

I'm keeping these for blackmail purposes," she says. The three of them burst out laughing.

By 5:15 p.m., the INS manager who insists that "fair management and families" are the cornerstones of her personal and professional life, is walking in the side door of her house holding the leftover chicken enchiladas in her free hand.

# UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. YOUNG of Alaska. Mr. Speaker, today, the introduction of the United States-Puerto Rico Political Status Act will, for the first time in nearly a century of U.S. administration, provide a congressionally recognized framework for the inhabitants of Puerto Rico to freely express their wishes regarding the options for full self-government. I want to acknowledge the insightful leadership of Speaker NEWT GINGRICH in working with the committee to formulate a process to advance the United States-Puerto Rico relationship toward a conclusive one of full self-government. A number of Members have been supportive and instrumental in the development of the legislation, including ELTON GALLEGLY, chairman of the Subcommittee on Native American and Insular Affairs of the Committee on Resources, BEN GILMAN, chairman of the Committee on International Relations, and DAN BURTON, chairman of the Subcommittee on the Western Hemisphere who cochaired with Mr. GALLEGLY the October 17, 1995, joint hearing on the 1993 Puerto Rico status plebiscite. There also has been substantial input from Members on the other side of the aisle.

This matter of tremendous importance to the United States and the nearly 4 million United States citizens in Puerto Rico can only be resolved by adhering to constitutionally and internationally based principles and standards for full self-government. While many may misconstrue this legislation to be designed to benefit one local Puerto Rico political party over another, it is, in fact, a serious bipartisan effort to enact into law a pragmatic process with the long-term objective of resolving the Puerto Rico status dilemma. The legislation divides the process into three manageable stages which follow historical precedent set by the Congress in providing for final political statuses of territories and trust territories during this century.

The first step in the process is the initial decision stage in which voters are asked which fundamental relationship they prefer with the United States—one of separate sovereignty leading to independence or free association or under United States sovereignty leading to statehood.

The second and final steps are the transition and implementation stages which follow the historical patterns of enabling and admission acts for territories becoming States and similar measures for insular areas becoming separate sovereigns.

If this self-determination process does not result in voter approval of one of the recognized options for full self-government, then by democratic choice of the voters—instead of by Fed-

eral mandate—the status quo will continue and Puerto Rico will remain a locally self-governing unincorporated territory under congressional administration.

Under the U.S. Constitution and applicable principles of international law, the three recognized options for full self-government are independence, separate sovereignty in free association with the United States, and full integration into the United States leading to statehood. In order for Congress to determine how to respond to the aspirations of the people of Puerto Rico regarding a permanent, future political status in a manner which promotes and preserves the U.S. long-term national interest, we need to address the status question based on clearly defined principles and standards. This is precisely what the bill does.

Locally conducted plebiscites have been inconclusive, and were unduly influenced by vested interests exploiting the status quo. It is time for the U.S. Congress to meet its responsibility under the Constitution to provide for a self-determination procedure in which the U.S. national interest in resolving the status issue is taken into account, rather than allowing the issue to be dominated by local political rivalries and interference from those who thrive opportunistically on the present territorial status. The United States also has a right of self-determination and this process requires action by both the United States and Puerto Rico in order to advance toward a full self-government relationship.

After 400 years of colonial rule by Spain ended in 1898, it should not have taken another 100 years of American administration for the U.S. Congress to define the options for full and permanent self-government. The United States-Puerto Rico Status Act permits full self-government to be realized in Puerto Rico in definitive steps, with a smooth transition to whatever form of full self-government the people choose: independence, separate sovereignty in free association with the United States, or statehood.

There is an important event which took place recently which is relevant to the introduction of this legislation. On February 29, 1996, I joined three other House committee and subcommittee chairmen from the Committees on Resources and International Relations in responding to Concurrent Resolution 62 of the Puerto Rico Legislature.

In the Concurrent Resolution the legislature asks the 104th Congress to respond to the results of the November 14, 1993, status plebiscite in Puerto Rico, wherein the Commonwealth ballot proposition received a plurality of 48.6 percent votes cast, and to indicate the next steps in resolving Puerto Rico's political status. After extensive research, oversight, and a joint hearing, a substantial record was developed enabling a concise response to Concurrent Resolution 62.

Following is the text of the response to the President of the Senate and Speaker of the House of the Puerto Rico Legislature:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON RESOURCES,

Washington, DC, February 29, 1996.

Hon. ROBERTO REXACH-BENITEZ,

President of the Senate.

Hon. ZAIDA HERNANDEZ-TORRES,

Speaker of the House of Commonwealth of Puerto Rico, San Juan, Puerto Rico.

DEAR MR. REXACH-BENITEZ AND MS. HERNANDEZ-TORRES: The Committee on Resources and the Committee on International

Relations are working cooperatively to establish an official record which we believe will enable to House to address the subject-matter of Concurrent Resolution 62, adopted by the Legislature of Puerto Rico on December 14, 1994. While the specific measures addressing Puerto Rico's status which the 104th Congress will consider are still being developed, we believe the history of the self-determination process in Puerto Rico, as well as the record of the Joint Hearing conducted on October 17, 1995 by the Subcommittee on Native American and Insular Affairs and the Subcommittee on Western Hemisphere, lead to the following conclusions with respect to the plebiscite conducted in Puerto Rico on November 14, 1993:

1. The plebiscite was conducted under local law by local authorities, and the voting process appears to have been orderly and consistent with recognized standards for lawful and democratic elections. This locally organized self-determination process was undertaken within the authority of the constitutional government of Puerto Rico, and is consistent with the right of the people of Puerto Rico freely to express their wishes regarding their political status and the form of government under which they live. The United States recognizes the right of the people of Puerto Rico to self-determination, including the right to approve any permanent political status which will be established upon termination of the current unincorporated territory status. Congress will take cognizance of the 1993 plebiscite results in determining future Federal policy toward Puerto Rico.

2. The content of each of the three status options on the ballot was determined by the three major political parties in Puerto Rico identified with those options, respectively. The U.S. Congress did not adopt a formal position as to the feasibility of any of the options prior to presentation to the voters. Consequently, the results of the vote necessarily must be viewed as an expression of the preferences of those who voted as between the proposals and advocacy of the three major political parties for the status option espoused by each such party.

3. None of the status options presented on the ballot received a majority of the votes cast. While the commonwealth option on the ballot received a plurality of votes, this result is difficult to interpret because that option contained proposals to profoundly change rather than continue the current Commonwealth of Puerto Rico government structure. Certain elements of the commonwealth option, including permanent union with the United States and guaranteed U.S. citizenship, can only be achieved through full integration into the U.S. leading to statehood. Other elements of the commonwealth option on the ballot, including a government-to-government bilateral pact which cannot be altered, either are not possible or could only be partially accomplished through treaty arrangements based on separate sovereignty. While the statehood and independence options are more clearly defined, neither of these options can be fully understood on the merits, unless viewed in the context of clear Congressional policy regarding the terms under which either option could be implemented if approved in a future plebiscite recognized by the federal government. Thus, there is a need for Congress to define the real options for change and the true legal and political nature of the status quo, so that the people can know what the actual choices will be in the future.

4. Although there is a history of confusion and ambiguity on the part of some in the U.S. and Puerto Rico regarding the legal and political nature of the current "commonwealth" local government structure and territorial status, it is incontrovertible that

Puerto Rico's present status is that of an unincorporated territory subject in all respects to the authority of the United States Congress under the Territorial Clause of the U.S. Constitution. As such, the current status does not provide guaranteed permanent union or guaranteed citizenship to the inhabitants of the territory of Puerto Rico, nor does the current status provide the basis for recognition of a separate Puerto Rican sovereignty or a binding government-to-government status pact.

5. In light of the foregoing, the results the November 14, 1993 vote indicates that it is the preference of those who cast ballots to change the present impermanent status in favor of a permanent political status based on full self-government. The only options for a permanent and fully self-governing status are: (1) separate sovereignty and full national independence, (2) separate sovereignty in free association with the United States; (3) full integration into the United States political system ending unincorporated territory status and leading to statehood.

6. Because each ballot option in the 1993 plebiscite addressed citizenship, we want to clarify this issue. First, under separate sovereignty Puerto Ricans will have their own nationality and citizenship. The U.S. political status, nationality, and citizenship provided by Congress under statutes implementing the Treaty of Paris during the unincorporated territory period will be replaced by the new Puerto Rican nationhood and citizenship status that comes with separate sovereignty. To prevent hardship or unfairness in individual cases, the U.S. Congress may determine the requirements for eligible persons to continue U.S. nationality and citizenship, or be naturalized, and this will be governed by U.S. law, not Puerto Rican law. If the voters freely choose separate sovereignty, only those born in Puerto Rico who have acquired U.S. citizenship on some other legal basis outside the scope of the Treaty of Paris citizenship statutes enacted by Congress during the territorial period will not be affected. Thus, the automatic combined Puerto Rican and U.S. citizenship described under the definition of independence on the 1993 plebiscite ballot was a proposal which is misleading and inconsistent with the fundamental principles of separate nationality and non-interference by two sovereign countries in each other's internal affairs, which includes regulation of citizenship. Under statehood, guaranteed equal U.S. citizenship status will become a permanent right. Under the present Commonwealth of Puerto Rico government structure, the current limited U.S. citizenship status and rights will be continued under Federal law enacted under the Territorial Clause and the Treaty of Paris, protected to the extent of partial application of the U.S. Constitution during the

period in which Puerto Rico remains an unincorporated territory.

7. The alternative to full integration into the United States or a status based on separate sovereignty is continuation of the current unincorporated territory status. In that event, the present status quo, including the Commonwealth of Puerto Rico structure for local self-government, presumably could continue for some period of time, until Congress in its discretion otherwise determines the permanent disposition of the territory of Puerto Rico and the status of its inhabitants through the exercise of its authority under the Territorial Clause and the provisions of the Treaty of Paris. Congress may consider proposals regarding changes in the current local government structure, including those set forth in the "Definition of Commonwealth" on the 1993 plebiscite ballot. However, in our view serious consideration of proposals for equal treatment for residents of Puerto Rico under Federal programs will not be provided unless there is an end to certain exemptions from federal tax laws and other non-taxation in Puerto Rico, so that individuals and corporations in Puerto Rico have the same responsibilities and obligations in this regard as the states. Since the "commonwealth" option on the 1993 plebiscite ballot called for "fiscal autonomy," which is understood to mean, among other things, continuation of the current exemptions from federal taxation for the territory, this constitutes another major political, legal and economic obstacle to implementing the changes in Federal law and policy required to fulfill the terms of the "Definition of Commonwealth."

8. In addition, it is important to recognize that the existing Commonwealth of Puerto Rico structure for local self-government, and any other measures which Congress may approve while Puerto Rico remains an unincorporated territory, are not unalterable in a sense that is constitutionally binding upon a future Congress. Any provision, agreement or pact to the contrary is legally unenforceable. Thus, the current Federal laws and policies applicable to Puerto Rico are not unalterable, nor can they be made unalterable, and the current status of the inhabitants is not irrevocable, as proposed under the "commonwealth" option on the 1993 plebiscite ballot. Congress will continue to respect the principle of self-determination in its exercise of Territorial Clause powers, but that authority must be exercised within the framework of the U.S. Constitution and in a manner deemed by Congress to best serve the U.S. national interest. In our view, promoting the goal of full self-government for the people of Puerto Rico, rather than remaining in a separate and unequal status, is in the best interests of the United States. This is particularly true due to the large population

of Puerto Rico, the approach of a new century in which a protracted status debate will interfere with Puerto Rico's economic and social development, and the domestic and international interest in determining a path to full self-government for all territories with a colonial history before the end of this century.

9. The record of the October 17, 1995 hearing referred to above makes it clear that the realities regarding constitutional, legal and political obstacles to implementing the changes required to fulfill the core elements of the "commonwealth" option on the ballot were not made clear and understandable in the public discussion and political debate leading up to the vote. Consequently, Congress must determine what steps the Federal government should take in order to help move the self-determination process to the next stage, so that the political status aspirations of the people can be ascertained through a truly informed vote in which the wishes of the people are freely expressed within a framework approved by Congress. Only through such a process will Congress then have a clear basis for determining and resolving the question of Puerto Rico's future political status in a manner consistent with the national interest.

Ultimately, Congress alone can determine Federal policy with respect to self-government and self-determination for the residents of Puerto Rico. It will not be possible for the local government or the people to advance further in the self-determination process until the U.S. Congress meets its moral and governmental responsibility to clarify Federal requirements regarding termination of the present unincorporated territory status of Puerto Rico in favor of one of the options for full self-government.

The results of the locally administered 1993 vote are useful in this regard, but in our view are not definitive beyond what has been stated above. The question of Puerto Rico's political status remains open and unresolved.

Sincerely,

DON YOUNG,  
*Chairman, Committee  
on Resources.*

ELTON GALLEGLY,  
*Chairman, Subcommittee  
on Native American and Insular Affairs.*

BEN GILMAN,  
*Chairman, Committee  
on International Relations.*

DAN BURTON,  
*Chairman, Subcommittee  
on the Western Hemisphere.*