúl M. Grijalva [Chairman of the Committee] presiding.

Present: Representatives Grijalva, Napolitano, Costa, Sablan, Huffman, Lowenthal, Gallego, Neguse, Porter, Leger Fernández, Velázquez, DeGette, Brownley, Dingell, McEachin, Soto, García, Case, McCollum, Tlaib; Westerman, Young, Lamborn, Gosar, Graves, Radewagen, Webster, González-Colón, Fulcher, Stauber, Tiffany, Moore, Herrell, and Obernolte.

Also present: Representative Torres.

The CHAIRMAN. Thank you very much. The Committee will come to order. The Committee is meeting today to receive testimony on two bills to address Puerto Rico’s future political status. Under Committee Rule 4(f), any oral opening statements of the hearing are limited to the Chair and the Ranking Minority Member or their designees. This will allow us to hear from our witnesses sooner and help Members keep to their schedules.

However, for today’s hearing, we will allow main sponsors to make a statement in support of their legislation before we turn to the rest of the witnesses. I therefore ask unanimous consent that all other Members’ opening statements be made part of the hearing record if they are submitted to the Clerk by 5 p.m. today or at the close of the hearing, whichever comes first. Hearing no objection, so ordered.

Without objection, the Chair will also declare a recess subject to the call of the Chair. Without objection, so ordered.

As described in the notice, statements, documents or motions will be submitted to the repository at HNRCdocs@mail.house.gov.

Without objection, the following Members from New York, Representatives Torres and Ocasio-Cortez are authorized to question the witnesses of today's hearing after permanent members of this Committee have their opportunity first.

Additionally, please note that as with in-person meetings, Members are responsible for their own microphones. And as with our in-person meetings, Members may be muted by staff only to avoid inadvertent background noise. Finally, Members or witnesses experiencing technical problems should inform the Committee staff immediately. Now let me recognize myself for opening remarks.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

The CHAIRMAN. In the hopes of some brevity, let me just state that I want to thank my colleagues for taking the time to join us at the Full Committee hearing to discuss the legislation to resolve Puerto Rico's political status. And thank you to our witnesses today for their participation and the time commitment they have made to this hearing.

The U.S.-Puerto Rico political relationship has been the subject of past discussions in this Committee. However, recent events reinforce our responsibility to re-examine the island's territory status.

Two pieces of legislation have been introduced this Congress to resolve Puerto Rico's political status, H.R. 2070, Puerto Rico's Self-Determination Act of 2021 by Representative Velázquez, and H.R. 1522, Puerto Rico Statehood Admission Act by Representative Darren Soto.

Each piece of legislation proposes a different process to end the island's current territory status. Puerto Rico's options for non-territory status or statehood, independence and free association.

At the same time, there is existing legislation to address this issue. In 2014, Congress appropriated \$2.5 million to be provided to the Puerto Rico State Elections Commission for voter education and conduct a plebiscite by which Puerto Rican voters would determine the future political status of Puerto Rico. The U.S. Department of Justice is responsible for overseeing and administering that plebiscite.

Despite the different views of our witnesses today, I hope we can all agree that Congress has a responsibility to play a constructive role in the resolution of Puerto Rico's political status. We must work effectively together with the executive branch and the island's elected officials through this process, while respecting the will of the residents of Puerto Rico.

This Committee will continue to work with the Biden administration on this important matter and expanding access to Federal programs for residents of Puerto Rico and other U.S. territories. The White House already demonstrated a willingness to expand such programs as the Child Tax Credit and the Earned Income Tax Credit in these jurisdictions. I will continue advocating for equity in Federal assistance under the Supplemental Security Income and Medicaid.

A study released by the Administration recently related to the American Jobs Plan spoke to the need for action in Puerto Rico. For decades, infrastructure in Puerto Rico has suffered from a systemic lack of investment. The need for action is clear. Puerto Rico's infrastructure received a 'D minus' grade in this report on its infrastructure report card. The American Jobs Plan would make that historic investment in our nation's infrastructure and in the needs that are very pronounced within Puerto Rico.

This 'D minus' rating, I think, further presses the effort we need to undertake to address the historic need and inequity related to Puerto Rico and its residents in terms of the support American citizens in Puerto Rico deserve and merit and have earned in terms of equity from the Federal Government.

Now I also want to, as I said, welcome our witnesses, which were suggested by the bill sponsors. Thank you for joining us. It is my hope that we will receive constructive feedback that will direct and inspire the Federal Government to act and continue today's discussion, which is a priority for the people of Puerto Rico.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, CHAIR, COMMITTEE ON
NATURAL RESOURCES

I want to begin by thanking my colleagues for taking the time to join us for this Full Committee hearing to discuss legislation to resolve Puerto Rico's political status.

For more than a century, Puerto Rico has been a U.S. territory subject to congressional authority derived from the Territory Clause of the U.S. Constitution. The Territory Clause grants Congress "Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

The U.S.-Puerto Rico political relationship has been the subject of past discussion in this Committee. However, recent events reinforce our responsibility to reexamine the island's territory status.

First, **a series of federal cases that affirmed the Commonwealth of Puerto Rico's subordinate status.** For example, *Sánchez Valle* in 2016 in which the Supreme Court of the United States emphasized that—as a territory—the Commonwealth continues to derive its authority to govern from the U.S. Constitution, even after Congress approved the Commonwealth's own constitution in 1952.

Second, **the Federal Government's enactment of PROMESA**, which authorizes the President of the United States to appoint members to an Oversight Board with extraordinary powers over the decisions of the Commonwealth and the island's elected government officials.

Third, the government of Puerto Rico's decision to conduct a **statehood yes-or-no plebiscite in November 2020.**

Two pieces of legislation have been introduced this Congress to resolve Puerto Rico's political status—H.R. 2070, "Puerto Rico Self-Determination Act of 2021" by Representative Velázquez and H.R. 1522, "Puerto Rico Statehood Admission Act" by Representative Soto. Each piece of legislation proposes a different process to end the island's current territory status; Puerto Rico's options for a non-territory status are statehood, independence, and free association.

At the same time, there is existing legislation to address this issue. In 2014, Congress appropriated \$2.5 million to be provided to the Puerto Rico State Elections Commission for voter education and to conduct a plebiscite by which Puerto Rican voters would determine the future political status of Puerto Rico. The U.S. Department of Justice is responsible for overseeing and administering the plebiscite.

Despite the different views of our witnesses today, I hope we can all agree that Congress has a responsibility to play a constructive role in the resolution of Puerto Rico's political status. We must work effectively together with the executive branch and the island's elected government officials through this process, while respecting the will of the residents of Puerto Rico.

I am committed to continue working with the Biden administration on this important matter and expanding access to Federal programs for residents of Puerto Rico

and other U.S. Territories. The White House has already demonstrated willingness to expand programs such as the Child Tax Credit and the Earned Income Tax Credit in these jurisdictions, and I will continue advocating for equity in federal assistance under the Supplemental Security Income and Medicaid.

Now, I want to welcome our witnesses, most of which were suggested by the bill sponsors. Thank you for joining us. It is my hope that we will receive constructive feedback that will inspire the Federal Government to act and continue today's discussion, which is a priority for the people of Puerto Rico.

The CHAIRMAN. At this point, let me yield to the Ranking Member for comments. The floor is yours.

**STATEMENT OF THE HON. JENNIFFER GONZÁLEZ-COLÓN, A
RESIDENT COMMISSIONER IN CONGRESS FROM THE TERRITORY
OF PUERTO RICO**

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. And first I would like to offer my deepest condolences on the recent passing of Alex Lofgren from your staff. My sympathies are with you, your office, and Alex's loved ones.

First of all, I want to thank you for calling on this important hearing that addresses the results of the November election in favor of statehood for Puerto Rico. Today, we will hear the testimony on two House bills, H.R. 1522, the Puerto Rico Statehood Admission Act and H.R. 2070.

H.R. 1522, introduced by Mr. Darren Soto, Florida, and myself, representing the island of Puerto Rico, elected to do so in Congress, would end Puerto Rico's territorial status, while the other bill is another tactic to delay the decolonization process and thus perpetuate the unequal treatment of the 3.2 million Americans that live on the island.

Let me be clear. There is nothing that this other bill, or this other legislation, will offer Puerto Rico that has not been already discussed in 123 years. It is nothing new.

Status convention, as proposed by that bill, creates a cumbersome process without any kind of timeline to completion and which problematically does not recognize that the only two non-territorial and constitutional status options are statehood and independence. Not only that—the bill shamelessly ignores the will of the voters in Puerto Rico, ignores a legitimate democratic process, and ignores self-determination despite the bill's misleading title.

Letting the losing minority deny the clear choice of the majority in a free and fair vote is not democracy, and the United States must not take part in such an egregious act. That bill is truly a slap in the face to all Puerto Rican voters.

On the other hand, H.R. 1522 respects and upholds Puerto Rico's vote for statehood with the true and only self-determination method—and that is the ballot box.

Puerto Ricans have voted for statehood three times in elections that courts upheld: 2012, 2017 and again in 2020. On March 24, this year, the certified results of the Puerto Rico State Elections Commission on voter participation showcases that voter turnout was 73.15 percent. That is a higher voter turnout than we have seen here in the United States in decades.

The bipartisan bill—and I must say thank you to all Republicans and Democratic Members who are sponsoring Darren Soto’s and the people of Puerto Rico’s bill, which is H.R. 1522—would constitute Congress’ response to our fellow citizens on the island and provide a formal offer of statehood. The legislation outlines a clear process to enable the island’s admission into the Union, should it be ratified by Puerto Rico voters in a federally sponsored, yes-or-no referendum. This is exact same procedure that was established for Alaska and Hawaii prior to their admission as states. Statehood, I know, is going to happen. It is the logical next step in our political future as Americans.

Congress has the chance to make clear that when American citizens ask for equality and justice, they will get equality and justice as American citizens, not that we will welcome a proposal to make them be separate but equal like the other bills pretend.

The status quo is unsustainable, and until it is addressed, Puerto Rico’s economy and social development will continue to lag behind the other 50 states, driving many Puerto Ricans to leave the island in search of better opportunities. An example of that is that, today, as we speak, 44 percent of the island’s residents live under the poverty line.

For 140 years, the people of Puerto Rico have been proud American citizens, with over 235,000 having honorably served our nation in the U.S. Armed Forces, all while being denied equal participation in the Federal decision-making process.

Only statehood provides that equal participation, guarantees U.S. citizenship, and represents a permanent and constitutional solution for Puerto Rico’s status issue. And that is the reason I am proud to join Mr. Darren Soto of Florida. We together are listening to the voters on the island, to the majority, to the will of the people of Puerto Rico. I am the one elected to represent them, and I am doing so by filing this bill. With that, Mr. Chairman, I yield back.

[The prepared statement of Miss González-Colón follows:]

PREPARED STATEMENT OF THE HON. JENNIFFER GONZÁLEZ-COLÓN, RESIDENT
COMMISSIONER IN CONGRESS FROM PUERTO RICO

Thank you, Mr. Chairman. I’d like to first offer my deepest condolences on the recent passing of Alex Lofgren from your staff. My sympathies are with you, your office and Alex’s loved ones.

Mr. Chairman, thank you for calling on this important hearing that addresses the results of the November 3 election in favor of statehood for Puerto Rico.

Today, we will hear testimony on two House bills, H.R. 1522, the Puerto Rico Statehood Admission Act, and H.R. 2070.

H.R. 1522, introduced by Mr. Soto and I, would **end** Puerto Rico’s centennial territorial status, while the other bill is another tactic to delay the decolonization process and thus perpetuate the unequal treatment of the 3.2 million Americans on the Island.

Let me be clear, there is nothing that this other legislation will offer to Puerto Rico that has not already been discussed in 123 years.

A status convention, as proposed by this bill, creates a cumbersome process without any kind of timeline to completion, and which problematically does not recognize that the only two non-territorial and constitutional status options are statehood and independence.

Not only that—the bill shamelessly ignores the will of voters in Puerto Rico, ignores a legitimate democratic process, and ignores self-determination, despite the bill’s misleading title.

Letting the losing minority deny the clear choice of the majority in a free and fair vote isn’t democracy, and the United States must not take part in such an egregious act!

That bill is truly a slap in the face to Puerto Rican voters!

On the other hand, H.R. 1522, respects and upholds Puerto Rico's vote for statehood with the **true and only** self-determination method, the ballot box. Puerto Ricans have voted for statehood three times in elections that the courts upheld.

The March 24 certified results of the Puerto Rico State Elections Commission on voter participation, showcases that voter turnout was 73.15%. That is a higher voter turnout than what we have seen here in the United States in decades.

The bipartisan H.R. 1522 would constitute Congress's response to our fellow citizens in Puerto Rico and provide a formal offer of statehood. The legislation outlines a clear process to enable the Island's admission into the Union, should it be ratified by Puerto Rico voters in a federally sponsored, yes-or-no referendum. This is the exact same procedure established for Alaska and Hawaii prior to their admission as States.

Statehood is going to happen. It is the logical next step in our political future as Americans.

Congress has the chance to make clear that when American citizens ask for equality and justice, they will get equality and justice as American Citizens. Not that we will welcome a proposal to make them be "separate but equal".

The status quo is unsustainable and until it is addressed, Puerto Rico's economy and social development will continue to lag behind that of the 50 states, driving Puerto Ricans to leave the Island in search of better opportunities. An example of this is how today, 44% of Island residents live under the poverty level.

For 104 years, the people of Puerto Rico have been proud American citizens, with over 235,000 having honorably served our Nation in the U.S. Armed Forces. All while being denied equal participation in the federal decision-making process.

Only statehood provides that equal participation, guarantees U.S. citizenship, and represents a permanent and constitutional solution to Puerto Rico's status issue.

Thank you, Mr. Chairman and I yield back.

The CHAIRMAN. The gentlelady yields back. And let me extend my appreciation for her comments regarding Mr. Lofgren, and your comments will extend to our staff. I appreciate it very much.

The Chair now recognizes the Full Committee Ranking Minority Member, Mr. Westerman, for any statement that he may make. Mr. Westerman, you are recognized.

VOICE. Mr. Westerman is getting connected, I think, right now.

The CHAIRMAN. OK. Mr. Westerman, you are recognized.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Chairman. Thank you for your patience. And I want to also thank the witnesses for being with us today. And again, with all the technical issues that we have with these virtual hearings, and given that most of us are now vaccinated, I sincerely hope that we can return to work in person soon.

At the end of the Spanish-American War in 1898, the United States acquired Puerto Rico along with several other islands. It wasn't until 1917 that Congress, through the Jones Act, extended U.S. citizenship to those residing in Puerto Rico. In 1950, Puerto Rico gained authority over its internal governance. And in 1952, its constitution was ratified by the United States.

After approval of the Puerto Rico Constitution, the island formally became known as the Commonwealth of Puerto Rico. At the time, this was another major step for Puerto Rico, but it did not resolve the relationship ambiguity with the United States, as some held that the "Commonwealth" provided Puerto Rico a status that was beyond territory but less than a state.

Recent Supreme Court decisions and enactment of PROMESA resulted in the legal determination that Puerto Rico is a U.S. territory. Puerto Rico has tried to gain consensus from its people on how to proceed on the status issue. On November 3, 2020, Puerto Rico held its sixth non-binding status referendum that asked voters in the territory one simple question: Should Puerto Rico be immediately admitted as a U.S. state?

The results of that vote were 52 percent or 655,000 people voting in favor of statehood and 47 percent voting against it. Today, we have two bills on the agenda. The first, H.R. 1522, attempts to build upon the November 2020 election. If enacted, the Puerto Rico voters would need to ratify being admitted to the Union. If a majority of Puerto Ricans vote no, nothing would happen, and the bill would cease to be effective.

The other bill before us today, H.R. 2070, seeks to establish a status convention, which would include Puerto Rican elected delegates who would define status options for Puerto Ricans to vote on. The status option chosen by voters would require ratification by Congress. Oddly, the sponsor is well intentioned to help Puerto Ricans, but it is unclear why electing delegates to lifetime terms, to define what status options are available, is necessary or accomplishes anything.

Additionally, the delegates would have to put forward status options for the people of Puerto Rico to vote on. However, the bill does not specify how and if those choices will be narrowed before selection or if they need to be voted on or unanimous. In fact, the status convention could be stymied by the same internal disagreement that is playing out between the current Puerto Rican political parties.

If the elections for the delegates are lopsided from one particular party, the other parties may disengage and eventually boycott the referendum, as has happened in the past.

I believe that it is undemocratic that delegates elected under this provision could receive a lifetime appointment, which could result in an endless cycle of debate.

Lastly, this bill raises significant concerns as the bill sponsor's intent is for the convention to consider statehood, independence, free association or "any option other than the current territorial agreement." However, there are no other options outside of statehood, independence, or free association.

If another option beyond these were selected, Congress would be in a position to potentially bring forward a status option that isn't attainable under the Constitution.

While I have reservations about this bill, I look forward to hearing from the witnesses and continuing to engage in meaningful dialogue so Congress can make informed decisions. Thank you, Mr. Chairman, and I yield back.

[The prepared statement of Mr. Westerman follows:]

PREPARED STATEMENT OF THE HON. BRUCE WESTERMAN, RANKING MEMBER,
COMMITTEE ON NATURAL RESOURCES

Thank you, Chairman and thank you to the witnesses for being with us.

With the many technical issues this Committee has experienced with virtual hearings this year and given that most of us are now vaccinated, I sincerely hope we can return to work in person soon.

At the end of the Spanish American War in 1898, the United States acquired Puerto Rico along with several other Islands.

It wasn't until 1917 that Congress, through the Jones Act, extended U.S. citizenship to those residing in Puerto Rico.

In 1950, Puerto Rico gained authority over its internal governance and in 1952 its Constitution was ratified by the United States.

After approval of the Puerto Rico Constitution, the Island formally became known as the "Commonwealth of Puerto Rico."

At the time, this was a another major step for Puerto Rico but it did not resolve the relationship ambiguity with the United States, as some held that a "commonwealth" provided Puerto Rico a status that was beyond territory but less than a state.

Recent Supreme Court decisions and enactment of PROMESA resulted in the legal determination that Puerto Rico is a U.S. territory.

Puerto Rico has tried to gain consensus from its people on how to proceed on the status issue.

On November 3, 2020, Puerto Rico held its sixth nonbinding status referendum that asked voters in the territory one simple question: "Should Puerto Rico be immediately admitted as a U.S. State?"

The results of the plebiscite were 52.52% (655,505) voting in favor of statehood and 47.48% (592,671) voting against it.

Today we have two bills on the agenda.

The first, H.R. 1522, attempts to build upon the November 2020 plebiscite. If enacted, the Puerto Rico voters would need to ratify being admitted to the Union. If a majority of Puerto Ricans vote no, nothing would happen, and the bill would cease to be effective.

The other bill before us today, H.R. 2070, seeks to establish a Status Convention, which would include Puerto Rican elected "delegates" who would define status options for Puerto Ricans to vote on. The status option chosen by voters would require ratification by Congress.

While I believe the sponsor is well intentioned to help Puerto Ricans, it is unclear why electing delegates to lifetime terms, to define what status options are available, is necessary or accomplishes anything.

Additionally, the "delegates" would have to put forward status options for the people of Puerto Rico to vote on. However, the bill does not specify how and if those choices will be narrowed down before selection or if they need to be voted on or unanimous.

In fact, the Status Convention could be stymied by the same internal disagreement that is playing out between the current Puerto Rican political parties.

If the elections for the "delegates" are lopsided for one particular party, the other parties may disengage and eventually boycott the referendum as has happened in the past.

I believe that it is undemocratic that delegates elected under this provision could receive a lifetime appointment, which could result in an endless cycle of debate.

Lastly, this bill raises significant concerns as the bill sponsor's intent is for the Convention to consider statehood, independence, free association, or "any option other than the current territorial agreement".

However, there are no "other" options outside of statehood, independence, or free association.

If another option beyond these were selected, Congress would be in a position to potentially bring forward a status option that isn't obtainable under the Constitution.

While I have reservations about this bill, I look forward to hearing from the witnesses and continuing to engage in meaningful dialogue so Congress can make informed decisions.

Thank you, Chairman. I yield back.

The CHAIRMAN. The Ranking Member yields, and the Chair now recognizes a sponsor of the legislation, Ms. Velázquez. You are recognized. The floor is yours.

STATEMENT OF THE HON. NYDIA VELÁZQUEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. VELÁZQUEZ. Thank you, Mr. Chairman, and the Ranking Member for holding this very important hearing today. The topic at hand, the political status of Puerto Rico, is one of the most serious and consequential matters the Committee will consider.

Over 100 years ago, the United States invaded Puerto Rico. Despite the fact that Puerto Ricans are U.S. citizens and certain advances like the adoption of Puerto Rico's own constitution, the reality is that Puerto Rico remains at the mercy of the Federal Government. While we may not agree on the outcome, there is widespread agreement that the present political status should change.

Let me stress that any such process needs to be fair, inclusive, and democratic. That is the true nature of self-determination. Some have tried to blur self-determination for Puerto Rico with an admission process for the island as the 51st state. This is not only overly simplistic, but it is also wrong.

The conversation should not be about a process. It should be about a process that respects the will of the people and not how to stack the deck toward a particular status option, much less using millions of dollars in public funds to skew the outcome. This is not the same conversation as the push for DC statehood.

The history of the District of Columbia and the colonization of Puerto Rico are two very different realities, and we must consider that in this discussion. So, now Congress must take responsibility and enter into a serious dialogue with the Puerto Rican people.

I am very grateful for this hearing and to hear the many perspectives of our distinguished witnesses. Much of the conversation about Puerto Rico status is understandably focused on the outcome, be that statehood, independence, free association, or any other political arrangement. But I would like to take a second to discuss the importance of a transparent and inclusive democratic process. As such, I am proud that my bill, the Puerto Rico Self-Determination Act, establishes a fair and inclusive process by giving the Puerto Rican people the opportunity to make their voices heard in two open elections.

This bill recommends Puerto Rico's legislature create an established convention whose delegates will be elected by Puerto Rican voters to develop a long-term solution for Puerto Rico's status. But most importantly, it will be drafted and ratified by and for Puerto Ricans. Unlike the bill being offered by my colleagues, the Self-Determination Act does not impose one option on the people of Puerto Rico. Instead, it allows for a thorough discussion about the implications of each of the status options and what transitional plans would look like.

Puerto Ricans have never had the benefit of having any of this information up front. Congress should commit itself to following through on the self-determination process that Puerto Rican people may embark on. I am grateful that the Puerto Rico Self-Determination Act is being co-led by Representative Ocasio-Cortez and has 17 additional House co-sponsors and counting.

This bill is also being led in the Senate by Senators Bob Menendez and Republican Senator Roger Wicker, along with their

distinguished colleagues, Senators Sanders, Brown, Booker, Gillibrand, Warren, and Markey. This is a historic opportunity for the people of Puerto Rico, a moment to finally chart their own course. I am leading the chart on this bill so that we can once and for all address the question of Puerto Rico's political status in a manner that truly respects their will and aspirations.

I look forward to today's hearing, and I once again thank the Chairman and the Ranking Member. Now is the time to act. And this is a step toward meaningful progress. Thank you and I yield back.

The CHAIRMAN. The gentlelady yields back and thank you. Before I introduce our witnesses, just a commentary on the side. The sponsor of the legislation, Mr. Darren Soto—I will extend a courtesy when your time comes up in terms of questioning the witnesses or making a statement, extend the courtesy of some additional time insofar as, as a sponsor, we try to keep a balance as to both pieces of legislation, try to retain that.

I didn't recognize you as a sponsor of the legislation. For that, I will extend a courtesy when your opportunity comes up. And thank you very much for your cooperation in making sure that we take the balance of Members speaking to both pieces of legislation.

Before I introduce the witnesses, let me remind the witnesses that under our Committee Rules, we must limit their oral statements to 5 minutes but that their entire statement will appear in the hearing record.

When you begin, the timer will begin. And it will turn orange when you have 1 minute remaining. I recommend that Members and witnesses join remotely to using stage view so they can pin the timer on their screen.

After your testimony is complete, please remember to mute yourself to avoid any inadvertent background noise. I will also allow the entire panel to testify before questioning begins from the Members.

The Chair notes that Senator María de Lourdes Santiago is participating with the assistance of an interpreter. To ensure that Members hear from the witnesses, I will allow some extra time for opening statements so that she can hear the translation. This practice is under the Chair's recognition, as described in Committee Rule 4(a). I would also note that Members are encouraged to ask all questions in English to the Senator so that we can avoid any complications in terms of the translation that will be required.

With that, let me now turn to our first witness, the Hon. Pedro Pierluisi, Governor of Puerto Rico. We appreciate you very much, your attendance, Governor. And the floor is yours.

**STATEMENT OF THE HON. PEDRO R. PIERLUISI, GOVERNOR
OF PUERTO RICO, SAN JUAN, PUERTO RICO**

Governor PIERLUISI. Thank you, Chairman Grijalva, Ranking Member González-Colón and members of the Committee.

For years, Congress has entertained the idea of putting an end to the unresolved issue of Puerto Rico's political status, but has failed. Some reasons, or excuses if you will, have included that Congress should not interfere, that no option had a majority, or that Puerto Ricans needed consensus. And many Members of

Congress have preferred to take no position on the future of Puerto Rico's status, hiding behind their support for self-determination.

Things are different now. On November 3 of last year, the residents of Puerto Rico voted to resolve their status. The process was straightforward, an up-or-down, yes-or-no vote on statehood. It was a referendum much like any other territories had prior to becoming states. And the majority of the voters in Puerto Rico said yes to statehood. More Puerto Ricans voted for statehood than for any candidate running in that same election.

So, today, here we are again to discuss Puerto Rico's political future. I contend that we should only be discussing how to enable the freely and democratically expressed will of the American citizens of Puerto Rico. They deserve an answer to their request for statehood.

That is precisely what the Puerto Rico Statehood Admission Act does. As a self-executing legislation, the bill sets out the terms and conditions by which Puerto Rico could be admitted as a state, and presents a formal offer of statehood to the U.S. citizens of Puerto Rico who, in turn, are given the opportunity to accept or reject the admission in a final referendum.

If the majority votes again in favor of equality, Puerto Rico will begin a transition to statehood. Let me be clear. This bill does not force or impose statehood on Puerto Rico. It only offers statehood and provides a proven mechanism and a legal means for it to happen.

When statehood is granted, the U.S. citizens of Puerto Rico will have equal rights, equal responsibilities, and full representation in the U.S. Congress, and will be treated equally under all Federal laws, policies, and programs. Puerto Rico will also be able to participate in U.S. presidential elections to select the leaders that implement the laws that they live under.

Perhaps most importantly, for the very first time, the world's greatest democracy will offer equality to the U.S. citizens of Puerto Rico, who have been unequal to their fellow Americans for well over a century.

Unfortunately, we are also here today to discuss another bill which offers a convoluted process to deal with unknown status options or status options that Puerto Rico's voters have already rejected.

Those who did not like the people's choice in the November plebiscite, many who for years had dared proponents of statehood to carry out an up-or-down vote on statehood, now choose to ignore the results, change the process, and change the questions—anything to avoid accepting the will of the people.

H.R. 2070, ironically called the Puerto Rico Self-Determination Act, is the farthest thing from self-determination. It is the epitome of colonialism. It not only ignores the people's vote, but it also aims to tell Puerto Ricans what the process to express their will should be. That is not self-determination, that is an imposed determination. If you claim to favor self-determination, then you must support what Puerto Rico's voters freely determined. And that means admitting Puerto Rico as a state. You must take a stand on their choice.

In the late 1860s, Members of Congress just like you, against great opposition, stood on the right side of history and granted all men the right to vote, including African-Americans. In the early 1920s, Members of Congress just like you stood on the right side of history and granted women the right to vote. In 1964, Members of Congress just like you stood on the right side of history and voted to prohibit discrimination and segregation.

Our nation still has much to do to become a more perfect Union and to live up to the democratic ideals that are based on equality for all.

Now, the question I pose to you is: On which side of history will you stand? Will the position of this Committee, and of this Congress, be that American citizens who want full equality should be denied it? Will you tell the thousands of soldiers and veterans from Puerto Rico who have fought and died for those democratic ideals that they have not earned their right to be equal under the U.S. Constitution, that they must defend this country in war but cannot enjoy its democracy at home? Are you OK with telling their spouses, their children, and their widows and widowers that they do not deserve to vote for the president that sent them in harm's way?

This is not about whether you support self-determination. This is about whether, as Members of Congress, you are willing to stand on the side of equality and respect the results of our vote. My people and I will never consent to inequality. Inequality is un-American. And we must all stand against it.

That is why I stand in front of you today to speak for the American citizens of Puerto Rico who spoke with their vote. We deserve equality as American citizens, and we will not stop this fight until we achieve it.

Thank you very much.

[The prepared statement of Governor Pierluisi follows:]

PREPARED STATEMENT OF THE HON. PEDRO R. PIERLUISI, GOVERNOR OF
PUERTO RICO

I. INTRODUCTION

Chairman Grijalva, Acting Ranking Member González-Colón, and Members of the Committee: Thank you for today's hearing on one of the most important and urgent matters facing the people of Puerto Rico, ending our colonial status. This topic is also of extreme importance to the United States. America has been a beacon of liberty and a champion for self-determination throughout the world for almost three centuries. There should be no room in the American family for colonialism, especially when on three occasions in the last decade, a clear majority of the U.S. citizens in Puerto Rico have exercised their right of self-determination in favor of becoming a state of this Union.

For years, Congress has entertained the idea of putting an end to the unresolved issue of Puerto Rico's political status but has failed. Some reasons, or excuses, if you will, have included that Congress should not interfere, that no option had a majority, or that Puerto Ricans needed consensus. And many Members of Congress have preferred to take no position on the future of Puerto Rico's status and to hide behind support for self-determination.

The governing relationship between Puerto Rico and the United States has been the subject of extensive study and debate. What has emerged over the past self-determination exercises is an expression of the unmistakable desire of the residents of Puerto Rico to become a state.

Things are different now. As you know, on November 3 of last year, the residents of Puerto Rico went to the polls and voted to resolve our status. The process was clear and straightforward. An up or down, yes or no, vote on statehood. It was a

referendum much like many other territories had prior to becoming states. And the majority of the voters in Puerto Rico said yes to statehood. More Puerto Ricans voted for statehood than for any candidate running in that same election.

So, we are here before this Committee again to discuss our political future. I contend that we should only be discussing how to enable the people's choice, the freely and democratically expressed will of the American citizens of Puerto Rico. We should be discussing how to best respond to their request for statehood.

This is not the time for another protracted and convoluted process to debate the options. The voters have spoken clearly, and it is time for Congress to accept the results.

After almost 125 years of colonial status as a U.S. territory, the American citizens of Puerto Rico favor equality in all respects with their fellow Americans in the 50 states and are ready to begin their own transition to statehood.

II. THE RIGHT TO VOTE AS A FUNDAMENTAL HUMAN RIGHT

This urgent issue comes before the Committee at a time when the United States is engaged in a great national debate over voting, the most important right we have to shape our political destiny. This hearing adds to that debate the fact that 21 years into the 21st century, in the United States, approximately 3.1 million U.S. citizens—the majority of whom are Hispanic and bilingual and, as such, ethnic and linguistic minorities within the United States—have no domestic legally recognized right to vote for their country's President and Vice President or any voting representation in the House or Senate. In Puerto Rico's case, this is not about the mechanism of voting but the denial of that right altogether.

The right to vote, to participate in politics, and to shape the direction of the democracy we share and to which all Americans have a duty of loyalty and a responsibility to support are internationally recognized as **fundamental human rights**. These rights are among the most important human rights because, through them, citizens are able to hold their governments accountable and help shape government policies.

These rights constitute an acknowledgment that people are entitled to be masters of their fate by participating directly in the decisions that fundamentally affect their lives. Securing and protecting these rights are the keystone for a system in which all other human rights are respected.

I come before you today to express the will of the people of Puerto Rico, to demand that Congress move forward on the statehood admission process they support, and to end the era in which Puerto Rico has been an exception to America's legacy of supporting self-determination at home and overseas.

III. PUERTO RICO'S HISTORY AS A TERRITORY OF THE UNITED STATES

Puerto Rico has been a territory of the United States since 1898, and we have waited longer than any other territory to finally and fully resolve our status within the Union. The Treaty of Paris, which formally ended the Spanish-American War, provided in its Article IX that "[t]he civil rights and political status of the native inhabitants of the territories hereby ceded to the United States [including Puerto Rico] shall be determined by the Congress."

During the first 2 years after the end of the Hispanic-American war, the United States administered Puerto Rico as a military protectorate.

In 1900, the U.S. Congress passed the Foraker Act, which replaced the military government with a civilian one, established a Governor and an Executive Council, a popularly elected legislature, a judicial system, and a non-voting delegate to Congress called "Resident Commissioner," who remains to this day.

In 1917, the United States conferred United States citizenship on all Puerto Ricans through the passage of the Jones-Shafroth Act. The Jones Act also replaced the Executive Council with a popularly elected Senate. The Governor, however, remained a U.S. Presidential appointment.

Despite the unsettled nature of our own status over this period, Puerto Ricans have served, fought, and died for the cause of freedom and democracy in every military conflict since we became a territory and many with great distinction. But, at the national level, our Federal Government denies them the legally recognized right to vote for their Commander-in-Chief and has yet to give serious consideration to the process that will provide us with the right to voting representation in Congress and to participate in the future of our Nation.

Although I served in this House for 8 years representing the largest single constituency among my colleagues, just as our Resident Commissioner Jennifer González does now, I had to stand by as they voted for legislation in the House that affected all Americans, including the American citizens in Puerto Rico. For many

years, the reason we were given for the extension of our colonial status, was that the will of the people of Puerto Rico as to their status, was unclear. That is not the case today by any means.

The process that begins today in this Committee must be definitive. The time for debate and study about what to do has passed. Now, in this Congress is time to end the denial of these fundamental political, civil, and human rights to the United States citizens living in Puerto Rico.

IV. THE PUERTO RICO STATEHOOD ADMISSION ACT

Puerto Ricans are deeply proud to be American citizens and have contributed to this Nation in countless ways since 1898. Yet, no territory of the United States has waited longer than Puerto Rico to bring an end to its colonial status.

I ask you, both on behalf of your fellow Americans in Puerto Rico, and as a clear way to strengthen democracy for all Americans, to respond to the will of the people of Puerto Rico by approving legislation that will initiate the admission of Puerto Rico as a state.

The only acceptable response to this clear expression of a desire for permanent status as a state of the Union is the enactment of H.R. 1522, the Puerto Rico Statehood Admission Act, sponsored by Resident Commissioner Jenniffer González-Colón and Congressman Darren Soto, and S. 780, as introduced in the Senate by Senator Martin Heinrich, and others.

Under this legislation, Congress would set out the terms and conditions under which Puerto Rico would be admitted as a state and presents a formal offer of statehood to the U.S. citizens of Puerto Rico who, in turn, would be given the opportunity to accept or reject admission in a final referendum before admission is proclaimed.

The Puerto Rico Statehood Admission Act is self-executing. If the majority votes (again) in favor of equality, the territory's days would be over, and Puerto Rico would begin a transition to statehood.

Conversely, if a majority were to reject statehood, then the island would remain a territory with the option to pursue sovereignty, through nationhood, at any time in the future. Let me be clear—this bill does not force or impose statehood on Puerto Rico, it only offers statehood, as the majority wants it, and provides a proven mechanism and the legal means for it to finally happen.

When statehood is granted, the U.S. citizens of Puerto Rico will have equal rights, equal responsibilities, and full representation in the U.S. Congress, which enacts the federal laws that affect their daily lives. Puerto Rico would also be able to participate in U.S. Presidential elections to select the federal executive that implements the laws they live under. Puerto Rico would be treated equally under all federal laws, policies, and programs.

Perhaps most importantly, under this legislation, for the very first time, the world's oldest and greatest democracy would offer equality to citizens who have been unequal to their fellow Americans for well over a century.

Constitutionally, there are only two status options available: statehood and nationhood. The former embodies the equality that Puerto Ricans have voted for now in three successive referenda. The latter, however, as its supporters try to label it, would be based on a relationship outside of the Territorial Clause and the U.S. Constitution. Effectively removing Puerto Rico from being a part of the United States and the eventual loss of our American citizenship. A third option, the current territorial status—unequal, colonial, and unworthy of the United States—given that those subject to it have petitioned their Government for its rejection in favor of full equality.

When you consider this legislation, I ask you to think about how your own constituents would feel if their full rights as Americans were still in question after being a part of the United States for well over a century and after they voted three times in the past decade for statehood.

How would they feel if the response from Congress was to set aside their expressions of self-determination by favoring competing legislation that has no real purpose but to delay (rather than to respect) the clear determination of your constituents to enjoy the full benefits of U.S. citizenship? While we live and work in the greatest democracy the world has ever known, there remains some work to be done to perfect our democracy, and the appropriate way to respond to the expressed and repeated desire of the voters of Puerto Rico is to begin the statehood admission process that they have voted for.

Your support for the Puerto Rico Statehood Admission Act will reaffirm the most sacred principles upon which our system of government was founded and strengthen our democracy. It will also reaffirm to our allies and to those nations under the

duress of governments that reject democracy that America lives up to the principles that it has fought to protect since its foundation.

V. THE PUERTO RICO SELF-DETERMINATION ACT DOES NOT CONFER ADDITIONAL RIGHTS NOR DOES IT ADVANCE A RESOLUTION TO THE PUERTO RICO STATUS QUESTION

Unfortunately, we are also here today to discuss another bill that offers a convoluted process to include unknown options or other routes that Puerto Rico's voters have already rejected. Those who did not like the people's choice in the November plebiscite, many who for years had dared proponents of statehood to carry out an up or down vote on statehood, now choose to ignore the results, change the process, and change the questions. Anything to avoid accepting the will of the people.

H.R. 2070, ironically called the Puerto Rico Self Determination Act, is the farthest thing from self-determination. It is the epitome of colonialism. It not only ignores the people's vote, but it also aims to tell Puerto Ricans what the process to express our will should be. That is not self-determination; that is an imposed determination.

While I respect those who advocate otherwise here today, I emphasize that the Puerto Rican people have made a clear, democratic choice for statehood, and there can be no doubt about where the American citizens of Puerto Rico stand. First, in 2012, a clear majority, over 54% of the voters, rejected Puerto Rico's current territorial status, and now a clear majority, almost 53%, have chosen statehood for Puerto Rico.

In some instances in our history, Congress has moved territories toward statehood without a clear expression of the popular will of the citizens living in those territories, and some territories have been forced into statehood against the popular will. But when the popular will clearly has been expressed, it is Congress' responsibility to respond to that vote and to reject proposals that would perpetuate a colonial status in the guise of promoting yet another complicated and totally superfluous process of "self-determination."

H.R. 2070 and S. 865, as introduced in the House and Senate by Representatives Velázquez, Ocasio-Cortez, and Senator Menéndez, includes the utilization of a voting method that is unknown and that has never been used in Puerto Rico.

Their proposed legislation is also non-binding, which means that even if we go through the complete set of convoluted processes included in their bill, Congress may or may not choose to approve the option chosen by voters.

Even worse, their bill does not define any of the possible status options to be voted on or say how many could be presented to voters, leaving it up to a "Status Convention." Let me be clear: However proponents of this alternative approach to label it, anything short of statehood is colonial and unequal. Within the Constitution, there is statehood, independence, and a territorial status that historically has been viewed as temporary. It is highly misleading that the sponsors of this legislation continue to hold open the possibility of Congress considering "any option other than the current territorial arrangement," even though there are no other constitutionally valid alternatives to the territory status beyond statehood or nationhood.

The Puerto Rico Self-Determination Act lacks a clear timeline for execution. It would be cruel to have our people, the constituents I represent, go through years of endless debates and back and forth engagements with Congress, only to be left out in the end with no response to their clear intention to move toward equality and statehood.

Proponents of this bill argue that Puerto Rico's case is different from the U.S. citizens living in Washington, DC. That we have a different culture and a "unique Caribbean heritage that existed long before it was forcibly seized by the United States."

By doing so, they seem to adopt the same reasoning used by racist and xenophobic Justices of the Supreme Court in the early 20th century that decided the infamous *Insular Cases*. These cases invented the concept of the "unincorporated territory"—a territory of the United States not destined for statehood—in which only those constitutional protections extended to it by Congress and/or otherwise recognized as fundamental by the domestic courts apply in the territory.

It is precisely this same school of thinking that brought the conditions—which can only be changed by Congress—which cemented Puerto Rico's second-class U.S. citizenship. That is the historical record. You cannot shy away from it. The Court went as far as stating that Puerto Rico was "inhabited by alien races, differing from us in religion, customs, laws, and modes of thought, [the result of which] the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible."

Certainly, the American citizens of Puerto Rico are no less citizens of the United States than those living in the District of Columbia or, for that matter, than those living anywhere in the United States. As such, the U.S. citizens in Puerto Rico do not deserve any less protection from this Congress than our brothers and sisters from Washington DC.

In fact, these principles, and the current colonial status, make no sense because Puerto Ricans, by virtue of their American citizenship, can simply come to the mainland and acquire the rights they are denied in Puerto Rico. Why should the rights of any American citizen be defined by location?

Moreover, despite the offensive language in the Insular Cases, we must all agree that America is made up and strengthened by the grand and vast variety of cultures and customs of its people.

Just visit the home states of the primary sponsors of the so-called “Self-Determination Act,” and what do you see? People united by their love and devotion to the United States, that freely and actively celebrate their heritage they and their ancestors brought to this Nation, often under great sacrifice and duress. New York is like any American state; on any given day, you see people celebrating their heritage. The people of Puerto Rico voted for statehood because they realize that they have nothing to lose through statehood while gaining equality. Those who support any other approach would deny them the fundamental rights of our democracy.

It is highly doubtful that the original framers of the U.S. Constitution ever envisioned or would have approved a system where territories are held in perpetuity while permanently denying any voting participation to their inhabitants. After all, these imperialistic views are precisely what the 13 colonies rebelled against.

The differential treatment in voting rights between citizens of the 50 states, the District of Columbia, and Puerto Rico lacks any objective or reasonable justification. A citizen is a citizen regardless of the citizen’s place of residence within the territorial jurisdiction of his or her state.

VI. SUPPORT FOR STATEHOOD HAS NEVER BEEN GREATER AND THE TIME TO ACT IS NOW

If you claim to favor self-determination, then you must support what Puerto Rico’s voters freely determined, and that means admitting Puerto Rico as a state. You must take a stand and support their choice.

I hear some say that we need to wait until we reach a “consensus.” Those of us who want equality can never consent to discrimination and unequal treatment. There can never be consensus for second-class citizenship—the majority rules in our democratic system. And the majority of the American citizens residing in Puerto Rico want equality, which can only be conferred through statehood.

We had the courage to hold an up or down vote on statehood, and the people voted affirmatively. Statehood received more votes than any candidate or political party in Puerto Rico (by more than 200,000 votes, a substantial number). Statehood won in every single senatorial district and in 33 of 40 house districts. We must respect this sacred mandate and abide by the will of the people.

We ask Congress to seek that same courage, to provide an answer, and to respect the will of the American citizens of Puerto Rico. The fight for equality is a matter of civil and human rights. A proposal for an entirely new process, which is not binding, with no clear options, with delegates elected in perpetuity, with no timelines for execution, because some did not like the results, shows a lack of respect to the people of Puerto Rico.

I commend Congresswoman Jenniffer González-Colón, Puerto Rico’s sole representative in Congress, and Congressman Darren Soto, for introducing a status bill that actually represents and defends the will of the people.

I urge this Honorable Committee to not turn its back on us and look the other way. The source of your power to rule over Puerto Rico stems from Article IV, Section 3 of the U.S. Constitution, which reads: “Congress shall have power to dispose of and make all needful rules and regulations respecting the territory **or other property** belonging to the United States . . .”

“Other . . . **property**”, ladies and gentlemen . . .

Not long ago, a former state senator from Puerto Rico—who is not a statehood advocate—appeared before this Committee and read you that same Constitutional clause.

We demand that you start treating us as equals and stop treating us as property. Contrary to what the Insular Cases and its new modern progeny in Congress believe, we do not belong to the United States. We are an integral and fundamental part of it.

Inequality is un-American.

And we must all stand against it.

That is why I stand in front of you today to speak for the American citizens of Puerto Rico who spoke with their vote.

We deserve equality as American citizens. And we will not stop this fight until we achieve it.

Thank you.

The CHAIRMAN. Thank you very much, Governor. The Chair now recognizes Ms. Johanne Vélez-García, Vice President of the Puerto Rico Democratic Party. Ms. Vélez-García, the time is yours.

**STATEMENT OF JOHANNE VÉLEZ-GARCÍA, VICE PRESIDENT,
PUERTO RICO DEMOCRATIC PARTY, SAN JUAN, PUERTO RICO**

Ms. VÉLEZ-GARCÍA. Thank you, Mr. Chairman, Commissioner, and distinguished Members. I have devoted my life to advocacy for equality for more than 25 years, primarily women's and LGBTQ rights. After going to New York to marry, my wife and I joined others in a Federal suit to end Puerto Rico's discriminatory same-sex marriage ban. In 2017, I was appointed President of the first Governor's Advisory Council on LGBTQ Affairs in the territory and first elected Democratic Party Vice Chair.

Puerto Rico's unequal status, denying equality to more than 3.2 million Americans, is the biggest contradiction to the U.S. status as a democracy.

Testifying in this first panel before you today are four American citizens, of which two are your equals and two are not. The Governor of Puerto Rico and myself, like our fellow Puerto Rican residents in the island, are second-class citizens since we do not live in a state, whereas the other two panelists who live in the mainland have their full-fledged U.S. citizen rights. The shameful colonial status under which the residents of the island are not recognized as equals must end.

H.R. 1522 by Representative Soto would honor the majority self-determination choice of Puerto Ricans for equality within the nation. It follows free and fair votes in 2012 and 2017 on all of the possible options that chose statehood. Because boycotts urged by the opponents who knew they would lose diminished the number of votes, our elected representatives got a simple vote in 2020 on statehood, as had been held in other territories.

The various opponents thought that together they could win and stage a big campaign. Virtually as many people voted as voted for any local office, a greater percentage than in the statehood votes of many territories. And statehood won by an unequivocal margin. Now, minority opponents want you to ignore the purest possible form of self-determination, a democratic choice in a process determined by elected representatives.

H.R. 2070 tries to pressure the territory into conducting a process that our elected government has declined to adopt and has no purpose other than a desperate attempt to embarrass the United States into accepting a status proposal that successive congressional committees and administrations of both national parties have said is impossible for constitutional and other reasons.

Accepting the results of an election in 2020 was a national issue. Democrats, and I trust most Republicans, accept fair votes. The

2016 PROMESA law, which originated in this Committee, recognized that, “Puerto Rico’s right to determine its future political status,” among the possible options by its own method of choice. All should now respect Puerto Rico’s self-determination.

H.R. 2070 invites status proposals that are not possible under the Constitution and the basic policies of the United States. The primary authors call these “any other non-territorial status” in addition to statehood and the nationhood options. Such “commonwealth status” proposals are the exact reason that the issue of Puerto Rico’s status has not been resolved and that Puerto Rico remains a colonial territory.

H.R. 2070 would authorize certain Members of Congress to tell Puerto Ricans what their culture and language should be. It would be outrageous if the entire U.S. Government tried. It couldn’t constitutionally in a state or practically in a nation.

H.R. 2070 absurdly proposes to force the full Congress to vote on changes in a wide range of Federal laws proposed by Puerto Rico without consideration by committees of jurisdiction or amendment and only minimal debate. This alone should be enough to show it for what it is, a ruse to prevent democracy, equality, and self-determination for Puerto Ricans. Thank you for inviting me to testify for you today.

[The prepared statement of Ms. Vélez-García follows:]

PREPARED STATEMENT OF MS. JOHANNE VÉLEZ-GARCÍA, VICE CHAIR, DEMOCRATIC PARTY OF PUERTO RICO

I am pleased to today to join the Governor of Puerto Rico and so many distinguished witnesses today to discuss my views on the two pending bills today before the House Natural Resources Committee on Puerto Rico’s political status.

For over 25 years now, I have been an advocate for equality. My activism has primarily addressed women’s and LGBTQ rights. In 2014, 2 years after getting married in New York City, my wife and I joined five other couples in a federal court suit to end the discriminatory marriage ban for same-sex couples in Puerto Rico. In 2016, halfway through a tough at-large primary, I realized I had become the first openly lesbian woman to run for an elected position in Puerto Rico. And although I did not prevail in that run, history has its interesting turn of events, and in 2017, became the president of the first ever Governor’s Advisory Council on LGBTQ Affairs in Puerto Rico and Vice Chair of the Democratic Party of Puerto Rico. So, you see, the defense of equality is activism, advocacy, public policy, legislation, and more than anything, a commitment to further the full rights of every person in our democracy.

Testifying in this first panel before you today, are four American citizens of which two are your equals, and two are not. The Governor of Puerto Rico, and myself, like our fellow Puerto Ricans in the island, are second-class citizens since we do not live in a State. Whereas the other two panelists who live in the mainland have their full-fledged U.S. citizens’ rights. The shameful colonial status under which the residents of the island are not recognized as equals, must end.

During the last few months, the need to resolve Puerto Rico’s unequal and undemocratic status as a territory has gotten increased attention with the introduction of Puerto Rico Statehood Admission Act and the Puerto Rico Self-Determination Act. Given the many ways that Puerto Rico’s territory has become unsustainable for both the island residents and the Federal Government, all efforts to end the dysfunctional territorial status are worth considering.

The first bill sponsored by Congressman Darren Soto (H.R. 1522) is based on a response to several referendums in which Puerto Rican voters went to the polls to express their views on the preferred political status. This bill is straightforward, and it clearly defines the terms for Puerto Rico to become a state. The Soto bill offers the island a federal sanctioned Yes or No vote on statehood and if a majority chose “YES” then Puerto Rico becomes a state after a brief transition, without the need for further congressional action. If voters chose “NO” then the island remains

a territory and can then choose to pursue independence or sovereignty with free association at any point in the future.

I think it is important for the members of the Committee to understand how we got to this point and real reasons we are discussing two bills today. In 2012, 2017 and 2020, Puerto Rico voters supported statehood over the other status options. In the 2012 and 2017 referendums, the supporters of Commonwealth and Independence protested the structure of the ballot and opposed how these options were defined. These two plebiscites were based on the status options approved by various congressional committees and successive Administrations of both parties which said were valid Constitutional options. The anti-statehood parties urged their supporters to boycott the referendum since they could not define their preferred options anyway they wanted. But as Congressman Soto said after the 2017 plebiscite, choosing to boycott a vote on Puerto Rico's political status is a choice in itself.

In 2020, this was not the case. Due to largely to the complaints of the anti-statehood parties of the previous two plebiscites, the Governor and Legislature of Puerto Rico decided to offer the voters of Puerto Rico a clear and simple choice, "Statehood Yes or No." Virtually as many people voted in the plebiscite as voted for any local office. Many of the political leaders of Puerto Rico might disagree how to define Commonwealth or the current territorial status but generally everyone agrees what Statehood for Puerto Rico means. The Statehood Yes or No referendum was also based on similar votes that dozens previous territories held in petitioning Congress for statehood. The participation percentage on this vote was greater than similar votes in many territories.

Unlike the 2012 and 2017 referendums, the anti-statehood parties did not boycott the 2020 referendum. They officially registered in Puerto Rico to represent the "No" option. The Commonwealth and Independence parties as well as other anti-statehood parties actively campaigned and urged their supporters to vote No. Congresswoman Velázquez who is the main sponsor of the other bill which I will soon discuss came to Puerto Rico and urged voters to reject statehood.

Despite a well-run and well-funded campaign by the opposition, Statehood won nearly 53% of the vote. The statehood option received a greater percentage of the vote than even our distinguished Governor and Resident Commissioner who are with us today. For the third consecutive time, the voters clearly chose statehood as the preferred status option.

Let us spend a few minutes talking about why I believe statehood won again last year. A clear majority of people in Puerto Rico understand that the current Commonwealth territorial status has failed us. Our economy has been in decline or stagnant for decades. The only way we have been able to provide basic services to its people is by selling bonds to investors on Wall Street. In 2016, it finally became apparent Puerto Rico was borrowing well-beyond its means and Congress had to pass a new law creating a federal control board of oversee Puerto Rico's finance. The following year, Puerto Rico was devastated by Hurricane Maria and the federal response led by the Trump Administration left a lot to be desired to say the least. Even before the fiscal crisis and Hurricane Maria, the trend was for hundreds of thousands of Puerto Ricans to leave the island and move to the mainland United States. Obviously, most of the people leaving the island support Statehood since they voted for Statehood, as we say in Puerto Rico, with their feet. With the all the people moving the mainland United States, it is amazing to me that Statehood still won by such a clear majority.

So why did statehood did win again last year. The people of Puerto Rico know that the current political status no longer works for them. In order for our economy to grow, we need a permanent political status. We will never see real economic growth and stability if we have come to Congress each year asking for more federal benefits such as help for our almost bankrupt Medicaid system. We cannot depend on Congress creating tax incentives, which often change, to encourage big U.S. corporations to set up a plant on the island and provide a few hundred jobs. A majority of Puerto Ricans know that the only hope to rebuild our economy is become fully part of the United States through statehood. Only through statehood will we have full equality as Americans and sending Senators and Congresspersons to Washington will have a chance to make sure our people to fully benefit as American citizens.

So how should the Democratic Party and its elected representatives respond to the people of Puerto Rico clearly choosing statehood once again. All the recent Democratic party platforms have clearly stated it is up to Puerto Rico to choose its own political status and once the voters choose a preferred status the Congress should respond accordingly. President Biden said during the campaign that he prefers statehood for Puerto Rico and, if voters choose this option, Congress should respond by granting Puerto Rico their preferred status option. When he gave John

Lewis's eulogy last year, former President Obama said only statehood would give Puerto Rico have full equality. Senate Majority Leader Schumer said last year, "if Puerto Rico chooses statehood, I would be glad to offer it."

How can the Democrats in Congress and on this Committee ignore the will of the people of Puerto Rico? All throughout this country, we as Democrats, are fighting the efforts of former President Trump and his GOP allies to pass new voter suppression bills. I am sure every Democrat on this Committee opposes the new Georgia law and other efforts in Texas and other states to pass new state laws making it harder to vote. Would not ignoring the recent referendum vote in Puerto Rico be another form of voter suppression? All Democrats opposed President Trump's efforts after the 2020 election when he claimed there was widespread voter fraud and he tried to overturn a legitimate election. No one is claiming there was voter fraud in the 2020 referendum vote. Just like Trump did after the November vote, the opponents of statehood just cannot accept they lost so they just ask you to ignore that Statehood won. There can no purer self-determination process than the people voting on questions posed by their elected representatives.

As I see it, the Soto bill is response to the people of Puerto Rico choosing its preferred status in fair and legitimate election. As it has in the past when other territories petitioned for statehood, Congress would establish a formal process to consider statehood for Puerto Rico. If Puerto Rico again chooses statehood for the 4th time, this bill would set a process in which the President, executive branch and Congress would change the relevant U.S. laws and regulations so the island would be treated fully and equally as the other 50 states. This bill is an appropriate and equitable response the people choosing statehood and respecting long held traditions of the Democratic Party.

I would like to spend the rest of my time today addressing the details of the other bill before the Committee today. This legislation is sponsored by Congresswoman Nydia Velázquez and known as the Puerto Rico Self-Determination Act. This bill creates such an unprecedented process that it is so complicated and ambiguous it does not even say how many status options should be considered, what their definitions will be, or when voters will have a chance to vote on them. Despite its title, this bill has little or nothing to deal with true self-determination. If you carefully read the bill and understand the full meaning of many of its key provisions, it is a pro status quo bill, a pro territorial option bill and an anti-statehood bill.

This bill would ignore the free and fair votes of Puerto Ricans, upheld by the Federal Court as well as the insular Supreme Court. It attempts to pressure the territory into conducting a status process that the Government of Puerto Rico has declined to adopt for decades. While the bill recognizes the inherent authority of the Puerto Rico legislature to call for a status convention, it specifically ignores that Puerto Rico has already legislated three laws and carried out three plebiscites over the last 10 years. Specifically, it ignores that these votes have shown, with increasing clarity, that a majority in Puerto Rico rejects the current territory status and favors statehood for its future.

As we did after the 2020 election all across the country, Democrats respect democratic election results and should respect Puerto Rico's decision on how to exercise its own self-determination.

The Velázquez bill would include status proposals that are not possible which prolong the current territorial status that the voters of Puerto Rico have already rejected three consecutive times. This bill claims that the status options which should be considered are statehood, independence, free association, and "any other non-territorial status". This committee and every Administration has always made it clear that other than the current territorial status there are only three real options: statehood, independence and free association.

This bill also calls for amending many Federal laws as unilaterally drafted by a convention in Puerto Rico without the committees of jurisdiction of either House in Congress being able make any changes. How can this committee consider this bill which basically grants its authority to a convention of elected representatives on the island? Will the House Ways and Means Committee allow this Convention to rewrite all the tax laws to the island? The bill requires both the Senate and House to vote up or down on whatever this Convention decides without the right to make any changes. Why would any Congress seriously consider any bill which limits its own authority and granting its power to a territory decide what status option it prefers without any real opportunity to review the decision.

Another difference in these bills is timeline. The Statehood bill sets out a flexible yet structured timeline that would allow voters in Puerto Rico to choose in a matter of months and see the results implemented in a few months thereafter. On the other hand, the so-call "Self-Determination" bill has no start or end date for the status convention. It does not say when Puerto Rican residents will be allowed to vote on

the options and even if Congress ratifies the final choice by voters, it does not indicate how long any transition out of the territory status would take. So as one prominent bill supporter said, “the Velázquez and Ocasio-Cortez legislation would start a process that could take years.”

To prove to how biased this bill is against statehood it also calls for a congressional commission to make recommendations to Puerto Rico on its culture, language and other matters as a State or Nation. As we all know, the language or culture of a territory or state is not within the jurisdiction of the U.S. Government under the Constitution or international law. So why did the sponsors of this bill add this provision? It was simply included to scare the voters of the island that they could lose their identity as Puerto Ricans if they chose statehood.

The main premise of the bill is that the people of Puerto Rico should hold a status Convention of elected representatives who would serve indefinitely without ever having to run for re-election. If you understand anything about Puerto Rico politics and the disagreements of over political status, this Convention proposal is just simply ridiculous. As we saw during the 2012 and 2017 referendums, the political parties will never be able to come to an agreement on how to define the current political status. What would a Status Convention achieve? The clear answer is absolutely nothing. The Convention concept proposed sounds good in theory but is just a way to block statehood and protect the same territorial status that the voters have already rejected.

So, you might ask yourself, why cannot the political parties in Puerto Rico agree on the real status options. Despite numerous Supreme Court cases, some prominent leaders in the Commonwealth party do not even believe Puerto Rico is a territory. Some Free Association and Independence leaders claim Puerto Rico could become its own nation, but every Puerto Rican can keep their U.S. citizenship. Under the U.S. Constitution, only Congress under the territorial clause gets to decide these fundamental issues. These political fights and disagreements on status issues have been going on in Puerto Rico for over 50 years since we have our first status referendum in 1967. So, what could possibly be achieved by requiring us to hold status convention? Absolutely nothing.

I urge the members of this Committee to review both bills carefully and understand the true meaning of each bill and what process these proposed laws would establish. The Soto bill is a true response to the most recent referendum in which the voters of Puerto Rico clearly chose statehood. This bill respects the jurisdiction of congressional committees, the previous bipartisan bills approved by this committee, and long traditions of the Democratic Party to support voting rights and the will of the majority of voters in a territory or state. The Velázquez bill does the complete opposite, and creates an unfair process that Congress has never imposed on any territory petitioning for statehood.

While there could still be room for improvement in the Statehood Admissions Act, the flaws in the Self Determination bill are numerous and self-evident. If Members of Congress are serious about ending Puerto Rico’s outdated colonial territory status, they must listen to what the majority of the islands voters already said, and make the most logical and effective choice to support and approve the Puerto Rico Statehood Admissions Act.

The 3.1 million Puerto Ricans living on the island are proud Americans. Polls show that over 90% of the people in Puerto Rico cherish their U.S. citizenship. Please consider legislation which only respects us as full Americans and our right to true self determination. I passionately believe that if Congress approves the Soto bill and offers Puerto Rico a real path to statehood it would be overwhelmingly approved by the voters of Puerto Rico. Thank you for allowing me to testify today and offering my own views on the most important issue facing the people of Puerto Rico.

The CHAIRMAN. Thank you very much. The Chair now recognizes Mr. José Fuentes, Chair of the Puerto Rico Statehood Council. The time is yours.

**STATEMENT OF JOSÉ FUENTES AGOSTINI, CHAIR, PUERTO
RICO STATEHOOD COUNCIL, WASHINGTON, DC**

Mr. FUENTES. Thank you, Chairman Grijalva, Ranking Member Westerman and distinguished members of this Committee. I am honored to appear before you as former Attorney General of Puerto Rico and Chairman of the Puerto Rico Statehood Council.

I speak today in support of the Puerto Rico Statehood Admission Act, which proposes a constitutionally sound process respecting the will of the majority of voters in Puerto Rico. I last testified in Congress on this issue 23 years ago after this House passed bipartisan legislation sponsored by Congressman Don Young to hold a plebiscite in Puerto Rico offering voters the only options available to them under the U.S. Constitution. That is statehood, independence with free association, or remaining a U.S. territory. Speaker Newt Gingrich led House consideration of the bill, which died in the Senate, but kicked off over two decades of bipartisan progress toward a more complete American democracy and Puerto Rican statehood.

After the U.S. Senate failed to act on the Young bill in December 1998, Puerto Rico held a plebiscite presenting all the constitutionally viable alternatives. The Puerto Rican electorate rejected the current territorial status and all the constitutional options. That prompted President Bill Clinton to establish the President's Task Force on Puerto Rico status to clarify both the status options available for Puerto Rico and the process to realize these options.

President George W. Bush continued this initiative and consulted extensively with stakeholders. In December 2005, the Task Force published a report outlining a process to resolve Puerto Rico's ultimate status. It was the most complete analysis of the status issue under any president. Its findings remain relevant today, calling for a two-step self-determination process authorized by Congress.

First, Puerto Rico's voters would be asked whether they wish to remain a territory. If voters elected to remain a territory, then they should be asked the same question periodically to ensure continued consent of the governed, something we clearly do not have today. However, if voters opted to change, the report called for another plebiscite to choose between the only permanent non-territorial options, statehood, independence, or free association.

These options are the only viable alternatives to territory status under the U.S. Constitution, period, full stop. There is nothing else. This has been confirmed by the Supreme Court, Department of Justice, this Congress, and every White House since Ronald Reagan, a staunch supporter of statehood for Puerto Rico.

So, what's the use of a status convention? There is nothing new under the U.S. Constitution. In 2010, under the leadership of then-Resident Commissioner Pedro Pierluisi, this House again passed the bill that implemented the 2005 President Bush Task Force report recommendations. The U.S. Senate again failed to act, but Republican Governor Luis Fortuno signed legislation approving the two-part plebiscite in 2012 with 78 percent participation. Fifty-four percent of voters rejected continuing under the current territorial relationship, and 61 percent voted for statehood. In 2017, Puerto Rico held another plebiscite under local law, this time between territory, statehood, and independence in its two forms. But when

polls showed statehood leading, opponents boycotted. So, even though statehood received 97 percent support, turnout was not high.

To remove any remaining doubts, in 2020, Puerto Rico legislated a simple statehood yes-or-no vote, just as Alaska and Hawaii did 70 years ago. With 73 percent of affected voters participating, statehood won by a clear majority of 52½ percent and garnered more votes than any candidate on the ballot, clearly cutting across local party lines. Yet, here we are today, after 123 years under U.S. rule, six commissions, three Presidential Task Force reports, 65 hearings, over 100 failed bills and 18 definitions of “commonwealth” with no change.

H.R. 2070 would cause further delay, disempower voters, and put future status in the hands of local political party elites by imposing a Federal mandate for a local status convention to recycle impossible options when people know what the options are, and statehood has won in three separate plebiscites.

Puerto Rico has self-determined you should pass H.R. 1522 as soon as possible. Thank you very much.

[The prepared statement of Mr. Fuentes follows:]

PREPARED STATEMENT OF HON. JOSÉ FUENTES AGOSTINI, FORMER ATTORNEY GENERAL OF PUERTO RICO & CHAIRMAN OF THE PUERTO RICO STATEHOOD COUNCIL

Chairman Grijalva, Ranking Member Westerman, and distinguished members of the Committee, I am honored to appear before you today to discuss the “Puerto Rico Statehood Admission Act” (H.R. 1522) and the “Puerto Rico Self-Determination Act of 2021” (H.R. 2070).

The last time I testified before Congress on the issue of Puerto Rico self-determination—in 1998—I urged Congress to acknowledge Puerto Rico’s status as a U.S. territory, and I sought congressional leadership to confirm constitutional parameters on alternatives for Puerto Rico’s future status.

Almost 25 years later, it is now well established that Puerto Rico is indeed a U.S. territory, and it is further recognized that this colonial relationship is no longer acceptable. The question for consideration by the Committee today is what should Congress do next and how to get there.

With respect to the two proposals before the Committee, only H.R. 1522 represents true self-determination. The bill respects the voices of the U.S. citizens of Puerto Rico and recognizes Puerto Rico’s history of local plebiscite votes. The measure provides a Democratic process to resolve the issue of Puerto Rico’s status with a clear, up-or-down ratification vote on an option with 50 precedents: statehood.

On the other hand, H.R. 2070 seeks to create a federally imposed structure that ignores Puerto Rican votes, Puerto Rican history and Puerto Rican voices. The bill proposes a new process with no accountability and no end date. H.R. 2070 provides no explicit guidance on constitutional parameters and creates a new federal commission. The proposal is not true self-determination, and it is not a solution to the legal, political and moral problem we are discussing today.

I. HISTORY & BACKGROUND

The “United States-Puerto Rico Political Status Act” & the 1998 Plebiscite

In 1998, under the leadership of Speaker Newt Gingrich (R-GA), the House of Representatives passed the “United States-Puerto Rico Political Status Act,” H.R. 856, led by Rep. Don Young (R-AK). That bill called for a local referendum in Puerto Rico in which voters could choose from among three ballot options: (1) statehood, (2) independence or free association, or (3) remain a U.S. territory. The bill passed by a bipartisan vote of 209 to 208 but died in the Senate.

In the face of congressional inaction, later that year, Puerto Rico Governor Pedro Rossello (D) proceeded to hold a local plebiscite vote in Puerto Rico with five options on the ballot: (1) statehood, (2) independence, (3) free association, (4) continued territory status, or (5) none of the above.

Statehood was the clear winner among the four defined options with 46.5% of the vote, followed by independence (2.5%), free association (.1%) and the current territorial status (.06%). Yet just over half of all voters (50.3%) chose none of the above.

Given four constitutionally valid options, a slight majority of Puerto Rican voters held out hope for something different which they were being told locally was possible.

What they were looking for was known at the time as “Enhanced Commonwealth,” an unconstitutional mixture of sovereignty and federal entitlements. This make-believe status, which former Rep. José Serrano (D-NY) called “a letter to Santa Claus,” requires the U.S. Congress to cede power to Puerto Rico in a permanent agreement and makes accessible a package of federal benefits to Puerto Ricans that go well beyond the rights and responsibilities of any other U.S. citizen.

The 1998 “Enhanced Commonwealth” platform as ratified by the Commonwealth (PDP) Party of Puerto Rico can be found at the conclusion of this testimony along with a related explanatory graphic as published by the San Juan Star.

For additional background, please see attached list of “Commonwealth” proposals debated in Puerto Rico from 1952 to 1998 and a Congressional Research Service (CRS) history of “Commonwealth” ballot options from 1967–1998. The CRS footnotes document the changing definitions of “Commonwealth,” often with constitutional implications.

President’s Task Force on Puerto Rico’s Political Status

In 2000, in response to the “none of the above” vote in the 1998 plebiscite, President Bill Clinton issued Executive Order 13183, establishing the President’s Task Force on Puerto Rico’s Status. The purpose of the Task Force was to “clarify both the status options available to Puerto Rico and the process by which those options can be realized.”

President George W. Bush continued the initiative, consulted extensively with stakeholders, and in December 2005 published the first President’s Task Force on Puerto Rico’s Status report, an authoritative study containing an analysis of the constitutionally viable status options and a proposed process to resolve Puerto Rico’s ultimate status.

The report recommended a two-step plebiscite. First, a vote would ask Puerto Rico’s electorate “whether they wish to remain a U.S. territory.” If voters chose to remain a territory, then this question would be presented periodically to voters to ensure continued “consent of the governed.”

If voters decided they wanted change, the report called for another plebiscite to enable voters to choose between statehood or independence.

In 2007, the Bush administration issued a second report of the President’s Task Force on Puerto Rico’s Status, confirming the previous report’s findings and reinforcing its recommendations.

President Obama released the most recent report of the President’s Task Force on Puerto Rico’s Status in 2011. That report was consistent with the two previous reports in expressing a “marginal preference” for a two-plebiscite system. Recognizing the ongoing definitional dispute over status options, the report also clarified:

“[C]onsistent with the legal conclusions reached by prior Task Force reports, one aspect of some proposals for enhanced Commonwealth remains constitutionally problematic—proposals that would establish a relationship between Puerto Rico and the Federal Government that could not be altered except by mutual consent. This was a focus of past Task Force reports. The Obama administration has taken a fresh look at the issue of such mutual consent provisions, and it has concluded that such provisions would not be enforceable because a future Congress could choose to alter that relationship unilaterally.”

The “Puerto Rico Democracy Act of 2010” & the 2012 Plebiscite

In 2010, the House of Representatives passed the “Puerto Rico Democracy Act,” H.R. 2499 under the leadership of then Resident Commissioner Pedro Pierluisi (D-PR) by a bipartisan vote (223–169). Unfortunately, the legislation, which was modeled on the two-part structure endorsed by the Bush and Obama Task Force reports, again failed to advance in the Senate.

To continue making progress on the issue, in 2012, Puerto Rico Governor Luis Fortuño (R) proceeded to hold a vote on a two-part plebiscite based on the Bush Task Force recommendation. The first question asked voters whether or not they “agree to maintain the current territorial political condition” of Puerto Rico. The

second question instructed voters to select—irrespective of their answer to the first question—their preference from among three non-territorial status options: (1) statehood, (2) independence, or (3) free association.

The plebiscite results indicated that nearly 54% of voters (53.97%) rejected Puerto Rico’s territorial status and that among those who selected a non-territorial option in the second question, a majority (61.16%) preferred statehood over sovereign free association (33.34%) and independence (5.49%).

Support for ending the current territorial status and progress toward statehood were clear despite sources of ambiguity in the plebiscite that possibly dampened support for statehood. For example, free association was simply described as a “voluntary political association, whose specific terms would be agreed between the United States and Puerto Rico as sovereign nations.”

In the three current U.S. free association relationships (Republic of the Marshall Islands, Palau and Federated States of Micronesia), nationals do not have U.S. citizenship or any representation in Congress. The U.S. has sovereignty in free association relationships over the other nation’s defense and national security, and freely associated nations do not qualify for Medicaid or almost all other federal programs currently available in Puerto Rico. Given the vague “free association” definition on the ballot, it is unclear whether voters fully understood the limits of free association.

PDP Proposes and then Rejects a Status Convention

As part of the pro-Commonwealth Party (PDP) platform that Governor Alejandro Garcia Padilla (D) used to get elected in 2012, his party proposed a “status convention” as the mechanism that they would use to help resolve Puerto Rico’s political status. The PDP had also included this proposal in their previous general election party platform in 2008. However, even though the PDP party controlled the Governorship and both chambers of Puerto Rico’s legislature during the 2013–2016 term, once in office the PDP led government did not act toward that end. Specifically, in 2013 prominent PDP members of the House and Senate proposed legislation to hold a referendum to ask the electorate whether or not the legislature should to convene a status convention (P.C. 210 & P.S. 694), and another bill to set up the convention and elect its delegates (P.C. 1334 & P.S. 693). Ultimately, Gov. Garcia Padilla and the top PDP leadership in the legislature did not support that effort. Having had the inherent authority as well as the legislative majority necessary to enact what H.R. 2070 proposes, the Puerto Rican legislature rejected that course of action.

The \$2.5 million DOJ Appropriation & the 2017 Plebiscite

In 2014, under the leadership of Rep. Serrano (D-NY), Congress legislated an appropriation of \$2.5 million for a plebiscite on “options that would resolve Puerto Rico’s future political status” premised on the approval of ballot definitions by the U.S. Department of Justice (DOJ).

In response, Gov. Garcia Padilla promised to use the funds to hold a “fair process.” Yet after repeated unsuccessful attempts to convince the DOJ to approve a ballot that included an “Enhanced Commonwealth” option, in August 2014 Gov. Garcia Padilla withdrew his proposal and the PDP attempted to reach an internal consensus on a new “Enhanced Commonwealth” definition. After a year of internal debate, they disbanded the effort.

Having run and won on a platform of resolving the political status issue and advancing the statehood cause, in 2017 incoming Governor Ricardo Rossello (D) passed legislation and presented a proposal to the DOJ for the utilization of the \$2.5 million appropriation. Relying on the appropriations language that sought to “resolve” Puerto Rico’s future political status, a plebiscite was proposed between statehood, independence and free association, leaving off the—unresolved—territorial status.

After amending the local plebiscite legislation to incorporate DOJ feedback the DOJ declined to review the amended language because of “insufficient time.” The Government of Puerto Rico decided to move forward with the plebiscite in June 2017 without using the \$2.5 million available.

Weeks and days before the plebiscite public polls showed statehood leading by a clear majority, so opponents decided to “boycott” the election with PDP leaders passing a resolution to tell their followers that the plebiscite was not fair because no version of “Enhanced Commonwealth” was on the ballot. Support for statehood was overwhelming at 97%, Independence/Free Association obtained 1.5% and current territory status 1.3%. Yet those who were unwilling to even try to win at the ballot box then turned around to argue that the statehood victory was not legitimate because of low-voter turnout. The victory for statehood was certified by the State

Elections Commission of Puerto Rico, and turnout statistics on “effective voters” showed a participation rate of 31% (*See Voter Turnout Certification Attached*) consistent with those of previous non-general election electoral events on the Island (22.5% in 2005 and 35% in 2012).

The 2020 Plebiscite

In 2020, recognizing the rejection of the current territory status by Puerto Rico’s voters, the Government of Puerto Rico legislated a simple statehood “YES” or “NO” vote. DOJ approval was requested, and again the DOJ failed to approve the ballot irrespective of clear historic and legal precedent for its design and word choice. Instead, DOJ insisted that the current territory status be included despite the intent of Congress in the 2014 appropriation, which sought a permanent solution to “resolve” the current territory status.

Given that Congress has also made clear in federal statute (Pub. L. 114-187 § 402) that Puerto Rico’s right to determine its future political status can be exercised with or without the use of a federal appropriation that requires DOJ approval, the Government of Puerto Rico decided to proceed with the vote. Its purpose was simple, to determine definitively whether or not a majority of Island voters support statehood. Its precedent was clear: Alaska, Hawaii and multiple other territories became states after polling voters on statehood without any federal authorization or approval.

In the case of both Alaska and Hawaii, the results of the non-federally approved statehood referendums served to demonstrate to Congress that voters sought statehood. The locally sponsored votes helped educate and compel Congress to enact admission bills which in turn contained a final statehood ratification vote. In both cases support for statehood grew significantly between the territory’s first locally sponsored “non-binding” statehood vote (58% in 1946 for Alaska & 67% in 1940 for Hawaii) and their final ratification vote after Congress enacted admission legislation (83% in 1958 for Alaska and 94% in 1959 for Hawaii).

The Puerto Rican government’s decision to proceed with the locally sponsored statehood “YES” or “NO” vote last November was consistent with this history.

The plebiscite was held concurrent with the general election, and the voter participation rate was initially estimated at 52%. The Puerto Rico State Elections Commission later certified that among the “effective voters” in Puerto Rico participation in the plebiscite reached 73%. So, any claims of low-voter participation are simply inaccurate.

Additionally, no registered political party in Puerto Rico called for a “boycott” of this plebiscite. In fact, all political parties actively campaigned for either the “YES” (New Progressive Party) or the “NO” (Popular Democratic Party and Puerto Rico Independence Party) options, and the Citizens Victory Movement had some of its candidates campaigning for “YES” and others for “NO”. No one was excluded from the vote.

Out of 1.2 million ballots cast, statehood won with 52.5% of the vote. This percentage represents 655,000 ballots, more votes than were received by either the pro-statehood Governor (33.24% with over 427,000 votes) or pro-statehood Resident Commissioner (41.18% with over 512,000 votes), both of which who also won the election. The result demonstrates that support for statehood in Puerto Rico cuts across all party lines and that voters differentiated between the ballots cast on the status issue and those for individual candidates running for office.

This vote marks the third time in less than a decade in which the U.S. citizens of Puerto Rico rejected the current territory status in favor of statehood and shows definitively that an unquestionable majority of voters support immediate admission as a state.

II. IMPLICATIONS OF PUERTO RICO STATEHOOD

Under the U.S. Constitution, new states to the union are admitted on “equal footing” with existing states. The “equal footing” doctrine makes it clear that when Puerto Rico becomes a state, full constitutional rights will apply to its residents, including constitutional U.S. citizenship and the Bill of Rights. As a U.S. territory, the Bill of Rights does not fully apply in Puerto Rico, and a 1917 statute, not the U.S. Constitution, grants U.S. citizenship.

Statehood is a responsible ballot option because there are no variations on its definition. Each of the 50 current states is treated equally under federal law. The meaning of “state” is well established and consistent; there is a sense of certainty in the definition.

There are, however, three implications of Puerto Rico statehood that are subject to much conjecture in Washington and often misunderstood: (1) predictions of Puerto Rico’s partisanship as a state, (2) the economic implications of Puerto Rico

statehood, and (3) the impact of statehood on Puerto Rican culture. Contrary to assertions that Puerto Rico would be a deep blue state with a struggling economy, Puerto Rico is poised to be a purple state with a strengthened economy, and Puerto Rican culture would thrive as a result.

The Perils of Political Forecasting

While many in Washington speculate about how Puerto Rico's admission would impact the political balance in Congress, the reality is that this speculation is not a legitimate basis upon which to deny three million U.S. citizens the full voting rights that they are demanding at the federal level.

First, historically past predictions of partisan leanings have missed the mark. When Hawaii and Alaska were admitted into the Union, the pair was approved on the assumption that Alaska would vote Democratic and Hawaii would be Republican.

Second, instead of assuming what voter preferences on the Island will be based on Puerto Rican voter preferences in the states, observers should look at actual election results in Puerto Rico. Currently, the most popular elected official in Puerto Rico is a Republican. As a matter of fact, at the time of the November 2020 election, all of the top government officials in Puerto Rico—Governor Wanda Vázquez, House Speaker Johnny Méndez and Senate President Thomas Rivera Schatz—identified as Republican.

Members of this Committee may also recall former Resident Commissioner and Republican Luis Fortuño, who served in Congress from 2005–2009 before being elected Governor of Puerto Rico from 2009–2013.

Republicans have a clear and active voter base in Puerto Rico due to the Island's large socially conservative population. In fact, last year the James Madison Institute reported that Puerto Ricans living in states such as Florida continue to vote Republican in meaningful numbers for socially conservative candidates and are even more likely to vote for Republican candidates who are clear that they favor Puerto Rico statehood.

We cannot know the partisan makeup of a congressional delegation for the state of Puerto Rico until the U.S. citizens there are afforded full voting rights. What is obvious is that the party that is viewed as being responsible for including Puerto Rico fully in the America's national democratic process will be remembered by Puerto Rican voters for many years to come.

Economic Growth Under Statehood

While some may argue that Puerto Rico must improve its economy and fiscal situation before statehood can be considered, this perspective is based on a flawed understanding of the interplay between a jurisdiction's political status as a territory and its prospects for economic development. Economic underperformance is not uniquely attributable to Puerto Rico as a territory; indeed, throughout history all U.S. territories have underperformed and been in an arrested development compared to after they became states.

Inherent Limitations of Territorial Economics

Territory status prevents Puerto Rico from being fully integrated into the U.S. economy inhibiting investment and generating uncertainty because of the fear of a possible change in political status, or arbitrary treatment by Congress in federal laws and programs. Puerto Rico's lack of representation on the Federal level also severely limits its ability to impact Federal legislative and rulemaking processes which further hampers its integration into the broader U.S. economy.

At its core, the current territory status represents an inherent limitation on Puerto Rico's economic development because it creates an unequal playing field with a distinct disadvantage from which the local economy cannot escape. It also creates incentives for deficits and debt spending as a way to make up for underinvestment by the Federal Government when local elected officials are faced with the public demands of a local electorate who see the higher quality of life and higher incomes stateside and can easily relocate to obtain better economic opportunities.

Ticking Timebomb of Population Loss

Federal underinvestment under territory status will always hamper Puerto Rico's aggregate demand and cause residents to relocate stateside making sustainable economic growth difficult if not impossible. According to the U.S. Census, the relocation of Puerto Ricans stateside has led to a population decline from 3.9 million in 2000, to less than 3.2 million in 2019. That is absolutely devastating for the Island's economy because it diminishes the consumer base, tax base and the workforce, and increases per capita debt. This trend makes it crystal clear why a gamechanger like

the definitive resolution to the political status issue is urgently needed, and why further delay by Congress could be catastrophic.

History Shows that Statehood Stimulates Economic Growth

Economic data from the transition of Alaska and Hawaii into statehood shows that economic progress is massive as a former territory converges into the national economy through statehood. Both states averaged growth rates two times greater than the U.S. average after admission.

Following statehood, Hawaii's economy skyrocketed—quadrupling in size by 1989. In Alaska, the wages for the average non-agricultural worker increased 28% in the 10 years following statehood. The University of Alaska Institute of Social and Economic Research found that after becoming a state, production of goods and services in Alaska increased, employment expanded, gross state product more than doubled, and the state's population grew.

Similarly, economic data in the first decade after statehood also showed consistent growth patterns in Montana, Washington, Idaho, Wyoming, Utah, Oklahoma, New Mexico and Arizona. These economic results were quick and dramatic, and they have been enduring, demonstrating that economic growth follows statehood, not the other way around.

Statehood will provide Puerto Rico the equality, stability, access and certainty needed to attract long term investors. It will increase interstate commerce by boosting consumer demand. Statehood will also help speed up debt restructuring by promoting the economic growth needed to support debt repayment and to regain access to capital markets for making responsible public investments in infrastructure that can generate more growth in the future.

Statehood Would Respect and Strengthen Puerto Rican Culture

The course of Puerto Rico's history changed in 1898, when the United States acquired the Island in the aftermath of the Spanish American War. At the time Puerto Rico already had a rich identity and cultural history with a mixture of Spanish, African and Taino native influences. And while some like to raise concerns about Puerto Rico retaining its unique cultural identity as a state, this again is a false dichotomy. In the United States, every state has its own culture and identity. There is no reason to believe that Puerto Rico would be any different.

The reality is that Puerto Rican culture and identity has already been shaped in undeniable ways from its current territorial relationship with the United States, and American culture has also been shaped by Puerto Rico. There are simply no requirements under statehood that would prevent Puerto Rico from maintaining its culture and identity.

Preserving American Citizenship & Puerto Rican Identity

In 1917, the U.S. Congress enacted legislation granting U.S. citizenship to the people of Puerto Rico, further including Puerto Ricans in the American political family. The overwhelming majority of Puerto Ricans treasure their U.S. citizenship. Puerto Rico is already included in the United States, travel is seamless and no passports or visas are required. Statehood will provide a constitutional guarantee of U.S. citizenship for current and future generations born on the Island, allowing us to keep a critical connection, access to and mobility with the six million Puerto Ricans living stateside.

The stateside population of Puerto Ricans is itself the greatest proof that one can continue to carry and cherish one's culture and identity as Puerto Rican while also enjoying the full and equal rights of U.S. citizenship under statehood. There is no contradiction in being proud to be Puerto Rican and proud to be American at the same time.

Language

Puerto Rico is predominantly Spanish speaking, but with a large bilingual population that also speaks English. The official languages in Puerto Rico today are both Spanish and English. Under statehood there would be no limitation on the capacity of Puerto Rico to retain both Spanish and English as its official languages. As a state that right would be reserved to Puerto Rico under the 10th Amendment to the Constitution. Examples of states with more than one official language include Alaska, Hawaii and New Mexico. And for those concerned that Puerto Rico would be alone as a state with a large Spanish speaking population, Census data shows there would still be more Spanish speakers in California (10 million), Texas (7 million) and Florida (6 million) than there are in Puerto Rico (3 million). Past public polling has also shown that an overwhelming majority of parents (95%) support requiring that all public schools in Puerto Rico teach English so that students can become fully bilingual. Parents realize that being fully bilingual preserves Puerto

Rican culture while opening doors to better educational and professional opportunities.

Population

When I testified before Congress in 1998, I referred to the 3.8 million U.S. citizens of Puerto Rico. Census data today indicates that Puerto Rico's population has decreased to under 3.2 million. The people of Puerto Rico are voting for statehood with their feet. The heart of Puerto Rican culture is Puerto Rico. The best way to strengthen Puerto Rican culture is by strengthening Puerto Rico.

Today, there are more Puerto Ricans living in the states than Puerto Ricans who live in Puerto Rico. We have experienced population loss and brain drain for years, as the next generation of talented Puerto Ricans are leaving home in favor of Florida, Pennsylvania, Texas, and countless other states. Puerto Rico's most important cultural resource is its people, and under the failed territory status people are leaving Puerto Rico.

If Puerto Rico's relationship with the United States posed an existential threat to Puerto Rican culture we would know that by now. The damage would be done. After all, Puerto Rico has been a territory of the U.S. for 123 years. The so-called "annexation" that, ironically, appears to be feared most by people who do not call Puerto Rico home, occurred in 1898 and was fully enacted in 1917.

Puerto Rican culture continues to endure despite its long colonial history—and its colonial status today. An economically vibrant Puerto Rico under statehood would be much more able to retain and further develop local talent in arts, music, dance, cuisine, sports and other cultural fields than under the deteriorating territory status where top talent is often times forced to leave the island to be able to fully develop and grow.

III. PUERTO RICAN PARTICIPATION IN THE U.S. MILITARY

U.S. citizens from Puerto Rico have served proudly in all branches of the U.S. Armed Forces, and historically, Puerto Rico has ranked alongside the top states in terms of per capita military service.

Estimated wartime deployment contributions include: Over 18,000 during World War I; Over 65,000 during World War II; Over 61,000 during the Korean War; Over 48,000 during the Vietnam War; Over 10,000 during the Gulf War; and over 25,000 during Operations Enduring Freedom & Iraqi Freedom.

In 2016 Congress awarded the Congressional Gold Medal to the famed 65th Infantry Regiment, known as the Borinqueneers, which was composed mostly of soldiers from Puerto Rico and served as the only Hispanic segregated unit in the Korean War. While nine members of the Armed Forces from Puerto Rico have received the Medal of Honor, our Nation's highest award for military valor.

Puerto Ricans continue to serve today, with tens of thousands in active duty, and reserves, and thousands more in the Puerto Rico National Guard. Indeed, more than 90,000 veterans call Puerto Rico home.

Most poignantly, 1,900 U.S. citizens of Puerto Rico have been casualties of war paying the ultimate price in defense of America's freedom, while lacking full voting rights and equality at the federal level. Only the granting of full rights and equality under statehood would fully honor the sacrifices of blood, sweat, tears and lives made by all the Puerto Ricans who have served and continue to serve in the military to this day and by their families.

IV. THE FALLACY OF THE PUERTO RICO SELF-DETERMINATION ACT OF 2021 (H.R. 2070)

The biggest fallacy of the Puerto Rico Self-Determination Act, H.R. 2070, is that it ignores all of the previous efforts at locally led self-determination that Puerto Rico has engaged in over the past several decades. It engages in explicit election denial regarding the indisputable reality that a majority of voters in Puerto Rico favor statehood. It disrespects those voters and all election processes, wrapping itself in the language of "fairness," but instead seeking to discard their suffrage to start a new process as if their votes had not happened and didn't matter. That is not how democracy works, and I strongly urge the Members of this Committee to reject this approach.

The other fallacy is that in the name of "inclusion" H.R. 2070 seeks to re-open a debate about what status are possible that has already taken place over decades, and where definitive conclusions have already been reached. Presidents and Members of Congress from both political parties have examined the status issue for decades, and they have come to the same conclusion: clear constitutional parameters are in order when presenting status options on a plebiscite. H.R. 2070 fails to do that.

Instead, H.R. 2070 re-opens the door to endless debate on an undefined number of options when its proponents say that beyond statehood, independence and free association, the bill would consider “any option other than the current territorial arrangement.” Inevitably this includes proponents of the fantasy “Enhanced Commonwealth” option—an impossible mix of the best features of sovereignty and statehood. In doing so, H.R. 2070 would spoil the potential to resolve the island’s ultimate status and would hurt self-determination efforts which ultimately must be a real choice by Puerto Rico’s voters among the constitutionally valid options.

The final insult to the majority of voters in Puerto Rico is that H.R. 2070 proposes a convoluted convention that the people of Puerto Rico have not requested with an “uninterrupted space of dialogue,” and no timeline or end date. As one prominent bill supporter described it recently, “Velázquez and Ocasio-Cortez’s legislation would start a process that could take years . . .” This is simply disrespectful and wrong, because justice delayed is justice denied.

After almost 70 years of Puerto Ricans wrangling to get out of the “Commonwealth” and “Enhanced Commonwealth” myths, it is time to say enough. Puerto Rico has a legislature and a governor with authority to hold a convention. When they have had a chance to do so, they have chosen not to. Compelling Puerto Rico to hold a convention against the wishes of its governor and legislature is not self-determination, it’s an example of the same paternalistic colonialism that the authors of H.R. 2070 say they are against.

Instead, the duly elected governor and legislature of Puerto Rico have decided to self-determine by holding multiple plebiscite votes, and millions of voters have cast their ballots. The U.S. Constitution grants Congress the power to “make all needful rules and regulations” regarding U.S. territories. With that power comes a responsibility. In this case, Congress has the responsibility to consider and respect Puerto Rico’s plebiscite history, and the most logical next step is to move forward with the ratification vote set forth in H.R. 1522, the Puerto Rico Statehood Admission Act.

V. CONCLUSION

Puerto Rico’s territorial status represents the unfinished business of American democracy. The resolution of Puerto Rico’s ultimate political status is not only vitally important to the three million U.S. citizens who call the islands home and the nearly six million Puerto Ricans stateside, but to all Americans.

Democracy is the soul of America. In 1980, then-Presidential candidate Ronald Reagan wrote in the *Wall Street Journal* about Puerto Rico, “we cannot expect our foreign policies to be enjoying prestige around the world . . . when we are having serious problems with our closest neighbors.” His words still ring true today.

Congress does not have to take a position on statehood today, but the Constitution and fundamental American principles compel Congress to at least provide a dignified path forward. I urge the Committee to listen to the messages that the majority of the people of Puerto Rico have sent in the recent plebiscites and pass H.R. 1522. It is time to put an end to the decades of misleading information that will continue to spread in Puerto Rico if left unchecked by Congress.

There is a new window of opportunity before us today. History will judge us by what we do or fail to do to correct the historic wrong of America’s colonial legacy in Puerto Rico. I am deeply hopeful that 2021 will be the year that Congress provides clear direction to finally resolve Puerto Rico’s ultimate political status, and unleash our enchanted island’s full potential for the benefit of Puerto Rico, America and the world.

ATTACHMENTS


Explanatory Graphic Related to the 1998 "Enhanced Commonwealth" Platform as Published by the San Juan Star, 1998

Essential elements for commonwealth:

- ✓ U.S. citizenship
- ✓ A common defense limited to participation in "valid" wars
- ✓ Voluntary military service
- ✓ Spanish as the official language; English as a second language
- ✓ A common market
- ✓ Guarantee of the permanence of Section 936 of the Internal Revenue Code
- ✓ Control over maritime fleets and the flag under which commercial vessels operate
- ✓ Limited freedom to negotiate international commercial accords and treaties
- ✓ Control over labor and immigration laws
- ✓ Jurisdiction over aerial traffic and bankruptcy laws
- ✓ U.S. currency and banking

■ Areas for improvement to the commonwealth states:

- ✓ Clarification of a permanent, bilateral pact with the United States
- ✓ Ability to protect local agricultural and manufactured products through the imposition of an import duty
- ✓ Power to opt for a variety of maritime transporters, not only U.S. flag ships
- ✓ Ability to set minimum wage and control all labor-related legislation and immigration rules
- ✓ Permission to use federal block grants as local government sees fit
- ✓ Addition of a second resident commissioner and voting powers for both
- ✓ Right of Puerto Rico to become a member of international organizations such as the United Nations and the Organization of American States
- ✓ Control over communications and media content so as to reflect Puerto Rico's societal standards, which were perceived as more conservative than those in the United States
- ✓ Elimination of the federal courts
- ✓ Right to vote for president
- ✓ Return of federally owned lands
- ✓ Jurisdiction over navigable waters to 200 miles offshore
- ✓ Participation in world sporting events, including the Olympics



1998 "Enhanced Commonwealth" Platform as Ratified by the
Commonwealth (PDP) Party of Puerto Rico

**POPULAR DEMOCRATIC PARTY
DEVELOPMENT OF THE COMMONWEALTH**

The people of Puerto Rico, in the exercise of their sovereignty, their natural right to self government and their free will as ultimate sources of their political power, hereby reaffirm the validity of the Commonwealth established as an autonomous political body, that is neither colonial or territorial, in permanent union with the United States under a covenant that cannot be invalidated or altered unilaterally and proposes its autonomic development. The relationship between Puerto Rico and the United States will continue to be based on common defense, market and currency and on the irrevocability of the U.S. citizenship, acquired by birth and protected by the U.S. Constitution.

This relationship guarantees the autonomous development of Puerto Rico based on the democratic precept of government with the consent of the governed and the recognition that Puerto Rico is a nation with its own history, idiosyncrasy, culture and Spanish language.

To achieve its maximum economic progress and well-being, the people of Puerto Rico propose to develop Commonwealth retaining all the powers that are not delegated to the United States. Under Puerto Rico's fiscal autonomy, economic development areas will be identified in which joint action can produce jobs and other benefits for both parties, including the flexibility in the use of federal funds, providing that programs of direct aid to individuals will continue as they are present. The Commonwealth will be able to enter into commercial and tax agreements, among others, with other countries, and belong to regional and international entities, consistent with the common interests of defense and security between the United States and Puerto Rico, as agreed to in the covenant.

Once the request for the development of the people of Puerto Rico is approved, a Constituent Assembly will be called to negotiate with the U.S. government the terms and conditions of the covenant, which will include a mechanism to approve the application of legislation approved by the U.S. Congress.

ARTICLE I - PUERTO RICAN IDENTITY

A. PUERTO RICAN NATIONALITY

Puerto Ricans have a common history, idiosyncrasy, culture and language that constitute a specific nationality separate from that of any other nation.

B. PUERTO RICAN CITIZENSHIP

Persons born in Puerto Rico are Puerto Rican citizens by birth and their Puerto Rican citizenship is transmittable to their descendants as determined by the Commonwealth and would have the rights, privileges and obligations that derive from it.

ARTICLE II – BASIS OF THE UNION

The union between Puerto Rico and the United States will continue to be based on the following fundamental elements determined by Puerto Rico freely and in agreement with the United States:

A. COMMON CITIZENSHIP

People born in Puerto Rico will continue to be citizens of the United States by birth and this citizenship will continue to be protected by the Constitution of the United States and by this Covenant and will not be unilaterally revocable.

B. COMMON DEFENSE

The United States will maintain authority and responsibility over defense matters. This will include: the same responsibility for the defense of Puerto Rico and its people as the United States and its people; denying and limiting military or strategic access to Puerto Rico to any foreign power, maintaining the bases or other military installations currently operating in Puerto Rico as well as the National Guard; stipulating that the case of the Municipality of Vieques will be the object of the highest attention in agreement with the legitimate call of its residents; and, any additional need would be considered and dealt with through specific and separate agreements.

C. COMMON CURRENCY

The U.S. dollar is and will continue to be the currency in Puerto Rico.

D. COMMON MARKET

A common market will continue to exist between Puerto Rico and the United States, by which the free flow of goods and services between the two countries will continue.

ARTICLE III – DISTRIBUTION OF POWERS

A. SELF GOVERNMENT

The Commonwealth emanates from the power of the people to govern themselves, and for that reason, the people of Puerto Rico retain all the powers that have not been delegated to the United States.

B. DELEGATION OF POWERS

The powers related to the Federal laws related to defense, currency, U.S. citizenship, Social Security, Medicare, unemployment insurance, banks and brokerage, Postal Service and the programs for providing social and educational assistance to citizens and veterans are delegated to the United States. In addition, international relations are delegated to the extent consisted with this Covenant.

C. SHARED POWERS

Areas of special cooperation will be identified in which the United States and the Commonwealth will exercise shared powers for the benefit of both people through the process established in Article XII.

ARTICLE IV – RIGHTS OF CITIZENS

A. CONSTITUTIONAL RIGHTS

The U.S. citizens residing in Puerto Rico will be protected by all the rights, privileges and immunities granted by the Constitution of the United States and the Commonwealth.

B. ECONOMIC BENEFITS

The Federal programs that provide social and educational assistance directly to Puerto Rico's residents, such as the Nutritional Assistance Program, Pell Grants and educational loans, among others, will continue and be guided by the applicable Federal and State regulations.

The United States recognizes as acquired rights Federal programs for veterans and Social Security, Medicare, and unemployment insurance benefits for which Puerto Rican workers and employers have made and will continue to make the corresponding Federal contributions.

ARTICLE V – ECONOMIC DEVELOPMENT

A. WITH THE UNITED STATES OF AMERICA

To promote Puerto Rico's economic development, and considering the present and future relations between Puerto Rico and the United States, the U.S. commits to provide the Commonwealth an annual block grant adjusted for inflation, so the Government of Puerto Rico can continue to provide social assistance, develop public works and infrastructure, and provide incentives for the creation of jobs and socioeconomic development.

The U.S. and Puerto Rico will identify and agree on areas of economic development in which joint action will produce jobs and other economic benefits for both parties, including the creation of special incentives programs for investment in the islands.

B. INTERNATIONAL

The Commonwealth will have control over international trade and will establish a policy to promote its maximum economic development. To that effect, it will have the capacity to enter into commercial and tax agreements, among others, with other countries, consistent with the common interests of the defense and security of Puerto Rico and the United States.

The Commonwealth will be able to enter into international agreements and belong to regional and international organizations consistent with the common interests of the defense and security of Puerto Rico and the United States.

The United States commits to support the participation or membership of Puerto Rico in the agreements and organizations to which this article refers.

ARTICLE VI – FEDERAL LANDS

The Government of the United States will transfer to Puerto Rico the lands that now it has in Puerto Rico with the exception of those lands that are used for common defense or that are necessary to exercise the powers delegated in this Covenant.

ARTICLE VII – AREAS OF SPECIAL COOPERATION

Puerto Rico and the United States will establish other areas of special cooperation intended to guarantee the quality of life of Puerto Ricans and to continue nourishing from the collective experiences of institutional and local development of both peoples. For the sake of an orderly and calm future and development in harmony with the cultural, spiritual, psychological, and economic nature of both peoples, Puerto Rico and the United States commit to jointly determine strategies to: control drug trafficking; regulate communications; protect the borders from illegal immigration; protect the environment and recognize guarantees of mutual benefit consistent with international rules; promote a new basis for cooperation between workers and management; deal with natural disasters; share technological advances in the sectors of agriculture, medicine, pharmacology, criminal justice, and other disciplines in the areas of Natural and Social Sciences and Humanities.

ARTICLE VIII – FEDERAL COURT

The Federal Court will have jurisdiction over matters that arise from: provisions of the Constitution of the United States and of the Federal laws that apply to Puerto Rico consistent with this Covenant and not in violation with the laws of the Constitution of Puerto Rico. Spanish and English will be the official languages of that court.

ARTICLE IX – RESOLVING DISPUTES**A. NEGOTIATION COMMITTEE**

Any controversy about the interpretation of this Covenant will be resolved through negotiations between the parties to this Covenant, that is the United States and the Commonwealth of Puerto Rico. In all negotiations, the Commonwealth of Puerto Rico will be represented by a negotiating committee of three (3) members appointed by the governor and confirmed by seventy-five percent (75%) of each of the two (2) legislative houses of Puerto Rico.

At least, two (2) of the three (3) members of the committee should believe in the political philosophy described in this Covenant, that is, be Commonwealthers. In the same manner, the United States of America will be represented by a committee of three (3) members appointed by the President of the United States.

B. COMMISSION TO RESOLVE DISPUTES

If it is not possible to resolve a controversy through a negotiation between the parties, the controversy will be submitted to the Commission to Resolve Disputes. This commission will have five (5) members, two (2) appointed by the Commonwealth of Puerto Rico, two (2) appointed by the United States of America and a fifth member appointed by majority of these four (4). The five (5) members will select a chairman from their membership.

Decisions of this Commission in disputes between the Governments of the Commonwealth of Puerto Rico and the United States of America regarding the interpretation of this Covenant will be final and firm.

ARTICLE X – LEGALITY

The agreement between the people of Puerto Rico and the government of the United States of America will have the force recognized by the constitutional and international rights in force as a bilateral covenant that recognizes rights and delegates powers, based on mutual consent, that cannot be unilaterally renounced or altered.

ARTICLE XI – SYMBOLS

The symbols, flags and hymns of the Commonwealth of Puerto Rico will continue to be as at present.

ARTICLE XII – OTHER INTERNATIONAL ASPECTS

The Commonwealth of Puerto Rico will retain the authority to ratify cultural, educational, scientific and sports agreements.

ARTICLE XIII – NEGOTIATION

- a. Once this development proposal is approved by the people of Puerto Rico, a Constituent Assembly will be called that will negotiate with the Government of the United States the terms and conditions of the association between Puerto Rico and the United States and the specific drafting of such agreement on behalf of the people of Puerto Rico. This Constituent Assembly will not be able to adopt proposals that undermine or cancel the mandate expressed by the people of Puerto Rico or that undermines the precepts of common citizenship, market, currency and defense, or against the Puerto Rican national identity.
- b. The Constituent Assembly will design and propose to the Government of the United States a mechanism for a specific agreement regarding the application of legislation approved by the Congress of the United States after the adoption of the covenant and that the people of Puerto Rico wish to have extended to Puerto Rico. The people of Puerto Rico will elect a Resident Commissioner who will represent Puerto Rico before the Government of the United States and who will be considered a Member of the U.S. House of Representatives for purposes of all legislative matters that have to do with Puerto Rico, but whose role will also be extended to representing Puerto Rico before the Executive Branch of the United States.
- c. The main political parties of Puerto Rico will be represented in the Constituent Assembly and will be able to nominate candidates to be part of the assembly.
- d. The Covenant will take effect after it has been negotiated and approved by the Government of the United States and the Constituent Assembly, and it has been approved by the people of Puerto Rico in a referendum called for that purpose.
- e. Any change to the terms of this Covenant will have to be approved by the people of Puerto Rico in a special vote conducted consistent with its democratic processes and institutions.
- f. The Constituent Assembly will not have authority to alter, modify, amend, and/or change the Constitution of the Commonwealth of Puerto Rico.

**Approved by the Governing Board of the Popular Democratic Party
On October 15, 1998**

**LIST OF DEFINITIONS PROPOSED OR DISCUSSED FOR COMMONWEALTH OF
PUERTO RICO**

1. Relationship as established under Law 600 in 1952
2. The Fernós-Murray Bill of 1959
3. The Status Commission (STACOM) Bill of 1964
4. The 1967 local plebiscite
5. Aguas Buenas Declaration (1971)
6. 1972 U.S.-Puerto Rico Ad-Hoc Committee
7. 1975 U.S.-Puerto Rico Commission (Nixon-Hernández Colón)
8. The New Pact (1976)
9. The New Thesis (1979)
10. The New ELA (“Estado Libre Asociado” – Commonwealth) 1989
11. Vizcarrondo Amendment to New ELA
12. 1991 Democratic Rights Referendum (calling for amendments to the Puerto Rico Constitution)
13. The 1993 local plebiscite
14. The Young Bill (H.R. 856)
15. The definition proposed by Former PDP Senate President Miguel Hernández Agosto in 1997
16. The definition proposed by PDP Senator Eudaldo Báez Galib in 1998
17. The definition proposed by PDP Party President and Representative Anibal Acevedo Vilá in 1998
18. 1998 PDP official party platform

**Congressional Research Service (CRS) Summary of Results of Puerto Rico
Plebiscites held from 1967–1998**



**Political Status of Puerto Rico: Options for
Congress**

R. Sam Garrett
Specialist in American National Government

June 7, 2011

Congressional Research Service

7-5700
www.crs.gov
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CRS Report for Congress
Prepared for Members and Committees of Congress

Appendix B. Puerto Rico Status Votes in Plebiscites and Referenda, 1967-1998

Table B-1. Puerto Rico Status Votes in Plebiscites and Referenda, 1967-1998

| Ballot Options | Votes | |
|--|--------------------------------------|----------------------|
| | Number ^a | Percent ^a |
| | July 23, 1967^c | |
| Commonwealth ^d | 425,079 | 60.5% |
| Statehood | 273,315 | 38.9% |
| Independence | 4,118 | 0.6% |
| Registered voters | 1,067,000 | |
| Total votes | 702,512 | |
| Percent turnout | 66% | |
| | December 8, 1991^e | |
| Against the reclamation of democratic rights (No) | 660,267 | 53.6% |
| In favor of the reclamation of democratic rights (Yes) | 559,163 | 45.4% |
| Registered voters | 2,052,537 | |
| Total votes | 1,219,430 | |
| Percent turnout | 59% | |
| | November 14, 1993^f | |
| Commonwealth ^g | 826,326 | 48.6% |
| Statehood | 788,296 | 46.4% |
| Independence | 75,620 | 4.4% |
| Registered voters | 2,100,000 | |
| Total votes | 1,700,000 | |
| Percent turnout | 81% | |
| | December 13, 1998^h | |
| None of the above [option five] | 787,900 | 50.3% |
| Statehood [option three] | 728,157 | 46.6% |
| Sovereignty [option four, independence] | 39,838 | 2.6% |
| Free association [option two] | 4,536 | 0.3% |
| Limited self-government [option one] | 993 | 0.1% |
| Registered voters | 2,197,824 | |
| Total votes | 1,561,424 | |
| Percent turnout | 71% | |

a. Table excludes blank or null and void ballots.

- b. Number of registered voters, total votes, and percent turnout derived from sources of results (noted below), except for registered voters in 1991 calculated by CRS.
- c. Number of votes for independence calculated by CRS based on data presented in: Arturo Morales Carrion, *Puerto Rico: A Political and Cultural History*, (New York: W.W. Norton & Co., Inc., 1983), p. 306. [Total number of registered voters was 1,067,000, according to Surendra Bhana, *The United States and the Development of the Puerto Rican Status Question, 1936-1968*, (Lawrence, KS: The University Press of Kansas, 1975), p. 185.] See also Roberta A. Johnson, "The 1967 Puerto Rican Plebiscite: The People Decide," *Revista/Review InterAmericana*, vol. 5, spring 1975, pp. 27-46.
- d. The votes in favor of the 1967 Commonwealth option arguably demonstrated support for an expanded form of self-government for Puerto Rico, in that the ballot proposition included text referring to the "inviolability" and "indissoluble link" of Puerto Rican citizenship and would have required approval of changes in the political status in a referendum.
- e. Results taken from Representative Robert J. Lagomarsino, "Certification of Puerto Rico Referendum Results," remarks in the House, *Congressional Record*, vol. 138, Feb. 7, 1992, p. 2141. A "yes" vote, generally urged by commonwealth and independence supporters, expressed support for legislation that would have amended the Constitution to support the right of Puerto Ricans to determine a political status not subordinated to Congress and respective of the unique culture and identity of Puerto Rico. A "no" vote, generally urged by statehood supporters, rejected the proposed constitutional amendment.
- f. Results taken from Ivonne Garcia, "Final Status Plebiscite Results Released," *San Juan Star*, Dec. 10, 1993, p. 12.
- g. The text of the ballot for the "Commonwealth" option in 1993 included provisions that arguably exceeded the relationship established in 1950, included "irrevocable U.S. citizenship," "fiscal autonomy for Puerto Rico," and a legislative agenda to be considered by Congress.
- h. Results taken from U.S. Congress, House Committee on Resources, *The Results of the 1998 Puerto Rico Plebiscite*, committee print, 106th Congress, 1st session (Washington: GPO, 1999), p. 10.
- i. The text of the ballot arguably presented the commonwealth option in that it referred to the political status set forth in P.L. 600, the plenary authority of the Congress in the territorial clause of the U.S. Constitution, and other characteristics generally associated with the political status of Puerto Rico.

Voter Turnout Certification—Plebiscite 2017



**State Elections Commission
Office of the PNP Election Commissioner**

**Analysis of the Results of
Plebiscite 2017* held in Puerto Rico**

| Plebiscite 2017 | Votes for Statehood | Total Voters | Percentage Obtained |
|-----------------|---------------------|--------------|---------------------|
| | 502,616 | 517,216 | 97% |

| Plebiscite 2017 | Votes for Statehood | Effective Voters | Percentage Obtained |
|-----------------|---------------------|------------------|---------------------|
| | 502,616 | 1,622,237 | 31% |

| Plebiscite 2017 | Votes for Statehood | Registered Voters** | Percentage Obtained |
|-----------------|---------------------|---------------------|---------------------|
| | 502,616 | 2,260,804 | 22% |

Data source, Puerto Rico State Elections Commission webpage, <http://csepur.org/>

* Preliminary Results Report of the 2017 Plebiscite Night of the Event.

http://resultados2017.csepur.org/Noche_del_Evento_78/index.html#en/default/CONSULTA_DESCOLONIZACION_Resumen.xml

** By decision of the Federal Court the State Elections Commission (SEC) is required to remain in the General Register of Electors those who did not vote in the General Elections of 2016.

The CHAIRMAN. Thank you, Mr. Fuentes. And now let me recognize Dr. Christina D. Ponsa-Kraus, Professor of Law at the Columbia Law School. Doctor, the time is yours.

**STATEMENT OF CHRISTINA D. PONS-KRAUS, PROFESSOR OF
LAW, COLUMBIA LAW SCHOOL, NEW YORK, NEW YORK**

Dr. PONS-KRAUS. Thank you, Mr. Chairman, Ranking Member Westerman, and members of the Committee. I am a law professor at Columbia University and an expert on Puerto Rico's constitutional status. And I am the author of a letter to congressional leadership signed by 47 legal and constitutional scholars supporting the Admission Act and opposing the Self-Determination Act. The letter has been introduced into the record.

I am also Puerto Rican myself. I was raised on the island from my infancy until I graduated from high school. I am a native speaker of Spanish. My parents and extended family live in Puerto Rico. I appreciate the Committee's attention to the urgent matter of Puerto Rico's future and the invitation to speak today.

Puerto Ricans reject territorial status, which denies them a guarantee of local self-government and Federal representation. Last November, a majority chose statehood in a referendum on the island. The Admission Act responds to that vote, and it is crucial to be clear about how. It does not automatically admit the island into statehood. It does not impose or force or grant statehood to Puerto Rico. Instead, it offers statehood to Puerto Rico. But first, Puerto Ricans must vote in a second referendum in which they can accept or reject the offer. Only if they accept does the Act provide for Puerto Rico's admission into statehood. This is a careful and constitutionally sound process.

The contrast with the Self-Determination Act could not be more stark. This Act contradicts its own title by completely ignoring the referendum in a thinly veiled attempt to delay and, therefore, defeat an offer of statehood. It sends Puerto Ricans back to the drawing board to have a debate they have been having for 70 years, and it requires Congress to ratify whatever option they choose, something Congress cannot constitutionally bind itself to do.

The Act requires convention delegates to "debate and draft definitions on self-determination options for Puerto Rico, which shall be outside the Territorial Clause." If this language means Puerto Ricans should debate the pros and cons of statehood and independence, it is gratuitous and dilatory. Puerto Ricans do not need a congressional invitation to debate these options, and they can keep right on debating them even after Congress offers statehood.

If this language means what its principal sponsors have said it means, then the problem gets worse. They have explained that a convention would consider "statehood, independence, free association, or any option other than the current territorial arrangement." This gets wrong a basic point of constitutional law. There are no other options.

Statehood is non-territorial. Independence is non-territorial. Free association has been described as a third option. But to be clear, it is a form of independence with a treaty or compact of free association between two sovereign nations. In short, there are two and only two non-territorial options for Puerto Rico, statehood and independence with or without free association. By inviting Puerto Ricans to define other territorial options, this bill revives a debate Puerto Ricans have already had.

When the island became a Commonwealth in 1952, many Puerto Ricans believed it had ceased to be a U.S. territory, become a separate sovereign, and entered into a binding compact with the United States. If there were a compact, Congress would no longer have the power to modify Puerto Rico's government unilaterally, and the island would at least no longer be a territory. But they were wrong.

As the Supreme Court recently confirmed, even as a Commonwealth, Puerto Rico remains a U.S. territory, and Congress retains the power to modify the island's government unilaterally as it did, for example, when it created the Financial Oversight and Management Board in 2016. The myth of non-territorial commonwealth has long prevented Puerto Ricans from reckoning with the constitutional reality that the only alternatives to being a territory are statehood and independence. The last thing Puerto Ricans need is to debate options that are no longer debatable.

The Self-Determination Act invites Puerto Ricans to have a debate they have been having for seven decades and for which they need no congressional invitation. Yet, it deprives them of an offer of statehood which they have never had, they just asked for, and only Congress can deliver. Congress should pass the Admission Act without delay. Thank you.

[The prepared statement of Dr. Ponsa-Kraus follows:]

PREPARED STATEMENT OF CHRISTINA D. PONSА-KRAUS, LAW PROFESSOR AT
COLUMBIA UNIVERSITY

Good afternoon. My name is Christina D. Ponsa-Kraus. I am a law professor at Columbia University and an expert on Puerto Rico's constitutional status, and I am the author of a letter to Congressional leadership signed by 47 legal and constitutional scholars supporting the Admission Act and opposing the Self-Determination Act. The letter has been introduced into the record.

I am also Puerto Rican myself. I was raised on the island from my infancy until I graduated from high school. I am a native speaker of Spanish. My parents and extended family live in Puerto Rico. I appreciate the Committee's attention to the urgent matter of Puerto Rico's future and the invitation to speak today.

Puerto Ricans reject territorial status, which denies them a guarantee of local self-government and federal representation. Last November, a majority chose statehood in a referendum on the island. The Admission Act responds to that vote, and it is crucial to be clear about how. It does *not* automatically admit the island into statehood. It does *not* impose or force statehood on Puerto Rico. Instead, it *offers* statehood to Puerto Rico. But first, Puerto Ricans must vote in a *second* referendum, in which they can *accept* or *reject* the offer. Only if they *accept* does the Act provide for Puerto Rico's admission into statehood. This is a careful and constitutionally sound process.

The contrast with the Self-Determination Act could not be more stark. This Act contradicts its own title by completely ignoring the referendum. In a thinly veiled attempt to delay, and therefore defeat, an offer of statehood, it sends Puerto Ricans back to the drawing board to have a debate they have been having for 70 years. And it requires Congress to ratify whatever option they choose—something Congress cannot constitutionally bind itself to do.

The Act requires convention delegates to “debate and draft definitions on self-determination options . . . outside the Territorial Clause.” If this language means Puerto Ricans should debate the pros and cons of statehood and independence, it is gratuitous and dilatory. Puerto Ricans do not need a congressional invitation to debate these options, and they can keep right on debating them even after Congress offers statehood.

If this language means what its principal sponsors have said it means, then the problem gets worse. They have explained that a convention would consider “statehood, independence, free association *or any option* other than the current

territorial arrangement.”¹ This gets wrong a basic point of constitutional law: There are no “other” non-territorial options.

Statehood is non-territorial. Independence is non-territorial. “Free association” has been described as a “third option,” but to be clear: It is a form of independence, with a treaty or compact of free association between two sovereign nations. In short, there are two, and only two, non-territorial options for Puerto Rico: statehood, and independence with or without free association.

By inviting Puerto Ricans to define “other” non-territorial options, this bill revives a debate Puerto Ricans have already had. When the island became a “commonwealth” in 1952, many Puerto Ricans believed it had ceased to be a U.S. territory, become a separate sovereign, and entered into a binding compact with the United States. If there were a compact, Congress would no longer have the power to modify Puerto Rico’s government unilaterally, and the island would at least no longer be a territory.

But they were wrong. As the Supreme Court recently confirmed, even as a “Commonwealth,” Puerto Rico remains a U.S. territory, and Congress retains the power to modify the island’s government unilaterally—as it did, for example, when it created the Financial Oversight and Management Board in 2016.

The myth of non-territorial commonwealth has long prevented Puerto Ricans from reckoning with the constitutional reality that the only alternatives to being a territory are statehood and independence. The last thing Puerto Ricans need is to debate options that are no longer debatable.

The Self-Determination Act invites Puerto Ricans to have a debate they have been having for seven decades and for which they need no congressional invitation. Yet it deprives them of an offer of statehood, which they have never had, they just asked for, and only Congress can deliver. Congress should pass the Admission Act without delay.

The CHAIRMAN. Thank you very much. The Chair now recognizes the Speaker of the Puerto Rico House of Representatives, the Hon. Rafael Hernández. Sir, time is yours.

**STATEMENT OF THE HON. RAFAEL HERNÁNDEZ MONTAÑEZ,
SPEAKER, PUERTO RICO HOUSE OF REPRESENTATIVES, SAN
JUAN, PUERTO RICO**

Mr. HERNÁNDEZ. Thank you, Chair Grijalva, Ranking Member Westerman, Resident Commissioner González-Colón, and distinguished members of the Committee. I am the speaker of the House of Representatives in Puerto Rico. I stand today representing the people of Puerto Rico. I fully endorse H.R. 2070, introduced by Chairwoman Nydia Velázquez and Congresswoman Alexandria Ocasio-Cortez, a Senate companion bill introduced by Chairman Bob Menendez. This bicameral and bipartisan legislation is long overdue.

It will empower Puerto Ricans with an inclusive, transparent, and democratic process to determine our own political future and relationship with the United States. Under H.R. 2070, a political status convention would be created and delegates would be elected to discuss options with Federal representatives in Congress and the Federal Department of Justice and, therefore, create an official, legitimate, and comprehensive bilateral conversation on status.

On Election Day 2020, the people of Puerto Rico undeniably forged a historically diverse legislature with representation of five local political parties. I am both humbled and honored to have been elected by multiple sides of the aisle. This reality entrusts me with the responsibility of defending a fair and inclusive self-

¹ Rep. Nydia Velázquez & Rep. Alexandria Ocasio-Cortez, *Puerto Rico, Not Congress, Must Determine Its Future. Our Bill Enables It To Do So*, nbcnews.com, Aug. 25, 2020.

determination process. Puerto Rico treasures their identity and the benefits of their American citizenship. Trade, currency, defense, and common citizenship are assets that we enjoy today, and as such, are non-negotiable. A vast majority, some 85 percent of Puerto Ricans greatly value their citizenship and favor a permanent relationship with the United States.

On March 2, with support for a stable, free association, independence, and commonwealth, we approved Concurrent House Resolution No. 1 to demand that Congress clearly and affirmatively establish their alternative. It is willing to consider a solution to the political relationship. It also requests that Congress promote a binding, inclusive process with all ideological sectors.

I support H.R. 2070 because voters will be given a realistic definition of each viable option, avoiding political grandstanding. It is time we build a relationship based on dignity and respect. The Puerto Rico Self-Determination Act ensures a fair process that provides certainty to our people and to their political aspirations.

International law recognizes four alternatives. It is respectful for H.R. 2070 to reaffirm that *Estado libre asociado* has the legal and practical viability of developing in a political model that our people can freely choose. It is the interest of Puerto Rico and the United States to promote this process. Previous, non-binding exclusionary electoral events managed by partisan extremists have wasted both our time and limited resources. Puerto Rico deserves a legitimate and truly binding self-determination process. Legitimacy is essential for credibility and veracity in the eyes of our people. These standards can only be achieved with equal participation.

Democracies evolve. That is why we legislate. The United States has changed throughout its history. Just as it was over a hundred years ago that women were given their right to vote, I sit today before your Committee to testify in support of legislation led by women that will enable our government to evolve the relationship within Puerto Rico and the United States. I urge this Committee to approve H.R. 2070. I thank you for this opportunity.

[The prepared statement of Mr. Hernández follows:]

PREPARED STATEMENT OF THE HON. RAFAEL HERNÁNDEZ MONTAÑEZ, SPEAKER,
PUERTO RICO HOUSE OF REPRESENTATIVES

Chairman Grijalva, Ranking Member Westerman, and distinguished Members of the Committee, I am Rafael “Tatito” Hernández Montañez, and I am respectfully here as Speaker of the House of Representatives in Puerto Rico. I fully endorse H.R. 2070, legislation introduced by Chairwoman Nydia Velázquez and Congresswoman Alexandra Ocasio-Cortez, which has 73 co-sponsors to date. The Senate companion bill, introduced by Chairman Bob Menendez, has 7 co-sponsors.

This bicameral and bipartisan legislation is overdue. It will empower Puerto Ricans with an inclusive, transparent, and democratic process to determine our own political future and relationship with the United States. Under H.R. 2070, a political status convention would be created, and delegates would be elected to discuss options with federal officials, and therefore create an official, legitimate, and comprehensive bilateral conversation on status. I am thankful for the leadership of Chairwoman Velázquez, Congresswoman Ocasio-Cortez, and Chairman Menendez, and to all of those who have joined them as co-sponsors.

On Election Day 2020, the People of Puerto Rico unequivocally forged a historically diverse Legislative Assembly with representation from five (5) local political parties. That same day, Pedro Pierluisi-Urrutia of the New Progressive Party (NPP or “PNP” for its Spanish acronym) was elected as Governor of Puerto Rico; Jennifer González-Colón of the NPP was reelected as Resident Commissioner; and the people chose a Popular Democratic Party (PDP or “PPD” for its Spanish acronym) majority

in both the House and the Senate. However, after an in-depth analysis of this issue, other more relevant, pertinent data regarding the self-determination mechanisms before us arises.

The Governor of Puerto Rico was elected with 73% of party-line votes, 3% of mixed votes, and 24% of per candidate votes. The Legislature, on the other hand, was chosen with 67% of party-line votes, 14% of mixed votes, and 19% of per candidate votes. This data reveals that a third (1/3) of the Puerto Rican electorate does not identify itself with traditional parties. Most importantly, this data shows that Puerto Ricans have their own criteria when choosing partisan ties with their democratic institutions. This reality may explain why electors identify themselves as statehooders, but do not feel represented by the NPP; why commonwealth supporters may not see themselves as members of the PPD; or the reason why plural pro-independence voters do not support the Puerto Rican Pro-Independence Party ("PIP").

I was elected as the Speaker of the Puerto Rico House of Representatives with affirmative votes from the complete NPP delegation, the Representative from the newly founded Dignity Project ("Proyecto Dignidad") and the complete PDP delegation. Given our historical reality, I am both humbled and honored to have been elected by multiple sides of the aisle. This reality entrusts me with the responsibility of defending a democratically participative and inclusive self-determination process. Only through collaborative, honest dialogues may we see clear results that guarantee participation from all ideological sectors. This congressional hearing's inclusiveness honors our diversity.

Puerto Ricans treasure their identity and the benefits of their relationship with U.S. Trade, currency, defense, and common citizenship are assets that we enjoy today and, as such, are non-negotiable. A vast majority, some 85% of Puerto Ricans greatly value their American citizenship and favor a permanent relationship with the United States. These aspirations are already guaranteed by our current political arrangement, i.e., the Commonwealth of Puerto Rico.

On March 2, 2021, the House of Representatives approved Concurrent House Resolution No. 1 ("R. K. de la C. 1", or "RKC1") seeking to demand that the U.S. Congress, clearly and affirmatively, establish the alternatives it is willing to consider as a solution to the political relationship between Puerto Rico and the United States of America. It also requests that, in its expression, Congress promotes a binding, inclusive and participatory process with all of our ideological sectors.¹ Its main purpose is to ensure further discussion as to statehood, independence, sovereign association, and a new political model for the Commonwealth as viable solutions. Steps like today's hearing are necessary to achieve concrete results. However, we will only succeed if all ideological sectors feel and are indeed represented.

We support Congresswomen Velázquez and Ocasio-Cortez' H.R. 2070 because it convenes and calls upon a status convention, which genuinely promotes the participation of all parties while simultaneously collaborating with Congress and the Federal Department of Justice in analyzing all legal possibilities. For the first time, the electorate will be given a realistic definition of each viable option, preventing that a democratic exercise becomes a popularity contest, as has historically happened.

Without falling into scare tactics of politicians from all parties (NPP, PPD and PIP) on the island, Puerto Ricans identify only two alternatives of permanent union: Statehood and the Commonwealth. Therefore, if this self-determination process created by Congress does not allow for the continuing legal life of the Commonwealth outside of the territorial clauses, the process becomes one similar to the intention of H.R. 1522 in that we are excluded from the process.

I affirm that those of us privileged enough to speak here on behalf of the People of Puerto Rico aspire to some sort of political relationship with the United States. We must build a relationship based on dignity and respect, safe from any single party's unilateral modification. This effort's result must ensure a fair self-determination process that provides certainty to the people of Puerto Rico as to their political relationship with the United States. International law recognizes, according to United Nations Resolution 2625 (XXV) of October 24, 1970, "the establishment of a sovereign an independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people." It is from this international perspective, as H.R. 2070 reiterates, that the Commonwealth has the legal and practical viability of developing in a political model that our people can freely and voluntarily choose.

¹See attached.

Previous, non-binding exclusionary electoral events managed by partisan fanaticism have wasted both our time and limited resources. Puerto Rico's present and future condition critically deserves a legitimate and truly binding self-determination process. Legitimacy is essential for credibility and veracity in the eyes of our people. These standards can only be achieved with equal participation.

Democracies evolve. That is why we legislate. The U.S. has changed throughout its history. Just think that it was just over 100 years ago that women were given the chance to vote in the United States. And I sit here today before your Committee to testify in support of legislation, led by women no less, that will someday enable my government and yours to evolve and to realize a relationship for Puerto Rico and the United States that is more perfect in nature than what exists. Let's not close our minds to progress.

I thank you for this opportunity to testify.

The CHAIRMAN. Thank you very much, Speaker. And let me now recognize the Hon. Aníbal Acevedo-Vilá, former Governor, former colleague of mine on this Committee, the Popular Democratic Party Governor. The time is yours.

STATEMENT OF THE HON. ANÍBAL ACEVEDO-VILÁ, FORMER GOVERNOR, POPULAR DEMOCRATIC PARTY, SAN JUAN, PUERTO RICO

Mr. ACEVEDO-VILÁ. Thank you, Mr. Chairman and Ranking Member. I think I know what is the question in the mind of many of you today. Should Puerto Rico become a state? Let me be clear: I strongly oppose statehood. Like many in Puerto Rico, and many Members of Congress, we recognize that statehood is not good for Puerto Rico, nor will it be good for the United States. Our opposition is based on historical, cultural, national identity, and economic realities.

But let's examine today a more immediate question. Is there a mandate to grant statehood to Puerto Rico? The answer is no.

Yes, the people of Puerto Rico voted with a close margin in favor of statehood in November. That was a non-binding referendum rejected by the U.S. Department of Justice and by four of the five political parties in Puerto Rico.

On election day, Puerto Ricans elected new anti-statehood majorities in the House and the Senate, and most of the mayors elected that day are also anti-statehood. The truth: we remain deeply divided. Any attempt to move forward a petition to make Puerto Rico a state will further divide our people, without solving the underlying problem of our colonial relationship.

In my written statement, I have shared some data from a poll conducted by Hart Research in August of last year. When all of the options are given to the people of Puerto Rico, statehood support goes down to 41 percent, Commonwealth gets 38 percent, Free Association 8 percent, and independence 6 percent.

Making Puerto Rico a state is an irrevocable decision that will affect present and future generations. The most important information that comes from the Hart Research is the limited support a state would have with the younger generation. Within the 18- to 34-year-old bracket, the support for statehood goes down to 35 percent, the support for free association goes up to 20 percent, and for independence to 15 percent.

Contrary to all other status bills introduced within the last 30 years, H.R. 2070, the Puerto Rico Self-Determination Act, was not drafted nor pushed by any of the local political parties in Puerto Rico. That is a good way to start this contentious process.

For the first time, this bill gives the opportunity for Congress to talk directly to the people of Puerto Rico. H.R. 2070 is not a colonial imposition. It doesn't order anything, nor precludes any type of outcome. No one is excluded nor favored. If our legislator decides to call for a status convention, all status options will have a fair opportunity to participate and elect delegates.

Actually, if the statehood in reality are the majority, then the majority of the delegates elected to the convention will support that option. The most important component of this bill is the creation of the Congressional Negotiating Commission. This Commission will have to answer and clarify many of the legal constitutional language, cultural, and economic questions that for more than 100 years our people have attempted to answer, but Congress has failed to address.

Included now, how will the different status alternative be affected or impacted by the ongoing process established by PROMESA and the restructuring of the debt? Everything will then be in the hands of Puerto Rico.

Under H.R. 2070, the people will freely vote two times, initially to elect the members of the convention, and later to select the preferred status option. The only limitation is that any definition presented to the people for a vote after the negotiation with the commission must be outside of the Territorial Clause. That will guarantee that we really put Puerto Rico on the path for decolonization.

The first time I testified before this Committee on this issue was in 1997. All congressional attempts have failed precisely because they have no consensus in Puerto Rico and were based on the agenda of the Puerto Rico Statehood Party to tilt the process in their favor.

Before us today you have two paths, one that will repeat the same mistakes of the last 30 years, or you can finally try a different approach, inclusive and unbiased toward any alternative.

The Puerto Rico Self-Determination Act is a creative and fair process to avoid the mistakes of the past. The path toward decolonization is not going to be easy, but it has to start now. I urge this Committee to approve H.R. 2070.

[The prepared statement of Mr. Acevedo-Vilá follows:]

PREPARED STATEMENT OF GOVERNOR ANÍBAL ACEVEDO-VILÁ, FORMER GOVERNOR OF
THE POPULAR DEMOCRATIC PARTY

I am grateful to Chairman Raúl Grijalva and the House Natural Resources Committee for holding this important hearing and for this opportunity to testify. I come to you in my personal capacity as a former Member of the House of Representative and this Committee and as former Governor of Puerto Rico. I have also directly or indirectly participated in every political status process that has been held over the last 30 years regarding the relationship between Puerto Rico and the United States. Recently I began working collectively with a group of puertorriqueños, from diverse backgrounds and political views, and help to establish

a new non-partisan political advocacy group, *Frente Puertorriqueñista*,¹ to advocate and educate the public regarding the urgent need for the U.S. Congress to enact and adopt a fair and inclusive process of self-determination to decolonize Puerto Rico, and to defend the national and cultural identity of the Island. One of the core positions of the *Frente Puertorriqueñista* is to support H.R. 2070, The Puerto Rico Self-Determination Act, introduced by Chairwoman Nydia Velázquez and Congresswoman Alexandria Ocasio-Cortez.

I want to start with what I believe is the question at the forefront in the minds of the Members of this Committee and more broadly in the House and Senate—should Puerto Rico enter the Union as the 51st or 52nd state? Let me be clear—I strongly oppose statehood for Puerto Rico, a position shared by the members of the *Frente*. Like many of you, we recognize that statehood is not a good option for Puerto Rico, nor would it be good for the United States. Our opposition to statehood is based on historical, cultural, national identity and economic realities. But this is not the reason I'm here today. Let's examine a more appropriate question today: **Is there a mandate to grant statehood to Puerto Rico?**

The answer is NO.

Yes, the people of Puerto Rico voted 52.5% to 47.5% in favor of statehood in a non-binding referendum held on Election Day 2020. But that was a referendum rejected by the U.S. Department of Justice, and by 4 of the 5 political parties in Puerto Rico, because all the other options for the future political relationship between Puerto Rico and the U.S. were excluded from the ballot. The referendum's result has to be analyzed within the following context:

1. The pro-statehood candidate for Governor won with only 33% of the votes, while the other 67% voted for a candidate for Governor who did not promote making Puerto Rico the 51st state.
2. On Election Day, Puerto Ricans elected new anti-statehood majorities in both the Puerto Rico House of Representatives and the Senate. A majority of mayors elected in Puerto Rico also oppose statehood.
3. The referendum was held even after the U.S. Department of Justice refused to sanction the referendum and formally rejected using federal funding to conduct the vote. DOJ ruled that the statehood party-designed plebiscite did not comply with the Constitution, federal law, or standing public policy. The DOJ, in 2017, rejected another statehood party designed referendum for similar reasons.
4. Only the pro-statehood movement was actively campaigning and spending money for a yes vote. That means it was basically a one-sided campaign with only statehood on the ballot, therefore excluding pro-independence, pro-Commonwealth, and pro-free association voters from the ballot.

Any objective look at Puerto Rican reality and the facts on the ground lead to one conclusion: Puerto Ricans remain deeply divided on the statehood question. And any attempt to move forward with a petition to make Puerto Rico the 51st or 52nd state will further divide our people without solving the underlying problem of our colonial relationship with the U.S.

This division raises another important question that needs to be answered: **Do Puerto Ricans support other options or is statehood the only option?**

I am here to tell you that Puerto Ricans certainly do support other options—and statehood is not the only option for Puerto Rico, or for the United States.

I'm sharing with the Committee the results of a poll conducted during the period of July 20 to August 9, 2020 by the prestigious D.C. based firm Hart Research.² Their results were extremely accurate regarding the final outcome in November, and included very relevant questions related to the statehood referendum.

The Hart Research poll had statehood winning by a close margin, 48% to 45%, in early August. This was nearly the exact result in November. Interestingly, 54% of those polled thought the referendum was not a serious proposal, even though they were willing to participate.

The most interesting data from the Hart poll was when the real political status questions were asked. In Puerto Rico, the issue about our relationship with the USA, the "status" issue as we call it, is not only regarding "statehood" (it is really annexation.) There is complete agreement there are other options, like a new non-

¹A new group to address political status, *El Nuevo Día*, March 30, 2021, <https://www.elnuevodia.com/english/news/story/a-new-group-to-address-political-status/>. See attachment 1.

²See attachment 2.

colonial, non-territorial Estado Libre Asociado, some form of Free Association with the USA, and Independence. One of the complaints of the local political parties was that those of us who believe in those other options were not afforded (some might say silenced from) real participation in the referendum.

The Hart Research poll did ask that question. When all the options are given, annexation ("statehood") support goes down to 41%, Commonwealth gets 38%, Free Association 8% and Independence 6% (with 7% undecided).

Beyond the fact that the support for statehood in that poll goes from 48% when it is a yes or no question, to 41% when the other options are included, it is more interesting that the options of a relationship with the USA other than statehood are the majority (Commonwealth + Free Association = 46%).

Making Puerto Rico the 51st state is an irrevocable decision that will affect future generations, well beyond that 52% of individuals that actually voted for that option. Perhaps the most important piece of information that comes from the Hart Research poll is the limited support that statehood has with the younger generation. Within the 18-34-year-old bracket, the support for statehood goes down to 35% and the support for Free Association goes up to 20% and for independence to 15%.

So why did statehood eventually get 52% in the November referendum? The Hart Research poll also gives us some explanation. When only given the yes or no to statehood option, 15% of those who vote yes, really support one of the other options not given to them (especially Commonwealth) in the question that included all the options. Having been deprived of their alternative, they voted for statehood. It is clear that it is only the lack of options and not that they really want statehood.

The answer to the two previous questions is obvious: there is no mandate from the People of Puerto Rico to make the island the 51st state and we do request a fair and inclusive process of self-determination that will finally bring decolonization. And there is where H.R. 2070 comes to play.

I, as well as the *Frente Puertorriqueñista* support H.R. 2070 because it's a serious, fair and inclusive process.

Contrary to all the other status bills introduced in Congress during the last 30 years, H.R. 2070 was not drafted nor pushed by any of the local political parties in Puerto Rico. That's a good way to start this contentious process. This new approach could also facilitate an eventual consensus here in Congress as well as in Puerto Rico. For the first time, this bill gives the opportunity for Congress to talk directly to the People of Puerto Rico, without the need to use local political parties as intermediaries. The political diversity of those from Puerto Rico testifying today in support of H.R. 2070 is a clear showing of its potential for consensus.

H.R. 2070 is not a colonial imposition by Congress on Puerto Ricans. It doesn't order anything, nor precludes any type of outcome. No one is excluded, nor favored. If enacted, the start of the process will be completely in the hands of the elected officials in the Island. It doesn't even have status definitions so as to avoid a process that could be challenged as biased and in favor or in opposition to any of the status options from the very beginning.

If the Legislative Assembly in Puerto Rico decides to call for a Status Convention, all status options will have a fair opportunity to participate and to elect delegates to the convention. Actually, if statehood is really the favorite option of the people, the majority of delegates elected will support that option.

The most important and creative component of this bill is the creation of a Negotiating Commission. If Puerto Rico calls for a Status Convention, a bipartisan commission, with Members of the House and the Senate and with representation from the executive branch will be created with the specific duty to have dialogue and negotiations with the delegates of the different status alternatives. The Negotiating Commission will have to answer and clarify many of the legal, constitutional, language, cultural and economic questions that for more than a hundred years our people have attempted to answer, but Congress has failed to address. Is Congress willing to accept as a state a nation with Spanish as the official and only language in the state courts, legislature and public schools? What effect will federal income taxation have on the economy and the budget of the government of the "State of Puerto Rico? Can the state of Puerto Rico keep the triple tax exemption that the current bonds (and that are being renegotiated right now) enjoy? Under what constitutional underpinnings can a non-territorial Estado Libre Asociado be established? What agreements regarding U.S. citizenship can be established under free association? What transition agreement toward independence is Congress willing to offer? How will all the status alternatives be affected or impacted by the undergoing process established by PROMESA and the restructuring of the debt? H.R. 2070 has for the first time established a process that could finally give the people of both our countries the necessary answers we deserve.

After the negotiating process, the members of the Status Convention will deliberate and present to the people the different options for a vote. This will be the first time that we will vote on status options with clear information of what Congress is willing to offer and what are the consequences of the different options. Everything will then be in the hands of Puerto Rico. Under H.R. 2070 the people will freely vote two times, initially to elect the members to the Status Convention, and later to select their preferred status option. The only limitation imposed by H.R. 2070 is that any definition put forward by the Negotiating Commission and presented to the people for a vote must be outside of the territorial clause of the U.S. Constitution. That will guarantee that we will really put Puerto Rico on the path for decolonization.

The first time I testified before this Committee on this issue of the status of Puerto Rico was in 1997. I have lost count how many times I have walked the halls of Congress over the last 30 years to discuss different bills on this important issue. All prior attempts have failed precisely because they had no consensus in Puerto Rico and were based on the agenda of the Puerto Rico statehood party to tilt the process in their favor. During that same period, the statehood party has called for plebiscites in Puerto Rico, without any federal support, in five occasions (1993, 1998, 2012, 2017 and 2020). Those local initiatives have failed for the same reason.

Puerto Ricans deserve that this time be different. The U.S. Congress and the Biden Administration have a moral, legal and political responsibility to enact H.R. 2070. Before us today are two paths. One that will repeat the same mistakes of the last 30 years. Or we can finally try a different approach. One that is inclusive, and unbiased toward any alternative. The Puerto Rico Self Determination Act of 2021 is a creative, inclusive and fair process that avoids the mistakes of the past and offers a new way forward. The path toward decolonization is not going to be easy. But it has to start now. I urge this Committee to approve H.R. 2070.

The CHAIRMAN. Thank you, sir. Let me now introduce the Honorable María de Lourdes Santiago, Senator of the Puerto Rico Independence Party. Senator, the time is yours.

**STATEMENT OF THE HON. MARÍA DE LOURDES SANTIAGO,
SENATOR, PUERTO RICO INDEPENDENCE PARTY, SAN JUAN,
PUERTO RICO**

[The following statement and answers were delivered through an interpreter.]

The CHAIRMAN. Gracias. Over to the interpreter.

Ms. SANTIAGO. Mr. Chairman and members of the Committee, at the outset, it is important to put this hearing in its right context. We are here today because of the refusal by the United States to exercise its responsibility toward Puerto Rico, the territory it claimed 123 years ago as a war booty.

The continuance of the U.S. colonial domination of our nation, notwithstanding the many occasions and diverse methods by which we have demanded an end to colonialism, contravenes both legal and historical mandates, provoking a situation that is oppressive for us and shameful for the United States. Regarding the status problem, Puerto Rico has been the victim and the United States the perpetrator.

The only serious initiative undertaken by Congress to promote the exercise of the right to self-determination by the Puerto Rican people was the consideration between 1898 and 1991 of the Johnston Bill. Though it was defeated, there was three important outcomes that deserve careful examination by this Committee: the impossibility, recently ratified by the three government branches of the U.S. Government, to upgrade the existing colonial status to a truly bilateral relation amongst equals; the need to elaborate a

transition plan for independence; and, finally, the resistance to make an offer of statehood to a Caribbean and Latin American nation in which the vast majority of the population, even those who favor annexation, do not think of themselves as Americans. And many of those that promote statehood wield as the main reason for their political aspiration their ambition to perpetuate the financial dependence on Federal funds.

Of the two bills before this Committee, only H.R. 2070 provides the means to avoid a similar dead-end as the Johnston Bill. In contrast with H.R. 1522, H.R. 2070 contains the elements that make it a potentially effective instrument to promote decolonization by enabling the Congressional Bilateral Negotiating Committee included in the bill to answer the essential question as to what Congress is really willing to offer Puerto Rico.

Contrary to the case of Washington, DC, Puerto Rico is financially bankrupt as a result of the failure of the colonial relationship. Neither is there an overwhelming support for statehood in Puerto Rico. On the contrary, we are deeply divided as to our future relation with the United States. More importantly, the national identity of the inhabitants of Washington, DC, is unmistakably American, and in this critical respect, indistinguishable from the residents of other states. That is not the case of Puerto Rico. Our nationality was forged and established before the U.S. invasion. And even after 123 years of colonialism, most of the population does not have a working knowledge of the English language. Ours is not the struggle for full individual civil rights. It is one for the collective right to self-determination of a colonized nation.

Furthermore, we are all aware that the leadership of both parties in the U.S. Senate have anticipated that H.R. 1522 is destined to failure, which translates as another path to congressional inaction and to the continuation of the colonialism.

Finally, we must emphasize that for H.R. 2070 to be successful, it is critically important that Congress be unyielding in its requirement that the status options be outside the Territorial Clause.

The Puerto Rican Independence Party welcomes H.R. 2070 and looks forward to proposing modifications to the bill in order to improve its efficacy. The enactment of H.R. 2070 would represent a much-needed return to the principles that once guided the nation that first raised the flag for freedom and independence in America.

[The prepared statement of Ms. Santiago follows:]

PREPARED STATEMENT OF MARÍA DE LOURDES SANTIAGO, VICE PRESIDENT AND SENATOR, PUERTO RICAN INDEPENDENCE PARTY

Mr. Chairman and members of the Committee: We are here today because the United States has never exercised its responsibility toward Puerto Rico, the territory it acquired by conquest in 1898. Puerto Rico's status problem cannot be attributed to Puerto Rico. Puerto Rico has been the victim and the United States has been the perpetrator. Such an egregious breach of fiduciary duty throughout the 20th century and until today by a nation that thinks of itself as a beacon of democracy can only be described as stunning and shameful.

It was the United States who demanded Puerto Rico as a war booty at the conclusion of the Spanish American War, and it has been—since then—the United States who has maintained Puerto Rico as a colony, subject to the plenary powers of Congress under the Territorial Clause.

During the last 123 years the people of Puerto Rico—on innumerable occasions and by different methods—have requested that the United States put an end to the colonial regime in Puerto Rico. Yet, never once has the United States provided the

people of Puerto Rico—a distinct Caribbean and Latin American nation—the opportunity to enter into a process that would permit the exercise of the right to self-determination and independence as required by international law in order to put an end to colonial rule. This responsibility is incumbent upon the United States not only through the International Covenant on Civil and Political Rights which was ratified by the U.S. Senate in 1992 and is part of the “supreme law of the land”, but also by virtue of the United Nations General Assembly Resolution 1514 of 1960.

The only serious congressional initiative in the direction of self-determination was that undertaken from 1989 to 1991 (as the fall of the Berlin Wall put an end to the cold war) by Senator Bennet Johnston (S. 712). It attempted to negotiate with the Puerto Rican leaders definitions and transition measures for different status alternatives such that a final vote by Puerto Ricans would take place between alternatives that had the prior approval by the Congress.

After 2 years of intense work by various Senate committees and by the political parties in Puerto Rico (including the PIP), the bill was defeated in Senator Johnston’s own Committee on Energy and Natural Resources.

What happened in that failed attempt bears careful examination. For the Puerto Rican Independence Party the results were bittersweet. On the one hand there were three positive outcomes, all of which we had predicted and which amply justified our strong participation in that legislative process; on the other hand it turned out the bill was destined to fail.

The first important outcome was that it became absolutely clear, especially to those who had hoped differently, that the existing colonial status of unincorporated territory (titled “Commonwealth”) could not be upgraded to a truly bilateral relation amongst equals because Congress could not effectively abdicate any of its powers over Puerto Rico under the Territorial Clause unless it disposed of the territory, in which case Puerto Rico would be a separate sovereign.

This conclusion was subsequently formally ratified in this century by the Congress, the White House under different administrations, and the Supreme Court.

The second important outcome was the elaboration of an economic transition plan for the independence alternative that put to rest old mythologies which equated national liberation and Puerto Rican sovereign status to a form of collective suicide and as a recipe for isolation from the U.S. market and from the millions of Puerto Ricans who resided in the United States.

The third decisive outcome of the Johnston process was that it quickly and clearly emerged that resistance to statehood (particularly in a bill that, at least initially, purported to be self-executing) would lead to the defeat of the bill, as it did. In the end the worry by most Republicans and many Democrats was that the inclusion of statehood in any plebiscite sponsored by the Congress would be interpreted as a commitment to granting statehood if it should win such a vote.

These three outcomes are pertinent today. The problem with the Johnston initiative however was that its defeat only served to place the issue of Puerto Rico’s status in the back-burner for 30 years thus assuring that the existing colonial relationship—ever more dysfunctional—continued by default.

At this moment, if we are to avoid a similar outcome, it is indispensable for Congress to speak out openly in a clear and strong voice as to its true parameters concerning the future of its relation to Puerto Rico.

Of the two bills before this Committee, H.R. 2070 is the only one that has the potential of promoting a process that will lead to decolonization. H.R. 1522, on the contrary, will lead us back to another dead end. H.R. 1522 will either not be brought to a final vote, at least in the Senate, and if it were, the leadership of both parties in the Senate have already anticipated their opposition. H.R. 1522 is therefore another path to congressional inaction and to the continuation of colonialism.

The possibility of statehood is a pipe dream concocted by a toxic combination of colonialism induced dependency and insecurity in Puerto Rico (a tropical form of the Stockholm Syndrome), with the well-intentioned but superficial sympathy of some U.S. liberals who believe that not to support statehood would be to think of Puerto Ricans as “non-deserving”. Thinking that to become a state of the U.S. is an exalted and privileged condition to which everyone should aspire, they don’t want to be singled out as excluding Puerto Rico. What they forget or ignore is that Puerto Rico’s problem is a colonial problem, not one of the equality denied to a minority under the laws and Constitution of the United States. While Puerto Ricans who live in the United States, being a minority, struggle for full individual civil rights, the problem of Puerto Rico is one of national liberation where the collective right to self-determination and independence of a colonial people is an inalienable and universally recognized human right.

The comparison with Washington DC is illustrative of why the case for statehood for Puerto Rico cannot prevail, and why it is objectively contrary to the interests of the United States.

DC is financially viable as a state, being a net contributor to the U.S. Treasury, and support for statehood is overwhelming. More importantly and this is crucial—the inhabitants of Washington DC are citizens whose cultural and national identity is American, who have no conflict of loyalties with the United States and are indistinguishable from the residents of the different states in this critical respect. There are no reasons of substance to exclude them from full participation at this period in history other than circumstantial and cynical considerations of partisan advantage.

Puerto Rico, on the contrary, is financially bankrupt as a result of the failure of the colonial relationship, and deeply divided and wary of political integration. Those of us who believe in independence—and those to come—will continue our struggle under any circumstance and never renounce our inalienable right to independence. The immense majority of the population—including most who favor statehood—though U.S. citizens, do not think of themselves as Americans and allude principally to considerations of economic convenience as reasons to prefer statehood. More than two-thirds of the population (for complex reasons including historical resistance to foreign imposition) does not have even working knowledge of the English language.

Puerto Rico, as a Caribbean and Latin American nation distinct from the United States, is a non-compatible donor to the organism of U.S. federalism: the opposite of Washington DC. The challenge before Congress in the case of Puerto Rico is to face up to these truths at the same time that it insists that colonialism in Puerto Rico must be terminated.

H.R. 2070, in principle, and in contrast with H.R. 1522, contains the elements that make it a potentially effective instrument to promote decolonization by enabling the congressional leadership (through the Congressional Bilateral Negotiating Commission included in the bill) to answer the essential question of what Congress is really willing to offer Puerto Rico. Other than independence—which is an inalienable right and can never be off the table, even if Puerto Rico were a state—both statehood and a sovereign free association require the consent of Congress. Congress therefore has a right to grant or not to grant either statehood or a Treaty of Free Association, and to define their terms and conditions.

Since the U.S., although it recognizes cultural diversity, is not and does not wish to be a multi-national federation, the Bilateral Negotiation Committee proposed by H.R. 2070 will inevitably lay out the truth—either directly or by imposing impossible conditions—regarding the possibility of statehood. Moreover, why would the U.S. admit a state that will become the problem Quebec represents for Canada, Scotland for the UK, or Catalonia for Spain? If marriage is not possible, the suitor, no matter how deluded, has a right to know as soon as possible.

Furthermore, it is critical and indispensable that for H.R. 2070 to be successful Congress be unyielding in its requirement that the status options be outside the Territorial Clause. It must also, of course, chart out the alternatives of independence and sovereign free association in terms that do justice to Puerto Rico and that protect the legitimate interests of both countries by duly taking account of the consequences and entanglements of 123 years of enforced colonialism.

In light of the above, the PIP welcomes H.R. 2070 and looks forward to working with the proponents and the Committee to make such modifications in the bill (including its Findings) that improve its efficacy and clarity as well as its opportunities for congressional approval.

When Senator Johnston in 1989 brought up the question of self-determination for Puerto Rico one can say—looking back—that the matter was important to the U.S. but it certainly was not urgent.

Today, the reality is otherwise. This time Congress cannot afford to fail. Puerto Rico is constitutionally a failed colonial state; it is literally bankrupt, has 50% of the population under the poverty level, the lowest labor participation rate in the world, 15 years of continuous economic contraction, a rapidly diminishing population, and a growing sense of collective desperation.

It is incumbent upon Congress to exercise its responsibility to put an end to colonialism and at last to promote and make possible the exercise of the right of self-determination of the Puerto Rican nation to which Puerto Rico is entitled. That is the historical debt owed by the United States to the People of Puerto Rico.

It would also be a much needed return to first principles by the nation that first raised the flag of the struggle for freedom and independence in America.

The CHAIRMAN. Thank you very much. Much appreciated. And let me now turn to our last witness. Let me recognize the Honorable Manuel Natal, President of the Citizens Victory Movement. Mr. Natal, the time is yours.

**STATEMENT OF THE HON. MANUEL NATAL-ALBELO,
PRESIDENT, CITIZENS VICTORY MOVEMENT, SAN JUAN,
PUERTO RICO**

Mr. NATAL-ALBELO. Thank you, Chairman Grijalva and members of the Committee. My name is Manuel Natal-Albelo. I am a former member of Puerto Rico's House of Representatives, and as of last Sunday, I serve as General Coordinator of Movimiento Victoria Ciudadana, a recently created, people-powered, community-oriented, progressive political party in Puerto Rico.

I must stress from the outset that Puerto Rico has been a colony of the United States since 1898 and legally defined as an unincorporated territory, a possession but not part of the United States, under the plenary powers of Congress. Although Congress has reorganized the territorial government over the years, the colonial nature of the relationship has remain unchanged.

Since 1898, Congress has never—let me repeat that again—never consulted the Puerto Rican people in a binding plebiscite or referendum on whether to retain the present status, become independent, or a state of the Union. Having retained its plenary powers, Congress should assume its responsibility for a territory it claims as a possession, yet it has avoided doing so for 123 years.

Today, we have an opportunity to change that. This Committee, and eventually Congress, is presented with a unique choice between two paths. The first path is one that we have traveled many times before. Plebiscites or referenda promulgated unilaterally and without consensus by a political party on the island, devoid of informed public deliberation, and usually designed to be slanted toward the outcome favored by the ruling party, the final results of which have lacked democratic legitimacy, whether the prevailing options receives 97 percent of the votes or 0 percent of the votes. That path of exclusion and subordination is currently represented by H.R. 1522.

The second path is one that, although it has been historically promoted by diverse and well-respected groups in Puerto Rico, it has never been supported by Congress or by any previous administration in Puerto Rico. A binding self-determination process, in which all non-colonial, non-territorial options can compete on a level playing field, and in which the people of Puerto Rico get to cast an informed vote, and Congress must act upon the will of the majority. That path of inclusion and empowerment is currently represented by H.R. 2070.

We choose the latter and urge Congress to do the same. We, a political movement that promotes real change in all aspects of our lives as Puerto Ricans, including ending the colonial relationship. We, the only political movement in Puerto Rico that has elected officials from all three non-colonial, non-territorial options. That is statehood, independence, and some form of free association.

How have we managed to achieve what the two-party system in Puerto Rico has not in more than 70 years? By focusing on finding

common ground and not on how we can cancel each other's efforts on the status question.

In this particular case, we have focused on building a fair and inclusive process, rather than trying to predetermine the outcome. This is why we propose and support the Constitutional Status Convention, *Asamblea Constitucional de Status*, as the best means for decolonizing Puerto Rico.

Puerto Ricans, yes, are U.S. citizens. But we are also a nation, a people with our own identity and culture under U.S. colonial rule since 1898. Sometimes these facts generate confusion.

Should Puerto Rico aspire to become a state of the Union? Should they become independent? Should they become a sovereign freely associated state with the United States? A democratic response from the U.S. Congress should be that it is for them, not us, to decide. The first step in that process shall be done by ourselves, los puertorriqueños y las puertorriqueñas, in a true, binding exercise of self-determination.

We are ready to do our part. It is your moral responsibility to fulfill yours. Thank you very much.

[The prepared statement of Mr. Natal-Albelo follows:]

PREPARED STATEMENT OF MANUEL NATAL-ALBELO, GENERAL COORDINATOR,
CITIZENS VICTORY MOVEMENT

My name is Manuel Natal-Albelo, a former member of Puerto Rico's House of Representatives and as of last Sunday, the General Coordinator of *Movimiento Victoria Ciudadana* (Citizens Victory Movement), a recently created, progressive, people-powered, and community-centered political party in Puerto Rico. I was invited by the Committee to testify before the Full Committee Legislative Hearing on H.R. 1522, "Puerto Rico Statehood Admission Act" and H.R. 2070, "Puerto Rico Self-Determination Act of 2021".

I must stress from the outset that Puerto Rico has been a colony of the United States since 1898 and legally defined as an unincorporated territory, a possession but not part of the United States, under the plenary powers of Congress. Although Congress has reorganized the territorial government over the years leading up to the creation of the present Commonwealth status in 1952, the colonial nature of the relationship has remained unchanged. Since 1898, Congress has **never** consulted the Puerto Rican people in a binding plebiscite or referendum on whether to retain the present status, become independent, or a state of the Union. Having retained its plenary powers, Congress should assume its responsibility for a territory it claims as a possession. Yet, it has avoided doing so for 123 years.

Today we have an opportunity to change that. This Committee, and eventually, Congress, is presented with a unique choice between two paths. The first path is one that we have traveled many times before: plebiscites or referenda promulgated unilaterally and without consensus by a political party on the island, devoid of informed public deliberation, and usually designed to be slanted toward the outcome favored by the ruling party, the final results of which have lacked democratic legitimacy, whether the "prevailing" option receives 97% of the votes or 0%. That path of exclusion and subordination is currently represented by H.R. 1522, the "Puerto Rico Statehood Admission Act". The second path is one that, although it has been historically promoted by diverse and well-respected groups in Puerto Rico, has never been supported by Congress, or by any previous administration in Puerto Rico: a binding self-determination process, in which all non-colonial non-territorial options can compete on a level playing field, and in which the People of Puerto Rico get to cast an informed vote and Congress must act upon the will of the majority. That path of inclusion and empowerment is currently represented by H.R. 2070, the "Puerto Rico Self-Determination Act of 2021".

We chose the latter and urge Congress to the same. We, a political movement that promotes real change in all aspects of our lives as Puerto Ricans, including ending the colonial relationship with the United States. We, the only political movement in Puerto Rico that has elected officials from all three non-colonial non-territorial options. That is: statehood, independence, and some form of free association. How have we managed to achieve what the two-party system in Puerto Rico had not in

more than 70 years? By focusing on finding common ground and not on how we can cancel each other's efforts on the status question. In this particular case, we have focused on building a fair and inclusive process, rather than trying to predetermine the result. This is why we propose the Constitutional Status Convention (*Asamblea Constitucional de Status* in Spanish) as the best means for decolonizing Puerto Rico. Our proposal provides for the following course of action:

1. The Legislature of Puerto Rico will call a Status Convention (SC).
2. The People of Puerto Rico will elect delegates to the convention, representatives of all three non-colonial non-territorial options (statehood, independence, and some form of free association).
3. The delegates will draft definitions on self-determination options for Puerto Rico, which shall be outside the Territorial Clause of the United States Constitution, and will draft transition plans for each self-determination option.
4. These self-determination options and the transition plans will be negotiated with Congress, and the results of this process will be binding upon Congress.
5. The People of Puerto Rico will vote for all the self-determination options drafted by the Convention and adopted by Congress in a referendum. The winning option will be enacted. If in the first referendum no option obtains more than 50% of the vote, a second-round will be held between the two options that obtained the most votes in the first round.¹

As proponents of the Constitutional Status Convention as a means of exercising our right of self-determination, we reject the argument made by some that this mechanism places the solution of the status question in the hands of a minority or a few people or in "small rooms" and not in the hands of the people. With this process, the People of Puerto Rico elect the delegates to the Status Convention, and the people, through a referendum, also determine which self-determination option they prefer. Nobody decides for the people. The delegates to the Convention have the task of elaborating the options to be presented to the people in a referendum. This is the task performed in the past by the legislators who drafted the legislation for the five previous status plebiscites conducted in 1967, 1993, 1998, 2012, and 2017. In our case, we propose that this task be carried out by a special body, the Constitutional Status Convention, elected for that specific purpose, in negotiation with Congress, and the people will vote at the end of the drafting and negotiation process.

Thus, we oppose H.R. 1522, "Puerto Rico Statehood Admission Act". Puerto Rico's colonial condition requires a fair and inclusive self-determination process in line with international law that considers all non-colonial, non-territorial options, and not merely an admission bill. On the other hand, we are optimistic about the proposals included in H.R. 2070, "Puerto Rico Self-Determination Act of 2021". It is high time for Congress to recognize the right of self-determination for the People of Puerto Rico and act expeditiously to put an end to the existing colonial relationship.

Puerto Ricans are U.S. citizens as well as a nation, a people with their own identity and culture, under U.S. colonial rule since 1898. Sometimes these facts generate confusion regarding Puerto Rico's relation with the United States. Should Puerto Ricans aspire to become a state of the Union? Should they become independent? Should they become a sovereign freely associated state with the United States? A democratic response from the U.S. Congress should be: that is for them, not us, to decide. The first step in that process shall be done by ourselves, *las puertorriqueñas y los puertorriqueños*, in a true, binding exercise of self-determination.

The CHAIRMAN. Thank you very much, and let me thank the witnesses for their testimony, and we will go to questions now. Under Committee Rule 3(d), it imposes a 5-minute limit on the questions by Members, with the noted exception that I made regarding the sponsor of the legislation, Mr. Soto, who didn't have an opportunity at the beginning to speak to his legislation.

¹We note that H.R. 2070 promotes the use of ranked-choice voting for the final referendum, and we recognize that it is another legitimate electoral mechanism for reaching a majority mandate on a self-determination option.

The Chair reminds Members that under the Chair's right of recognition, as described in Committee Rule 3, will provide some reasonable additional time for any Member that has a question for Senator María de Lourdes to account for the interpreter.

The Chair will now recognize Members for any questions they may wish. And on the Majority side, that process is going to be by seniority. On the Minority side, it is the names that were submitted to us by the Minority, in that sequence.

I will forego at this point my initial questioning and recognize Mr. Costa. I will alternate back and forth for his 5 minutes. Mr. Costa, the time is yours. Mr. Costa?

Let me now recognize, in order of seniority, the next Member, Vice Chair of Consumer Affairs as well, Mr. Sablan. Sir, the time is yours.

Mr. SABLÁN. Chairman Grijalva, thank you very much, and I want to thank all of the witnesses for their testimony. I have learned enough over the years that I will stay out of Puerto Rico's political status issues. I will stay away from this until when I have no choice but to cast the vote in Committee.

I yield back. Thank you.

The CHAIRMAN. Let me now recognize the Ranking Member of the Full Committee, Mr. Westerman. The floor is yours. Mr. Westerman, you are recognized.

We will go back to Mr. Westerman when he connects with us.

Let me now recognize the gentleman, Mr. Hice, for your time. Sir, you are recognized.

[No response.]

As recommended by the Minority, let me now recognize Miss González-Colón for her 5 minutes. Miss González, you are recognized.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Chairman. First of all, I want to say thank you again to all the witnesses that are here with us today, and I want to say thank you to the Governor of Puerto Rico for traveling to DC.

My first question is going to be for him. Many people are saying that the statehood votes in November of last year were not enough or the percentage was not big enough to establish the vote for the decision of the people of the island. And I just want to point out that 52 percent of the vote was for statehood, which is an absolute majority, and just 47 percent against. It is almost 5 percent difference.

And if we compare that to the result of the general election in the United States where President Biden got elected by 51 percent versus 46 percent, I think it is less than 4.4 percent, which means that for some people elections in the United States were a landslide or bigger margin, but those margins are not good enough for the people of Puerto Rico to establish their vote for statehood.

I think that is something that the Governor of Puerto Rico is the only one elected to pursue the will of the island. And I want just to say on the record the status of statehood got more votes than any elected official, the Governor, myself, mayors, and state legislators. So, that is something that even between party lines on the island statehood got more votes than anyone else.

Governor, do you think the percentage to support statehood and the mandate that you have—the request of the state, of the Governor of Puerto Rico to Congress for statehood was made as an official petition last year. Do you support that?

Governor PIERLUISI. Yes. Thank you, Resident Commissioner. As in any democracy, in Puerto Rico the majority rules. That is how democracies work across the world. To put this in context, I publicly have been calling for an up-or-down vote on statehood for years. And the reason was that I realized that the plebiscites we had been conducting, providing multiple options for the public, for the people of Puerto Rico, were not working, and let me explain why.

Always you had a sector, a faction of Puerto Rico complaining that the options were not inclusive, that we had left out one option or another, that the options were not well defined. It is the never-ending story. That beauty or wisdom of an up-or-down vote, in this case for statehood, but it could have been for the current territorial status, it could have been for independence, it could have been for free association, the beauty or wisdom of this vote is that it is all-inclusive. All those who support statehood could say yes, and all those who oppose statehood, for whatever reasons—they support another option or they are not yet ready for Puerto Rico to become a state—could say no, and that is precisely what happened here.

Puerto Rico had no offer from Congress. There was no Federal legislation providing for this plebiscite. But in accordance with the principle of self-determination, Puerto Rico always has the right to conduct a plebiscite or a referendum like we did. And there was no boycott this time around, and we got an absolute majority against all odds. Even the Justice Department under the Trump administration objected to this vote. And even then the people requested statehood, so the least that Congress should be doing is responding to this vote, answering to this vote.

And your bill, Resident Commissioner, Congressman Soto's bill, is the right approach. Again, it does what Hawaii and Alaska did; it basically tells us, tells the people of Puerto Rico, this is statehood. These are the terms and conditions: Hold a referendum; if you ratify it, the President will proclaim it, and it provides for a year-period for a transition.

So, I fully support your bill. It is democratic. It is fair because, again, all those for statehood will have a chance to support it, and all those against, for whatever reason, will be able to say no.

Miss GONZÁLEZ-COLÓN. Thank you, Governor.

I yield back.

The CHAIRMAN. Thank you very much. Let me recognize Chairman Huffman for your 5 minutes of questions, comments. Sir, you are recognized.

Mr. HUFFMAN. Mr. Chairman, I simply want to say hello to our dear friend and former colleague, Governor Pierluisi. It is great to see you again. Pedro, we miss you at the Natural Resources Committee, and I want to thank everyone for this great discussion. It has certainly helped me prepare for what I hope will be an important and helpful vote in the weeks and months ahead.

Governor PIERLUISI. Thank you.

Mr. HUFFMAN. I yield back.

The CHAIRMAN. Mr. Young.

Mr. YOUNG. Mr. Chairman, I thought Mr. Huffman had something to say. I am up?

The CHAIRMAN. You are up, sir. Thank you.

Mr. YOUNG. Thank you, Mr. Chairman. And thank you, Governor, and all of the witnesses. This is an issue I have been involved in for many, many years. We had the Young bill that did pass the House one time by one vote. I am proud of that. And, of course, I believe in statehood. I believe in Jennifer's bill. I think it is time—as far as the plebiscite, we have three of them. Each time I believe we have actually been victorious in the sense of being a state. It is long overdue.

You know, we talk about this all the time, but I am part of that. Puerto Rico was supposed to be a state after Alaska, even before Alaska. And because of circumstances, the delegates who were in Congress at that time, we came by and then, of course, instead of Puerto Rico becoming a state, Hawaii became a state. Anybody there from Hawaii, I apologize, but it was the wrong pecking order.

Now, I think Puerto Rico has a decision to make. They have said before, and I think we ought to keep going. I like Jennifer's bill. I don't expect anybody else has another bill, but let's not take and plow fields that have been plowed before. The people have spoken. Let's have the vote. Let's become a state, the 51st state.

And although I have some opposition on my side about they will all be Democrats, they said the same thing about Alaska, and now we are all Republicans. So, everybody has the right to decide what they are going to be, but don't rethink what they are going to be because it doesn't work out that way. Hawaii was supposed to be Republican.

So, Mr. Chairman, and Jennifer, and all of the people involved, you have a person here who is going to work very hard with you to try to achieve the goals of what this bill really tries to do.

Governor, very frankly, do you think that H.R. 2070 ignores the will of the voters of Puerto Rico?

Governor PIERLUISI. Of course not. Congressman Young, are you referring to H.R. 1522 or H.R. 2070?

Mr. YOUNG. H.R. 2070.

Governor PIERLUISI. The problem with H.R. 2070 is the following: it clearly ignores the vote that just happened. And when I hear people talking about that that wasn't a fair vote, that it wasn't inclusive, what are they talking about?

By definition, by design, it couldn't be fairer. It couldn't be more inclusive, because a yes-or-no vote allows everybody to express themselves. And that is what happened in Puerto Rico. All of those now opposing H.R. 2070, or at least most of them, campaigned against statehood before the plebiscite in Puerto Rico.

They had to turn it back, and they can now continue lobbying Congress against it. But they shouldn't be stopping this process from happening because Congress should be responding. Congress should be allowing this process to go forward, not start a whole new process, providing for the election of delegates, a bipartisan or joint commission that is going to engage in a dialogue with these delegates to talk about options that nobody knows what we are

talking about, including non-territorial options other than statehood and independence, which is clearly unconstitutional.

That definitely is a never-ending story. It has no deadlines on it, and actually it has constitutional problems because it is only Congress that can offer any status to Puerto Rico or bind itself to offer any status. Congress has never appointed a commission that all of a sudden speaks for Congress and binds Congress in terms of particular status options for Puerto Rico.

One option, one undeniable option, is statehood. I agree that independence is an option. I say it with respect. I agree that Puerto Rico could try to negotiate or have a compact or a pact of free association, such as the one that Palau and the Marshall Islands have. Those are options, I agree, but those options have never gotten majority support in Puerto Rico.

And if anybody wants to hold an up-or-down vote on them, I welcome them to do it, because they will end up getting a very small vote on them. Statehood has the majority support in Puerto Rico, and it only will grow if Congress offers it to the people of Puerto Rico and subjects it to a vote once again by the people of Puerto Rico.

Mr. YOUNG. Thank you, Governor, and you spoke very well about it. It was what I was going to say, but you said it so well. Thank you for your support and for testifying before the Congress.

Mr. Chairman, if I have any time left, I will yield it to the Congresslady, Miss Colón. And with that I yield back.

The CHAIRMAN. Unfortunately, Mr. Young, you have no time left. But I am sure she appreciates the gesture, and thank you.

Let me now turn to and recognize Chairman Lowenthal for any questions or comments that he might have.

Sir.

Dr. LOWENTHAL. Thank you, Chairman Grijalva. And before I actually get into this debate, I just wanted to send to you and to the family and your staff member, Mr. Lofgren's family, my sincerest condolences. I know this is a difficult time suddenly, the loss, and I just send my best wishes and my sadness for what you are going through.

The CHAIRMAN. Thank you, sir.

Dr. LOWENTHAL. I am here to listen. I don't really have too many questions. I am trying to understand and I think it has been an excellent hearing providing the alternatives.

The only questions that I have may be for Governor Pierluisi. And I think also it is good to see you back on the Natural Resources Committee as one of the old timers. Glad to see you, as Jared also mentioned.

Governor PIERLUISI. Thank you.

Dr. LOWENTHAL. I just want to know, from your point of view, you have made your case I think because the will of Puerto Ricans is that the majority have voted for statehood now, and that is what they want. What are the consequences if we wait longer to resolve the status? If the Congress does not act, do you have any idea what is going to happen? What are some of the consequences of not acting?

Governor PIERLUISI. Yes, I will tell you. I live through them right now as Governor. And I know Resident Commissioner Jennifer

González suffers through them every day in her tenure in Congress.

I tell you, Jenniffer González is doing a remarkable job as a Resident Commissioner. She is only one, and she doesn't have a vote on the Floor. I know what she has to go through when she is seeking support for Puerto Rico, for the Medicaid Program, for the SSI Program, for our nutrition assistance.

She needs to go and talk to all of you and use her persuasion, her personality, to convince you to go along with her, because she cannot vote on your bills. She cannot negotiate, like get this done in Congress every day, on our behalf. And she is only one in the House. Because of the size of our population, we would have two Senators and four Representatives at bat for us, for Puerto Rico. And I know that would make a difference.

We suffered a huge hurricane. We went through a huge hurricane back in 2017. We went through incredible earthquakes early in 2020. And now we are facing the pandemic. And we went through all of that, and unfortunately, when the time came to assist Puerto Rico, using existing disaster management programs of the Federal Government, we were facing all kinds of requirements that states do not face, because it is so easy to treat Puerto Rico differently.

Actually, the Supreme Court has said that Congress can treat us differently, that the Federal Government can treat us differently. Our request is always treat me the same. We are American citizens. Give me the same treatment in all Federal programs, and give me representation in the Congress that approves the laws that affect me on a daily basis. Allow me to vote for the President. Allow me to vote for the Commander in Chief.

Our men and women are wearing the military uniform, are losing their lives on behalf of this nation, yet when they come home they have no say in our democracy. That is the quandary. That is the fight, and definitely we want to put an end to it.

And I say this again with respect, I say it with respect because the situation of Puerto Rico is not the same as the other territories. Because of our size, because of everything that we have been dealing with in the past, and because of the vote that just happened, we need to address this issue and do it for the benefit of all, for the benefit of the nation at large, and for the benefit of Puerto Rico. And let's do it fairly. Let's hold it for a vote once again. We just held a vote. Let's have another one once Congress offers equality—statehood—to the American citizens of Puerto Rico.

Thank you.

Dr. LOWENTHAL. Thank you. And I yield back, Mr. Chair.

The CHAIRMAN. Thank you, Mr. Lowenthal. And thank you for your kind comments. I appreciate it very much.

Let me now recognize the gentleman from Arizona, Mr. Gallego—no, excuse me. Let me recognize the Ranking Member of the Full Committee, Mr. Westerman, for your comments.

Sir.

Mr. WESTERMAN. Thank you, Chairman Grijalva, and also a big thank you to all of the witnesses. This is a very informative hearing that we are having today, and it seems to me it is obvious we have two proposed processes to move forward. And it is great to be

able to put those two processes side by side and to debate the merits of each one.

Dr. Ponsa-Kraus, according to Representative Velázquez's summary of H.R. 2070 on our website, where she talks about the status convention, there has been a lot of talk about how there are three options to consider: statehood, independence, or free association. But the status convention offers a fourth option, or actually I would say a Pandora's Box of options. And you say in your testimony that there are only three options, and no room for other options. Will you explain that again?

Dr. PONSA-KRAUS. Yes, of course. Thank you for the opportunity to explain it. My emphasis, and the emphasis you have heard from other speakers, on the fact that there are only—I said two options, but you are right that there is one that is described as a third—it is statehood and independence, with or without free association. So, let's call them three: statehood, independence, and free association.

Free association is a form of independence. And the reason it is so critical to emphasize that is because the people of Puerto Rico were led to believe that there was another alternative. It was non-territorial, and that turned out not to be true. And what is so urgent is for the people of Puerto Rico not to be led along, not to be misled, not to be offered options that they can't have. That doesn't respect them or the process of self-determination.

So, to say you can't have this is not to disrespect them. To say you can't have this is to respect them. So, that option that they were offered repeatedly that was not constitutionally possible was non-territorial commonwealth.

And let me just try to explain, what are the stakes of this debate? I think one statistic, one figure that has been lost in all of this—I don't think I have heard this—is that Puerto Ricans have had an overwhelming consensus, and I am talking on the order of 90 percent, for decades, since the mid-20th century.

Those same 70 years we have had a consensus that people want to remain U.S. citizens and have a guarantee of citizenship for themselves and their posterity, and they want some form of union with the United States, which is absolutely consistent with being Puerto Rican.

Mr. WESTERMAN. Do you believe that—

Dr. PONSA-KRAUS. We want these two things. And if you want a union with the United States and citizenship for yourself and your posterity, well, then, statehood is your only option because the other options don't guarantee you either of those things. So, that is what this debate is all about. How do we maintain citizenship for ourselves and our posterity and a union with the United States? If there were other ways to do it, that would be OK.

And I, too, want to say what the Governor said. I respect the option of independence. I respect the option of free association. But I also respect the expression of the Puerto Rican people's desire for a union with the United States of some form and guaranteed citizenship for themselves and their posterity. And if that is what they want, then it respects them at the very least to offer statehood, which is all the Admission Act does. It offers them statehood.

Mr. WESTERMAN. Thank you. And Section 6 of H.R. 2070 binds Congress to pass the joint resolution in the future. I know you are a constitutional lawyer. Can Congress bind itself to pass a joint resolution in the future?

Dr. PONSAS-KRAUS. No, it cannot. That is yet another promise that shouldn't be made to Puerto Ricans because Congress can't bind itself to pass a joint resolution in the future. So, H.R. 2070 says Congress shall enact a joint resolution ratifying the people's choice in a referendum following the Constitutional Convention.

That sounds, once again, like you are giving them what they want. You are hearing them out, and then you are giving them what they want, and you are promising to do it. But Congress shouldn't make promises to the Puerto Rican people that it can't keep.

Mr. WESTERMAN. Well, what would happen if the bill passed, the Convention puts forward options, the people vote, and then send an option to Congress; would Congress have to act?

Dr. PONSAS-KRAUS. Congress would not have to act. So, if the people choose a constitutional non-territorial option, Congress should act, but Congress wouldn't have to act and that ought to be clear as well.

Mr. WESTERMAN. Do you think this bill would be or is misleading to the Puerto Rican people?

Dr. PONSAS-KRAUS. It is. It invites them to debate options that they can't have, along with the ones they can. It invites them to debate options that they can't have, that they have already debated, that we know are unconstitutional. And then it invites them to send that choice to Congress and promises Congress will act when Congress can't promise to do that. The Puerto Rican people have been led along long enough.

Mr. WESTERMAN. Thank you, Dr. Ponsa-Kraus. I am out of time, so I yield back.

The CHAIRMAN. Thank you, Mr. Westerman. I am going to now recognize the gentleman from Arizona, Mr. Gallego, for your time. Sir.

Mr. GALLEGO. Thank you, Mr. Chairman. It weighs on my mind knowing right now that President Biden is talking about our movement out of Afghanistan, and of course, reminds me that there have been a total of 77 Puerto Ricans from down in Puerto Rico that have died both in Iraq and Afghanistan as well more than 1,700 injured.

So, this is actually very important to me. I've never understood why the Puerto Ricans I served with were treated as second-class citizens and that their citizenship could be decided by their zip codes. And I am very happy to see that we are at least having a debate about where and how we should proceed with the statehood question of Puerto Rico.

I do find it odd that some Democrats are arguing that this last election, that Puerto Rico had a referendum is somehow illegitimate after we just had a huge January 6 fight with our colleagues across the aisle who are trying to call that election illegitimate. I think that is something that I don't know how we can reconcile. The referendum that was put forward was put forward by duly elected members of the Statehouse of Puerto Rico, that's a

language, it was supported. I don't understand where somehow there's a mandate that has to be hit by a number that is above, I guess, that 52 percent is not acceptable somehow in normal American mainland politics. If you get fifty plus one, that's a mandate. Heck, sometimes we've had presidents that have not even hit 50 percent of the population and they have the popular vote and they have won. Yet, we have considered that a mandate.

And now, the other argument I'm hearing that also does not make sense, there are multiple parties that were elected last cycle to the Statehouse and State Senate. I understand that, but I also know Puerto Rican politics is not just about statehood and about statehood questions. There are a lot of other reasons why people vote for different members of the Statehouse and State Senate over there, and it is not just statehood.

And lastly, just as an Arizonan, the 48th state that did get accepted into Congress, if we were living by the standard right now, I'm actually fighting in Arizona to preserve Proposition, I think, 108, which is a tax increase the majority of Arizonans voted for, but the Arizona legislature actually is controlled by Republicans, and their argument is, well, the Arizona legislature is a better reflection of what truly Arizonans want instead of the referendum that we passed.

So, it would be extremely hypocritical of me to somehow use those two standards. Number 1, the fact that we had a free and legitimate election last time and it should not have been questioned by our colleagues across the aisle. And Number 2, that the Arizona State Legislature should be listening to the will of the voters and then somehow turn and not support this.

So, that's my general statement. I'd also like to talk to Professor. And I apologize, my screen is going a little blank in terms of names here. Professor, what is your name? I apologize.

Dr. PONSAL-KRAUS. Ponsa-Kraus.

Mr. GALLEGO. Thank you, Professor. So, the argument here is that we need to restart it, right? We need to restart this by pulling delegates together and then putting a constitutional convention together. What states actually did that in the past?

Dr. PONSAL-KRAUS. Well, no states did anything like this in the past.

Mr. GALLEGO. OK.

Dr. PONSAL-KRAUS. Yes.

Mr. GALLEGO. Thank you for answering that question.

Dr. PONSAL-KRAUS. I mean, if you're referring to the process provided for in H.R. 2070?

Mr. GALLEGO. Yes.

Dr. PONSAL-KRAUS. Yes. No territory did anything like this because no territory had this range of options and confusion and this long a debate about an option that turns out not even to have been constitutional. We spent 70 years arguing about it. There's no precedent for this.

Mr. GALLEGO. Yes, OK. And even if it was even remotely possible that this could work out, it doesn't have a time period. It doesn't sound like there is a definitive time period that this has to be decided. So, let's say they go through these elections, they elect their delegates. It sounds like the delegates get elected by popular vote

I'm assuming. But when does a decision have to be made? Let's say they get the popular vote, delegates get selected. Is there a time period? Like, is there a year, 2 years? What are we talking about? Could this go indefinitely?

Dr. PONSA-KRAUS. H.R. 2070 does not contain any time limit either for the terms of the delegates or for the convention to produce a result. In fact, I can't tell you how my heart sank when I read the requirement that certain reports be submitted every 12 months. I thought, really, 123 years isn't enough?

Mr. GALLEGO. Yes. And then even how they come to a decision, is that defined? I mean, is it like, let's say for some reason the statehooders receive the majority of the votes and delegate votes. Can they just quickly call a convention together and say, OK, we're good, let's do this?

Dr. PONSA-KRAUS. The bill doesn't explain exactly how the convention itself would go about the process of debating.

Mr. GALLEGO. Right.

Dr. PONSA-KRAUS. And I certainly am a believer in all voices being heard, but I believe that all voices were heard in the referendum as well.

Mr. GALLEGO. Right. And lastly, so again, just to be clear, has the U.S. Government ever dictated to a territory exactly what they need to discuss in order for them to come back and talk to us about joining the Union?

Dr. PONSA-KRAUS. Well, what the U.S. Government has never done is sent people off—first of all, ignore a referendum in which a majority voted for statehood and say actually, no, we don't like the process you came up with; we want you to do something else and then call that self-determination. I mean, I can't put those two things together. How do you just ignore a vote on the island provided for by its own elected representatives and say no, actually, do this other thing because we respect self-determination.

Mr. GALLEGO. Right. Self-determination to me means the local state representatives and senators decide to put a language on. When people voted for these state reps and state senators, they knew what they represented and then they got on there and it was the most popular thing that was voted on. So, I think if anything, this reeks of a sort of paternalism from us stateside Members of Congress. Why am I going to over-ride the local elected officials that are closest to democracy after they have clearly spoken? So, with that, I am fully in support of Representative Soto's bill, and I yield back my time.

The CHAIRMAN. Thank you. The gentleman yields. Mr. Lamborn, you are recognized, sir.

Mr. LAMBORN. Thank you, Mr. Chairman. And this has been a very good discussion. I want to say hello to my former colleague and the governor of Puerto Rico, Governor Pierluisi. It was good to visit with you recently when I was in Puerto Rico. I visited with you and Delegate Jenniffer González-Colón. And one thing about Jenniffer that I want to say, she's not expecting me to say this, but I was astounded by the affection and the effectiveness that she brings to the table as the delegate from Puerto Rico.

I was in the Statehouse, the capital of the territory and I saw a row of oil portraits, former speakers of the general assembly

there, and Jennifer's picture was the last in the row, and I was very impressed with it. In fact, I took a picture, you can see it here on my phone. That's the oil portrait of the former speaker of the Puerto Rico legislature.

I'm going to yield the rest of my time to my friend and colleague, Jennifer González-Colón.

The CHAIRMAN. Ms. Colón, you are recognized. The gentlelady is recognized.

Mr. SABLAN. Jennifer, you are on mute.

The CHAIRMAN. Thank you, Mr. Lamborn.

Miss GONZÁLEZ-COLÓN. Thank you. First of all, I want to say thank you, Mr. Lamborn. I mean, I'm humbled by your words and I really appreciate your willingness always to work with our Governor and everything you've been doing in the Committee. My gratitude to you for visiting the island and visiting certain places that are the jurisdiction of this Committee, like the national parks in terms of how they were recovering. Thank you, Mr. Lamborn.

And I want to say thank you as well to Mr. Don Young, Mr. Lowenthal, and Mr. Gallego, who just made brilliant questions. And I will take it where you leave it. This question is to Professor Ponsa-Kraus. First of all, thank you for your willingness to be a witness here and to answer direct questions. My line of questions will now be yes or no, in terms of saving time, so if you can just tell me yes or no, I would really appreciate that.

Will the Admission Act that Darren Soto and I submitted in this Congress impose statehood for Puerto Rico, would voters of the island always have the last say on that?

Dr. PONSA-KRAUS. No, it will not impose, and yes, they will have the last say.

Miss GONZÁLEZ-COLÓN. Thank you for that. Some argue that the result of November of last year was an invalid or illegitimate mandate for statehood because the vote wasn't federally sponsored or sanctioned by Congress or the Department of Justice. Others claims that an absolute majority of 53 percent isn't enough as Congressman Gallego just established. First question, are these constitutionally sound arguments, yes or no?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Does the U.S. Constitution require a specific level of majority support for statehood in order to admit a territory as a state?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Is it required to have a federally sponsored referendum as a prerequisite for Congress to act?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Did we have that requirement before for Alaska and Hawaii?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Was any other state required when they were a territory to have an absolute majority or a specific percentage to be admitted to the Union?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Should Puerto Rico require that?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Does our bill, the Puerto Rico Statehood Admission Act, address the concerns by authorizing a self-executing process that it will have ratified by voters. Do you think that is a self-executing bill? Yes or no.

Dr. PONSÁ-KRAUS. The Admission Act? Yes.

Miss GONZÁLEZ-COLÓN. Do you think that H.R. 2070 is a self-executing bill?

Dr. PONSÁ-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Do you think that it is a binding bill?

Dr. PONSÁ-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Do you think the Department of Justice declining to fund a campaign would disqualify or take out any legitimacy of the voters result in November of last year?

Dr. PONSÁ-KRAUS. No.

Miss GONZÁLEZ-COLÓN. Thank you, Professor Kraus. With that, I yield back.

The CHAIRMAN. The gentlelady yields.

Mr. LAMBORN. I yield back.

The CHAIRMAN. Thank you, sir. Mr. Lamborn yields. Let me recognize the sponsor of the legislation, Ms. Velázquez. You are recognized. You need to turn off your mic, Jennifer.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman. First, I would like to address the issue of the binding nature of my bill. Section 7, Joint Resolution outlines a serious and structured process for both chambers of Congress to act upon the results of the referendum that my bill proposes. And let me just say this to my colleagues in this Committee. This is not an election for president. It is not an election of a Member of Congress. This is an election about decolonization—123 years of imperialism by the United States. How do we morally put an end to colonization? How do we empower the people of Puerto Rico to finally decide what is the choice made by the people of Puerto Rico. Governor Pierluisi talked about how the percentage of votes are binding of Nydia Velázquez in my own district. This is not about that type of election. This is the most consequential act that will be taken by the people of Puerto Rico and the U.S. Congress.

And let it be known to this Committee that the November 2020 plebiscite was legislated, designed, and pushed by only one party in Puerto Rico, and that is the pro-statehood party that Governor Pierluisi represents. So, if we are honest and serious about providing a path for the people of Puerto Rico for all political sectors to be able to decide their own future, why are you so afraid? My bill doesn't preclude or exclude statehood. And if you are so assured that the outcome is going to be statehood, why then oppose a process that is inclusive, that is transparent, and that is democratic.

I would like to address my first question to Governor Acevedo-Vilá. Could you please explain to the members of the Committee the steps that have historically taken place in Puerto Rico to design and implement the previous plebiscites? Could you explain to us the context on how the 2020 plebiscite came into existence, and if any voices from the opposition were taken into consideration?

Mr. ACEVEDO-VILÁ. Well, the short answer, Congresswoman, and thank you for the question, is no. Nobody was considered from the other political parties in Puerto Rico. It was approved without any

votes of the other political parties in the House and in the Senate. And, actually, the whole design was precisely to be a one-sided campaign because it was together with the elections. The other parties, they were not in power. They had the control of the whole apparatus of the government. The other parties had to spend all the money that they raised for their own campaigns for elected officials, and if you compare the numbers, this was one-sided. And I would love Members who are favoring the statehood bill to see some of the ads that were put out there basically scaring people. Saying if you vote no, you're going to lose your U.S. citizenship. If you vote no, you won't get the tuition assistance program.

Ms. VELÁZQUEZ. Thank you.

Mr. ACEVEDO-VILA. This was totally one-sided.

Ms. VELÁZQUEZ. Time is running out, and I have many questions to ask. Thank you, Mr. Acevedo. Mr. Natal, you recently sued the Puerto Rico State Election Commission for issues arising in your bid to become mayor of San Juan. Mr. Natal, can you provide the members of this Committee with some example of how the electoral reform law affected the election results and if such reforms created a lack of transparency, voter disenfranchisement, and other electoral deterrents?

Mr. NATAL-ALBELO. Thank you for your question, Congresswoman Velázquez, and I'll go right to it. Not only did the New Progressive Party unilaterally legislate this referendum one sided, but they also changed the electoral laws in Puerto Rico 136 days before the election. So, they decided to change the rules of the game 136 days before the actual election was supposed to be taking place. And particularly when it comes to the plebiscite.

I'll give you just one example. In the case of the five precincts of San Juan, when it comes to the plebiscite, in an Act certified by four of the five parties from the electoral commission, it was found that there were close to 1,800 votes or 1,800 ballots in excess of actual voters for the plebiscite only in terms of the election in San Juan. That's just one example of the many irregularities that happened and I'll clear one more thing, Congresswoman Velázquez.

The actual percentage of what the statehood received when you take into account invalid votes and blank votes was actually 50.8 percent, not the 52 that's been said here before.

Ms. VELÁZQUEZ. And I would like to remind the members of the Committee also that the Department of Justice rejected the 2017 and 2020 referendum citing the Obama Task Force before had stated that excluding options won't call into question the legitimacy of any referendum. I yield back.

The CHAIRMAN. The gentlelady yields and the time is over. If anybody has a question about that, it is exactly the same for Members that were pro the other piece of legislation that went over a minute and 37 seconds and a minute and 26 seconds. So, there was no effort to give to Ms. Velázquez any additional time. We've only been consistent with what other people received. Let me now turn to Ms. Radewagen. The gentlelady, the time is yours.

Ms. RADEWAGEN. Thank you, Chairman Grijalva and Ranking Member Westerman, for holding this hearing. Welcome to the panel and thank you. As a fellow Member representing a U.S. territory, I want to align myself with the statements made today by

Resident Commissioner González-Colón. Above all else, today's hearing is about respecting the will of the Puerto Rican people. With that, I yield my time to the Resident Commissioner.

Miss GONZÁLEZ-COLÓN. Thank you, Amata, for yielding. I really appreciate all of your support and your co-sponsorship of this bill today. And I would love to continue my line of questions to Professor Ponsa if she is available. And I would love to maintain yes or no answers so we can get hold of the time. Not without saying, my first question will be: Is a blank vote count for electing somebody to any position?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. I assumed that. In your view, H.R. 2070, the Puerto Rico Self-Determination Act, do you believe that it is problematic that this bill does not define or recognize that the only non-territorial status options available to Puerto Rico are statehood or independence?

Dr. PONSA-KRAUS. Yes.

Miss GONZÁLEZ-COLÓN. In your view, will the Self-Determination Act open up the door for convention delegates to come up with unconstitutional options?

Dr. PONSA-KRAUS. Yes.

Miss GONZÁLEZ-COLÓN. Do you think that including unconstitutional provisions in the transition plans they have to develop may be opposed by Congress?

Dr. PONSA-KRAUS. I apologize. I couldn't really follow whether that—

Miss GONZÁLEZ-COLÓN. If that constitutional convention use creates a new definition of the status that is not non-territorial, Congress and the Department of Justice can just say no to that?

Dr. PONSA-KRAUS. That's right, yes.

Miss GONZÁLEZ-COLÓN. Are there any constitutional concerns with the Puerto Rico Statehood Admission Act?

Dr. PONSA-KRAUS. No.

Miss GONZÁLEZ-COLÓN. In your testimony, you argued that the Self-Determination Act is, and I quote, "a thinly veiled attempt to delay and defeat an offer for statehood." Can you elaborate on why you think that?

Dr. PONSA-KRAUS. Absolutely. The Self-Determination Act ignores the referendum in November and displaces it with a process altogether different from the process that Puerto Rico came up with. I've heard people say Puerto Rico's Statehood Party designed the referendum. Puerto Rico's elected legislatures designed the referendum. The Self-Determination Act recognizes the inherent right of Puerto Rico to exercise self-determination, well, this is it. Puerto Rico's elected legislatures designed the referendum. They are the ones who put this process in place.

Miss GONZÁLEZ-COLÓN. Professor, you believe the Self-Determination Act engaged in election denial?

Dr. PONSA-KRAUS. Yes.

Miss GONZÁLEZ-COLÓN. Do you think that ignoring and rejecting Puerto Rico's recent vote on statehood, not just in 2020—but in the 2017 and 2012 referendums, are those actions undemocratic?

Dr. PONSA-KRAUS. Yes.

Miss GONZÁLEZ-COLÓN. In your opinion, were the November 2020 results on statehood and the yes-or-no referendum a legitimate self-determination process?

Dr. PONSÁ-KRAUS. Yes.

Miss GONZÁLEZ-COLÓN. Do you think that as a professor of constitutional law in American legal history, how do you respond to arguments that the Self-Determination Act has stated that the convention authorized by the bill will consider a statehood independence of free association, which is independence, and any other non-territorial options; how do you believe that is consistent with U.S. law?

Dr. PONSÁ-KRAUS. To the extent that it invites Puerto Ricans to debate options that are not constitutional, it is not consistent with U.S. law. To the extent that it invites Puerto Ricans to debate options at all instead of responding to the plebiscite, to the referendum in November, it is unnecessary and it is dilatory. Puerto Ricans can continue debating their options even if Congress offers statehood, and in response to the referendum, Congress should offer statehood.

Miss GONZÁLEZ-COLÓN. Thank you, Professor. I yield back.

The CHAIRMAN. The gentlelady yields. Ms. Radewagen yields back. Let me recognize Mr. McEachin.

Sir, you are recognized.

Mr. MCEACHIN. Thank you, Mr. Chairman.

I am not going to go into a long series of questions, but I am just going to state for the record my support for Mr. Soto's bill, and I look forward to the day that I can be part of the delegation welcoming the people of Puerto Rico into the Union.

With that, I yield the balance of my time to Mr. Soto.

Mr. SOTO. Thank you, Representative McEachin.

And first I want to thank you, Chairman, for hosting this hearing dedicated to Puerto Rico's political status.

After the election in November, we deserve a real debate on this, and we are getting it today finally, and I want to thank Ranking Member Westerman as well for that opportunity.

I was more than happy to have Resident Commissioner Jenniffer González-Colón begin speaking on behalf of our bill together because my motivation is to lift up voices from Puerto Rico not from the states' side. That has been the problem all along.

Yesterday, we celebrated National Borinqueneers Day, heroes who fought for this country since 1899, for many years in segregated units, and to date, Puerto Ricans enlist in the Armed Services at double the rate of those on the mainland.

Yet, none of them can vote for Commander-in-Chief, have Senators or voting Representatives in Congress. That is a national shame.

My family's native island of Puerto Rico has been through so much hardship over the last few years, and over a decade-long economic recession, deadly hurricanes Maria and Irma, terrible budget cuts from the PROMESA Fiscal Board, earthquakes, and now COVID-19.

It is clear now that two Senators and four Representatives would have greatly helped during these crises and that the territorial status is failing 3.2 million Americans there.

We see this every day in central Florida, as thousands of Puerto Ricans feel they have to leave the island to come to our region because they no longer think they can be prosperous on the island.

This is an injustice, and this is the main motivation why I am here to help lift up voices on the island.

Amidst the chaos, the Puerto Rico legislature decided to do something about it. They passed legislation to hold a vote on the future political status of the island. Unlike past elections, the ballot language was simple. There was a statehood yes-or-no question voted on during a high turnout 2020 general election, and the people voted by a majority of 52.52 percent for statehood.

This was higher than the gubernatorial candidate, our Resident Commissioner, or even any party—all of whom won by pluralities we opposed to a simple majority. The fact is the statehood vote crossed many party lines to get to the majority. The numbers just evidence that.

And this is why I filed the Puerto Rico Statehood Admission Act, along with Commissioner Jenniffer González-Colón and many others, because in democracy, when the people vote, action is supposed to occur afterwards.

Governments change. Leaders change. And political statuses change. That is the essence of our Republic. We vote, and a majority rules.

Our bill would still set up one last binding election: statehood, yes or no. And if a majority votes yes, they would be admitted to the Union after a brief transition period, and if they vote no, then it would be no.

There are other factions that I am more than happy to bring to light. A minority of Puerto Ricans on the island are pushing for a concept called enhanced commonwealth status. This is, of course, not a thing.

Dr. Ponsa-Kraus mentioned it at length today, and I am not going to belabor it other than to say it is a fictional status where Puerto Rico would get most of the benefits of statehood without any of the burdens.

Feel free to review our Constitution or the letter from the professor, as well as other top constitutional law experts, which has already been submitted for the record, but if not, Mr. Chairman, I would like to submit it.

The Constitution is clear. Puerto Rico could choose statehood, territory, or independence. Free association does not need to be on the ballot. It would be a decision if Puerto Rico decided to be independent, whether they want to be a free association like Palau or whether they would want to be independent without a relationship.

So, the choices have been clear for a long time, which brings me to the other bill. Why would we have a constitutional convention when the three options are already clear? Perhaps to create lofty demands to the United States that will never happen, but it will, in fact, cause critical delay during a limited window of opportunity for Puerto Rico to finally resolve its second-class citizenship.

Other problems with the convention bill, it creates a new legislative body when Puerto Rico already has a legislature, and it also purports to allow for meaningful debate to decolonize Puerto Rico.

But the Puerto Rican legislature has been debating this for 100 years. My time has expired.

The CHAIRMAN. Thank you. You are subject to be recognized for your own time right after our Republican colleague has his 5 minutes.

We will recognize Mr. Obernolte for his time. Sir, you are recognized.

Mr. OBERNOLTE. Thank you very much, Mr. Chairman.

And thank you to all of our witnesses. It has been a fascinating hearing on a very important topic.

My question is directed toward Congresswoman Velázquez. I had a couple questions about H.R. 2070.

The bill requires that whatever the results of the referendum are, that Congress ratify the results, including, I assume, results of a vote for independence.

However, we have heard testimony from some of the witnesses here that requiring a future Congress to ratify the results of a referendum would be illegal.

Do you disagree with that?

Ms. VELÁZQUEZ. Well, first and foremost, I am not one of the witnesses, but if you repeat your question, I would be more than happy to answer. I was not paying attention.

Mr. OBERNOLTE. Oh, I am sorry. My question was about your bill, H.R. 2070.

Ms. VELÁZQUEZ. Yes.

Mr. OBERNOLTE. The bill requires that Congress ratify the results of the referendum in Puerto Rico. However, there has been testimony here today at the hearing that requiring a future Congress to ratify the results of the referendum would be illegal.

Do you disagree with that?

Ms. VELÁZQUEZ. Yes, I disagree. Congress will create a commission. I seriously believe that under Section 7, Joint Resolution, that outlines the serious and structured process for both chambers of Congress to act upon the results of the referendum that might be a proposal.

Mr. OBERNOLTE. OK. So, presumably even if the results of the referendum is a vote for independence, there would be, I am sure, hundreds and hundreds if not thousands of issues that would have to be determined, both financial and legal status.

So, how could we require a future Congress to just blindly ratify that result?

Ms. VELÁZQUEZ. Again, Section 7 will provide and will outline a process for the commission that is going to be appointed by leaders of the House and the Senate to come into negotiation.

This is a process of decolonization, and clearly, there is language in the bill that will provide a process for that to be achieved.

Mr. OBERNOLTE. OK. I understand. Thank you.

And then lastly, if I could ask about another section of the bill that establishes the Puerto Rico Status Convention Public Matching Fund and appropriates \$5.5 million to establish a four-to-one match for not just paying for the election, but paying for the campaigns of Puerto Ricans that wish to become delegates.

I personally have a problem with that. How is it fair to use U.S. tax dollars collected from U.S. taxpayers to fund the election

campaigns of candidates in Puerto Rico, particularly on a four-to-one ratio?

Ms. VELÁZQUEZ. So, sir, this is decolonization, and we have a moral obligation to provide whatever it takes for the people of Puerto Rico to be well informed as to what their vote or their choosing means for themselves and their families.

And, by the way, we do that every day. We do it in New York and other states, where we provide matching funds, because we want to make sure that not only the wealthiest 1 percent, whether they are here or in Puerto Rico, have the opportunity to be engaged and participate democratically.

But you should address the same question to the Governor of Puerto Rico. Right now they are asking for millions of dollars to have shadow Representatives and Senators so that they could come to Congress and lobby for statehood. And this is money from taxpayers. This is money that we have sent to Puerto Rico for the rebuilding of Puerto Rico.

Do you support that?

Mr. OBERNOLTE. Certainly, and I also support the funding of the referendum in Puerto Rico, but I cannot support the funding of campaigns in Puerto Rico.

Ms. VELÁZQUEZ. You will support that the government will use public funds to hold this special election at a time when Puerto Rico continues to face a financial crisis and a bankruptcy process.

And, by the way, today, unanimously, the PROMESA Board voted against it because it is wrong.

Mr. OBERNOLTE. Well, to be clear, Congresswoman, I think that we have an obligation to hold elections, but I want to thank you very much for your candid answers to the questions.

And, Mr. Chairman, I will yield the balance of my time—

The CHAIRMAN. There is no balance.

Mr. OBERNOLTE. My condolences to you for the loss of your staffer. That unfortunate death occurred in my district. If I can be of any assistance to you, just let me know.

The CHAIRMAN. I know, and let me thank your staff for their inquiries and their response to law enforcement. It was very kind of them, and we are all very appreciative of that. Thank you, sir.

Let me now return to the sponsor of the legislation, Mr. Soto. The time is yours.

Mr. SOTO. Thank you, Chair Grijalva.

We talked a lot about my bill already. Just a few concerns about the competing bill.

First, we have heard at length that there are three choices: statehood, territory, or independence. Association is a type of independence, we would not need that on the ballot. If Puerto Ricans picked independence, they could decide whether or not they want to be free association or not.

The second concern is it is a critical delay of an issue that has been debated for over 100 years during a limited window of opportunity to finally resolve the second-class citizenship of Puerto Rico.

And a third, it creates a new legislative body on top of the Puerto Rico legislature, which is already elected and, trust me, debates this every day.

It also purports to allow meaningful debate to decolonize Puerto Rico, but that is untrue because colonization is about ignoring elections. That is colonization, ignoring three elections in favor of statehood.

Lastly, it has to be stated that a lot of these issues are pushed by a minority of Puerto Ricans who live on the mainland who support independence, Puerto Ricans who live in states and use their clout in Congress to prevent our brothers and sisters on the island from finally resolving their political status.

I have never been opposed to independence. If I thought there was a good chance, that would be another great option, but we know independence polls in the single digits routinely on the island.

Puerto Ricans value their American citizenship. We have heard that over and over today. Being part of the United States lifts up their quality of life. They pledge allegiance to the flag, and they serve in the U.S. military in staggering numbers.

So, what do you do if you cannot win an election? You delay. Justice delayed is justice denied.

And I want to also quote our Majority Leader. Steny Hoyer just signed onto our bill this week, and, Mr. Chairman, if I may move to submit his written testimony for the record, he says, and I quote, "The people of Puerto Rico have told us time and time again through multiple plebiscites in recent years that they chose statehood. I think that we in Congress would be wise to listen to what the people of Puerto Rico are telling us."

We also have constitutional experts from the Congress supporting it, like Jamie Raskin, because he understands that there are really only three options, and we have already had a vote.

We have fellow Puerto Ricans like Richie Torres and Jenniffer González-Colón supporting our bill. We have progressives, centrists, and conservatives supporting our bill, including over 60 House sponsors, many from the Hispanic Caucus, many from the territories, as well as Senators Heinrich, Padilla, Wyden, and Schatz, because it represents the enforcement and recognition of democracy.

Ultimately, should our bill pass, Puerto Ricans will have one last election to vote to become a state or not. If they truly want to remain a territory or become independent, they could vote no, and if they want to become a state, they will vote yes.

I ask the Congress to let our people vote. Let the will of the majority prevail, and let democracy be done in these United States of America and not let this be about personalities or alliances. This should be about the vote.

I wanted to talk to some of the witnesses that we have invited today.

Ms. Vélez-García, are there a lot of progressives who support the plebiscite and statehood on the island?

MS. VELEZ-GARCÍA. Yes, actually. Supporting equality across the board without being selective is at the heart of being a progressive, and as you know, within the Democratic Party, the progressive movement has gained gigantic steps.

I understand that there are progressives within the rank and file of the Democratic Party that do not support statehood certainly,

and you know, we are a big house, and we are respectful of everyone's opinion.

But as you said yourself, there is no better exercise on democracy than the casting of the ballot, and we have——

Mr. SOTO. Thank you so much. My time is limited.

Ms. VÉLEZ-GARCÍA. Yes. Sorry.

Mr. SOTO. Mr. Fuentes, are there many conservatives on the island who support statehood as well?

Mr. FUENTES. As you know, the Republican Party is adamant [audio malfunction] Puerto Rico is at the highest level of home ownership in the country, at the highest level second only to Nevada in military participation. We have more churches per square mile than anywhere in the country.

So, yes, the answer to your question is an absolute yes.

The CHAIRMAN. Thank you.

Mr. SOTO. I see my time has expired.

The CHAIRMAN. Thank you very much, Mr. Soto. The gentleman yields back.

Mr. Tiffany, you are recognized for 5 minutes.

Mr. TIFFANY. Thank you, Mr. Chairman.

Once again, as with each of our meetings here in House Natural Resources, we have had glitches in technology. I am asking the Chairman to bring us into committee rooms. It is time to do that so that there is clear communication in what is supposed to be the greatest deliberative body created in the history of mankind.

I am going to yield my time to Miss González.

I just hear lots of noise from people here, some politicians in America, about this, and I wanted to hear from the person who is closest to the people, and that is Miss González.

And I know she has spoken about this issue earlier today, but I would like to hear her thoughts on where she sees this going.

I yield to Miss González.

Miss GONZÁLEZ-COLÓN. First of all, I want to say thank you, Mr. Tiffany, for yielding and for your respect and deference to the people elected from the island to manage this issue.

And as you just said, the issues of Puerto Rico have been discussed for more than 100 years. We have been discussing statehood, independence, a kind of a free association which you need to become an independent nation in order to get that kind of transition like the Marshall Islands or the Micronesia Islands, that is not what the people of Puerto Rico want.

Even in the past, when there have been several votes on this, people of the island cherish American citizenship, and that is the reason in the last three plebiscites, statehood has won those plebiscites as the will of the people of the island.

So, I want to say thank you for yielding.

Another reason, after the results of November of last year, we drafted this bill in a different way. We put the same process Alaska and Hawaii did in order to become a state, what those territories did in order to become a state, and that was a yes-or-no legislation on the island, and that was the way state houses and state senates legislated this during the last year.

And with that vote, a yes-or-no vote, we are answering to that request and that request of statehood and equality, with that stated bill.

And with that stated bill, I want to say thank you to Congressman Darren Soto and to many others, Democrats and Republicans, that are supporting this bill in the House, including the Minority Leader, Mr. Hoyer, you just included his testimony for this hearing, and I want to say thank you for sponsoring the state of Puerto Rico as well.

I will make a question to Mr. José Fuentes of the Puerto Rico Statehood Council.

I know that Governor Pierluisi a few minutes ago said that people who campaigned against statehood are now trying to discredit or trying to stop the results of last November.

My question to you is: All those people that campaigned and voted against the statehood bill in the yes-or-no questions in November, do they have the right to overcome that majority and meet a minority that were defeated in many ways, now try to impose those alternatives?

Mr. FUENTES. No, they do not. But what we have to understand is that this is a process that started with a young bill. There have been five different referendums, three of them in the last 10 years. All three have been won by statehood.

So, this is not something that happened at the last minute like they are trying to portray, but it is the same process that has been followed by 32 territories that became states, most recently Alaska and Hawaii.

What we are seeing here is the progression of the Northwest Ordinance established by our forefathers.

Now, the beauty of this last vote is that if you believed that Puerto Rico should be returned to Spain or if you believed that Puerto Rico should be part of the moon, you had a place to vote. You voted no.

So, it is all against one, and that is the final vote that statehood had to win before Congress pushes this over the line, before more people leave the island.

Eight hundred thousand Puerto Ricans have left the island in the last 20 years.

Miss GONZÁLEZ-COLÓN. Mr. Fuentes, my time is getting short.

A few minutes ago when the witnesses were saying in their testimony, some of them said that the Negotiation Committee will inevitably lay out a rejection of statehood either directly or by imposing impossible conditions.

How do you respond to that argument?

Mr. FUENTES. Well, the opposite is also the same, right? If we have another vote like your bill calls for—

The CHAIRMAN. You need to wrap up your answer, sir.

Mr. FUENTES [continuing]. Then if the people do not like them, they will vote against them, and then that will be the end of the statehood movement.

The CHAIRMAN. Let me now turn to Mr. García. Sir, the time is yours.

Mr. GARCÍA. Thank you, Mr. Chairman and Ranking Member, for this hearing.

It is 2021, and Puerto Rico is still a colony, the oldest in the world. From the annexation of the island to a century of limited citizenship, the imposition of PROMESA and our failures in disaster response, we know that Puerto Rico's relationship with the United States is rooted in the history of racism, exploitation, and oppression.

While many may disagree about the future of Puerto Rico's status, we must recognize that the decision should come from those who will be impacted most, the people of Puerto Rico.

We have an opportunity to rectify Puerto Rico's long-standing colonial status, which has resulted in its people being treated as second-class citizens, but it must be done correctly and with transparency.

I would like to explore some topics that have not gotten a whole lot of attention in this hearing yet. So, I would like to ask Governor Pierluisi—regarding the Fiscal Oversight Board, or “La Junta,” the proposed cutting pension, University of Puerto Rico's budget, additional austerity measures to make room for Wall Street bank holders, I know that you have opposed some of these measures.

With respect to the present conversation about the status of Puerto Rico, given the final word is left, of course, to the Junta, my first question to you is: How does Puerto Rico's \$70 billion debt restructuring work under statehood?

If you would be brief, I have some more questions I would like to ask you, sir.

Governor PIERLUISI. Well, I will be brief. That process is ongoing, and the bill, H.R. 1522, provides that basically all laws, all regulations in place remain in effect unless they are inconsistent with the legislation itself.

My expectation is that the restructuring of the commonwealth's debt will be done and over with at the latest by the middle of next year, and it could be earlier.

Mr. GARCÍA. But does not the final plan, Governor, of adjustment saddle Puerto Rico with billions in yearly debt service for 40 years?

Governor PIERLUISI. Well, actually that is debt that Puerto Rico incurred, and as the legislation provides, whatever bonds or obligations Puerto Rico has, Puerto Rico keeps because that is the way it should be.

We are restructuring it, and under PROMESA, and we will be achieving incredible savings in terms of the payments that we will be making for the next 30 years.

You are talking about a very significant reduction in the debt service that Puerto Rico will be paying as a territory until it becomes a state, and then as a state thereafter.

Mr. GARCÍA. And if Puerto Rico were admitted as a state under the Puerto Rico Statehood Admission Act, how would taxation of Puerto Rico residents and companies operating in the island change?

Governor PIERLUISI. The bill provides that Puerto Rico would become a state on an equal footing with the other states. There is only one statehood. You cannot change it. That is why statehood is so straightforward.

We aspire to have the same rights and responsibilities. Obviously, you can transition Puerto Rico into the Federal income

tax system. That would not be inconsistent with the tax uniformity clause of the U.S. Constitution, and that Congress can address within the time frame that the bill provides for.

Because the way this works is that once the people of Puerto Rico vote for statehood in the final referendum, and I anticipate it will be an overwhelming vote, then the President has about a year to proclaim statehood.

And within that time frame, within that year, Congress will be addressing all the different ways in which we need to conform existing laws, programs, regulations so that Puerto Rico becomes a state and a viable state.

Mr. GARCÍA. Thank you, sir.

Do I have time for another question, Chairman?

The CHAIRMAN. Yes, a quick one.

Mr. GARCÍA. Thank you.

Senator Lourdes Santiago, in your view, does the Puerto Rico Statehood Admission Act explicitly outline a transition plan?

And why is it so important for the residents of Puerto Rico to be included and made aware of this process?

Ms. SANTIAGO. The Independence Party opposes the H.R. 1522 bill. It gives us an opportunity that is completely exclusive of the other status of options.

For example, here we have been saying that Puerto Ricans have been discussing this issue of the Puerto Rican status for decades.

But this conversation is where a very critical speaker has been missing and that is the U.S. Congress. Puerto Rico is not a colony of any party of Puerto Rico. It belongs to the United States.

That is why one of the greatest values to H.R. 2070 is that it obligates us to have the conversation that the Congress has not been willing to have.

The CHAIRMAN. You need to wrap up now. Time is over.

Mr. GARCÍA. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. García.

Let me now recognize Mr. Moore for his time.

Sir.

Mr. MOORE. Thank you, Chairman and Ranking Member.

And those of you who are here today, thank you for being here. Sincerely, this is an important issue.

Regardless of disagreements on how to move forward, I think we all share an appreciation for our fellow Americans in Puerto Rico and hope to be able to continue these conversations and do something productive.

My first question will be for Governor Pierluisi.

Again, can you just highlight very, very briefly the biggest challenges that you face due to Puerto Rico's status as a territory rather than a state?

Governor PIERLUISI. Let's start with programs such as Medicaid. The 50 states have a Medicaid Program providing for the health services needed by their medically indigent population or low-income, moderate-income population.

Puerto Rico does not have a permanent financing for this program. In the last couple of years, because of the disasters we faced, Congress increased the amount of funding that we get for purposes of our local Medicaid Program.

But you cannot budget for your health system on a year-to-year basis or on a 2-year cycle. You need a permanent program, fair for the American citizens in Puerto Rico.

We are seriously underfunded as we speak. We do not cover 100 percent of the population falling below the poverty level in Puerto Rico in our Medicaid Program, and we are far from being able to do so. That is just one example.

The Nutrition Assistance Program, SNAP, does not apply in Puerto Rico the same way. We are \$1 billion short of Nutrition Assistance System in the middle of the disaster. As it happened elsewhere in the nation, we got additional assistance, but it falls short, again.

And we do not have a permanent treatment from the part of the Federal Government with SSI, which is intended to assist people that are disabled, elderly, or low income. It does not apply at all in Puerto Rico.

Those are just examples. On top of it, I tell you that the way Federal disaster programs work in the mainland is different than in Puerto Rico.

We are always facing different requirements, and unfortunately, the Supreme Court has said that because we are a territory, we can be treated differently.

And again, it makes no sense as a matter of Federal policy because this is like geographic discrimination. Puerto Ricans are not immigrants. Puerto Ricans are American citizens. They hop on a plane if they do not get the health services that they are seeking. They hop on a plane if they do not have Nutrition Assistance as in the states.

And I should add to this that the political uncertainty caused by this status that we have discourages investment into Puerto Rico. Once Puerto Rico settles its political status once and for all, I am sure and I have no doubt our economy will prosper. We will attract more investment.

That happened in Alaska. That happened in Hawaii. That happened in New Mexico. That happened in Arizona. That is why all of those territories aspired to become states, so their quality of life and the economic level of their territories would improve.

So, that is the vision. It is an empowering vision.

And lastly, let me just say this, and again, with all due respect. A yes-or-no vote cannot be fairer. A yes-or-no vote cannot be more inclusive. We had it. We had it on statehood, and all that we are doing now is telling Congress to say yes or no on statehood for Puerto Rico.

It is the right thing to do. It is the courageous thing to do, and I welcome the debate, and I welcome all, including Puerto Ricans who want to oppose statehood, but let Congress address this issue. It is your responsibility, morally and legally.

Mr. MOORE. Thank you.

To close, if you could also just comment, with the Puerto Rico Self-Determination Act, to what extent were you or other key stakeholders brought into this for your input when it was drafted?

Governor PIERLUISI. Meaning which legislation? I am sorry.

Mr. MOORE. The Puerto Rico Self-Determination Act.

Governor PIERLUISI. The Self-Determination Act, no. This bill, as far as I know, was drafted by its original co-sponsors, and I am talking about the Resident Commissioner and Darren Soto.

If you are talking about the other one, H.R. 2070—

The CHAIRMAN. The time is up, Mr. Moore.

Governor PIERLUISI. If it is H.R. 2070, I have no idea who drafted that bill. I had no role in it.

The CHAIRMAN. Time is up, sir.

Governor PIERLUISI. It ignores the vote that we just had.

Mr. MOORE. Thank you.

I yield back.

The CHAIRMAN. Thank you.

Mr. Case, you are recognized, sir.

Mr. CASE. Thank you, Mr. Chair.

Like Mr. Lowenthal, I came to this hearing to really listen as carefully as I could. It is a critical decision not just for Puerto Rico but for our country.

I also came with a sense of personal history and responsibility having been born in the territory of Hawaii, of course, Hawaii being the last state that was given a chance by the United States to become a state, after a very, very long struggle, by the way, similar to what you have all described today.

My great-grandfather, as a matter of fact, was a delegate for statehood to this Congress probably 100 years ago. So, I understand it, and I think I certainly believe that this time has come.

Also, just from a perspective of free association, I want to emphasize since I work directly with the countries of the Pacific that are in free association with our country, I just want to drive a point home one more time that free association is an association, a treaty between two independent countries, so functionally it is independent.

So, I do not understand, in all honesty, the discussion having to do with free association. Our treaties are there. Treaties can be abrogated, and countries go about their way. So, just to make that point.

I want to say very directly something from my heart. I am strongly inclined to Mr. Soto's and Miss González-Colón's proposal, but it does trouble me, in all honesty, that the indication from the voters of Puerto Rico thus far has not been at the same level of overwhelming agreement with statehood, as, for example, Hawaii, which in 1941 was at 66 percent. The final plebiscite was 93 percent in 1959.

In the case of Alaska, in 1946 it was 60 percent, and by 1958, it had grown to 83 percent.

So, I just want to be honest. I do ask myself the policy question. Is the vote today enough to move forward with the process?

Again, I think it is, but I just leave that with all of the folks, and I don't have a question. It is just an observation.

I wish it was higher because then it would be an easier decision.

With that, I want to defer the remainder of my time to Ms. Velázquez because I want her to have the opportunity to ask further questions.

Ms. VELÁZQUEZ. Thank you to the gentleman for yielding.

Senator Santiago, as a proponent of independence for Puerto Rico, could you please explain to this Committee the importance for Puerto Ricans to understand the implications of statehood or any other options, what it would mean for the island?

Ms. SANTIAGO. First of all, the only option that represents an inalienable right is independence. The libre association option, would have to be ratified by a treaty like statehood and requires affirmative action by the Congress of the United States.

I think that the great confusion that we see here today is because there is a great number of U.S. people allied mostly with the liberal part. They are afraid of speaking up because of fear of racism, of being considered racist. They are afraid of speaking up against the United States becoming a multi-national country, which is the fundamental question behind the statehood proposal.

Thank you.

Mr. CASE. Thank you. I yield back.

The CHAIRMAN. The gentleman yields back.

Ms. Tlaib, you are recognized for 5 minutes.

Ms. TLAIB. Thank you, Chairman.

I really want to focus today, as many of my colleagues touched base on, how we in Congress can fulfill our responsibility to the people of Puerto Rico by providing a free, open, and informed process for resolving their political status.

I know here in Michigan, especially in communities of color, we do not take self-government for granted. For years, the state imposed unelected emergency financial managers on a number of majority Black cities across the state of Michigan.

We all felt the pain of our unaccountable actions to slash city services and benefits to residents and in many cases resulted in the poisoning of Flint children with contaminated water.

My residents in Detroit still have our municipal bankruptcy fresh in our minds, the largest in the history of our country, especially for the pensioners, who saw their benefits slashed by someone they did not vote for or could not remove.

And it was not the people of Detroit who incurred the debt, but it was the people of Detroit who suffered for it.

So, I understand the pain that Puerto Ricans feel as the unelected, unaccountable Financial Oversight and Management Board has slashed budgets and services by taking away Puerto Ricans basic rights of government.

Senator Santiago, can you describe for the Committee what it is like living under both American colonial rule and by an unelected Financial Management Board and why the status quo cannot continue?

I know you talked about some of it, but talk about really the human impacts of all of that.

Ms. SANTIAGO. The colonial regime that is in place in Puerto Rico violates the human rights of all Puerto Ricans, and with the arrival of the fiscal control Junta board, which has veto power over us, elected officials.

There is no other way to call this other than a dictatorship, as Puerto Ricans claim our collective rights to free determination, and I think it is important to establish a distinction with other examples that other Congressmen have mentioned.

We are not here talking about whether to approve a tax or not, or whether we are going to have any elected official in their position for a certain number of years, we are talking about the fundamental rights of a colonized nation, and we have as part of that right to claim the opportunity to discuss all of the possible options.

In the case of H.R. 1522, it ignores the deep differences, profound differences that we have in Puerto Rico. Besides, it also allows Congress to avoid their responsibility to tell the Puerto Ricans what it is that they are willing to offer Puerto Ricans.

I am convinced, and this has definitely been my experience up until today, that the United States, when it comes to the moment of truth, they are not willing to offer statehood to a Caribbean and Latin American nation.

Ms. TLAIB. Thank you so much, Senator. And thank you, Ms. Gomez, for translating.

I have a very short time, and I just really want my colleagues to truly understand the responsibility that we all have to provide the most democratic, participatory, and more informed path forward to Puerto Ricans.

And I hope my colleagues will be guided by the goal as we continue to consider the two different bills in front of us right now, and again, really appreciate this really thoughtful conversation that we do always have to be based on the truth about the impact of those Puerto Ricans and their families that are impacted by our actions.

Thank you so much, Chairman. I yield.

The CHAIRMAN. Thank you very much.

Now let me recognize the Chair of the Oversight Subcommittee, Ms. Porter. The time is yours.

Ms. PORTER. Thank you very much, Mr. Chair.

I would like to yield my time to Ms. Velázquez.

The CHAIRMAN. The gentlelady yields.

Ms. Velázquez, you are recognized.

Ms. VELÁZQUEZ. Let me thank the gentlelady for yielding.

Governor Vilá, as a law professor yourself, could you explain how the academic argument that independence or statehood are the only true self-determination options available under U.S. law is inaccurate?

And can you please explain to the members of this Committee the current territorial arrangements allow Micronesia and the Marshall Islands to have?

Mr. ACEVEDO-VILÁ. I will quickly answer, and there was a response from all constitutional law professors from Puerto Rico answering specifically that argument and saying that precisely that is why the bill you have proposed—and this is my position—the best alternative because you have questions, yes, about how free association will work in a relationship with a territory that we are U.S. citizens now.

The cases of Micronesia and those other places, they were never, never U.S. citizens. So, that is something that the negotiating commission will have to answer. The same thing with any other non-territorial alternative.

That is the beauty of your bill. I hear people and Members asking questions to law professors. Those are the questions that the

Congress has to answer in terms of different alternatives and different possibilities so the people of Puerto Rico, they will vote based on that information.

We have never had the opportunity to vote with the information of what are the conditions for the different status alternatives, even statehood.

There are a lot of things that need to be clarified by Congress before people vote.

Ms. VELÁZQUEZ. Yes, thank you.

In the past, proponents of statehood have sold a bill to the people of Puerto Rico saying that they will maintain participation in the U.S. Olympics or Miss Universe, and that that will not change if Puerto Rico becomes a state, things that might not have incredible implications or economic consequences for the people of Puerto Rico.

But it shows to you and it shows us that this is not any election. This is a most important process in our relationship of the United States keeping a colony for 123 years; that it is our responsibility to provide a process for the people to determine their own political future.

So, a lot of education needs to happen. People need to know: What does it mean supporting or voting for statehood. What does it mean? What are the implications?

Mr. ACEVEDO-VILÁ. Quickly, if I have a second, I heard Governor Pierluisi answering the question about taxes, and that was very illuminating.

He said that after we vote for statehood, and on Congressman Darren Soto's bill, Puerto Rico will become the 51st state. Then after a vote, they will explain to us what are the economic consequences and fiscal consequences of our vote.

No. Those are the things that people need to know before we vote, and that is something that only Congress can answer.

Ms. VELÁZQUEZ. And that is something that my bill does.

Mr. ACEVEDO-VILÁ. Yes.

Ms. VELÁZQUEZ. It includes a transition plan.

Mr. Natal, in any of the plebiscites that have been held in recent history, including transition plans for the options put forward, have Puerto Ricans ever received public, non-biased education about the consequences of each of the options?

Mr. NATAL-ALBELO. Unfortunately, they have not, and they have not because the plebiscites that have been legislated locally in Puerto Rico have the same default problem, that they have been legislated one-sided by the ruling party, usually trying to design the consultation in a way that it is slanted toward the outcome that is preferred by the party in power.

And that is why it is so important that with your bill the legislative assembly in Puerto Rico would be able to call for a status convention. There are different models that have been suggested.

The Puerto Rico's Lawyer Association has presented one for many decades that includes 75 delegates. That is not a small group of people in dark rooms.

That is close to the same numbers of members that we have in the legislative assembly, but they will be elected specifically according to the status preferences as long as they are non-colonial, non-

territorial, and in that sense they will have an equal opportunity to talk to the people of Puerto Rico about why their preferred option is the one that the people should elect.

And at the end of the day, the people will have the final decision, as it should be.

Ms. VELÁZQUEZ. Thank you.

And thank you to Ms. Porter for yielding time to me.

I yield back.

The CHAIRMAN. The gentlelady yields. Ms. Porter yields back.

Let me now recognize Mr. Gosar for 5 minutes.

Dr. GOSAR. Thank you, Mr. Chairman.

I would like to yield my time to the gentlelady from Puerto Rico, Miss González.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Gosar, for yielding and always in helping Puerto Rico in many of the issues and tasks, and I really appreciate that.

I will continue with my line of questioning.

One of the issues that has been brought to this Committee is about definitions, and I would love to have Professor Ponsa, who is a constitutionalist professor and who led a letter with more than 45 constitutional professors across the nation from very prestigious universities, including universities in Puerto Rico, to support H.R. 1522 and establish the constitutionality of the other bill.

And I will make this question to you. H.R. 2070 establishes a commission of Members of Congress who will make recommendations to the status convention of Puerto Rico culture and language under its self-determination options, which we know must include statehood and nationhood.

On what aspects of Puerto Rican culture may the commission make recommendations? Are they in music or religious freedom? Will it be in our traditions and history, or will it be in the definitions of how we mix rice and beans, or any other issue. Can you answer that question for me?

Dr. PONSA-KRAUS. Well, as far as I can tell from H.R. 2070, there is no limit to what those recommendations could be. I don't consider that a good idea.

I think that if one is going to respect the people of Puerto Rico, then one should let them live their culture as they do and enjoy it as they will, which I believe is consistent with the constitutional options that are available to it.

I am not a fan of having a bilateral commission involving Congress advising Puerto Rico on its culture and language. I do think they have gotten plenty of advice. Thank you very much.

What we need is a response to the referendum and that kind of clarity from Congress that it is willing to offer the people of Puerto Rico statehood once they voted for it.

Miss GONZÁLEZ-COLÓN. Do you think that bill will be xenophobic?

Dr. PONSA-KRAUS. Which bill?

Miss GONZÁLEZ-COLÓN. H.R. 2070.

Dr. PONSA-KRAUS. I would not describe H.R. 2070 as xenophobic, no.

Miss GONZÁLEZ-COLÓN. OK. Do you think that it will be a precedent if there is an exclusion of most of the members of this

Committee of the House that has direct jurisdiction over the issues of the territories, and specifically Puerto Rico, and the Senate from being able to serve on a congressional committee because that bill would allow a bilateral advice commission to negotiate with the territory of Puerto Rico, as we were an independent nation?

Do you think that that bill established that Puerto Rico is an independent nation?

And if doing so, that means that in order to get free associated state status like the Micronesia Island, like some of the witnesses are supporting here are establishing, should be negotiating without any Federal laws applying to Puerto Rico?

Dr. PONSÁ-KRAUS. If I have understood your question, I believe that the bilateral commission created by H.R. 2070 is expected by that bill to negotiate in ways that don't make any sense within the structure of Puerto Rico's relationship to the United States.

If Puerto Rico is going to debate the options that are available to it, it should be able to debate those without being nudged, guided, or advised.

Clarity from the Federal side is a good thing, but to call it a negotiation when you have the Federal Government on one side and a territory on the other side that is being steered in a self-determination process, to me it is a misnomer.

That is not a negotiation. That is the Federal Government guiding a process by advising Puerto Rico on issues in which Puerto Rico should make its own decisions instead of offering the kind of clarity that it is Congress' responsibility to provide.

Miss GONZÁLEZ-COLÓN. Thank you.

I have 30 seconds, and, Mr. Governor of Puerto Rico, you have had a lot of experience in Congress. You were for 8 years a member of this Committee in the House.

Do you think establishing a constitutional convention where people are elected like delegates will be the right option to be expressed?

Governor PIERLUISI. The fact of the matter is that it has never been legislated in Puerto Rico itself, and people here, some were blaming the Statehood Party. Well, we have not been in control of the House and the Senate and the Governorship always.

There have been many occasions in which the House and the Senate of Puerto Rico and the Governorship have been controlled by the other major party in Puerto Rico.

And this concept of a status convention was never legislated, and the problem I have with it right now is that we just had a vote, a majority vote. We had not had a majority vote, a clear-cut majority vote in a long time in dealing with the status of Puerto Rico.

In 2012, we had another one, 54 percent clearly rejected the current status, and now 53 percent approved of statehood.

The CHAIRMAN. Your time is up, sir. Thank you.

Miss GONZÁLEZ-COLÓN. Thank you, Governor.

I yield back.

Dr. GOSAR. I yield back.

The CHAIRMAN. Keeping track of overtime, too.

Thank you.

Mr. Webster, you are recognized, sir.

Mr. WEBSTER. Thank you, Chair.

I would like to yield my time to the Resident Commissioner from Puerto Rico.

Miss GONZÁLEZ-COLÓN. Thank you, Congressman Webster, for yielding and for always being supportive of many of the issues regarding the island.

I will continue my line of questions.

I will go now with the Governor of Puerto Rico, Mr. Pierluisi, who, as I said, was a member of this Committee of the House for 8 years and now is the one representing the island as the elected official to carry out the results of the last election.

Governor, there have been many things that have been said today here regarding how Congress is willing or not to grant statehood for Puerto Rico.

You are a lawyer as well. You were a former prosecutor and served justice locally on the island. You know the movement that gained the vote, the right to vote for women and African Americans.

Do you think statehood and equality is an issue of civil rights?

Governor PIERLUISI. Definitely. That is what we are talking about mostly. It has economic development implications, quality of life implications, but at its heart this is a civil rights issue.

Somebody said it before, and I will repeat it. Nine out of ten American citizens living in Puerto Rico are proud American citizens. I am talking about Puerto Ricans.

I know a lot of Puerto Ricans, unfortunately, left the island, and now they are pursuing their dreams in the states, but the ones remaining in Puerto Rico, they are proud American citizens and proud Puerto Ricans, and that is not inconsistent.

You can be a proud Puerto Rican American, like you have so many in the states, or we could add to this nation. This nation is diverse, and of course, we're Hispanic. This would be the first truly Hispanic state, and, of course, we would continue speaking Spanish, but we all aspire to be bilingual, and we will always treasure our heritage, and that's good for America.

It's good that we have this history, that we have these customs. That's why people come to Puerto Rico and visit. That's why people come to Puerto Rico and invest in Puerto Rico and retire in Puerto Rico. It's not inconsistent. What we're talking about here is finding a way forward, and the people of Puerto Rico express their will, and the ones here talking about that there was no debate, where are they? Where were they? Were they on the Moon? On Mars? We know how to debate these issues. We have been debating them for too long.

Everybody in Puerto Rico knows what independence is all about. Everybody in Puerto Rico knows what free association is all about. Everybody in Puerto Rico knows what the current status means. We suffer through it every day, and everybody I meet knows as well what statehood means. Enough of this debate. The ball is in Congress' court. It is time for Congress to address this issue, and I have no doubt if Congress offers statehood to Puerto Rico, you will get an overwhelming vote from the people of Puerto Rico accepting it. That's why I'm not hesitating. That's why our Resident Commissioner is not hesitating, and you will have a

diverse Puerto Rico, with Republicans such as Jennifer González, and Democrats like me, and we will enrich this nation when the time comes, and we become the 51st state of the Union.

Miss GONZÁLEZ-COLÓN. Governor, one of the questions that was made a few minutes ago, and Congressman Case from Hawaii was saying about the percentage, and how Hawaii voted for statehood, and a percentage of that.

Do you have an expectation that once there is a bill approved in Congress like the one we are supporting today, and that becomes a law, that the statehood support will grow on the island once Congress makes a formal offer to the island?

Governor PIERLUISI. I have no doubt. Some of the ones participating in this hearing, they don't miss a step saying that Congress will never offer statehood to Puerto Rico. They have been encouraging the people of Puerto Rico to doubt Congress, to doubt this nation. They have been saying we don't deserve it. They are not going to give it to us.

Well, I know. I know the time will come when this offer will be made, and the people of Puerto Rico will see that it is for real, and they'll go out, and they'll vote overwhelmingly for statehood. Whatever requirement that is imposed on us that is reasonable, we will meet, because we want to become the 51st state.

Miss GONZÁLEZ-COLÓN. Thank you, Governor, and I yield back.

The CHAIRMAN. The Gentlelady yields. Let me now recognize the Gentleman from New York, Mr. Torres, who is recognized for 5 minutes.

Mr. TORRES. Thank you, Mr. Chair. Puerto Ricans on the island are citizens of the United States, and we are here today to debate whether those citizens should be equal, and the mere fact that we are even debating the legal equality of Puerto Ricans as American citizens is a tragedy for both democracy and decolonization, and history will not judge us kindly for the great harm that we have done and continue to do to the people of Puerto Rico.

If Puerto Ricans are American citizens, why not make them equal under the law? If Puerto Ricans have long been and largely wish to remain citizens, which has been borne out repeatedly, there are only two options that preserve citizenship. There's the status quo, which means colonialism, and then there's statehood, which means legal equality. The single most egregious example of colonialism is the financial control board, which represents a cardinal sin against the sovereignty and self-determination of Puerto Rico.

The fact is if Puerto Rico were a state, there would be no financial control board. Unlike colonies, states have rights under the United States Constitution. The absence of statehood has left Puerto Rico wide open to colonization at the hands of the financial control board. The U.S. Congress that gave us the financial control board is the same Congress that now wishes to deny Puerto Rico the right to exercise self-determination through a plebiscite.

And I imagine there are powerful interests that have a stake in the status quo of colonialism, but if you're a corporation that exploits Puerto Rico as a tax haven, you have a powerful incentive to sabotage statehood, but if you're an everyday Puerto Rican who seeks to become an equal citizen of the United States, who seeks to have the right to vote in presidential or congressional elections,

who seeks to have your voice heard, to have a seat at the table, and to get your fair share of Federal resources and representation, then you have every reason to support statehood, and that is precisely what a majority of the Puerto Rican electorate voted to do in November 2020, and instead of respecting the will of the people, the U.S. Congress has chosen to ignore it, and not only has Congress chosen to ignore the results of the plebiscite, Members of Congress are proposing to micro-manage the process by which Puerto Ricans make decisions about their own status. The patronizing paternalism of Congress should never be mistaken for self-determination. True self-determination means that the people on the island have a right to decide not only what to decide, but how to decide.

This Congress should practice the Hippocratic Oath, and do no harm. When the people speak, the proper role of Congress is to listen. The people of Puerto Rico have spoken through a democratic process. Congress ought to listen to the people. Congress ought to legislate what the people voted for, and Congress ought to abolish the financial control board, which is an abomination. That, to me, is true decolonization. Everything else is a red herring; a distraction masquerading as decolonization.

I have a question for the Governor. I've never met the Governor, it is good to meet you.

Governor PIERLUISI. Nice to meet you.

Mr. TORRES. Governor, statehood would likely yield two U.S. Senators and five Members of Congress. Regardless of where one stands on the question of status, we all have a vested interest in securing more resources for Puerto Rico. Is it fair to say that two U.S. Senators and five Members of Congress would likely mean more resources for Puerto Rico, which is an outcome that all of us share?

Governor PIERLUISI. Of course. They would be our gladiators. They would be fighting for us whenever we face a natural disaster, whenever the nation as a whole is facing a pandemic like the one we are dealing with at the moment, we have no voice, no vote in the Senate. We have friends, colleagues in the Senate that come to assist us, but it is not the same, and we only have a great Resident Commissioner, but only one, without a vote in the House. We would have at least four, perhaps five. You don't need to know much about politics to realize that that would make a big difference, and voting for the president—presidents don't visit Puerto Rico—rarely so. Why? They don't need our vote.

I have no doubt presidents would be visiting, candidates for president would be visiting. To make commitments to the American citizens of Puerto Rico when they are aspiring to the highest office in this nation. That makes a difference. That's going to make a difference. That would be democratic. Our status is not democratic.

The CHAIRMAN. Time is up. The gentleman yields back. Let me now recognize Representative Herrell from New Mexico. You are recognized.

Ms. HERRELL. Thank you, Mr. Chair. I would like to yield my time to Representative González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, Congresswoman Herrell for yielding, and I appreciate you being here the whole afternoon. That

means a lot for the people of Puerto Rico knowing that Members of Congress, even when there are votes being called, are participating in this hearing. That is an answer for the November elections, so I want to say thank you.

I want to make a question to Professor Ponsa, and this is not that I'm fixated with your statement, it is that you are the Constitutionalist here, the professor, who can clarify many of the words that are being put in some bills trying to be Constitutional. You have said many times today, and I know that in the past you have argued that statehood is not just about equality, but it is also about empowerment.

Could you elaborate this idea, and how, saying here in Congress, having the leverage, and I do know about that, because I cannot vote on the Floor. I mean, I can vote on amendments, but not on the Floor on regular bills. We had that situation during the last 4 years. How do you think Puerto Rico can achieve more economic progress by having statehood?

Dr. PONSA-KRAUS. Well, I frankly can't put it better than you and the Governor have, but I can add this. It isn't only that Puerto Rico would have two Senators and four or five Representatives and a Presidential vote. It is also that statehood itself as a status would guarantee equality in legislation that the Federal Government passes to aid and address issues in the states. As a territory, Puerto Rico is subject either to exclusion from certain programs, such as SSI, or to caps in benefit programs.

So, there's no comparison between the current situation in which Puerto Rico has no voting representation whatsoever in the Federal Government. It has you, thank goodness, but it does not have voting representation through the Federal Government, and a situation in which it is empowered based proportionately to its population, like any other jurisdiction under the United States with equality on the vote.

So, that difference is profound, and it is also a constitutionally protected difference because states are treated equivalently under the Constitution. So, it is both the presence of voting representatives, and the status of statehood that would guarantee equality for Puerto Ricans.

Miss GONZÁLEZ-COLÓN. You said it well, and I'm really fighting for the inclusion of Puerto Rico in many Federal programs as Governor Pierluisi did while he was in Congress. However, some people talk about parity without statehood, and that means leaving Puerto Rico at the mercy of the decisions in Congress, not having their elected officials there to take part in that decision process, and as a territory will always run the risk that as Congress, or the administrations, should simply decide whether or not we are treated equally or not. Even President Bush established an executive order that Puerto Rico should be treated equally in all Federal quorums as a state, but yet, the administration changed, and that executive order has been interpreted in many different ways. My question will be to you. What options of status will guarantee the U.S. citizenship for Puerto Rico?

Dr. PONSA-KRAUS. Specifically as to the question of citizenship, only statehood guarantees citizenship for current U.S. citizens in Puerto Rico, and going forward under the 14th Amendment

Citizenship Clause, Puerto Rico becomes a state, and birthright citizenship will exist in Puerto Rico now, and going forward. Other options, the United States has the power to grant citizenship anywhere in the world that it wants.

So, advocates of free association argue that free association should come with U.S. citizenship. The truth is that I understand the difference that Governor Acevedo-Vilá pointed to, that the other free associated states with relations to the United States weren't citizens beforehand, but it is really important to understand that the Commonwealth of the Northern Marianas had a choice to become a free associated state, or to enter into a different kind of arrangement with the United States, which ended up being territorial, and they made that choice in order to pursue citizenship. The United States could grant it that citizenship, but it didn't want to to a free associated state, and even if it didn't, this is what the people have to understand when they consider the options. The United States could always stop granting birthright citizenship going forward in a free associated state. So, even if it was preserved for some time, it could always be taken away. Only statehood guarantees it now and going forward.

Miss GONZÁLEZ-COLÓN. Thank you, professor. I yield back to the Chairman.

The CHAIRMAN. Thank you. Mr. Graves, you are recognized for 5 minutes. Mr. Graves? Let me ask the Ranking Member, is Mr. Graves available?

Mr. GRAVES. Yes, he is. I'm sorry, sir.

The CHAIRMAN. Thank you. You are recognized, sir.

Mr. GRAVES. Mr. Chairman, I apologize. I've been in and out of the hearing today, and I'm trying to listen as best as I can. I want to thank all the witnesses for being here. I have a couple of questions. One, I heard one of the previous Members talking about treating Puerto Rico as a colony, and disrespecting the citizens.

Look, I want to remind everybody here today that in the aftermath of the just awful, awful hurricanes that the island experienced that we provided billions and billions of dollars for the island, for restoration and disaster recovery efforts that Congresswoman González-Colón fought for to make sure that the citizens of Puerto Rico would be treated properly. Let's be clear that these dollars were well beyond the capability of the Puerto Rican government, and we were there, and no one was disrespecting that fact, and I think if you were to go through and do an analysis of the cost per capita, it is probably one of the highest allocations in history in terms of dollars per person that was provided, and that's a direct result of Puerto Rico's delegates' hard efforts up in Congress. Governor, it is nice to see you again. I hope you are doing well.

I want to ask you a very quick question, because I have some other ones. Can you just briefly respond, how will the Puerto Rican citizens respond to Federal taxation that they would be open to, and just being the Governor, could you kind of maybe just briefly explain, you have control over that now. You have the ability to tax at whatever rate you want effectively, and if now the Federal Government is going to come in and tax as well, is that a benefit?

How would the citizens respond? Could you just briefly respond to that?

Governor PIERLUISI. Yes. Because of our income levels, a considerable number of our residents wouldn't pay Federal income taxes. Actually on the mainland, about 46 percent of the population does not pay Federal income taxes. So, Puerto Rico would be higher than that. At the corporate level, we would have to transition. We would have to transition this issue, and obviously Congress would have to step in the way.

It makes no sense to admit a territory into the Union and to affect the territory. You would be assisting the territory in joining the Union. As an incorporated territory, we do not pay Federal income taxes on income we earn in Puerto Rico. We pay payroll taxes, and a lot of the American corporations doing in Puerto Rico actually pay Federal income taxes because they operate through divisions in Puerto Rico.

On the manufacturing side, they're basically treated as foreign, and they are treated like investing in Puerto Rico is like investing in Ireland, or in Singapore. That's an area in which we would have to transition, but the tax uniformity clause of the U.S. Constitution shouldn't be viewed as static. In a circumstance like Puerto Rico is facing for a transition, and that's what I envision happening here.

Mr. GRAVES. Sure. Thank you, Governor. I appreciate that answer. I also was just trying to listen, I hope that I caught all this accurately, but Governor Acevedo-Vilá, you campaigned against statehood, and you had run an election, and didn't win that election, but it seems as though—

Mr. ACEVEDO-VILÁ. Sorry, can you repeat, because I lost the audio for a bit. I'm hearing you now, but I lost you in the middle of questions.

Mr. GRAVES. OK, I'm sorry about that. I was saying that you campaigned against statehood, and didn't win on that platform, and I'm trying to understand the official representative of the Popular Democratic Party, as I understand, Jose Dalmau is actually on record against H.R. 2070, yet I think you may be advocating differently, and I'm just trying to understand kind of the political complexities there.

Mr. ACEVEDO-VILÁ. No, the Popular Democratic Party is against H.R. 1522. H.R. 2070, I'm not here on behalf of the Popular Democratic Party. I guess he was going to be invited, but I just want to make a clarification. Yes, I ran on the last election. I lost the election. I have heard here a lot of people say that statehood got more votes than any of the elected officials. But you know what? The vote against statehood—the no vote got more votes than any of the elected officials. People voted more against statehood than they voted for Resident Commissioner González and Governor Pierluisi. That only shows that we are divided on this issue, and that the process of November 2020 was not really a balanced and fair process.

Mr. GRAVES. Mr. Chairman, thank you. I know I'm over time, but I just want to make for the record, it is my understanding that the new Chairman of the Popular Democratic Party, Jose Dalmau, was actually on record against H.R. 2070. I yield back.

The CHAIRMAN. Thank you, Mr. Graves. The gentleman yields. Anyone else to be recognized? I will take my opportunity now to ask a couple of quick questions, and then in some of the overtime, maybe indulge the Members with a couple of points.

First of all, it was brought up once, and it was brought up in the communication from Ms. González-Colón, and from the Ranking Member, Mr. Westerman, about doing in-person meetings insofar as those become important. And that that's the way to go, and that we could be much more productive, etcetera. Well, I don't disagree. The first thing that I would love to do is to have in-person meetings so that these discussions could occur. The issue for all the Members to know is that despite the deployment of vaccines, COVID cases continue to rise. In some parts of the country, cases are surging. In the last 7 days, the CDC has reported over 450,000 new COVID cases, and the Office of the Attending Physician continues to adamantly recommend that we maximize the utilization of remote work. We don't know the vaccine status of our Members and staff, and that's another reason.

So, as this horrific situation that we all find ourselves in—not just Congress—we will begin to accelerate and put in the protocols necessary to have more in-person meetings. I am not enjoying the process that we have now, but this is the process we have, and the issue of Puerto Rico's status was something that—there was criticism that we were delaying this, or that it wasn't getting done. Well, it was getting done.

So, the reason we did it, and we did it remotely, is that we need to expedite this and have this discussion, and begin the deliberations that I think are critical to dealing with this question. The other part that's critical in dealing with this question, my friends, is that there's a division. Not only a division in Puerto Rico in terms of opinion about statehood or another status, but also a difference of opinion within Congress, and a difference of opinion in the U.S. Senate, a difference of opinion in the House of Representatives. So, going forward, these kinds of discussions and deliberations are critical. Like it or not—and sometimes I like it less—Congress has a critical role in this decision, and how it is going to be made.

And I recognize the difficulty for some Members, but I also recognize that there's going to come a point where we're going to have to move forward on it, and I find it interesting that, just hypothetically, whichever one of these bills the House passes, that there will be a significant difference of opinion in the U.S. Senate. We've been communicating with the Biden White House through their Insular Affairs, and the Domestic Counsel, and other leadership in the White House, and asking for the Justice Department to issue an opinion on both pieces of legislation, and those will be forthcoming, and some of the constitutional issues that were brought up by the professor are part of the log of questions that we asked, including the binding nature in terms of us moving forward in terms of the vote that happened in November in terms of pro-statehood by the percentage that Mr. Graves pointed out. Nevertheless, that's where we're at, and that information will be shared with everybody.

I have two quick questions. Mr. Natal, let me ask you a question. As we were going through this discussion, I heard a couple of things today, and many of the other questions that I would have asked that were on my list, other Members took care of. H.R. 2070, the public process, the stakeholder involvement, the community-based process. In support of that process, we heard today from primarily other panelists, and some of my colleagues up here on the dais that if you support this process, you are not acknowledging the clear cut decision that was made in November in that election. That it is an excuse to delay, and for Congress to be—I think the Governor put it to not to be courageous and make a decision. And that there's unconstitutionality associated with one, and that a definitive answer has been made.

So, my question to you, which is a question that is directly and indirectly posed to you through most of this hearing is, why not just let us have an up-or-down referendum on the question, and go forward from there? Why is this process of public engagement so critical? And let me put it to you for whatever answer, and then I have one more question, and I'm done.

Mr. NATAL-ALBELO. Yes. Thank you, Chairman. The quick answer is this is not the first time that a referendum like this has taken place. Just to give you an idea, in the last 16 years, 10 different bills have been presented regarding the statehood issue in the United States. We have had at least three referendums, and regardless whether the statehood supposedly got 97 percent or 55 percent, a process that's borne out of the lack of participation, out of exclusion, out of the imposition by one of the political parties, is a process whose outcome lacks democratic legitimacy, and that's why it doesn't matter if statehood got 97 percent 3 years ago, or it got 51 percent this time around.

It is a process that was borne out of the exclusion, and that's why it is so necessary that this Congress allows the people of Puerto Rico to put forward a participative and inclusive process of all non-colonial options, and I would just use this analogy, Chairman. Most individuals, and I respect that members of this Committee have yielded their time, either to Congresswoman Velázquez, or Congresswoman González, because they understand that as Puerto Ricans, they know more about this than maybe they do.

The CHAIRMAN. Yes.

Mr. NATAL-ALBELO. And that's what they should do with this vote, and our support of H.R. 2070 yields the decision to the people of Puerto Rico, and let Puerto Ricans decide.

The CHAIRMAN. The other question—and if I may, Mr. Fuentes, given your extensive experience, the work that you've done in Puerto Rico, the work that you did with the previous administration on issues related to Puerto Rico, the hypothetical I asked earlier in my comments, the last time around—the last 4 years, there was nothing definitive coming from the previous administration. We hope to get opinions soon, and there was no movement at all in the Senate with the previous leadership at that point.

In fact, part of the Senate leadership at that point said, over my dead body, or we're going to do it with discretion of statehood or

status for Puerto Rico. And then you have, like I said, the differences of opinion both in the House and in the Senate.

How do you respond to the fact that we need to come to some closure, and how do we do that, given the dynamics, given the history, and given the fact that this issue is not an issue that can readily be dealt with in one vote, that it is going to require, I think, some level of deliberation, and consensus, but I leave that question to you. How do you see the progress going forward?

Mr. FUENTES. Well, Chairman Grijalva, thank you very much for this hearing, which is very important. The way I see it, politics are playing a role in this process that is really unacceptable. As we've discussed previously, political forecasting is even worse than weather forecasting, but as we see Puerto Ricans leaving the island, and moving to the mainland to get better quality of life, what we now have is 3 million Puerto Ricans living on the island, 6 million living in the mainland in one of the 50 states.

So, that starts to create political power, and as that political power starts to be recognized, I believe that other voices are going to start understanding it and changing, and I would point out that Senator Scott and Senator Rubio in the U.S. Senate, both of whom recognize the importance of the Puerto Rican vote in central Florida, and both of whom have expressed themselves in favor of statehood, but need to create the basis for them to launch the effort in the Senate. It will happen.

The CHAIRMAN. So, it still comes down to that—regardless of the discussions about what the Senate or the House can do, I think that Congress can pass legislation whether it is H.R. 1522 or H.R. 2070, and that becomes the law, and we could project and talk about estimating what the constitutionality or non-constitutionality of it is, but once the decision is made by this body, and the other body, hopefully that question then becomes moot. All right. I want to thank all of the witnesses. I'd appreciate it if there are written questions that Members did not get to, that they would be forwarded to you. I appreciate it, Governor, thank you, Mr. Vélez. And the meeting is adjourned. Thank you very much.

Miss GONZÁLEZ-COLÓN. Mr. Chairman—

The CHAIRMAN. We are done with the meeting.

Miss GONZÁLEZ-COLÓN. No, I was just introducing 12 letters for the record, Mr. Chairman. That was all I had.

The CHAIRMAN. Without objection, ma'am.

Miss GONZÁLEZ-COLÓN. Thank you, sir.

The CHAIRMAN. The meeting is adjourned.

[Whereupon, at 4:40 p.m., the Committee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

**Submissions for the Record by Resident Commissioner
González-Colón**

SENADO ESTADO LIBRE ASOCIADO DE PUERTO RICO

Hon. RAÚL GRIJALVA, *Chairman*,
Hon. BRUCE WESTERMAN, *Ranking Member*,
House Committee on Natural Resources

Dear Chairman Grijalva, Ranking Member Westerman:

In the last couple of years media have made well known the situation of the island of Puerto Rico and its relationship with the United States. Puerto Rico was acquired from the Kingdom of Spain after the United States won the Spanish-American War in 1898. Since then, it's been treated as a possession with no intentions from the three branches of government to giving statehood to the island. In 1898, U.S. Army General Nelson Miles entered to the southern part of the island promising all Puerto Ricans not only to liberate them from Spanish tyranny, but also to give them the freedom from which the United States once were founded. A hundred and twenty-three years later Puerto Ricans, American Citizens from the island, are still waiting for that promise to be fulfilled.

Today President Joe Biden and the Democratic Party are defending minority values. Their campaign was all about Black Lives Matters, minorities rights, anti-nationalism and fascism and the situation of Puerto Rico is not different for what Americans are living in the mainland. The federal government systematically discriminate against American Citizens, not only on the island, but in all the five populated territories. As other fellow statehood supporters from the island and the mainland, we don't want to talk more about the referendum results were statehood won by a significant majority, but for what we want to underline is about credibility and the future of the Democratic Party itself.

In half of the 20th Century, the United States used Puerto Rico as a democracy showcase to Latin America and the Soviet world to demonstrate that American values, American living and dreams were the right direction for the world. We were on that road and we still believe in those values. Let's take the sword as once the young American Republic started to lead the free world, as General Nelson Miles once did to overcome tyranny in this strange times we are living and make example of how democracy works in times were the People's Republic of China, the Russian Federation and other autocratic states are taking advantage of that world that we once knew.

HON. KEREN RIQUELME CABRERA,
Senator at Large, Puerto Rico

Statement for the Record
Puerto Rico Young Republican Federation

On Wednesday, April 14, 2021, the Committee on Natural Resources Office on Insular Affairs held a remote Full Committee Legislative Hearing on the following bills:

- H.R. 1522—To provide for the admission of the State of Puerto Rico into the Union. *Puerto Rico Statehood Admission Act*. This bill was introduced earlier this year by Congresswoman Jenniffer González-Colón (R-PR-AL) and Congressman Darren Soto (D-FL-9) following the overwhelming results of the latest political status plebiscite held in Puerto Rico.
- H.R. 2070—To recognize the people of Puerto Rico’s right to call a status convention through which the people would exercise their natural right to self-determination and establish a mechanism for congressional consideration of such decision for other purposes. *Puerto Rico Self-Determination Act of 2021*. This bill was introduced after H.R. 1522 by Congresswoman Nydia Velazquez (D-NY-7) in clear opposition of H.R. 1522 and the Puerto Rican people’s electoral mandate to become the 51st state of the Union.

Through this statement the Puerto Rico Young Republican Federation would like to unequivocally express its support for bill H.R. 1522 and its repudiation of bill H.R. 2070.

Achieving statehood for the islands has been a top priority for the Puerto Rico Young Republican Federation since the day of its emergence. Puerto Rico became a U.S. territory as a result of the Spanish-American War of 1898, and its people have been American citizens for nearly as long. Puerto Ricans have significantly contributed to the well-being of the United States. Thousands of Puerto Ricans have served in the U.S. Armed Forces and fought in every major war since World War I. Tens of thousands currently serve. Puerto Rico statehood is simply the only right and moral political status option. It is long overdue for Puerto Ricans to attain the equality they deserve.

Furthermore, the people of Puerto Rico have reiterated their rejection of the island’s current territorial status by supporting statehood at the ballot box, not once, not twice, but three times in the last ten years. Nonetheless, H.R. 2070 seems to ignore fair and clean election results by disguising its opposition to Puerto Rico statehood and its furtherance of the colonial status using an obscure definition of “self-determination”. H.R. 2070’s call for “self-determination” is a fallacy since it does not consider the choice of Puerto Rican voters and relies on a so-called “status convention” through which the people would exercise their natural right to “self-determination”. More so, that won’t be enough to change Puerto Rico’s political status. H.R. 2070 calls for congressional consideration of the decision.

How is congressional power over the political status a form of “self-determination”? To make matters worse, H.R. 2070 was introduced by elected representatives who represent citizens of other jurisdictions outside of Puerto Rico and in an electoral process in which Puerto Ricans are not allowed to participate because of the current territorial status.

Let us be clear, Puerto Rico held fair and clean elections on November 3, 2020, where the latest political status plebiscite took place. Statehood won fair and square. Therefore, it is clear that Puerto Ricans have exercised their right to self-determination, and it is time for the U.S. Congress to honor their will.

We commend Congresswoman González-Colón’s efforts that have led to the introduction of H.R. 1522 and resulted in attaining bipartisan support for this crucial piece of legislation.

We firmly believe that providing the people in Puerto Rico with the equal treatment they seek and deserve as proud citizens of the United States of America is long overdue, and we urge every single Member of Congress, both Republicans and Democrats, to acknowledge this most pressing matter by joining representatives González-Colón and Soto in supporting H.R. 1522.

GOVERNOR OF PUERTO RICO
PEDRO R. PIERLUISI

April 8, 2021

Hon. Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC

Hon. Charles Schumer
Majority Leader
U.S. Senate
Washington, DC

Hon. Mitch McConnell
Republican Leader
U.S. Senate
Washington, DC

Hon. Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC

Dear Speaker Pelosi, Majority Leader Schumer, Republican Leader McConnell, and Republican Leader McCarthy:

As the Governor of the 3.2 million American citizens living in Puerto Rico, I write to urge you to respect my constituents' right to self-determination, which has been exercised three times during the last decade. On November 3, 2020, in a straightforward Yes or No vote, a clear majority of voters expressed—in no uncertain terms—that statehood is their preferred option to end over 100 years of colonialism. The November 3rd vote reconfirmed what my constituents had already expressed in the November 2012 plebiscite, in which a clear majority rejected the current political status and chose statehood as their preferred political status option.

I therefore ask that you respond to the will of the United States citizens of Puerto Rico with legislation that will initiate the admission of Puerto Rico as a state. Any proposal that would prolong a territorial status that has been flatly rejected by the voters in the guise of promoting a complicated and superfluous process of self-determination that ignores our people's vote must be rejected.

The territorial relationship between Puerto Rico and the United States has been the subject of extensive study and debate. It is time for Congress to begin the admission process that Puerto Rico's voters clearly favor.

The appropriate response to the American citizens of Puerto Rico is the enactment of H.R. 1522, "The Puerto Rico Statehood Admission Act" sponsored by Representative Darren Soto and Resident Commissioner Gonzalez-Colon, and S. 780 in the Senate sponsored by Senator Martin Heinrich. Under this legislation Congress would set forth the terms and conditions under which Puerto Rico would be admitted as a state of the Union, and the voters of Puerto Rico would be given the opportunity to accept or reject such admission in a final referendum before it is proclaimed.

When you consider H.R. 1522, I ask you to think about how your own constituents would feel if their full rights as Americans were still in question after being citizens of the United States for well over a century and after voting for statehood. How would they feel if the response from Congress was to set aside their expressions of self-determination with legislation that would delay the end of their territorial status?

Your support for H.R. 1522 and S. 780 will reaffirm the most sacred principles upon which our system of government was founded and will strengthen our democracy.

Sincerely,

PEDRO R. PIERLUISI

April 12, 2021

Hon. Nancy Pelosi
 Speaker of the House
 U.S. House of Representatives
 Washington, DC

Hon. Charles Schumer
 Senate Majority Leader
 U.S. Senate
 Washington, DC

Hon. Mitch McConnell
 Senate Republican Leader
 U.S. Senate
 Washington, DC

Hon. Kevin McCarthy
 House Republican Leader
 U.S. House of Representatives
 Washington, DC

Dear Speaker Pelosi, Majority Leader Schumer, and Leaders McCarthy and McConnell:

We, the undersigned legal and constitutional scholars, write to express our strong opposition to the Puerto Rico Self-Determination Act, H.R. 2070, and its Senate companion bill, S. 865, and to register our equally strong support for the Puerto Rico Statehood Admission Act, H.R. 1522, and its Senate companion bill, S. 780.

Like all Americans, we support self-determination. But unlike the supporters of the Puerto Rico Self-Determination Act, we believe that genuine self-determination requires the United States to offer Puerto Ricans a real choice. By “real,” we mean *constitutional* and *non-territorial*. Puerto Rico’s self-determination options must be *constitutional*, for the obvious reason that neither Congress nor Puerto Rico has the power to implement an unconstitutional option. And they must be *non-territorial*, because a territorial option is not self-determination.

There are two, *and only two*, real self-determination options for Puerto Rico: statehood and independence. Yet the Puerto Rico Self-Determination Act defies constitutional reality by calling upon Puerto Ricans to define other non-territorial options. *There are no other non-territorial options*. For many decades, advocates of “commonwealth” status argued that it was non-territorial. They argued that when Puerto Rico made the transition to commonwealth status in 1952, it ceased to be a U.S. territory, became a separate sovereign, and entered into a mutually binding compact with the United States. But they were wrong. Quite simply, Congress does not have the power to create a permanent union between Puerto Rico and the United States except by admitting Puerto Rico into statehood. Lest there be any doubt, the U.S. Supreme Court has repeatedly and recently refuted the controversial “compact theory.” In *Puerto Rico v. Sanchez Valle* (2016), the Court ended seven decades of debilitating debate over the question of whether Puerto Rico’s commonwealth status created a permanent union between two separate sovereigns with an unequivocal “no”: as the Court made clear, Puerto Rico is, and always has been, a U.S. territory, and Congress retains plenary power to govern the island under the Territory Clause of the Constitution (Art. IV, § 3, cl.2). And in *Financial Oversight and Management Board of Puerto Rico v. Aurelius Investment LLC*. (2020), the Court went on to explain that Congress’s creation of a federal board with substantial powers over Puerto Rico’s local government was a permissible exercise of Congress’s plenary power over a U.S. territory. In short, as long as Puerto Rico is neither a state of the Union nor an independent nation, it will remain a territory. By inviting Puerto Ricans to define non-territorial options other than statehood or independence, the inaptly named Puerto Rico Self-Determination Act disserves its purported goal by perpetuating the pernicious myth that such options exist. They do not.

Despite longstanding political division within Puerto Rico, Puerto Ricans have long shared an overwhelming consensus on two key points: They reject territorial status and they wish to remain U.S. citizens. But while both statehood and independence would fulfill the goal of self-determination, only one of those options would guarantee U.S. citizenship: statehood. Last November, in an unmistakable effort to determine their political future, a clear majority of Puerto Ricans voted “yes” in their own referendum on statehood. Now that Puerto Ricans have publicly and officially asked for statehood, it is time for the United States officially to offer it. The Puerto Rico Statehood Admission Act does just that.

Proceeding respectfully, cautiously, and pragmatically, the Puerto Rico Statehood Admission Act responds to the November referendum with an offer of statehood and sets the terms for admission, but it makes admission contingent on a *second* referendum in which Puerto Ricans would ratify their choice. Were they to do so, the President would issue a proclamation admitting Puerto Rico as a state within one year of the vote. If they were to reject statehood, then the island would remain

a territory with the option to pursue sovereignty at any time in the future—so the Act does not force statehood on Puerto Rico in any way. In other words, the Puerto Rico Statehood Admission Act respects the result of Puerto Rico's referendum by responding with concrete action, while ensuring that Puerto Ricans have the first and last word on their future.

In the 123 years since the United States annexed Puerto Rico, Congress has never offered Puerto Ricans the choice to become a state. Instead, the United States has allowed Puerto Rico to languish indefinitely as a U.S. territory, subjecting its residents to U.S. laws while denying them voting representation in the government that makes those laws. We strongly support a congressional offer of statehood to Puerto Rico, and we urge Congress to pass the Puerto Rico Statehood Admission Act immediately.

Signed,*

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March 18, 2021

Hon. Raúl Grijalva
Chairman
House Committee on Natural
Resources

Hon. Bruce Westerman
Ranking Member
House Committee on Natural
Resources

Hon. Joe Manchin
Chairman
Senate Committee on Energy &
Natural Resources

Hon. John Barrasso
Ranking Member
Senate Committee on Energy &
Natural Resources

Dear Chairman Grijalva, Ranking Member Westerman, Chairman Manchin,
Ranking Member Barrasso:

For over one-hundred years, the U.S. citizens of Puerto Rico have been disenfranchised in federal elections and subjected to unequal treatment across federal programs. Last November, voters stood up to change that when an absolute majority of 53% demanded statehood in a locally sponsored referendum. The Puerto Rico Statehood Admission Act, H.R. 1522 and S. 780, directly respond to that mandate, and we urge you to support it and help get it approved as soon as possible.

Puerto Rico's referendum was historic because it is the first time that statehood received unquestionable majority support on the island with a simple "YES" or "NO" vote. The 117th Congress is therefore presented with a unique opportunity to make history and put an end to America's inherently colonial rule over Puerto Rico, which runs counter to America's values of democracy, equal justice under the law, and government by the consent of the governed.

We recognize there are some in Congress, such as Rep. Nydia Velázquez (NY) and Sen. Robert Menendez (NJ), who oppose statehood for Puerto Rico and have completely ignored the results of the referendum held last November. Today, they will be submitting a counter-proposal, the Puerto Rico Self-Determination Act (PRSDA), which has faced criticism from representatives of all status options.

The most significant concern, across party lines, is that the PRSDA is ultimately non-binding. Under the bill, Congress would be under no obligation to implement whichever status option is chosen by the convention and later voted on by the electorate. This would represent a huge setback for voters in Puerto Rico who have engaged in multiple acts of self-determination over the last decade and have shown, with increasing clarity, that Puerto Rico's voters reject the current territory status and favor statehood above all non-territory options.

Beyond the will of the people on the island, however, Puerto Ricans stateside also favor statehood by wide margins. For example, recent polls show 81% of Puerto Rican residents in Florida and 69% of those in New York favor the admission of the island as a state. A majority of Americans have also supported the idea for decades according to Gallup. This is a settled issue on the island as well as across the Nation, and Congress has a moral obligation to act.

The only legislative option that respects the will of the people of Puerto Rico, and ensures a binding process of self-determination is H.R. 1522 & S. 780, the Puerto Rico Statehood Admission Act. By offering statehood, stipulating the terms of admission, and requiring a ratification vote, Congress would finally open the door to full equality and democracy for the U.S. citizens of Puerto Rico while leaving the ultimate choice in their hands. If a majority opposes statehood at that point, then the island would remain a territory with the capacity to pursue independence or free association through the procedural mechanism of their choice, including a status convention. Congress has a moral obligation to let the people of Puerto Rico decide their own self-determination process.

Our organizations represent the majority of voters in Puerto Rico, as well as their allies stateside. We believe it's time to put an end to the dysfunctional, outdated, and undemocratic territory status to which Puerto Rico has been subjected. We call on Congress to open the door to full enfranchisement and equality for our fellow U.S. citizens in Puerto Rico by supporting and passing the Puerto Rico Statehood Admission Act. America can and must do better.

Sincerely,

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Puerto Rico Escogió Estadidad

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Los Latigos Azules

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Acción Civil Para El Status

Statement for the Record
José F. Aponte-Hernández
Former Speaker and Representative at Large
Puerto Rico House of Representatives
on H.R. 1522

Thank you to the Committee leadership for convening this hearing and allowing me to speak in support of H.R. 1522.

I am a former Speaker and current member of the Puerto Rico House of Representatives. More importantly, I am an American citizen since birth who has been denied his most fundamental democratic rights by virtue of living in a U.S. territory. My statement before this honorable body supporting H.R. 1522 pertains to both of these inseparable aspects of my reality. It is also backed by the freely expressed will of a majority of Puerto Rico residents and supported by more than two hundred and fifty (250) years of philosophical and legal precedent that serve as the foundation for this Nation.

My fellow citizens on the Island have defended these values with their blood, sweat, and tears. Even our veterans are deprived of equal and dignified treatment after fulfilling their obligations abroad, after fighting elsewhere for the fundamental rights they lack. I have first-hand knowledge of these challenges and inequalities. My father and brother are veterans, the former of the Second World War and the latter from the Vietnam War.

This information is not novel. One hundred twenty years have created a formidable record on which this Congress should feel obliged. We have endured over a century of self-serving discriminatory and contradictory legal interpretations and constant rule changes contrary to basic democratic principles and the very concept of civil rights.

I respectfully must point out that this Congress and this Committee are not oblivious to the injuries perpetrated but have been one of its leading promoters, either by action or omission. Hundreds of public hearings such as this one have been held. The same arguments and facts are rehashed every couple of years without concrete steps. This inertia is the best available evidence of the inherent disadvantages of our political condition.

Political discourse is only transcendent when it is accompanied by action. When principles are treated as a catchphrase, we must not forget that they lose their value and become mere propaganda. Thus, in its analysis, this political body must also face its obligations and decide its current and prospective roles in upholding this Nation's ideals. It must choose between the usual comforts of "neutrality" and the tensions associated with fulfilling a demand for justice.

As the public record reflects, on election day, November 3, 2020, the American citizens of Puerto Rico were presented with a question identical to that used by former territories admitted as a state: *Should Puerto Rico be immediately admitted into the union as a state?* The result reiterated the public expression on multiple previous electoral events (See Appendixes A-1/A-3). **A majority of the people of Puerto Rico supported statehood.** Specifically, and as certified by the Puerto Rico State Elections Commission: The YES option received 655,505 votes which amount to 52.52%, and the NO alternative received 592,671 or 47.48% of the votes.

Democracy and the political process have clear and specific rules of engagement and interpretation. These are the cornerstones of the social contract. Under our voting system, the votes duly emitted are the ones that are counted. The majority of those is recognized as the people's will. Otherwise, legitimacy and stability are impossible to achieve. That is democracy; that is the rule of law. This exercise is much simpler in a case like the plebiscite held on Tuesday with a well-crafted question and simple (yes/no) alternatives.

Of course, there is always a segment of the political opposition who resort to after-the-fact interpretations, rule changes, and political spin in a way that discredits the people's will. Demagoguery under the guise of objectivity is nothing new.

Some have succumbed to an easy out in their analysis of our aspirations. Some feel that financial stability is a precondition to a change in political status. Their position fails to recognize the very nature of the problem. The total disenfranchisement and unequal treatment of the people of Puerto Rico are the cause and not the effect of our current socioeconomic condition. The impact of a territorial system, which deprives American citizens of their fundamental civil rights, permeates all aspects of our lives. We hear every day the public cry for equal treatment as American citizens, but what does that mean? It is impossible to address the individual rights issue without simultaneously addressing the collective structural issue.

Ignoring the impact of political subordination and unequal treatment devalues civil rights and democratic principles to the point that it renders them subsidiary to financial or fiscal constraints. This argument is reminiscent of poll taxes, where financial solvency was a prerequisite to the exercise of voting rights. It seems as if some Members of Congress keep blurring and moving the “finish line” to avoid its obligations toward the American citizens of Puerto Rico.

Others have resorted to encumbering the process so that their positions prevail regardless of the people’s will.

A false equivalence has been created between two legislative projects (H.R. 1522 and H.R. 2070) dealing with the Puerto Rico status issue that must be questioned and challenged. Let there be no doubt, these two projects that differ in intent, philosophy, and legitimacy. However, their joint discussion pretends to give the impression that both positions are equally situated. That there is no majority expression. This action is akin to a legislative poison pill whose victims are the people of Puerto Rico and only benefits a minority expressly rejected by the people of Puerto Rico. Congress cannot make feasible a process that reinforces colonial theories and recriminations.

At the helm of this legislative strategy are Congresswomen Nydia Velazquez and Alexandria Ocasio-Cortez of New York, who historically have been affiliated to the parties who promoted the losing proposition in the plebiscite. We respect them and are aware of all Congressmen and women’s authority to file bills that transcend their districts’ limits. However, we reject using their authority as a subterfuge to impose their will against a clear, direct, and forceful expression of the people. Regardless of their ancestry, they do not represent the American citizens of Puerto Rico; they represent districts in New York. Unlike Jennifer González-Colón (**proponent of H.R. 1522**), who was elected by the majority of the voters in Puerto Rico (512,697 votes), the distinguished Congresswomen from New York have never received a single vote in Puerto Rico. Let there be no doubt, the weight of their opinions stems from the Territorial Clause and not from the freely and democratically stated will of the people on the Island. Their opinions are not representative of the views of a majority of my fellow citizens in the Islands but rather an imposition from New York. That is precisely the very definition of colonialism.

Besides the vote’s outcome, it is essential to recognize that this majority resulted from an open process. As seen from the official filings before the Puerto Rico State Elections Commission (See Appendixes B-1/B-3), all major political parties in the Island expressed an official position regarding the proposed alternatives. One of the groups that actively campaigned in favor of the NO option was an organization named “Boricuas Unidos en la Diaspora.”

One of its leaders was former governor Anibal Acevedo-Vilá, who was also the resident commissioner candidate for the main opposition party (Popular Democratic Party) and whose candidacy was decisively rejected by people of Puerto Rico in these past elections. Attached you will find a copy of his plebiscite campaign ad for that group (See Appendixes C-1/C-4, more information available at <https://m.facebook.com/watch/?v=730377810883381&rdr>). Who were among the other active participants in this group? Not surprisingly, Congresswoman Nydia Velazquez and Alexandria Ocasio-Cortez, and former Congressman Luis Gutierrez. Precisely, the architects and promoters of H.R. 2070.

Similarly, and as expected, newly created “citizen” organizations pretend to flood the legislative record with alternative and discredited theories. Some of these “new groups” serve as the alter egos of politicians who the people of Puerto Rico expressly rejected. Precisely those who actively campaigned in favor of the NO option in the plebiscite.

H.R. 1522’s legitimacy was not manufactured politically, behind closed doors, but is the product of democracy itself, by the voice of our people. It represents the aspirations of the majority, those who have to suffer from its implications.

It is a contradiction to proclaim the virtues of democracy and then work hard to hinder it. Consistency and credibility are intertwined. No amount of political spin can discredit democracy and the fact that the American citizens of Puerto Rico demand statehood. The status issue is not a matter of personal loyalties but legitimacy. We, the people of Puerto Rico, have spoken.

You have a historic opportunity to help rectify the state of structural disadvantage that has placed millions of American citizens in a subordinate position. The United States is a nation founded on principles of justice and the dignity of all. Statehood would not only be consistent with these principles, and thus, in the best interests of the Nation, but the recognition of our will.

Congress has a moral, political, and legal obligation to resolve Puerto Rico's political status. Our Island has voted and opted for Statehood three times in the last decade. Accordingly, I strongly support H.R. 1522 and urge all members of this Committee to recommend its approval.

A-1



STATE ELECTIONS COMMISSION OF PUERTO RICO

**FINAL CERTIFICATION AMENDED
PLEBISCITE FOR THE FINAL DEFINITION OF
THE PUERTO RICO'S POLITICAL STATUS**

WHEREAS: *The Law for the Final Definition of the Puerto Rico's Political Status*, Puerto Rico Act No. 51-2020, was approved "to create the rules for a plebiscite that will be held on November 3, 2020 to resolve a century-old problem of Puerto Rico's status as a territory of the United States of America; to guarantee the U.S. citizens of Puerto Rico their right to self-determination and their right to demand the Federal Government for redress of grievances; provide the conditions for conducting this plebiscite pursuant to Public Law 113-76 of 2014 and the pertinent congressional reports, House Report 113-171 and House Report 116-101; to appropriate funds; and for other related purposes."



WHEREAS: *The Law for the Final Definition of the Puerto Rico's Political Status*, Puerto Rico Act No. 51-2020, establishes on its Article 1.3 (h), as Public Policy: "After more than a century of being at a disadvantage due to our territorial status, and after the conclusive result of the Plebiscite of 2012 in which the current territorial status was rejected, Congress and the President approved an appropriation of \$2.5 million in the "Consolidated Appropriations Act," Pub. L. 113-76 (2014), to fund an "objective, nonpartisan education campaign for the plebiscite voters, about the alternative options that would resolve Puerto Rico's future political status." This "Law to Define Puerto Rico's Final Political Status" is consistent with the parameters established by the aforementioned Federal Act and the statements made in congressional House Report 113-171 and House Report 116-101"

WHEREAS: Article 5.9 (e) of the *Law for the Final Definition of the Puerto Rico's Political Status*, Puerto Rico Act No. 51-2020, establishes that "The status option printed on the ballot that is favored by a majority of one hundred percent (100%) of the votes defined as "Adjudicated Ballots", shall be certified by the Puerto Rico State Elections Commission as the winning option and the legitimate expression of self-determination of a majority of voters to resolve Puerto Rico's territorial status."

THEREFORE: According to Article 5.9 (e) of the *Law for the Final Definition of the Puerto Rico's Political Status*, Puerto Rico Act No. 51-2020, the Puerto Rico State Elections Commission certifies the final result of the Plebiscite for the *Final Definition of the Puerto Rico's Political Status*, held on November 3, 2020:

QUESTION: Should Puerto Rico be admitted immediately into the Union as a State?

POLITICAL STATUS FIGURE VOTES PERCENT PREFERENCE
STATEHOOD

| | | | |
|-----|---|---------|---------|
| YES |  | 655,505 | 52.52 % |
| NO |  | 592,671 | 47.48 % |

Enacted in accordance with Article 5.9 (f) of the *Law for the Final Definition of the Puerto Rico's Political Status*, Puerto Rico Act No. 51-2020.

In San Juan, Puerto Rico, on February 12, 2021.


FRANCISCO J. ROSADO-COLOMER
Chairman

I CERTIFY: That on this same date I have sent copy of this certification to the Governor of Puerto Rico, to the Resident Commissioner in Washington DC, the presiding officers of the Legislative Assembly, the U.S. President, the presiding officers of Congress, and the U.S. Attorney General, in accordance with Article 5.9 (f) of the *Act to Define Puerto Rico's Ultimate Political Status*, Act No. 51 of May 16, 2020.

In San Juan, Puerto Rico on February 12, 2021.




ROLANDO CUEVAS COLÓN
Secretary



PUERTO RICO STATE ELECTIONS COMMISS.

FINAL CERTIFICATION
PLEBISCITE FOR THE IMMEDIATE DECOLONIZATION OF PUERTO RICO

Pursuant to Article X, Section 3 of the *Puerto Rico Immediate Decolonization Act*, Act Num. 7 of February 3, 2017, as amended, the Puerto Rico State Election Commission certifies the final result of the Plebiscite for the Immediate Decolonization of Puerto Rico held on June 11, 2017.

These results constitute the legitimate expression of self-determination of a majority of United States citizens of Puerto Rico. Furthermore, these results meet the conditions imposed by the U.S. Congress and the President of the United States upon the approval of Public Law 113-76, 'Consolidated Appropriations Act, 2014'; the corresponding Congressional report on said Federal Law, and the position of the U.S. Department of Justice as stated on April 13, 2017. Any other interpretation of these results would be contrary to the rights of a majority of United States citizens of Puerto Rico who cast a valid vote in accordance with the law, and the case law of the Supreme Court of Puerto Rico.

| STATUS ALTERNATIVE | DEFINITION | FIGURE | VOTES | PERCENT |
|-----------------------------------|---|--------|---------|---------|
| Statehood | With my vote, I reiterate my request to the Federal Government to immediately begin the process for the decolonization of Puerto Rico with the admission of Puerto Rico as a state of the United States of America. I am aware that the result of this request for statehood would entail equal rights and duties with the other states, and the permanent union of Puerto Rico with the United States of America. I am also aware that my vote claiming Statehood means my support to all efforts towards the admission of Puerto Rico as a state of the Union, and to all state or federal legislation aimed at establishing equal conditions, congressional representation and the presidential vote for the American citizens of Puerto Rico. | | 508,862 | 97.13% |
| Free Association/ Independence | With my vote, I make the initial request to the Federal Government to begin the process of the decolonization through: (1) Free Association: Puerto Rico should adopt a status outside of the Territory Clause of the Constitution of the United States that recognizes the sovereignty of the People of Puerto Rico as a complete and unincumbered independence. The Free Association would be based on a free and voluntary political association, the specific terms of which shall be agreed upon between the United States and Puerto Rico as sovereign nations. Such agreement would provide the scope of the jurisdictional powers that the People of Puerto Rico agree to confer to the United States and retain all other jurisdictional powers and authorities; (2) Proclamation of Independence: I demand that the United States Government, in the exercise of its power to dispose of territory, recognize the national sovereignty of Puerto Rico as a completely independent nation and that the United States Congress enact the necessary legislation to initiate the negotiation and transition to the independent nation of Puerto Rico. My vote for Independence also represents my claim to the rights, duties, powers, and prerogatives of independent and democratic republics, my support of Puerto Rican citizenship, and a 'Treaty of Friendship and Cooperation' between Puerto Rico and the United States after the transition process. | | 7,981 | 1.52% |
| Current Territorial Status | With my vote, I express my wish that Puerto Rico remains, as it is today, subject to the powers of the Congress and subject to the Territory Clause of the Constitution of the United States that in Article IV, Section 3 states: 'The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State'. | | 7,048 | 1.35% |

Therefore, it is the legitimate expression of a majority of United States citizens of Puerto Rico that a process of transition into, and proclamation of Statehood immediately begins.

REGISTER AND NOTIFY: In San Juan, Puerto Rico on August 17, 2017.

MARIA D. SANTIAGO RODRIGUEZ
Acting Chairwoman

I CERTIFY:

That on this same date I have sent copy of this certification to the Honorable Ricardo Rosselló Nevares, Governor of Puerto Rico, to the Resident Commissioner in Washington DC, to the Legislative Assembly, and the Secretary of State of Puerto Rico.

In San Juan, Puerto Rico on August 17, 2017.

ÁNGEL L. ROSA BARRIOS
Secretary





**CERTIFICACIÓN DE RESULTADOS OFICIALES
CONSULTA DE ESTATUS POLÍTICO DE PUERTO RICO
-PRIMERA PREGUNTA-**

De conformidad con la Ley para Disponer la Celebración de una Consulta Sobre el Estatus Político de Puerto Rico, Ley Núm. 253 - 2011 y por los Artículos 10.039 y 11.010 del Código Electoral de Puerto Rico para el Siglo XXI, Ley Núm. 78 de 1 de junio de 2011, según enmendada, la Comisión Estatal de Elecciones informa y certifica los resultados oficiales de la Primera Pregunta de la Consulta Sobre el Estatus Político de Puerto Rico del 6 de noviembre de 2012.

CONDICIÓN POLÍTICA TERRITORIAL ACTUAL

RESULTADOS ISLA

| | | |
|-----------|---------|--------|
| NO | 970,910 | 53.97% |
| SI | 828,077 | 46.03% |

TOTAL: 1,798,987

| | |
|-------------------------------|-----------|
| VOTANTES | |
| EN BLANCO | 87,287 |
| PROTESTADAS Y NO ADJUDICADAS | 22,948 |
| PARTICIPACIÓN | |
| INSCRITOS UNIDADES REPORTADAS | 2,402,841 |
| VOTANTES SEGÚN LISTA | 1,678,988 |
| PARTICIPACIÓN | 78.19% |
| TOTAL DE INSCRITOS | 2,402,841 |

COLEGIOS REPORTADOS: 7,755 DE 7,755 PARA UN 100.00%

En esta certificación, la Comisión Estatal de Elecciones declarará los resultados oficiales para la Primera Pregunta de la Consulta Sobre el Estatus Político de Puerto Rico del 6 de noviembre de 2012.

REGÍSTRESE Y NOTIFÍQUESE:

En San Juan, Puerto Rico a 31 de diciembre de 2012.

[Signature]
Presidenta

CERTIFICO: Que en esta misma fecha he enviado copia de esta certificación al Honorable Lula G. Fortuño Bursel, Gobernador de Puerto Rico.

En San Juan, Puerto Rico a 31 de diciembre de 2012

[Signature]
Walter Vilco Martínez
Secretario





**CERTIFICACIÓN DE RESULTADOS OFICIALES
CONSULTA DE ESTATUS POLÍTICO DE PUERTO RICO
-SEGUNDA PREGUNTA-**

De conformidad con la Ley para Disponer la Celebración de una Consulta Sobre el Estatus Político de Puerto Rico, Ley Núm. 253 - 2011 y por los Artículos 10,009 y 11,010 del Código Electoral de Puerto Rico para el Siglo XXI, Ley Núm. 73 de 1 de Junio de 2011, según enmendada, la Comisión Estatal de Elecciones Informa y certifica los resultados oficiales de la Segunda Pregunta de la Consulta Sobre el Estatus Político de Puerto Rico del 6 de noviembre de 2012.

OPCIONES NO TERRITORIALES

RESULTADOS ISLA

| ESTADIDAD | VOTOS | PORCENTAJE |
|--------------------------------|------------------|------------|
| ESTADIDAD | 834,101 | 61.16% |
| ESTADO LIBRE ASOCIADO SOBERANO | 454,708 | 33.34% |
| INDEPENDENCIA | 71,885 | 5.49% |
| TOTAL | 1,363,864 | |

| | |
|------------------------------------|-----------|
| EN BLANCO | 438,504 |
| PROTESTADAS Y NO ADJUDICADAS | 16,744 |
| INSCRITOS UNIDADES REPORTADAS | 2,402,841 |
| VOTANTES SEGUN LISTA PARTICIPACION | 1,676,989 |
| TOTAL DE INSCRITOS | 2,402,841 |

COLEGIOS REPORTADOS: 7,765 DE 7,755 PARA UN 100.00%

En esta certificación, la Comisión Estatal de Elecciones declarará los resultados oficiales para la Segunda Pregunta de la Consulta Sobre el Estatus Político de Puerto Rico del 6 de noviembre de 2012.

REGÍSTRESE Y NOTIFIQUESE:

En San Juan, Puerto Rico a 31 de diciembre de 2012.

Hector J. Conill Pérez
Presidente

CERTIFICO: Que en esta misma fecha he enviado copia de esta certificación al Honorable Luis G. Fortuño Burset, Gobernador de Puerto Rico.

En San Juan, Puerto Rico a 31 de diciembre de 2012



Walter Vélez Martínez
Secretario

B-1



COMISION ESTATAL DE ELECCIONES DE PUERTO RICO
OFICINA DEL PRESIDENTE

9 de junio de 2020

Ledo. Lind O. Merle Feliciano
Comisionado Electoral PPD

SOLICITUD DE CERTIFICACION PPD EN REPRESENTACION ALTERNATIVA NO

Estimado Ledo. Merle:

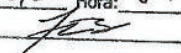
Vista, su carta de 3 de junio de 2020, dirigida a este servidor, le informo que no tengo nada que proveer. La CEE acordó por unanimidad, hace once (11) días, que la representación principal del NO le corresponde "al Partido Independentista Puertorriqueño" véase, Acuerdo de Comisión CEE-AC-20-130-A, que fuera revisado, a solicitud del propio Comisionado del PPD, y notificado el 29 de mayo de 2020.

Ante la existencia de un Acuerdo de Comisión unánime, este servidor no tiene jurisdicción sobre la materia para atender la petición esbozada en su carta del 3 de junio de 2020. Véase, Art. 3.004 del Código Electoral, 16 LPRA Sec. 4014.

Con el testimonio de mi estimación,


JUAN ERNESTO DÁVILA RIVERA
PRESIDENTE

C. COMISIONADOS ELECTORALES
SECRETARIO DE LA CEE

RECIBIDO
Oficina del Secretario
Fecha: 7/6/20 Hora: 8:45
Firma: 

PO BOX 195552 SAN JUAN PR 00919-5552
Este documento es copia fiel y exacta del original que está en la Comisión Estatal de Elecciones y a petición de la parte interesada, expido la presente en San Juan, Puerto Rico, el día 7 de junio de 2020.



COMISION ESTATAL DE ELECCIONES DE PUERTO RICO
OFICINA DEL PRESIDENTE

Juan E. Dávila Rivera
Presidente

9 de junio de 2020

Ángel L. Rosa Barrios
Secretario
Comisión Estatal de Elecciones

SOLICITUD DE NOTIFICACIÓN

Estimado señor Rosa Barrios:

Previo cumplimiento con el Capítulo VI de la Ley Núm. 51, le instruyo a que proceda de inmediato con la certificación de los representantes de las alternativas del NO y el SI, según consta en el Acuerdo de Comisión CEB-AC-20-130A, notificado el viernes, 29 de mayo de 2020.

Con el testimonio de mi estimación,

Juan B. Davila Rivera

C. Comisionados Electorales

RECIBIDO
Oficina del Secretario

Fecha: 9/6/20 Hora: 8:45
Firma: [Signature]

Certifico que este documento es copia fiel y exacta del original que obró en la Comisión Estatal de Elecciones y a petición de la parte interesada, expido la presente en San Juan, Puerto Rico, en 12 de NOVIEMBRE de 2020

[Handwritten signature]



PAN • TIERRA • LIBERTAD

C. E. E.
COMISIONADO P. N. P.
MAY 11 2020 4:11

JOSÉ ARIEL NAZARIO ÁLVAREZ
SECRETARIO GENERAL

B-3

CERTIFICACIÓN

La honorable Junta de Gobierno del Partido Popular Democrático ha avalado, en votación mediante referéndum electrónico efectuado el sábado 16 de mayo de 2020, la autorización al presidente del Partido, Anibal José Torres, para realizar todos los procedimientos requeridos en la Ley 51-2020, conocida como "Ley para la Definición Final del Estatus Político de Puerto Rico", a los fines de que nuestra colectividad política participe como el representante principal del "NO" en el referéndum establecido en la mencionada Ley.

En el referéndum electrónico participaron 25 de 32 miembros con derecho al voto conforme a nuestro Reglamento, todos avalando la propuesta.

En San Juan, Puerto Rico, sábado 16 de mayo de 2020.

[Handwritten signature of José Ariel Nazario Álvarez]

José Ariel Nazario Álvarez

PO BOX 0620436 SAN JUAN, PR 00902-0436
secretario@ppdpr.net.pr
Tel. (787) 721-2000

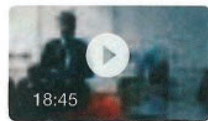
Certifico que este documento es copia fiel y en original que consta en la Comisión Estatal de Elecciones y a petición de la parte interesada, expido la presente en San Juan, Puerto Rico, hoy 17 de mayo de 2020.

Videos



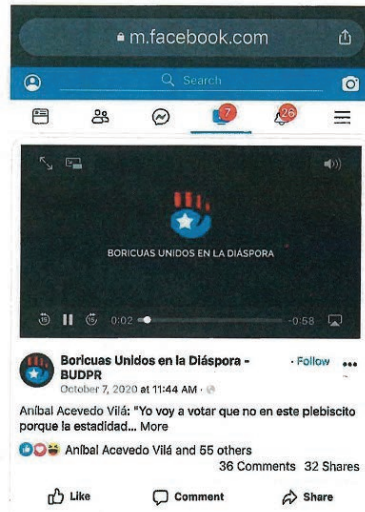
Anibal Acevedo... - Boricuas Unidos en la Diáspora - BUDPR

Facebook
Oct 7, 2020



Boricuas Unidos en la Diáspora - BUDPR... - Boricuas Unidos en la...

Facebook · Boricuas Unidos en la Diáspora...



Luis V. Gutiérrez @RepGutierrez C-3

El martes el pueblo de Puerto Rico le va a decir NO a las falsas villas y castillas que los mercaderes de la anexión nos quieren vender.

Aquí te explican cómo la estadidad arruinaría TÚ bolsillo:
youtu.be/Y6OyM427qPo
@PRexitBook #VotaNO



Dile NO a la Estadidad
En este video explicativo animado, usted podrá ver porqué Puerto Rico jamás será ni debe ser un estado de los Estados Unidos. ¡Hagamos un cambio con los votos!

C-4

Luis V. Gutiérrez @Re... · 02 nov. 20

"...to call a Status Convention or Constitutional Assembly to directly elect delegates who would negotiate with an official Congressional commission."

#VotaNO #NOaPNP #NOaLaCorrupción
#NOaAtropello #NOaLaEstadidad

4 4 15

CIVIL RIGHTS COALITION FOR PUERTO RICO STATEHOOD

April 13, 2021

Hon. Raúl Grijalva
Chairman
House Committee on Natural
Resources

Hon. Bruce Westerman
Ranking Member
House Committee on Natural
Resources

Hon. Joe Manchin
Chairman
Senate Committee on Energy &
Natural Resources

Hon. John Barrasso
Ranking Member
Senate Committee on Energy &
Natural Resources

Dear Chairman Grijalva, Ranking Member Westerman, Chairman Manchin, Ranking Member Barrasso:

For over one hundred years the U.S. Citizens of Puerto Rico have been disenfranchised and treated unequally while most fellow citizens were unaware of this civil rights violation. Hurricane Maria opened the eyes of our great nation to the poverty, lack of representation and rights of those of us living in the oldest colony in the world. Last November voters in the island once more stood up to change the discriminatory treatment that we have been summited to. With an absolute majority, 53%, our people demanded statehood for Puerto Rico. There is nowhere to hide anymore, this Congress has the responsibility to act, and act now.

The United States, the beacon of democracy for the rest of the world, has a blind spot to justice in that it has more than 3.1 million of its own citizens living in a colony, denied of their civil rights and treated as less than equal.

We respectfully must insist that this hearing and all urgent congressional proceedings in 2021 meant to eradicate this civil rights inequality should be about accelerating the necessary steps to admit Puerto Rico to the Union. Any other dilution of duty, distraction, inertia or barrier to the democratic will of those of us living the second-class citizenship of colonial rule, is not in line with democracy and the better interests of the Republic. There are some simple truths that the honorable members of this Congress are duty bound to confront. The status quo is dead and the democratic will of the people of Puerto Rico is undeniable. If this hearing is to do nothing yet again and kick the can to another generation, I respectfully must warn that you would be telling the 3.1 million citizens of Puerto Rico that democracy does not apply to us by virtue of our location, ethnicity, and lack of power at this time.

The fact that some powerful politicians and business leaders keep opposing our civil and inalienable right to equality, vote, and representation despite the expressed democratic will of our fellow islanders, is outright un-American. Democracy will not be denied. Democracy will be served either by a George Washington-inspired understanding of what is fair and just by the honorable members of this committee or it shall be sought by the cries of our demands for our civil rights to be respected and our standing as equal to be honored. We will accept no less and you should aspire to no less. After all, isn't the American Experience about freedom and equality? 123 years is a long time to wait for it and the consequences have been devastating.

The Supreme Court Justices in the Insular Cases of 1901 denied our right to equality and statehood because we were, quoting their own words, "savages". If you choose to perpetuate this inequality, what do you tell your children? What shall be inscribed in the Congressional record? How will history judge members who in the face of a thrice-expressed democratic vote, deny the most Americans of rights? We are watching. The world is watching to see if our civil rights will continue to be violated and by whom. There are no two sides of equal merit or validity anymore. Members must choose to either be for democracy and support statehood now or for Jim Crow colonialism and either do nothing or support a decades long convoluted effort to have a few chosen people decide the fate of those who believed in the one wo(man), one vote pillar of American Democracy. Inertia can't be an alternative anymore. It's over and the time is now, today, AHORA, to do what is right or forever be a civil rights denier. The status quo died with the last plebiscite.

The perpetuation of the colony is a Jim Crow era legacy that subjugates US residents of the island and robs us of the civil rights you enjoy. At this moment of great expectations, I can't describe in any other way than outright shameful that

some fellow US citizens (and particularly Latinos and Puerto Rican-Americans that enjoy the equality of living the prosperity of statehood but know our reality and advocate to keep us poor and under anti-democratic submission without vote or voice), lend their names and voices to sustaining an anti-American and anti-democratic structure for perpetuation of the poverty of rights and means that is colonial rule. The idea of more study, further delay of democracy, and outright denial of what just happened is not in line with the ideals of the Federalist Papers or the Constitution. To those who oppose granting our civil rights and delaying justice via a subterfuge of no action or acting to put further hurdles in front of the democratic will of our people must hear our voices now. Make no mistake, Puerto Rico is watching carefully.

I ask your indulgence to provide frightening statistics that cruelly paint the civil rights deficit as experience in the daily lives of the US citizens of Puerto Rico. Facts tell the truth and give us a stark reminder that this blind spot of democracy under the US flag creates suffering every day.

Facts about Puerto Rico that tell the story of inequality:

- Over 5 million Puerto Ricans have moved stateside over the decades and 3.1 million are left on the island. Are you waiting for the island to be empty to finally grant statehood? Why? Why empty paradise? Why so few come back to the island?
- In 2019, 66,021 island residents “voted” by buying a one-way ticket to statehood with their suitcases in tow, and left Puerto Rico (that is 180 good-byes per day, every single day). Insensitive delay tactics are breaking our families apart every single day. It is shameful and un-American.
- An average family in Puerto Rico makes \$25,338 per year which is 39% of the US average of \$65,712. We are relatively worse off as compared to the national average than we were in 1952, when what was ironically called Free Associated State in Spanish in Puerto Rico and the gentrified “Commonwealth” sold to Congress and the United Nations, was established as the perpetuation of the oldest colony in the world (continuous civil rights deficit since 1492).
- Over 45% of our residents are living under the poverty level (1 in 2!)
- We have a very high dependency on welfare.
- Puerto Rico suffers the worst inequality under the US flag with a GINI rate (where 1 is equal) of 0.5509.
- In addition to low wages, we endure a high cost of living including government sponsored regressive taxation of our poorest people that should put to shame liberals and conservatives alike.

No wonder, again today, another airplane full of our smart and hardworking people hugged their mom’s good-bye and left our island for good. Delaying the democratic cry for statehood of our island would accelerate this. Is anyone in your committees wishing to sentence another generation of Puerto Ricans to broken families and certain poverty? Do you want another plane to leave tomorrow? May it weigh on your conscience, as it does on my heart every day, and may you please see that decisions to act or delay have consequences and these affect real and decent citizens of these United States. Delay and anti-democratic practices create more suffering. Those of you enjoying your civil rights stateside don’t seem to understand that you are playing with our lives and our rights as if this was 1901 and we were the “savages” still written in the rulings used to this day to deny us equal rights. The time for patient study, delay tactics, committees, and task forces is over. Democracy has spoken. Let her live! Our veterans and their sacrifices should remind all that if we are equal in battle, we must be equal in voting and civil rights.

For 69 years, the argument to do nothing is that we can’t agree on a solution. The scaffolding to that argument has been carefully crafted by those who benefit at the local and stateside level from colonial rule and the funds that arrive for this purpose. Great resources have been spent to maintain the status quo. This has given the colonial elite carte blanche to keep the oligarchic power base intact and have motivated anti-democratic forces from the region, historical enemies of the United States, to invest and promote instability in our democracy in Puerto Rico. The combination of extremists on the Left and Right have denied what our veterans so valiantly fought for: democracy.

The November 2020 vote, with similar language to Hawaii’s and Alaska’s vote, was a victory for statehood despite tactics that included scaring older voters saying that a vote for statehood would mean they would lose their homes to taxes, false advertising saying that if Congress did not legislate, the plebiscite was useless, and

a strong campaign to say that even if you favored statehood, not to vote to punish the statehood party in power. The fact that 40% more voters said yes to statehood than the accumulated votes of any gubernatorial candidate, means that this is not a political issue and rather a civil rights issue that goes beyond politics. The democratic exercise of one wo(man) one vote chose statehood even when all these tactics were used to derail the will of the people. And yet, these same forces keep seeking to delay statehood. What are the motivations if not economic and the pursuit of power for power's sake?

The project sponsored by the Honorable Congresswoman Velazquez intends to keep the colony afloat and running for decades to come and to perpetuate the civil rights deficit that exists. It is an endless loop that intends to stop majority rule and democracy from happening finally. There is no other goal but to perpetuate the oligarchic rule on the island and it will lead to another plane tomorrow leaving with our best and brightest, and the next day and so forth. Where is the democratic will of the people in that? Hurricane Maria showed the Nation that we are an island of great people with a civil rights deficit. It also taught our citizens that we must claim our rights as equals and not have to beg for every right, program or law. We are the largest group of Americans without representation in Congress or presidential vote in the history of the Nation. There is no answer to the question of why that does not include discrimination and a civil rights issue.

There are no two sides to democracy. Either you are for it or against it. The time to be for democracy and voting rights is now. Which side will you be on? Puerto Rico has earned in over 123 years contribution, the right to be equal among many as a state of our great Union. We shall join our fellow disenfranchised Americans of the District of Columbia in asserting our rights to equality, voting rights, and democracy.

The only legislative option that respects the will of the people of Puerto Rico, and ensures a binding process of self-determination is H.R. 1522 & S. 780, the Puerto Rico Statehood Admission Act. You have the perfect opportunity to be on the right side of history now, to do the right thing. We will accept no less, for doing so would be un-American and unfair. The time is now. Our civil rights battle will be won here or elsewhere but it will be won. George Washington would have been on our side and so should you.

Respectfully,

Dr. Evelyn Abreu,
Co-Founder/Secretary Treasurer

Jaime Fortuño,
Co-Founder/President

PUERTO RICO ESTADIDAD

Hon. Raúl Grijalva
Chairman
House Committee on Natural
Resources

Hon. Bruce Westerman
Ranking Member
House Committee on Natural
Resources

Hon. Joe Manchin
Chairman
Senate Committee on Energy &
Natural Resources

Hon. John Barrasso
Ranking Member
Senate Committee on Energy &
Natural Resources

Dear Chairman Grijalva, Ranking Member Westerman, Chairman Manchin, Ranking Member Barrasso:

As U.S. citizens from Puerto Rico, we are coming together to express our support for the Puerto Rico Statehood Admission Act, H.R. 1522 and S. 780, and to call on Congress to pass this legislation as quickly as possible.

Puerto Ricans have been part of the U.S. for over one hundred and twenty years and we have made countless contributions to the betterment of American society. During that time the population of Puerto Ricans stateside has grown to close to six million. Yet for the three million U.S. citizens that remain on the island, we remain disenfranchised in federal elections and subjected to unequal treatment in federal laws and programs. This reduces economic development has robbed our poor and elderly of lifesaving healthcare, and every day breaks up our families and communities as people feel forced to move stateside to seek out better opportunities and quality of life for themselves and their children.

Congress must immediately end its inherently colonial territorial rule over Puerto Rico, because it violates America's values of democracy, equal justice under the law, and government by the consent of the governed. Beyond that, it doesn't serve either America or Puerto Rico to prolong an outdated, dysfunctional and morally corrupt form of government which its own citizens have now rejected on multiple occasions.

On November 3, 2020, an undisputable majority of 53% of Puerto Rico's voters demanded change in a locally sponsored referendum calling for full democracy and equality through statehood. While some bills in Congress, like H.R. 2070 & S. 865, seek to delay, confuse and distract from this electoral majority mandate in the name of "self-determination," only the Puerto Rico Statehood Admission Act acknowledges and responds to the freely expressed will of the people.

A majority of voters in Puerto Rico have requested statehood, now Congress must respond by officially offering it and allowing voters on the island to ratify their choice in a binding vote. To turn around and tell voters to go back to the drawing board and re-define multiple other options which the majority has rejected three times in the last eight years in favor of statehood, would not only be insulting to us, but effectively serve as a form of voter suppression. That is simply unacceptable and un-American.

We are natural born U.S. citizens and want an equal seat at the table in the federal government that writes and implements the laws that we live under. We want our full voting rights as American citizens, and would challenge any voting Member of Congress that would deny that to us to answer if their constituents would accept the second-class citizenship that we are subjected to under territory status.

We are proud to be Puerto Ricans, and also proud to be U.S. citizens, and know that there is no law that limits us from being both. So, don't let anyone tell you that statehood will somehow diminish our cultural pride and heritage. If anything, the economic progress that statehood would unleash will allow Puerto Rico to flourish in ways that will mutually benefit the Island and the States.

If you really believe in democracy, justice, government by the consent of the governed, you must not hesitate any further or give any more excuses. Congress must grant us the equal rights and equal responsibilities that we have earned with the blood of our veterans and the tears of their mothers, wives, children and families. Pass the Puerto Rico Statehood Admission Act as soon as possible and together we can help make America a more perfect Union.

Sincerely,

| Name | Signature | Zip Code |
|----------------------------|-----------|----------|
| Pamela Reina Vega | | 00918 |
| Alba E. Callanan Costello | | 00918 |
| Arjis A. Calderon Naranjo | | 00766 |
| Jana M. Ramos Triguero | | 00766 |
| Roberto A. Torres Gonzalez | | 00766 |
| Lizette N. Torres Gonzalez | | 00766 |
| Carlos G. Rojas Sob | | 00766 |
| Julian Soto Gomez | | 00766 |
| Richard M. Leon | | 00766 |
| Alfonso E. Hernandez | | 00766 |
| Roberto J. Torres | | 00766 |
| Edgardo J. Torres | | 00766 |
| William A. Torres | | 00766 |
| Alfonso J. Torres | | 00766 |
| Eric S. Torres | | 00766 |

| Name | Signature | Zip Code |
|----------------------------|-----------|----------|
| Rosario Hernandez | | 00766 |
| Pamela J. Torres | | 00766 |
| Victor R. Santos Rodriguez | | 00766 |
| Alfonso Hernandez | | 00766 |
| Milagros Pons Espinoza | | 00766 |
| Milagro Hernandez | | 00766 |
| Concepcion Torres | | 00766 |
| Doris y Doris Hernandez | | 00766 |
| Edgardo Torres | | 00766 |
| Andrés Torres | | 00766 |
| Rafael Torres | | 00766 |
| Miguel Torres | | 00766 |
| Guillermo R. Torres | | 00766 |
| Rosario Torres | | 00766 |
| Alfonso Torres | | 00766 |
| Alfonso Torres | | 00766 |
| Emanuel Torres | | 00766 |
| Andrés Torres | | 00766 |
| Milagros Torres | | 00766 |
| Carlos J. Torres | | 00766 |
| Glenda J. Torres | | 00766 |
| Zuleika M. Torres | | 00766 |
| Gerardo Torres | | 00766 |

| Name | Signature | Zip Code |
|----------------------------|-------------|----------|
| Agel Torres | [Signature] | 00769 |
| Miguel Rodriguez | [Signature] | 00766 |
| Eduardo Delacruz | [Signature] | 00766 |
| Rafael H. Jones Gavilan | [Signature] | 00760 |
| Simabete Rivera | [Signature] | 00766 |
| Ande Rio Torres | [Signature] | 00766 |
| Linda E. Estrella Melendez | [Signature] | 00766 |
| Myra E. Torres Santos | [Signature] | 00766 |
| Ala M. Sanchez Ocho | [Signature] | 00766 |
| Antonio J. Alvarez | [Signature] | 00766 |
| Olivero Rivera | [Signature] | 00766 |
| Jose G. Hernandez | [Signature] | 00766 |
| Alfonso Hernandez | [Signature] | 00766 |
| Jose A. Carreras Torres | [Signature] | 00766 |
| Edna Torres | [Signature] | 00766 |
| Doris M. Hill | [Signature] | 00766 |
| Nancy L. Gato | [Signature] | 00766 |
| FERRERAS A. R. | [Signature] | 00766 |
| Antonia Vera Gonzalez | [Signature] | 00766 |
| Yolanda Martinez | [Signature] | 00766 |
| Marta Gonzalez | [Signature] | 00766 |
| Jose Torres | [Signature] | 00766 |
| Concepcion Hernandez | [Signature] | 00766 |
| Ana R. Gonzalez | [Signature] | 00766 |

| Name | Signature | Zip Code |
|------------------------|-------------|----------|
| Karla Ramirez | [Signature] | 00766 |
| Sonia N. Bernal | [Signature] | 00766 |
| Victor L. Ponce Lopez | [Signature] | 00766 |
| Jose Luis Lopez | [Signature] | 00766 |
| Olivero Torres | [Signature] | 00766 |
| Marquez Sanchez Lopez | [Signature] | 00766 |
| Maria Teresa Gonzalez | [Signature] | 00766 |
| Lizette Torres | [Signature] | 00766 |
| Daniel Torres | [Signature] | 00766 |
| Isabel O. Melendez | [Signature] | 00766 |
| Joselyn Gonzalez | [Signature] | 00766 |
| Reina Torres | [Signature] | 00766 |
| Jose C. Lopez | [Signature] | 00766 |
| Anna Torres | [Signature] | 00766 |
| Carolina Ana Torres | [Signature] | 00766 |
| Angel Torres | [Signature] | 00766 |
| Isabel Torres | [Signature] | 00766 |
| Roberto Torres | [Signature] | 00766 |
| Martha Torres | [Signature] | 00766 |
| Flora Torres | [Signature] | 00766 |
| Elia Torres | [Signature] | 00766 |
| Franco Torres | [Signature] | 00766 |
| Cherie Torres | [Signature] | 00766 |
| Enrique A. Ruiz Torres | [Signature] | 00766 |

| Name | Signature | Zip Code |
|-------------------------|-----------|----------|
| Juan L. Ortiz | | 00769 |
| William Rodriguez Lopez | | 00769 |
| Angel P. Motta | | 00765 |
| Angelis W. Mateo | | 00769 |
| Miguel Basso | | 00769 |
| Sandra J. Alvarez | | 00769 |
| Rafael Santos | | 00769 |
| Humberto D. Pagan | | 00769 |
| Rafael Pagan | | 00769 |
| Angel Pagan | | 00769 |
| Carla Pagan | | 00769 |
| Julio Pagan | | 00769 |
| Ingard S. Heras | | 00769 |
| Diana Nogueira | | 00769 |
| Guadalupe Galan | | 00769 |
| Gladys Marie Rivera | | 00769 |
| Janice Rivera | | 00769 |
| Mariela Ceballos | | 00769 |
| Marta Lopez Rodriguez | | 00769 |
| M. Lopez Rodriguez | | 00769 |
| Maria Rivera | | 00769 |
| Laura Rivera | | 00769 |
| William J. Ortiz | | 00769 |
| Dr. Mario Ortiz | | 00769 |

Statement for the Record

**Hon. Milagros G. López Campos
Municipal Legislator of Carolina, Puerto Rico**

Blessing to you, and Member of Congress. I am writing to you as a Legislator of the municipality of Carolina, where I represent over 186,000 persons and 104,378 voters.

For over one-hundred years, the U.S. citizens of Puerto Rico have been dismissed from federal elections and subjected to unequal treatment across federal programs and civil Rights that make Last November, move thousands of voters and stood up the change to obtain an absolute majority of 53% demanding statehood for Puerto Rico in a locally sponsored referendum. The Puerto Rico Statehood Admission Act, H.R. 1522 and S. 780, directly respond to that mandate, and we urge you to support it and help get it approved as soon as possible.

Puerto Rico's referendum was historic, because it is the first time that we request as a US Territory a statehood unquestionable mandate with the majority support of the people on the island with a simple "YES" or "NO" vote. The 117th Congress have therefore a unique opportunity to make history to end America's inherently colonial rule over Puerto Rico, which is the most respected American values of democracy, equality, justice and civil right under the law.

We recognize that are some Congresswoman such as Rep. Nydia Velazquez (NY) and Sen. Robert Menendez (NJ), who oppose statehood for Puerto Rico and have completely ignored the voice of the people's in the results of the referendum last November. Therefore, they will be submitting a counter-proposal, the Puerto Rico Self-Determination Act (PRSDA), which has faced criticism from representatives of all status options.

The most significant concern, across party lines, is that the PRSDA is ultimately non-binding. Under the bill, Congress would be under no obligation to implement whichever status option is chosen by the convention and later voted by the electors of PR. This would represent a huge setback for voters in Puerto Rico who have engaged in multiple acts of self-determination over the last decade and have shown, an increasing clarity, that Puerto Rican's voters reject the current territory status and have favor statehood over all non-territory options.

Beyond the will of the people on the island, Puerto Rican's stateside also favor statehood for PR by wide margins. For example, recently polls show 81% of Puerto Rican residents in Florida and 69% of those in New York favor the admission of Puerto Rico as a state. Also, the majority of Americans have also supported the idea for decades according to Gallup.

This is a issue on the island as well as across the Nation, and Congress has a moral obligation to act promptly.

For that reason we only recommend the legislative option that respects the will of the people of Puerto Rico, and ensures a binding which is a process of self-determination and that is H.R. 1522 & S. 780, the Puerto Rico Statehood Admission Act. By offering statehood, stipulating the terms of admission, and requiring a ratification vote. Congress would finally open the door to full equality and democracy for the U.S. citizens of Puerto Rico while leaving the ultimate choice in their hands. If a majority opposes statehood at that point, then the island would remain a territory with the capacity to pursue independence or free association through the procedural mechanism of their choice, including a status convention. Congress has a moral obligation to let the people of Puerto Rico decide their own self-determination process for admission.

I request Congress to open the door to a full emancipation and equality for our fellow Americans in Puerto Rico by supporting and passing the Puerto Rico Statehood Admission Act. The United States should understand they can and must do better for our fellow Americans.

Statement for the Record
Gregorio Igartua
Domestic and International Legal Advice, LLC
on Puerto Rico's Territorial Status

Dear Congressman Grijalva:

I was born in Puerto Rico, U.S.A., and, I am an American citizen resident of Puerto Rico. I am sending this written testimony in opposition to the proposed "Self Determination Act," which is not constitutionally viable, and to support the Puerto Rico Statehood Admission Act. It is the only political alternative that fits in the U.S. Constitutional Framework, and it is 122 years overdue.

As you know, Puerto Rico has been a part of the United States since 1898. For 122 years we have been under the U.S. Government discriminatory practice of being denied the right to vote in Federal Elections, and of government without the consent of the governed. (3.4 million American Citizens by birth). We are also subject to unequal treatment in economic policies implemented by Congress for the states, which have moved Puerto Rico into bankruptcy. Moreover, for some cases the Federal Courts apply the U.S. Constitution, and not for others. Ironically, we pay more than \$3 billion dollars a year in federal taxes, more than some states and many state regions. (IRS Highlights 2020).

The Committee of Natural Resources you preside, has expressed interest in pursuing Congressional action in the issue of the political status of Puerto Rico. I suggest that you consider as the most viable alternative that Puerto Rico be certified as an incorporated territory first, which de facto it is. Notwithstanding incorporation is not permanent, therefore Congress should simultaneously resolved to move Puerto Rico in transit to statehood at a definite date. Certification of Incorporation would make the U.S. Constitution fully applicable, and would give us parity with federal funds as if Puerto Rico were a state. We qualify for incorporation by having been assimilated more than any other U.S. Territory before becoming a state. Although there may be conflicting views of what is the political relation of Puerto Rico to the United States, due to the reality that we are still not a state, Congress has assimilated us gradually since 1898 into a federalist relation to be like a de facto incorporated territory. (See: G. Igartua, The "de facto" Incorporated Territory U.S. of Puerto Rico. A copy of the Book was mailed to you a few months ago, and one is being mailed to the Committee with this letter).

I respectfully suggest that you consider proposing to Congress to declare Puerto Rico officially an Incorporated Territory of the United States in transit to statehood. (See Petition enclosed—Annex A). It is the only political alternative that fits into the U.S. Constitutional framework, it is 122 years overdue. Rather than holding more hearings on what we could hypothetically be, which is discriminatory, our political and civil rights must be recognized by Congress based on what we are, 3.4 American citizens by birth residents of a de facto incorporated territory. Incorporation was recently supported unanimously by the National Association of U.S. Mayors. (Annex B). (See also, *Consejo de Salud Playa de Ponce v Rullan*, 586 FS 2nd 22 (2008)).

No one in Puerto Rico wants independence, nor continue to be confused with political status alternatives which do not fit within the U.S. constitutional framework. No one in Puerto Rico wants to renounce their American Citizenship. A Republic of American citizens would be a matter of national security concern. (3.3 million residing in Puerto Rico, 5 million residing in states). Many are confused by the daily practice of uncertainty brought by the questioning about what our rights are as American citizens, or could be. Consider within this context the "Puerto Rico Self Determination Act" proposed for American citizens after 122 years under our American flag. Were African-Americans subjected, or should be subjected, to hearings on whether they would like to be slaves again, or be moved to a Country in Africa? Should Mexican-Americans be asked whether they would like to renounce their American Citizenship to Mexican and be moved back to Mexico, or should their American citizenship status be questioned, as your Committee is doing with us in Puerto Rico in 2021?

Consider as constitutionally viable only to start holding hearings on how the American Citizens residents of Puerto Rico can have equal rights and government by the consent of the governed. (U.S. Constitution Amendments XIV and XV). Congressman Grijalva, statehood for you, for Congresswomen Velazquez and Ocasio, for all the members of your Committee, for all Congressmen, and statehood for us the American citizens residents of Puerto Rico. Time is of the essence.

I respectfully request to be allowed to participate in the April 15, 2021, hearing your Committee has scheduled on this subject, and in support of our American Citizenship rights.



Annex A



PETITION

ADDRESSED TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CERTIFY INCORPORATED TERRITORY OF THE UNITED STATES IN TRANSIT TO STATEHOOD

- WHEREAS: Puerto Rico became a United States of America territory in 1898 by the Treaty of Paris, which provided that: "... the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." Immediately the native inhabitants became Nationals under the Custody and "Parsons Passes" of the United States of America.
- WHEREAS: In 1917, the residents of Puerto Rico were granted United States American citizenship, by their own free and voluntary election, and after 1941 by birth, as disposed by Congress, enacting laws to such effect. To this date, three point four million United States American Citizens reside in Puerto Rico and five millions have moved their residence to the mainland, were they have worked and are still working in building our Nation.
- WHEREAS: Since 1917, the United States American Citizens of Puerto Rico have demonstrated their loyalty to the United States of America and to democracy by serving with dedication and honor in all armed conflicts in the Armed Forces of our Country, without the right to vote for their Commander in Chief, including many of them by dying in these conflicts.
- WHEREAS: In 1952, the United States American Citizens of Puerto Rico constituted themselves into a Republican form of government in compliance with Article IV, Section 4, Constitution of the United States of America, similarly as the process used for former territories to become states of the Nation. In the Constitution of 1952, the citizens by direct vote swore their loyalty to their United States American citizenship, to the Constitution the United States of America and accepted to be under the Supremacy Clause of the Constitution, with reference to the National Government as are states under federalism.
- WHEREAS: The United States American Citizens of Puerto Rico are subject to the jurisdiction of all three Branches of the Government of the United States of America. The Puerto Rico Federal Courts are Article III of the U.S. Constitution.
- WHEREAS: All income from sources outside of Puerto Rico is subject to federal taxation, and the United States American Citizens residing in Puerto Rico contribute billions of dollars to the Federal Treasury paying more in federal taxes than residents of various regions in the fifty states without representation.
- WHEREAS: In the quadrennial elections, held since 1964, ninety five percent (95%) or more of the voters have chosen permanent union with the United States of America. The independence has been rejected by the voters to such an extent that the Independence Party has been politically disqualified in quadrennial election.
- WHEREAS: Two of the local political parties, supported by more than ninety six percent (96%) of the total voters, participate in National Politics as members of the Republican and Democratic Parties.
- WHEREAS: The Government of the United States of America has been actively promoting democracy, universal suffrage, and human rights all over the world. (Presently very actively in Venezuela).
- WHEREAS: The U.S. Constitution has been judicially applied to the American Citizens of Puerto Rico as if it were a state, but the non-incorporation status is being used by the Federal Courts and by Congress to switch "on and off" its applicability discriminatorily, costing more than ten billion dollars annually in federal transfers.
- WHEREAS: Puerto Rico is a de facto incorporated territory of the United States because since 1898 it has been gradually moved to be legally treated and assimilated like a state more than any other U.S. Territory before being certified as incorporated. Moreover, the degree of incorporation of Puerto Rico to be like a state can be considered by implication as strong as to exclude any other view than that it is an incorporated territory of the United States. (See, Consejo de Salud Playa de Ponce v Rullan, 585 F.S 2nd 22 (2008)). It has met all the requirements adopted for the Northeastern Ordinance.
- WHEREAS: The First Amendment to the Constitution of the United States guarantees the right of the American Citizens to "... petition the Government for a redress of grievances ..." in order to ensure liberty, general welfare, and to protect their rights and privileges as American Citizens.
- WHEREAS: It is the duty of Congress to protect the constitutional rights of all American citizens. The present degree of legal assimilation of Puerto Rico to the United States under domestic and international law supports this Petition to certify it as an incorporated territory of the United States in transit to statehood.

THEREFORE:

I, an American Citizen resident of Puerto Rico, respectfully request Congress to adopt a Resolution certifying Puerto Rico as an incorporated Territory of the United States in transit to statehood.

Sign on this April / 2 / 2021

Gregorio Lopez
PETITIONER SIGNATURE

Box 2811, Aguadilla, Puerto Rico 00605

(787) 891-9040 - Office (787) 379-9085 - Cellular

TELEPHONE

bulveigartus@yahoo.com
E-MAIL

Annex B



The United States Conference of Mayors
1629 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330
FAX (202) 293-2352
URL: www.usmayors.org

87th Annual Meeting
Honolulu, Hawai'i

Puerto Rico as an Incorporated Territory of the
United States

WHEREAS, Puerto Rico became a United States of America territory in 1898 by the Treaty of Paris, which provided that: "... the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." Immediately the native inhabitants became Nationals under the Custody and "Parens Patriae" of the United States of America; and

WHEREAS, Since 1917, The United States American Citizens of Puerto Rico have demonstrated their loyalty to the United States of America and to democracy by serving with dedication and honor in all armed conflicts in the Armed Forces of our Country, without the right to vote for their Commander in Chief, including many of them by dying in these conflicts; and

WHEREAS, In 1917, the residents of Puerto Rico were granted United States American citizenship, by their own free and voluntary election, and after 1941 by birth, as disposed by Congress, enacting laws to such effect. To this date, three point four millions United States American Citizens reside in Puerto Rico and four millions have moved their residence to the mainland, were they have worked and are still working in building our Nation; and

WHEREAS, In 1952, The United States American Citizens of Puerto Rico constituted themselves into a Republican form of government in compliance with Article IV, Section 4, Constitution of the United States of America, similarly as the process used for former territories to become states of the Nation. In the Constitution of 1952, the citizens by direct vote swore their loyalty to their United States American citizenship, to the Constitution of United States of America and accepted to be under the Supremacy Clause of the Constitution, with reference to the National Government as are states under federalism; and

WHEREAS, The United States American Citizens of Puerto Rico are subject to the jurisdiction of all three Branches of the Government of the United States of America. The Puerto Federal Courts are Article III of the U.S. Constitution; and

WHEREAS, All income from sources outside of Puerto Rico is subject to federal taxation, and the United States American Citizens residing in Puerto Rico contribute billions of dollars to the Federal Treasury. The United States American Citizens residing in Puerto Rico pay more in federal taxes than residents of various regions in the fifty states; and

WHEREAS, In the quadrennial elections, held since 1964 ninety five percent (95%) or more of the voters have chosen permanent union with The United States of America. The independence has been rejected by the voters to such an extent that the Independence Party has been politically disqualified in quadrennial election; and

WHEREAS, Two of the local political parties, supported by more than ninety six percent (96%) of the total voters, participate in National Politics as members of the Republican and Democratic Parties; and

WHEREAS, The Government of the United States of America has been actively promoting democracy, universal suffrage, and human rights all over the world. (Presently very actively un Venezuela); and

WHEREAS, The Constitution of the United States of America has been judicially applied to the United States American Citizens of Puerto Rico as if it were

a state, but the non-incorporation status is being used by the Federal Courts and by Congress to switch "on and off" the applicability of the U.S. Constitution discriminatory, costing more than five billion dollars annually in federal transfers; and

WHEREAS, Puerto Rico is a de facto incorporated territory of the United States of America, because since 1898 it has been gradually moved to be legally treated and assimilated like a state more than any other U.S. Territory before being certified as incorporated. Moreover, the degree of incorporation of Puerto Rico to be like a state can be considered by implication as strong as to exclude any other view than that it is an incorporated territory of the United States; and

WHEREAS, The First Amendment to the Constitution of the United States of America guarantees the right of United States American Citizens to u... petition the Government for a redress of grievances ... " in order to ensure liberty, general welfare, and to protect our rights and privileges as United States of America Citizens; and

WHEREAS: It is the duty of Congress to protect the constitutional rights of all American citizens. The present degree of legal assimilation of Puerto Rico to the United States under domestic and international law supports this Petition to certify it as an incorporated territory of the United States,

NOW IT THEREFORE, BE IT RESOLVED, that the members of The U.S. Conference of Mayors, respectfully request Congress to adopt a Resolution certifying Puerto Rico as an Incorporated Territory of the United States. Copies of this document will be forwarded to the following Federal and States Public Bodies, and/or other parties; President of the United States America, Hon. Donald Trump; Vice President of the United States of America, Hon. Michael R. Pence; Speaker of the United States of America House of Representatives, Hon. Nancy Pelosi; Governor of Puerto Rico, Hon. Ricardo Rossello; and, to the Resident Commissioner of Puerto Rico, Hon. Jennifer Gonzalez.

Hon. RAÚL GRIJALVA, *Chairman*,
 Hon. BRUCE WESTERMAN, *Ranking Member*,
 House Committee on Natural Resources

Dear Chairman Grijalva, Ranking Member Westerman:

Puerto Rico has been a territory for more than 500 years, first of Spain and now of the United States. Therefore, it should not be foreign to our will that the status is an issue that moves Puerto Ricans. As a result of the discussion on the status, five (5) plebiscites have been held to decide between the options of Statehood (annexation), Independence (separation) or Commonwealth (current status), as well as the approval of evaluation committees on the status of Puerto Rico.

Puerto Rico became a possession of the United States as a result of the Spanish-American War, which culminated in the Treaty of Paris of December 10, 1898 between Spain and the United States. The Treaty of Paris set a precedent, as it was the first time that the United States acquired territories without the intention of making them states. The expansionist policy of the United States in the 19th century, before the Spanish-American War, reflected a theory: that of incorporation as a territory in preparation for statehood. All territories acquired multiplied their original population and dissipated borders with a view to integrating them as members of the American nation. The Treaty of Paris provided that the political conditions and civil rights to be conferred on the territories acquired under the treaty would be determined by Congress. This idea practiced by the United States in the colonization of Puerto Rico was contrary to the value it preached as a Nation, since it was precisely on those principles that it based its independence.

The Foraker Act of 1900 formally represented the non-incorporation of the territory as a state, thus granting greater powers to Congress and the President to administer the territory. This unequal treatment over the other states of the nation led to the argument that Puerto Rico was treated as territory and not as part of the union. Under this premise and through the insular cases of *Downes v. Bidwell* (1901) and *De Lima v. Bidwell* (1901), and later in the case of *Balzac v. People of Puerto Rico* (1922), the legal creature of the U.S. Congress, the so-called "unincorporated territory" was established and validated, maintaining as a foundation that we belong to, but are not part of the United States. This doctrine was validated by Associate Justice Edward Douglass White in his opinion offered in the case of *Downes v. Bidwell*, for the controversy that asserted whether it was constitutional for Congress to impose through the Foraker Act a tariff on trade between Puerto Rico and the continental United States, in light of the Uniformity Clause. Justice White's opinion held as follows:

"The result of what has been said is that in an international sense Porto Rico was not a foreign country, since it was subject to the sovereignty of was owned by the United States, it was foreign to the United States in a domestic sense, because the island has not been incorporated into the United States but was merely appurtenant thereto as a possession."

The great changes resulting from the military conflicts between the countries of Western Europe, and the intervention of the United States in these conflicts, led to changes in the civil and political order in Puerto Rico. President William Howard Taft took the initiative to propose the granting of American citizenship for Puerto Rico, which culminated in the filing of the Jones-Shaforth bill, which was finally approved in the House of Representatives on May 23, 1916. It then passed the Senate on February 20, 1917 and was finally signed by President Woodrow Wilson on March 2, 1917. This bill was the product of great controversy, due to the conditions that were imposed, since it would grant citizenship without the character of admitting Puerto Rico as a state.

This act leads us to argue about the violation of the value of equal treatment of American citizens. The first violation we must recognize is not having the right to vote for those members of Congress who pass federal laws that apply to Puerto Rico, not having fair representation in Congress, and not being able to vote for the President of the United States. Recognizing what is expressed in Articles 1 and 2 of the U.S. Constitution, we must recognize that in interpreting the articles there is a clear basis for political discrimination against U.S. citizens residing in Puerto Rico. Articles 1 and 2 of the U.S. Constitution provide that:

Article 1, Section 2. *“The House of Representatives shall consist of members elected every two years by the inhabitants of the several States, and the electors shall possess in each State the qualifications requisite for electors of the most numerous branches of the local legislature.”*

Article 1, Section 3. *“The Senate of the United States shall consist of two Senators from each State, elected for six years by the legislature thereof, and each Senator shall have one vote.”*

[. . .]

Article 2, Section 1: *“The executive power is hereby vested in a President of the United States. He shall hold office for a term of four years, and shall, together with the Vice President appointed for the same term, be chosen as follows:*

Each State shall appoint; in such manner as its legislature may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress, but no Senator, Representative, or person holding an honorary or salaried office of the United States, shall be appointed an elector.”

Interpreting what is expressed in the Constitution of the United States, this closes the doors to the millions of Puerto Ricans residing on the island, to have full equality as the rest of their fellow citizens, by applying federal laws without the consent of the governed, with the argument that the right to vote will be recognized only to the residents of the states.

As a result of this issue, legal analyses have emerged that result in the deprivation of the right to equality for American citizens residing on the island. Under the colonial condition imposed on us and not being a state, Puerto Rico does not have the right to the electoral college because the territories do not meet the requirements established by Amendment XIV, which establishes that: “All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the States in which they reside. [. . .]”, so the territories are not part of the United States for constitutional purposes.

Under this premise presented by the Congress, we allude to international law on the establishment of the “International Covenant on Civil and Political Rights” ratified by the General Assembly in its resolution 2200 A (XXI) of December 16, 1966, which in its Article 3 mentions: “*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant*”, as well as in its **Article 25**, which states:

All citizens shall enjoy, without any of the distinctions mentioned in Article 2, and without undue restrictions, the following rights and opportunities:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives.

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in their country.

Under the Treaty of Paris, the Congress of the United States is granted plenary powers over the territory, and it was provided that it would have the responsibility not only to determine the civil rights, but also the political status of its inhabitants. In this matter we must mention that Congress has not taken forceful action to define Puerto Rico’s status under the regimes of international law and the U.S. Constitution.

These rights began to be discussed after the approval of the Universal Declaration of Human Rights on December 10, 1948, adopted by the United Nations (UN). This declaration emphasizes the equality of rights that all human beings should enjoy. Article 2 states: "No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be an independent country, a territory under trusteeship, non-self-governing or under any other limitation of sovereignty. By this declaration Puerto Ricans residing on the island should have equal rights and duties as citizens residing in one of the fifty (50) states.

This statement has been used as an argument to establish that Puerto Rico is already fully defined after the approval of Act 600, which gave way to the creation of the Commonwealth on July 25, 1952. We must mention that the precedents set in cases subsequent to the creation of the Commonwealth create ambiguity in the fact that Congress continues to have plenary powers over and above the sovereignty that was recognized to Puerto Rico in 1952. The final determination made by the Supreme Court in the case of *Puerto Rico v. Sanchez-Valle*, and the establishment of the PROMESA Act, which creates the Fiscal Oversight Board, demonstrate the permanence of Puerto Rico as a territory subject to the plenary powers of Congress, which violates international agreements on the self-determination of peoples and the value of equal rights.

One of the flaws that we can identify about our civil and political order is the lack of recognition of the vote for the President of the United States, and equal representation in Congress therefore we don't have equal justice under the law. The articulated premise, has been in other jurisdictions, as in the case of Washington DC, the product of legal actions to grant equal right of representation and presidential vote for its citizens. In the case of Washington DC, the decision of the Human Rights Commission was forceful when it concluded that the fundamental rights of American citizens are above any law that limits them.

To address the status issue, regarding the feasibility of integrating presidential voting rights into the current political relationship between the United States and Puerto Rico, studies have been conducted and status review committees have been presented. On July 25, 1962, the then President of the United States, John F. Kennedy, in his response to a letter from then Governor Luis Muñoz Marín, affirmed the need to consult the people of Puerto Rico on their preference regarding their political status formula.

As a result of this exchange, the Government of Puerto Rico submitted to the Legislative Assembly a bill ordering the holding of a referendum. Public hearings were held for six weeks in which approximately 80 people testified. The discussion of the bill concluded in the need to clarify the definition of the Commonwealth before holding a referendum and the need to obtain a declaration from Congress on the formula it is willing to approve in order to hold a meaningful and binding referendum.

Pursuant thereto, H.R. 5945 is approved, with the purpose of establishing a Commission to study the Agreement between the United States and Puerto Rico. The Commission would be composed of twelve (12) members, four appointed by the President of the United States, four by the Governor of Puerto Rico, two by the President of the U.S. Senate, and two by the Speaker of the House of Representatives. Bill H.R. 5945, when passed, became Public Law 88-271. Among its considerations, the committee contemplated the issue of equal rights and conditions for Puerto Rico to have the right to vote for the President of the United States, which gave it political power and greater importance in the national affairs of the island.

Finally, we would like to allude to the Constitution of the United States, where in its preamble establishes the expression "We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America".

This declaration marks the core value of the nation's constitution and the intent by which it is created. The cases brought to abolish slavery in the nation, as well as other movements such as the suffragettes petitioning for women's right to vote, used this consensus to argue that the term "We the people" refers to the inclusion of all American citizens in the rights outlined in the U.S. Constitution.

Therefore, we believe it is meritorious to take action on what this resolution proposes, to promote equal rights and social justice for U.S. citizens residing in Puerto Rico, so that they may enjoy the right to vote for the President of the United States. It is important that the U.S. Congress take action on the referred case and enforce the rights of the Constitution for all U.S. citizens equally.

The bills before the House Committee on Natural Resources, chaired by Congressman Grijalva, allude to taking action in favor of the freedom of determination of the people of Puerto Rico on the future of their relationship with the United States. Certainly, the guarantee of the right to self-determination of the people of Puerto Rico has been guaranteed in all the processes of expression of the people through the various plebiscites held since 1967, until the last one held on November 3, 2020. But in order for the value of the people's right to self-determination to be realized, Congress has the duty to take action in favor of the democratic expression of Puerto Ricans residing on the island.

H.R. 1522, introduced by our only congressional representative, Jennifer Gonzalez, and Congressman Darren Soto, for consideration by the U.S. Senate and the U.S. House of Representatives, sets precedents in the history of the admission of territories as a state of the union. It also ensures concrete action on the mandate sent by the people of Puerto Rico last November 3 favoring statehood, with the ratification of the results and the approval of the President of the United States.

In contrast to H.R. 2070, presented by Congresswomen Nydia Velazquez and Alexandria Ocasio, who present a bill that seeks the creation of a status convention that is unprecedented in the processes of admission of territories to the nation, and historically only the colonies that have wished to betray themselves toward the formation of an independent Republic, have accepted it.

With much respect to this Congress and members of the House Committee on Natural Resources, I submit that H.R. 2070 does not represent the will of the people and I request that it not be taken into consideration. The only piece of legislation that provides the tools for the advancement of the Puerto Rican people and that represents the will of the majority of the Puerto Rican people is H.R. 1522.

Sincerely,

RICARDO MARRERO-PASSAPERA,
Candidate, Puerto Rico Congressional Delegation

DEMOCRATIC PARTY OF PUERTO RICO

April 6, 2021

The Honorable Joaquin Castro
U.S. House of Representatives
Washington, DC 20515

Dear Representative Castro:

We write to you as leaders of the Democratic Party of Puerto Rico to respectfully request that you not further support H.R. 2070—a bill that disrespects the people of Puerto Rico and their self-determination, including their choice of equality as Americans. We assume you supported this bill in good faith. We join our new Democratic Governor, Pedro Pierluisi, who previously served eight years in the U.S. House in opposing this undemocratic bill.

Last year, Puerto Rico's elected representatives approved a law for a plebiscite on statehood, a vote conducted by many territories that became States. Held along with November's 2020 general elections, virtually as many people voted in the plebiscite as voted for any local public office. The participation percentage was greater than similar votes in many territories. A solid majority voted for statehood after vigorous campaigns for and against it. The plebiscite followed two other status votes held in 2012 and 2017 that included all of the status options Congress' committees and successive administrations have said are possible. Majorities chose statehood in those votes as well. *There can be no purer self-determination process than the people voting on questions posed by their elected representatives.*

- H.R. 2070 would ignore the free and fair votes of Puerto Ricans, upheld by the Federal court as well as the insular Supreme Court. It attempts to pressure the territory into conducting a status process that the Government of Puerto Rico has declined to adopt for decades. *Democrats respect democratic election results and should respect Puerto Rico's self-determination as well.*
- The bill's process can include status proposals that are not possible, prolonging the territory status the people specifically voted against in 2012 and that H.R. 2070 purportedly wants to replace. Impossible proposals have confused the issue, preventing resolution. The bill's House author has written that the options can include independence, free association (nationhood in an association with the U.S. that either nation can end), "and any other non-territorial status". *The committees of jurisdiction of both houses of Congress and successive administrations have repeatedly determined that there can be no other option than statehood, independence and free association.*
- The bill proposes a congressional commission to make recommendations to Puerto Rico on its culture, language, and other matters as a State or a nation that are not within the jurisdiction of the U.S. Government under the Constitution and international law. *This would be anti-Latinx, offensive, colonial, xenophobic, and cultural imperialism: all of which are unthinkable for Democrats.*
- The bill would amend many Federal laws as unilaterally drafted by a convention in Puerto Rico without the committees of jurisdiction of either house in Congress being able consider the changes or Congress being able to amend the legislation. *Both houses would effectively be forced by the bill's rules changes to vote up or down on the Puerto Rico-drafted changes in Federal laws.*
- The bill could change Puerto Rico's status to one that is not the first choice of a majority of the territory's voters and one with even less votes than a plurality choice. *The territory's status should be a majority first choice.*
- The bill's status convention could be called by Puerto Rico's legislature without the enactment of a law in the territory, ignoring the Governor in this process. *It would be disrespectful and undemocratic for Congress to disregard the elected Governor of the territory.*
- The members of the bill's convention would serve indefinitely without having to face re-election no matter how long the bill's process takes. *Elected officials serving indefinite terms is undemocratic.*

These are just some of the deficiencies. *Most important, the bill would set aside the absolute majority choice of Puerto Ricans—Americans by birth—for equality within our Nation. It attempts to thwart our self-determination and impose a choice*

process on Puerto Ricans, suppressing the majority vote. It would allow for an outcome that would perpetuate a colonial status under which Puerto Rico is treated worse than a State, precluded from having votes in the government that makes its local laws when that government so wishes as well as votes in making the laws to which the whole Nation is bound.

Please do not further support the mockery of self-determination reflected in H.R. 2070.

By contrast, we and the Governor of Puerto Rico support H.R. 1522 by Representative Darren Soto and 57 others. We ask you to support this bill that respects Puerto Ricans, democracy, and self-determination.

With deepest thanks for your consideration of the request of the majority of the people of Puerto Rico, we are,

Sincerely,

Charles A. Rodríguez, Chair
Democratic Party of Puerto Rico

Johanne Vélez, Vice Chair
Democratic Party of Puerto Rico

María "Mayita" Meléndez,
Committeewoman
Puerto Rico Democratic National
Committee

Luis Dávila-Pernas,
Committeeman
Puerto Rico Democratic National
Committee

Submissions for the Record by Rep. Soto**Statement for the Record****Steny H. Hoyer**
House Majority Leader

Chairman Grijalva and Ranking Member Westerman, thank you for this opportunity to share my thoughts with the Committee regarding the political status of Puerto Rico, which has been a very important priority for me throughout my time in Congress.

For generations, Puerto Ricans have been an integral part of the American family, and millions of people born in Puerto Rico or of Puerto Rican heritage. The 3.2 million people living on the island are our fellow American citizens, and they contribute mightily to our common defense, and the social and cultural life of our nation. Puerto Rico's fragile economy, still in the midst of restructuring unsustainable levels of debt, has been hit hard by recent hurricanes, earthquakes, and the COVID-19 pandemic, and the prior Administration did not live up to its responsibility to extend help to our brothers and sisters on the island during their time of hardship and recovery. That was unfortunate, because it does not reflect what I believe is a deeply genuine sense of common purpose and common destiny that binds Puerto Rico to the rest of the United States. We take care of one another.

While Puerto Rico is served ably in Congress by my dear friend, the Resident Commissioner Jenniffer González-Colón, can any of us truly say Puerto Rico would have been treated this poorly in the wake of these disasters had it been a state and afforded full representation in Washington? The answer is self-evident.

I believe that the best path forward to resolve questions of Puerto Rico's political status is statehood, but that is a decision that must be left to Puerto Ricans themselves. I have long supported statehood for the people of Puerto Rico, but more importantly I believe in their right to self-determination. The people of Puerto Rico deserve the opportunity to chart their own future, and in my view, the people of Puerto Rico have told us time and time again, through multiple plebiscites in recent years, that they choose statehood. As recently as this past November, the people of Puerto Rico chose statehood in a simple up or down vote. I think that we in Congress would be wise to listen to what the people of Puerto Rico are telling us.

Statehood would afford the people living on the island all the rights, privileges, responsibilities, and equal treatment under federal programs that the current fifty states enjoy—everything from application of the federal minimum wage to access to Medicaid, supplemental nutrition assistance, and countless other federal programs. Most importantly, the people of Puerto Rico would have a greater say in determining the course of our nation's future, with equal representation in the Congress, including two senators, and a role in choosing our national leaders.

With a population greater than 20 of the U.S. states, there ought to be no impediment to admitting Puerto Rico as a state if they choose that course. To my friends on the other side of the aisle, who might presume from the outset what political party the people of Puerto Rico might favor in electing their representatives to the Congress, I would remind them that we were certain with the admission of Hawaii and Alaska to the Union that Hawaii would reliably elect Republicans and Alaska would be a stronghold for Democrats. Only the people of Puerto Rico will know the answer to that question. As my friend Rep. Don Young can attest, we ought to be careful about making decisions about the merits of the legislation before the Committee today with those presumptions in mind.

Our history with the people of Puerto Rico is complex, with over a century of their mistreatment as second-class citizens. It is time to right that wrong.

I thank the Committee for holding this hearing today and for considering bills introduced by my dear friends Reps. Velázquez and Soto. I hope the Committee will give a full and fair hearing to their respective pieces of legislation on the future of Puerto Rico's political status, and I appreciate the many efforts they have taken to craft their bills with care. I apologize that a prior commitment prevented me from being with you today in person, and I look forward to reading the statements of testimony and transcripts from this hearing—in addition to looking forward to continuing our work together in the Congress to ensure that Puerto Ricans have their voices heard loudly and clearly in this House as we address matters important to our common future.

Submissions for the Record by Rep. Velázquez

Status, Our People and Right to Vote by Victoria Muñoz Mendoza and Héctor Luis Acevedo

“The political status is to serve the quality of life that the Puerto Rican people want to create for themselves. The political status, we should repeat it a hundred times over and over again, is to serve those human ideals, not to deviate our people from the paths to fulfill them.

Luis Muñoz Marín

The people of Puerto Rico agonized for decades with the dilemma between statehood and independence. Our energies were diluted in these struggles and the problems of our people took a back seat. From this crisis emerged a creative agenda that recognized that our people are the top priority and not status. For decades we grew inside and out.

The Commonwealth was created without sacrificing our culture. Harmonizing the values of affirmation of our own culture and personality with American citizenship and its freedom of movement, promoting economic, educational and social development never seen or repeated in our history.

Today our people face great challenges that diminish their quality of life and their options for the future. These challenges must be overcome. The pandemic, closed schools, lack of jobs, debt, fictitious budgets and our government’s inability to combat corruption. Interposing the status debate on the road to recovery does not seem prudent or correct at this point. The day will come, but it is not here yet. It will come when we overcome the pandemic crisis, the Fiscal Control Board and resume our economy of hope.

This month, two bills were filed with the U.S. Congress on status. One pretends to impose statehood despite our people being divided in half, to impose a status of assimilation as a federal state that has no going back. In 1995 the status struggles led the government of Puerto Rico to request, contrary to its electoral program, the elimination of Section 936, which led to the loss of more than 100,000 jobs. A good part of our current economic problems is due to this action product of status fanaticism.

Another bill, based in good faith, seeks to impose a statehood or independence dilemma, removing Commonwealth from the ballot. It’s like going back to the 1930s and the struggles faced at that time when nationalists and pro-US forces fought violently against each other. It is not possible to speak of inclusion by excluding one of the two main options in our country. It is not possible to speak of self-determination and not respect the freedom of the people of Puerto Rico to choose their preferences through their constitutional right vote. One cannot speak of democracy if the rights of the Puerto Rican people are not respected. Taking away the right to vote from the Puerto Ricans that believe in the Commonwealth is an error of principle and of the practical realities of liberty.

It is our belief that Puerto Rico’s priorities should be directed toward creating consensus and a common ground that allows us to address the health, education and work crisis in which we are immersed.

We need to start a dialogue so that, in due course, all options are included, respecting differences, not trying to define an adversary’s preference, much less take them off the ballot. Puerto Ricans must be able to decide, without a conflict between our quality of life and its democracy. We must forge understandings to be able to dedicate our best energies to our people.

March 25, 2021 *El Nuevo Día*, page 35.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD POST-HEARING
AND RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

Submissions for the Record by Hon. Acevedo-Vilá

- Frente Puertorriqueñista (Puerto Rican Front) (signed by 115 stakeholders)—Manifesto and Letter of Support
- Views on Political Status Among Puerto Rican Voters, Hart Research Associates—Results of 2020 Telephone Survey

Submissions for the Record by José Fuentes

- Republican National Committee, Zoraida Fonalledas, National Committeewoman for Puerto Rico—Letter of Support for H.R. 1522, dated April 21, 2021

Submissions for the Record by Dr. Ponsa-Kraus

- Collection of three letters: Letter signed by 47 Legal and Constitutional Scholars supporting the Puerto Rico Admission Act of 2021 and opposing the Puerto Rico Self-Determination Act, submitted by Rep. González-Colón; a response to this letter from Constitutional Law Professors based in Puerto Rico; and Dr. Ponsa-Kraus's reply
- “Political Wine in a Judicial Bottle: Justice Sotomayor's Surprising Concurrence in *Aurelius*,” by Christina D. Ponsa-Kraus, September 21, 2020, *Yale Law Journal Forum*
- “The Battle Over Puerto Rico's Future,” by Christina D. Ponsa-Kraus, April 21, 2021, Constitutional Law Blog—Balkanization

Submissions for the Record from People's Hearing on Puerto Rico Self-Determination

- Maria de Lourdes Guzmá: Letter
- Marina Aleman: Letter of Support (H.R. 2070)

Submissions for the Record by VAMOS Puerto Rico

- Alejandro Torres Rivera: Informational Brief
- Alliance for Free Association (ALAS), José Ortiz Daliot: Letter of Support (H.R. 2070)
- Antonio J. Fas Alzamora, former President of the Senate of Puerto Rico: Letter of Support (H.R. 2070)
- Democratic Socialists of America, Austin González: Letter of Support (H.R. 2070)
- Eduardo Villanueva Muñoz: Letter to the Committee
- Gladys Franco, Co-Founder of the Boricua Solidarity Movement: Letter of Support (H.R. 2070)
- Javier Smith Torres: Letter to the Committee & Chairman Grijalva
- Justin Maldonado: Letter of Support (H.R. 2070)

- La Mesa Boricua of Florida, María Revelles: Letter of Support (H.R. 2070)
- María J. Torres-López: Letter of Support (H.R. 2070)
- Organización Puertorriqueña de la Mujer Trabajadora (OPMT), Alice Colón Warren: Letter of Support (H.R. 2070)
- Our Revolution Puerto Rico (ORPR), Maruxa Cárdenas: Letter of Support (H.R. 2070)
- Paul Figueroa: Letter of Support (H.R. 2070)
- Raquel M. Gonzalez-Sparks: Letter of Support (H.R. 2070)

Miscellaneous Letters/Statements in Support of H.R. 1522

Individuals

- Alba Calderon
- Andrés L. Córdova, Commissioner in Puerto Rico's Civil Rights Commission
- Dennis O. Freytes, U.S. Army (Ret.)
- Derick Leon
- Enid Acevedo
- Eugenio Matías Pérez
- Francisco Ortiz Berlingeri
- Gene Roman: Collection of News Stories, Pro-Statehood
- Joaquín A. Márquez
- Jose Avilés
- José Vicente, Filadelfia IDDPMI Santiago Iglesias
- Luis Matos
- Manuel De Jesus Lopez Alamo
- María C Robles-Torres
- Norika Rodríguez Carmona
- Sara Muñoz Meléndez
- Virgilio Sánchez Figueroa

Groups

- National Puerto Rican Equality Coalition
- Puerto Rico Escogió Estadidad, Inc.
- Puerto Rico-USA Foundation
- Young Professionals for Puerto Rico Statehood (YPPRS)

Miscellaneous Letters/Statements in Support of H.R. 2070

- ELA de Puerto Rico-Defensores Inc.
- Puerto Rican Action Movement (MAP)—Informational Brief

Miscellaneous Letters to the Committee

- John Ward Llambias
- José Luis Dalmau, President of the Senate of Puerto Rico and of the Popular Democratic Party
- Melissa Richardson
- Zayira Jordán Conde

Other Submissions for the Record

- Professors of Constitutional Law at ABA approved law schools in Puerto Rico
- H. Con. Res. 1, House of Representatives of Puerto Rico, 19th Legislative Assembly
- Emilio Pantojas García—Metro.pr, Opinion: El mito de una mayoría estadista
- Puertorriqueños Unidos en Acción (PUA), Manuel Rivera, Letter to Chair Grijalva and the Committee
- Diálogo Por Puerto Rico

