PUERTO RICO STATUS

HEARING

BEFORE THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

H.R. 856

A BILL TO PROVIDE A PROCESS LEADING TO FULL SELF-GOVERNMENT FOR PUERTO RICO

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UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

WEDNESDAY, MARCH 19, 1997

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC.

The Committee met, pursuant to call, at 11:07 a.m. in room 1324, Longworth House Office Building, Hon. Don Young (Chairman of the Committee) presiding.

The CHAIRMAN. The Committee will come to order.

It is a pleasure to welcome the witnesses here today as the Committee on Resources considers H.R. 856, the U.S.-Puerto Rico Political Status Act.

I am going to ask the audience if you would please try to restrain yourselves. This is going to be a hearing that may take a great deal of time. I want to offer as much courtesy as I can to the witnesses who appear today.

STATEMENT OF THE HON. DON YOUNG, A U.S. REPRESENTATIVE FROM ALASKA; AND CHAIRMAN, COMMITTEE ON RESOURCES

The CHAIRMAN. Today, we begin an important part of the congressional consideration of legislation to resolve Puerto Rico's political status by hearing from some of our colleagues in the House, the Governor of Puerto Rico, leaders of the three political parties of Puerto Rico and the Clinton Administration.

Last month, the top leader of the Puerto Rico Legislature presented copies of House Concurrent Resolution 2 asking the Congress to authorize a political status referendum to be held before the end of 1998. This legislation responds to the legislature's request to provide the necessary framework leading to full self-government for Puerto Rico.

I thank the witnesses from Puerto Rico for traveling to Washington to personally present their views on this legislation to the Committee. Your views today, and others later in Puerto Rico, are a crucial part of development of final legislation to resolve Puerto Rico's political status.

Next month, the Committee will go to San Juan and Mayaguez to hear from the people of Puerto Rico.

We will start today's hearings with a Members panel, whose comments I know will be very helpful to the Committee. I want to mention that the Committee has received a statement regarding this legislation and Puerto Rico's political status from a former

member of this Committee, Bob Lagomarsino. I would like to ask unanimous consent to submit his comments.

[Statement of Mr. Lagomarsino follows:]

STATEMENT OF HON. ROBERT J. LAGOMARSINO, A U.S. REPRESENTATIVE FROM CALIFORNIA

On January 23, 1997, the Legislature of Puerto Rico adopted Concurrent Resolution 2. This measure called upon the 105th Congress to establish a self-determination process which will enable the Congress and the people of Puerto Rico to complete the decolonization of the territory which began in 1952. It was in 1952 that an earlier joint self-determination process approved by Congress and the people pursuant to U.S. Public Law 600 culminated in establishment of internal constitutional self-government for Puerto Rico.

The Chairman of the Resources Committee and all the co-sponsors of H.R. 856 are to be commended for responding in a timely and bipartisan manner to the Legislature's request by introducing this historic legislation on February 27, 1997. I support the bill without reservation, and in my own view every Member of Congress who joins the sponsors of this bill in securing its early approval will be serving the national interest in a very significant way.

For far too long Congress acquiesced in the deferral of self determination for Puerto Rico. I had always hoped we could deliver on the American idea of equality and full self-government for the 3.8 million U.S. citizens of Puerto Rico when I was in Congress. Of course, that could only be accomplished by offering the people of Puerto Rico accurately defined choices between the status quo, statehood or separate nationhood, and then determining if Congress and the people can agree on the terms for implementing the option chosen.

While that somehow never seemed possible in the past, I believe H.R. 856 will accomplish this goal. Thus I welcome the opportunity to submit this statement in support of the measure.

THE MOMENT OF TRUTH FOR THE UNITED STATES AND PUERTO RICO: MORE PERFECT UNION THROUGH STATEHOOD OR AN END TO UNION THROUGH SEPARATE NATIONALITY?

In the U.S. system of constitutional federalism, statehood is the most perfect form of political union. For any territory within the sovereignty of the U.S. and having a U.S. citizen population, only statehood constitutes full self-government based on the principle of equality with all other citizens. Short of statehood, the less perfected but next most complete condition of political union is that of an incorporated territory to which the U.S. Constitution and political rights have been extended to the fullest extent possible for a non-state area within U.S. sovereignty. Historically, this is the conventional path to statehood.

Unincorporated status with internal self-government under a local constitution, including the "commonwealth" structure of local self-government, is the status which occupies the next lower position in the scheme of political union under the constitution. While the federal constitution applies in full to the states, and incorporated territories can achieve "virtual statehood" through integration into the constitutional process on the broadest level possible, under the territorial clause and the court-invented legal status theory of the Insular Cases an unincorporated territory is integrated into the union in a far more narrow sense. Downes v. Bidwell, 182 U.S. 244 (1904); Dorr v. United States, 195 U.S. 138 (1904).

Thus, even where statutory U.S. citizenship is extended and there is elected local government under a constitution or an organic act, only "fundamental rights" under the federal constitution apply of their own force in an unincorporated territory. Balzac v. People of Puerto Rico, 258 U.S. 298 (1922). Otherwise the U.S. Constitution and federal law apply only temporarily to the extent Congress determines in its discretion under the territorial clause. Reid v. Covert, 354 U.S. 1 (1957).

These U.S. Supreme Court decisions establish that the unincorporated "commonwealth" relationship is temporary by nature, and disenfranchisement and less-than-equal discriminatory treatment of citizens of the territory is deemed constitutionally permissible. Harris v. Rosario, 446 U.S. 651 (1980). Even in the organized and locally self-governing unincorporated territories, including Puerto Rico, the plenary nature of the territorial clause power reduces the operation and effect of the principles of limited government, national uniformity, and rule of law as practiced in the states.

The only more imperfect form of union than that of the unincorporated U.S. territories is that of unorganized possessions (Example: Wake Island). While residents of incorporated and unincorporated territories and possessions can enjoy many of

the blessings of American citizenship to the extent Congress determines, including economic benefits and security through various degrees of political union with the United States, only statehood confers a condition of permanent and constitutionally guaranteed equal citizenship and full self-government.

Thus, for the population of any territory which wishes to remain within U.S. sovereignty, completion of the process of integration through statehood is the only path to full self-government. The only alternative within the framework of the U.S. Constitution is to continue indefinitely in a less than fully self-governing status, which is plausible only as long as Congress deems that to be consistent with the national interest and the people concerned do not themselves make the choices required to seek a change of status.

The only other path to full self-government for the peoples of the unincorporated U.S. territories is to seek though self-determination to achieve equal citizenship and full self-government based on separate sovereignty, nationality and citizenship. The options of separate sovereignty in the form of simple independence or free association are the two forms of full self-government through nationhood recognized under both international and U.S. law. See, Compact of Free Association Act of 1985 (U.S. Public Law 99-239).

UNDERSTANDING THE CONSTITUTIONAL PROCESS FOR SELF-DETERMINATION

Obviously, there is a cultural dimension to the process for full and compete decolonization of Puerto Rico. However, the process for sustaining cultural identity and achieving social integration in our nation will continue to be played out through the evolution of American civilization at the cultural level.

Without minimizing the importance of the cultural reconciliation that is essential to successful decolonization, it must recognized that as a political transaction decolonization is accomplished through the legal and constitutional mechanisms by which the inherent sovereignty of our people is established, recognized and exercised. Until the ultimate status of the people of Puerto Rico is resolved through sovereign self-government based on either statehood or separate nationality, the manner in which sovereignty is exercised in the case of Puerto Rico will be dysfunctional to the extent that it is constitutionally incomplete and less than equal.

To promote recovery by Puerto Rico and the nation as a whole from the dysfunctional dynamics of the colonial relationship, it is necessary to recognize that in our political economic system prosperity and a higher quality of life must never be taken for granted. Rather, as Ronald Reagan told the General Assembly of the United Nation in 1987, all the things we identify with the "good life" in America are the product or results of the rights we have under our constitutional system.

These includes equal justice under the law, freedom of expression and conscience, limited government, consent of the governed, rule of law, an ordered scheme of liberty and due process. Once these rights are secured we must exercise them vigorously and meet the responsibilities of citizenship in order to preserve the national interest and pursue individual happiness.

In the case of Puerto Rico, however, the full rights of citizenship have not yet been secured, and the residents of Puerto Rico have not yet experienced in their homeland the full responsibilities and rewards of equal citizenship. The conditions that have prevented completion of decolonization in favor of a recognized form of sovereign self-government have been more political and legal than cultural.

Full decolonization has been delayed for so long that the failure to resolve the underlying political status issue has become the most problematic element of the overall process of cultural and economic integration as well. In other words, the incomplete political status process is impeding the social, economic and cultural process of decolonization and reconciliation.

Thus, in 100 years the people of Puerto Rico and the other peoples of our nation as a whole have developed strong and positive cultural and economics inter-relationships, but the failure to resolve the political status question in a legal and constitutional sense is preventing the achievement an ultimate social reconciliation which can be sustained through either statehood or separate sovereignty in accordance with the wishes of the people.

In order for the people to express their wishes as to which political status will be adopted to sustain their identity as well as their relationship with the U.S., there must be a constitutionally valid process in which the options are defined clearly. That is what H.R. 856 will provide.

Thus, rather than focusing here on the cultural dimension of the decolonization process, it is imperative that we examine more closely the legal and constitutional mechanics of the process. For it is through these mechanisms that the people will be empowered to express their will at the political, as well as the cultural, levels.

This is how the true identity of a people is translated through self determination into full self-government.

Definitions of status options that are not realistic or which can not be implemented disempower the people and undermine the decolonization process. That is what happened in 1993, and the following discussion reflects my judgment that H.R. 856 will establish a process that will produce results which both Puerto Rico and the Congress will be able to understand. This will provide the basis for completion of the decolonization process that began with adoption of the local constitution under P.L. 600 in 1952.

It is significant, therefore, that, like the provisions of Public Law 600 which established the process for approval of the local constitution in 1952, H.R. 856 would establish a multi-staged process for completing the next—and final—phase of decolonization. Thus, H.R. 856 recognizes that until the decolonization process is completed the political union between the U.S. and Puerto Rico is defined constitutionally as impermanent, and both of the two parties to the present political relationship retain the right of self-determination with respect to its future.

Recognition that there are two parties to the self determination process—Congress and the residents of the less than fully self-governing territory, is entirely different from and contrary to the assertion of a "bilateral" relationship between an "autonomous" Puerto Rico and the U.S. based on an unalterable pact. The notion of a formal and legally binding "bilateralism" between the Congress and an unincorporated territory with the framework of the federal constitution is untenable.

Indeed, putting aside for the moment only the cultural bonds which exist after 100 years of close albeit impermanent political union, the U.S. has the sovereign power constitutionally, as well as a right under applicable international law, unilaterally to terminate the relationship at any time in favor of independence for Puerto Rico. Nevertheless, the U.S. clearly intends, prefers and—in the absence of currently unforeseen circumstances—is committed to resolution of the status of Puerto Rico through a cooperative self-determination process.

Thus, as a legally non-binding but voluntarily assumed obligation consistent with international standards of self-determination recognized by the United States, every Congress and every U.S. President since 1952 has recognized that the current status of Puerto Rico can be terminated in favor of permanent union or separate nationhood on terms approved by Congress and the people of Puerto Rico. As a consequence, only if Puerto Rico exercised the right of self-determination in favor of unilateral action on its part to terminate the relationship without an agreed succession process would the excellent prospects for a very orderly and cooperative process perhaps be changed.

In addition to demonstrating that decolonization and a permanent status have not been achieved, the willingness of Congress and the President to recognize an ongoing right of self-determination for both parties to the existing temporary form of political union confirms the need to include in any further self-determination process the same multi-staged decision-making mechanism as Congress employed in P.L. 600. For just as Congress recognized in Section 1 of P.L. 600 and must continue to recognize, the principle of consent of the governed applies in this case to both the people of the United States as a whole and to the people of Puerto Rico.

It is required, therefore, that in resolving the status of Puerto Rico the Congress must exercise the right of self-determination on behalf of the U.S. citizens in the nation as a whole, while the U.S. citizens of Puerto Rico whose status and relationship with the U.S. will be decided also have a right to self-determination. For as a distinct body politic in an impermanent political union with the United States, the U.S. citizens of Puerto Rico also must have the opportunity to express freely their wishes as to the status of Puerto Rico.

Because H.R. 856 is grounded firmly in the historical process through which the people of an unincorporated territory can achieve full self-government through a legitimate process of self-determination, I strongly endorse and support its enactment. Upon approval, it will enable Congress and the people of Puerto Rico to enter the next century on a path to liberty and equality.

SELF-DETERMINATION BASED ON DIGNITY AND MUTUAL RESPECT

Within the evolutionary cultural process in our society there can exist many peoples and many nations in the cultural sense. Respect for this ethnic diversity and dignity, cultural pluralism, and transcendence of ethnocentricty in its negative forms is one of the difficult but essential lessons through which any civilization comes of age. The learning of this lesson through conflict and reconciliation, a drama played out in our open society for all the world to see, has been but another

of the ways in which the United States of America has been a leader of world civilization in this century.

Again, the resolution of Puerto Rico's political status remains the last act in the drama of decolonization and social reconciliation for our citizenry of the territory and the nation as a whole. In addition to the political and social dimensions of this process, economic integration is also an element of the evolving relationship. Luis Munoz Marin realized that continued political union with the U.S. was in Puerto Rico's economic interest, and that has been proven in recent years.

Whether self-determination leads to statehood or separate nationhood, Puerto Rico would do well to stay with market-oriented reforms and private sector led development which have emerged after years of command economics and government managed markets. Only the market-driven economic model can be sustained without undue dependence on the discretion of Congress—which didn't prove too reliable in the case of the experimental economics of Section 936. Through strategic economic diversification Puerto Rico will recover from the Section 936 corporate welfare scheme which was the economic engine of the colonial status quo—perpetrated in the name of the poor for the benefit of the powerful.

In this cultural and economic context, the social integration between the people of Puerto Rico and the other peoples of this great nation has been one of the most enriching and rewarding of the major cultural processes which have shaped the American experience as our nation come of age in this century. It is a complex and challenging process, and there have been miscalculations and mistakes made by federal and territorial leaders which have not served well the people of the territory or the nation as a whole.

However, in the territory and in the larger nation we have never given up on finding a solution, and while the momentum toward an ultimate status has been slowed at times it has never been broken. Now as the century draws to a close, it is time for the anachronistic political, legal and constitutional relationship between Puerto Rico and the nation as a whole to be brought into alignment with the more evolved social, cultural as well as economic relationships.

Thus, as noted above, in drafting legislation to prescribe a self-determination process it is necessary to focus on how to resolve the political, legal and constitutional status of Puerto Rico in both procedural and substantive legal terms, rather than in cultural and ideological terms.

Having underscored that point, I also want to note that it has been suggested to me on numerous occasions that there is little which is philosophically resonant about the legal mechanics of the constitutional process for self-determination. The lack of a poetic dimension to the politics of solutions instead of protest is something that has been pointed out to me frequently.

I could not disagree more. For in my mind the Declaration of Independence, the Preamble of the U.S. Constitution, and the Preamble to the Constitution of the Commonwealth of Puerto Rico all contain the poetry of freedom.

Some people may be more moved or have their passions more aroused by the literature of political alienation and cultural anger over past grievances. However, that kind of vitriolic self-indulgence and ideological solipsism often is a luxury that can be afforded by those who like to taste of fruit of freedom but have never had to pay for it.

Perhaps we all need to stop and remember that in this century Puerto Rico's best and bravest have joined the best and bravest from throughout our nation and gone in harm's way so the rest of us can continue to live free. To honor their sacrifice, we have a duty to do the hard and sometimes tedious work of democracy and self-determination within the ordered scheme of liberty under our constitutional documents of freedom.

Even if it is not always as glamorous or exhilarating as making pedantic pronouncements or reciting poetry about abstract notions of political philosophy, we owe it to those who saved all of us from the common enemy to resolve the status of Puerto Rico because that is what they would want us to do.

So the next time some cultural separatist or ideological elitist condescendingly notes that there are no poems about the constitutional process for resolving the legal and political status of Puerto Rico, we should remember that in liberating strife the blood of Puerto Rican born Americans has mixed with that of Americans of all other backgrounds in the sands of Somalia and the muddy soil of Sicily. Apparently, these heroic people who made everything we have in America possible found the literature in the documents of our democracy inspiration enough to march into the gaping jaws of annihilation to preserve liberty for our common *patria-pueblo.*

You want poetry about the difference between perpetual colonial status and constitutional equality? Have you read the words to the "Star-Spangled Banner" re-

cently? Are you longing to hear the poetic expression of dignity through full participation in democracy? Try listening to a group of kids sing "...God shed His Grace on thee, and crowned thy good with brotherhood, from sea to shining sea..." That does not mean we have never fallen short of that ideal in the past, but it expresses what America—including Puerto Rico—has the potential to become if we all take the solemn work of democracy seriously.

COLLAPSE OF THE "UNALTERABLE BILATERAL PACT" DOCTRINE OF COMMONWEALTH

Recognition by Congress in Section 1 of P.L. 600 of the principle of consent was "in the nature of a compact" involved joint consent only with respect to the process for approval of the constitution. When the people voted to approve the terms of P.L. 600 on June 4, 1951, the agreement which was "in the nature of a compact" was that the constitution would be approved in the manner prescribed by P.L. 600. It was an agreement to organize local constitutional self government through the P.L. 600 procedure to which both parties consented.

Contrary to what has been asserted for forty years by those who seek to deny both the U.S. and the people of the right to further self determination, the agreement "in the nature of a compact" related to the process of approval of the constitution by joint consent and did not convert the relationship into a permanent form of union that can be altered only by "mutual consent." Those who espouse that ideological doctrine do not want the people of the U.S. as a whole, or the people of Puerto Rico in their own name and right, to have a choice to change the current status.

This attempt to convert the commonwealth structure for local self-government into a political status straight-jacket for Puerto Rico has become an impediment to completion of the decolonization process that began in 1952. The adoption of local constitutional self government at that time was a historically significant stage in the decolonization process, but it was not intended to be the final stage. Those who argue that the current status is the best that the U.S. and Puerto Rico can do merely usurp the power and diminish the meaning of the local constitution as an instrument through which the continuing right of self-determination can be redeemed.

Indeed, adoption of a local constitution in 1952 was historic because it enabled the people of Puerto Rico to act in their own name and right as to the internal affairs of the territory, as well as in legal and political relations with the national government. This, of course, was on the basis of U.S. sovereignty and within the framework of our American system of constitutional federalism, meaning that Congress retained its territorial clause authority and responsibility until the decolonization process commenced in 1952 was fulfilled through statehood or separate nationhood for Puerto Rico.

Through the institutions of internal self-government established in 1952 Puerto Ricans were empowered, among other things, freely to express their wishes regarding a permanent and fully self governing political status. Thus, establishment of the "Commonwealth of Puerto Rico" structure for local constitutional self-government in 1952 was a great democratic self-determination accomplishment, one which afforded the residents of the territory the ability to govern their own internal affairs and achieve an ultimate status consistent with a recognized form of full self-government through informed self determination.

That this decolonization process would be fulfilled in accordance with the U.S. federal constitutional process was entirely consistent with the continuation of U.S. sovereignty, nationality and citizenship in Puerto Rico as provided under the Constitution of the Commonwealth of Puerto Rico approved by Congress and with the consent of the people in 1952. Indeed, in 1953 the U.S. circulated to the General Assembly of the United nations a written legal statement which informed Puerto Rico and that world that under the commonwealth structure of local self-government Puerto Rico was subject to "...compliance with the applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution [of Puerto Rico], as may be interpreted by judicial decision."

On that basis, the U.N. General Assembly accepted the U.S. decision to cease reporting to the U.N. on the status of Puerto Rico. See, G.A. Resolution 748 (VIII), September 27, 1953. The Committee on Resources documented these matter quite thoroughly in House Report 104 713, Part 1, so I will not elaborate further here.

However, the attempt of some Puerto Rican leaders and political groups to create "bilateralism" within the U.S. federal system has been perpetrated under a "nation-within-a-nation" interpretation of the commonwealth structure of local constitutional self-government which must fail.

That doctrine of an illusory bilateralism between the people of Puerto Rico and the larger national community is the product of tortured intellectualism which has

been harnessed in service to paternalistic and anti-democratic attitudes. Those who do not trust the people, or do not want them to have a free choice, have used the myth of an "unalterable bilateral pact" to perpetuate their own power and prevent the decolonization process from being fulfilled.

Having been involved in the question of Puerto Rico's status for many years as a Member of Congress, I continue to study developments in the relationship with keen interest. My sense is that with the end of the Cold War and the demise of the command economics-social engineering policies epitomized by the Section 936 tax credit provisions, the time for completion of the decolonization process for Puerto Rico finally is at hand.

For so many years it seemed that those who sought fulfillment of the promise of self-determination might never overcome the influence of those whose economic and political power was derived from the "invisible" colonialism of the Section 936 tax credit regime. However, the neo-colonialist nature of that political-economic model was revealed when Congress exercised its territorial clause power to unilaterally eliminate one of the pillars of the "unalterable bilateral pact" ideology.

No one can take any personal pleasure whatsoever in the disillusionment of all those honest and patriotic Puerto Rican born Americans who were misled into believing in the revisionist interpretation of commonwealth. It is no coincidence, though, that the advocates of the mythological version of commonwealth in many cases also profited from it. For those who chose self-interest over self determination for their own fatherland, the path to redemption and reconciliation is to choose one of the legitimate paths to full self government as defined in H.R. 856.

In this regard, I recently was told of the article in El Nuevo Dia which quoted former Governor Hernandez Colon as comparing Resources Committee Chairman Don Young to the Spanish General Palacio, who was described in the article as a tyrant who inflicted brutality on the people of Puerto Rico. The occasion of the former Governor's remarks was the 107th birthday of Roman Baldotioty de Castro, who espoused autonomy for Puerto Rico.

This causes me to ask, who is the oppressor? Who are the victims?

During the 1996 elections, Mr. Hernandez Colon told the people that the election should be viewed as a referendum on the Young bill, and that the voters should support candidates who stood with him in defense of the bilateral pact doctrine. By historic margins the voters elected candidates who are willing to roll up their shirt sleeves and work with Congress to forge acceptable self-determination legislation based on the Young bill—without pandering to those who will not recognize that the "unalterable bilateral pact" doctrine has been discredited ethically as well as politically.

Who, then, is seeking social justice and self-determination by the truest course? Who seeks most directly and without device or presupposition to empower the people of Puerto Rico to achieve decolonization? Who accepts the verdict of the people and who resists the democratically expressed will of the voters?

It is one of the confirming symptoms of prolonged albeit benevolent colonialism that those who thrived financially or wielded great power under the less than fully self-governing status develop elaborate theories to justify the continuation of that status. Thus, a whole host of lesser known commentators have become the spin doctors of commonwealth, administering almost daily doses of the tortured logic of the bilateral pact theory of "autonomy."

What would Luis Munoz Marin do if he were alive today? What about Roman Baldotoity de Castro? Would they turn their backs on a U.S. Congressman who thinks it is time for Puerto Rico and Congress to determine if Puerto Rico should become a state on the basis of equality or a nation based on separate sovereignty? Would they insist on a form of "autonomy" that does not protect the rights or the dignity of the people of Puerto Rico?

Has "autonomy" as Mr. Hernandez Colon defines it become the enemy of the people's inherent sovereignty and their right to make a choice between equal citizenship or separate nationality? Has the vision of Mr. Munoz Marin which started the process of decolonization in 1952 been hijacked by those who can not believe the hour has come to fulfill that vision?

Are the apologists, protectors and defenders of the accommodations made to colonial realities in the name of "autonomy" in 1952 so completely beguiled by their own rationalizations for the current status that they are resisting completion of the decolonization process now that the it is possible to do what could not be done in 1952?

Who is really playing the role of Palacio in this more enlightened era? Who seeks to retain power at the expense of liberty?

Who is withholding the keys to freedom from the people? Who is telling them that what they have is the best they can hope for? Who is telling them that waiting for

the political elite to bestow enhancements is safer for the people than taking control of their own destiny?

Who are the victims of the bilateral pact myth? Who was diverted from the path to decolonization by the schizophrenic doctrine that gave the current status one name in Washington and another in San Juan?

The answers to these questions are now self-evident. We all were victims, even as we all were beneficiaries in some degree. However, for the people of Puerto Rico and the nation as a whole the point of diminishing returns on our political, economic and social investment in "commonwealth" was reached even before Section 936 was repealed.

It is just as self-evident that statehood, if chosen freely by the people in a legitimate act of self-determination, is not a form of "annexation." Similarly, living under the false doctrine of empowerment which is not recognized or respected by the colonial power is not "autonomy."

Rather, statehood is just as valid, ethical and patriotic way to sustain the individual and collective dignity and identity of the people of Puerto Rico as separate nationality.

The love which people born in Puerto Rico have for *patria pueblo* can be expressed through either statehood or nationhood. If the U.S. Congress is ready to recognize that reality, why are some in Puerto Rico unwilling to do so?

Mr. MILLER. Mr. Chairman, if I might, I would like to submit the comments of Former Governor Hernandez Colon.

The CHAIRMAN. Without objection, it will be submitted for the record.

[The statement of Mr. Colon may be found at end of hearing.]

The CHAIRMAN. Mr. Lagomarsino served on this Committee as Ranking Republican on territorial issues for a decade and dealt with insular issues for almost 20 years and was intimately involved with Puerto Rico's political status.

In reviewing Mr. Lagomarsino's statement, one should remember he introduced legislation in 1988 authorizing a referendum on Puerto Rica's political status and was heavily criticized by some for raising what many considered to be a very difficult issue that should be left alone. The only hearing on Lagomarsino's Puerto Rico political status referendum legislation in the 100th Congress was a forum in the Capitol sponsored by Senator Strom Thurmond and former Senator Spark Matsunaga.

However, Bob Lagomarsino's foresight and leadership regarding Puerto Rico's political status was affirmed the next year in 1989 when President Bush asked the Congress in his first State of the Union address to authorize a referendum on Puerto Rico's political status. In addition, a number of the same voices who criticized Lagomarsino's 1988 call for a referendum on Puerto Rico's political status began early in 1989 to urge the Congress to pass a bill for a federally authorized status referendum.

However, no Puerto Rico political status legislation was enacted into law during President Bush's term in office. That was in spite of tremendous efforts by individuals like Bob Lagomarsino, who of course was in the Minority at that time, and many others on both sides of the aisle in the Capitol.

The 1989 to 1991 legislative initiatives of the House and Senate to resolve Puerto Rico's political status were unsuccessful primarily because they did too little or required too much.

In contrast, I believe the three-stage process in the United States-Puerto Rico Political Status Act provides a manageable and practical approach to resolving Puerto Rico's political status. Budgetary, legal, political concerns are dealt with as necessary in the appropriate stages of the process and are consistent with past precedents of the United States in dealing with the evolution of ter-

ritories to permanent forms of full self-government. Perhaps most importantly, the legislation incorporates the principles of self-determination for the United States and Puerto Rico, as both the Congress and the people of Puerto Rico must approve of each stage in order for the political status process to advance.

In 1998, we will observe the 100th anniversary of the United States administration of Puerto Rico. During this century, the residents of Puerto Rico and the United States have enjoyed the benefits of U.S. sovereignty and nationality in Puerto Rico as an unincorporated territory, including increasing levels of self-government and statutory U.S. citizenship since 1917.

However, the time has come to complete the self-determination process so that a recognized form of full self-government can be established for the islands. The degree of local constitutional self-government established under Federal law in 1952 has allowed the Federal-territorial relationship to evolve, but it can't be sustained forever in the absence of an informed act of self-determination in which the options are defined accurately.

Currently, Puerto Rico remains in political, but not permanent, union with the United States and is governed under the territorial clause authority of Congress defined in article IV, section 3, clause 2 of the U.S. Constitution. Surely after a hundred years of U.S. sovereignty Congress also has the responsibility under the territorial clause to define the terms under which it would be willing to bring the 3.8 million U.S. citizens of Puerto Rico into the more perfect State of the Union enjoyed by the citizens of territories which have achieved statehood such as Alaska and Hawaii.

Similarly, Congress has a responsibility to define the basis upon which it would approve termination of Puerto Rico's territorial status in favor of separate nationhood as an independent country or a separate sovereign in free association with the United States. Only when these options for full self-government—as Congress is willing to consider them—have been accurately defined can the people make an informed choice.

The current process and status definitions embodied in the United States-Puerto Rico Political Status Act is a result of the record established in the last Congress through hearings in Washington, D.C. on October 17, 1995, and in San Juan, Puerto Rico, on March 23, 1996, as well as the deliberative process of subcommittee and Committee actions during the balance of 1996. These cumulative efforts resulted in the legislation being placed on the Union Calendar at the end of the 104th Congress and the introduction of an updated U.S.-Puerto Rico Political Status Act, H.R. 4281, which served as the basis for and with text identical to the that of the current H.R. 856.

The year of 1997 is the year to act, to empower the people of Puerto Rico in 1998 to choose their final political status destiny. No more excuses and delays to the resolution of Puerto Rico's political status. Puerto Rico has demonstrated the ability to function democratically under local constitutional self-government for 45 years. Even more significantly, the people of Puerto Rico have overwhelmingly and loyally supported this Nation in every armed conflict with enormous personal sacrifice for nearly a century. They have earned the right many times over to seek separate nationality and

citizenship or full and guaranteed U.S. citizenship as a permanent part of the United States.

Now we have a moral obligation to deliver, finally, to the Americans of Puerto Rico the blessings of liberty and democracy which General Miles proclaimed to have brought upon arrival of the United States in Puerto Rico in 1898. This can be accomplished through a federally authorized status referendum in 1998 as provided in the United States-Puerto Rico Political Status Act, H.R. 856.

I am very proud to be the cosponsor of this legislation along with Mr. Miller.

I yield to him for an opening statement.

STATEMENT OF THE HON. GEORGE MILLER, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. MILLER. Thank you, Mr. Chairman.

I ask unanimous consent that my statement be placed in the record, and I will yield to Carlos Romero-Barceló of San Juan for the purpose of an opening statement, and then my understanding is we will go to the questions.

[The statement of Mr. Miller follows:]

STATEMENT OF HON. GEORGE MILLER, A U.S. REPRESENTATIVE FROM CALIFORNIA

We are here this morning to receive testimony from the three political parties in Puerto Rico as well as the Administration regarding H.R. 856, the United States-Puerto Rico Political Status Act.

This issue and its resolution is of great importance not only to the 3.4 million U.S. citizens in Puerto Rico but to All of us as Americans. It tells us that this Congress has a moral obligation to seriously consider all aspects surrounding status. This bill will mandate that a vote be taken in one year's time to decide a political status option for the future. The options in the bill are between the current status of commonwealth, admittance into the union as the 51st state, or an independent nation.

This is not a symbolic exercise. We can not demand a vote by Federal law and then refuse to carry out the wishes of the voters. If you are not willing to offer commonwealth, statehood, or independence, then we must not proceed further with this bill. To the voters of Puerto Rico I pledge that I will do all that I can to make sure that what is written into law will become reality if you so chose and within a reasonable transition period.

As many of you know I was not a cosponsor of similar legislation last year, I am however, a cosponsor of H.R. 856 because important changes have been made. A major concern is that the political parties have the opportunity to submit what they believe to be appropriate definitions for their status option. A request went out from Chairman Young and myself, and I expect to see definitions at the end of the month. These will be given serious consideration and Congress will ultimately determine the definitions.

During the hearing and mark up process, I will address the transition time frame for I believe the "minimum of 10 years" now in the bill is far too long. The voters of Puerto Rico deserve to know that we are serious in offering this status plebiscite, and that the transition to a new status, should that be chosen, will occur expeditiously.

I want to commend my colleagues, Chairman Young and Resident Commissioner Romero-Barcello for keeping this important issue before us. I also serve on the Economic and Education Opportunities Committee with Carlos where he has taught me much about the way education programs are extended in Puerto Rico.

I thank all those here this morning and look forward to what I'm sure will be a lively and enlightening debate.

The CHAIRMAN. The gentleman from Puerto Rico is recognized.

STATEMENT OF THE HON. CARLOS A. ROMERO-BARCELÓ, A U.S. RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. ROMERO-BARCELÓ. This morning I got up and looked out the window and saw it was snowing; and I commented to my wife, joking, perhaps that this was an omen to have a hearing on the status of Puerto Rico.

I would like to begin my remarks today by commending you, Mr. Chairman, for your initiative in scheduling this hearing of H.R. 856, the United States Puerto Rico Political Status Act, and for your commitment to the force of government in ending the disenfranchisement of the 3.8 million U.S. citizens of Puerto Rico.

I want to thank our Ranking Minority Member, Mr. Miller, for his efforts to have the opportunity to decide freely, without ambiguity and decisively what the island's political relationship with the 50 States should be. The leadership on this issue has been instrumental in allowing us to reach the point where we are today.

Last, but not least, I want to publicly thank the 80 Members from Congress on both sides of the aisle who cosponsored this legislation. Their support is certainly appreciated and needed.

Mr. Chairman and fellow Members, it was almost 100 years ago that in 1898 Spain ceded Puerto Rico to the United States at the end of the Spanish-American war. In 1917, Puerto Ricans became U.S. citizens, a citizenship we have cherished and valued ever since and a citizenship that we have defended with our lives and with our blood.

Then, in 1952, the island adopted a local Constitution and gave us a name of the Commonwealth of Puerto Rico, a purely cosmetic change that did not in any way affect the island's status as an unincorporated territory of the United States, subject to the authority and powers of Congress under the territorial clause of the Constitution. In international terms, Puerto Rico remained a colony.

Many of the advocates for commonwealth have testified in the congressional hearing on March 4, 1950, that the proposed changes to the island's status, quote, "did not change the fundamental conditions of Puerto Rico's nonincorporation and only permitted Puerto Rico to develop its own self-government."

Since that moment, a former Chief Judge of the Supreme Court and member of the Puerto Rico Constitutional Assembly and one of the legal architects of the Commonwealth commented, even after 1952, Puerto Rico clearly continued suffering colonial status; and he said Puerto Ricans have the distinction of having the longest history of colonialism in the whole world. What a sad distinction to be commended.

There is a famous Chinese saying that a journey of a thousand miles must begin with a single step. But to reach the destination a traveler must be headed in the right direction.

H.R. 856 is not only the most important step we have taken in this journey to resolve the disenfranchisement of the citizens of Puerto Rico, it is also the first measure affecting self-determination to come before the House since the Alaska and Hawaii admission acts of the 1950's.

I have devoted most of my adult life to leading my people in this long journey. As former Mayor of San Juan, Puerto Rico's capital city, Governor and now Member of Congress, I have heard my peo-

ple's voices and shared their dreams and aspirations. These voices resonate loudly in the island, although to most Americans living in the continental United States they might seem as distant echoes, reflecting the deep unease and disenchantment with the current relationship that would deny them equal treatment in Federal education programs that they desperately need to succeed in today's competitive world.

Young couples ask me why they have to move to the States in order to search for opportunities that are not available in Puerto Rico.

Veterans who have fought in all of the Nation's wars in this century ask me why they cannot vote for the President that, as commander-in-chief, may tomorrow also send sons and daughters to fight and die. The elderly ask about support programs that are less than if they resided in New York, Illinois, California, Florida, or any State of the Union.

I have heard a mother ask why her son died in Vietnam and gave his life for a country that denies her and her grandchildren the right to participate on equal terms.

The answer to these questions is clear. We are unequals because we are not partners. We are unequals because we are submerged in a colonial relationship in which our economic, social and political affairs are controlled to a large degree by a government in which we have no voting influence and in which we do not participate.

We are unequals because we cannot vote for the President of the Nation of which we are citizens and because we do not have a proportional voting representation in the Congress that determines the rules under which we conduct our daily lives and the rules that influence and determine our future.

Mr. Chairman, this great Nation of ours, the example and inspiration of democracy throughout the world, inspiration in the peaceful revolt in Tiananmen Square and the revolt of Poland against Communism, revolt in Russia, the Soviet Union against Communism and other nations of Eastern Europe and throughout the world, cannot continue to uphold a policy that denies political participation and disenfranchises 3.8 million of its own citizens. We cannot continue to hide our heads in the sand like ostriches and pretend nothing is happening. The lives and well-being of 3.8 million U.S. citizens is at stake here. Their dignity and democratic heritage is the issue.

I am encouraged by the fact that we have been able to gather so much bipartisan support for this legislation in so little time. As a matter of fact, Senators Bob Graham and Senator Larry Craig will introduce a similar version of this bill later. The initial support in the Senate seems to be growing, to be as strong and bipartisan here in the House.

Mr. Chairman, we are more than halfway through the 1990's, a decade that the United Nations General Assembly declared to be the international decade for the eradication of colonialism. Next year, Puerto Rico will commemorate 100 years as a U.S. colony. Should we celebrate or should we mourn? Will we see a silver lining in the sky by 1998 or will we be seeing more of the same?

The United States cannot seek to promote and at times enforce democracy elsewhere in the world while it relegates 3.8 million of

its own citizens to an indefinite second-class status, disenfranchised, discriminated against and unable to exercise the most basic right in a democracy, the right to vote and participate in its government. To ignore the situation in Puerto Rico is to betray the spirit of our democratic values and heritage.

Mr. Chairman, I feel honored with having the opportunity to find myself in the center of this important process. Once again, I want to thank you for your lead and your vision in filing this bill and for holding this hearing. And I look forward to the testimony of our distinguished panel.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Governor. Thank you for your eloquent statement.

At this time, I would like to call the first panel up.

For the other members, your statements, by unanimous consent, will be submitted for the record at this time, because I have—in all due respects, I wanted to try to get this thing moving along because of the other members—we may have a vote here after while.

The Honorable Dan Burton, Luis Gutierrez, Bill McCollum, José Serrano, Peter Deutsch, Nydia Velázquez. They all are there? Everybody there but Dan Burton. All right.

Mr. MILLER. Mr. Chairman.

The CHAIRMAN. Yes, sir.

Mr. MILLER. I would ask unanimous consent that at the end of their testimony those members of this panel who desire to sit with the Committee be allowed to do so. I know some of them have scheduling conflicts, but some of them expressed a desire to do to.

The CHAIRMAN. Without objection, so ordered.

Luis, I believe we will go right down the line, if we can do that, in the way I called you out. Dan Burton is not here, so we will go with you first.

Mr. GUTIERREZ. I am sorry, Mr. Chairman?

The CHAIRMAN. You are up.

STATEMENT OF HON. LUIS GUTIERREZ, A U.S. REPRESENTATIVE FROM ILLINOIS

Mr. GUTIERREZ. Thank you very much, Mr. Chairman. Chairman Young, Congressman Miller, distinguished colleagues, distinguished witnesses, I wish to begin by expressing my sincere gratitude to Chairman Young and the members of the Committee for allowing me the opportunity to participate in this hearing today. In a democratic society, we must allow for differences of opinion, even strong differences of opinion, to be truly expressed and freely discussed in search of truth.

As a Member of Congress of Puerto Rican origin, and as a Member of Congress with a large Puerto Rican constituency, I feel it is my duty to participate in the discussion about the future of Puerto Rico and the future relationship of Puerto Rico and the United States. The outcome of these discussions will directly affect the lives of many of my constituents.

As you know, Mr. Chairman, I strongly favor for Puerto Rico the status we in this country celebrate every 4th of July, the status that allows us to enjoy the benefits of our Constitution, that allowed us to write and to adopt our own Constitution in the first

place, the status we have enshrined in the Declaration of Independence, the status of independence, the inalienable right of all people on earth.

I also fully respect yet another inalienable right, the right of a people to self-determination. Therefore, I have never sought to impose my views on the people of Puerto Rico.

Mr. Chairman, the time to resolve the colonial situation of Puerto Rico is now. The time for decisive action on this matter is long overdue. This is a situation that should never have arisen.

In 1898 American troops invaded Puerto Rico, a non-combatant in the Spanish-American War. This could have been done in the long-held American anti-colonial tradition, to rid the island of any Spanish military and turn the island over to its rightful owners, the Puerto Rican people. Unfortunately, the United States not only invaded Puerto Rico, it occupied it and annexed it.

In 1917, while saying that this action did not constitute an offer of statehood to Puerto Rico, the U.S. granted U.S. citizenship to Puerto Ricans. You know only too well the rest of the story.

Mr. Chairman, at this time I would like to ask that the rest of my testimony be submitted for the record. I would just like to make the following points.

Mr. Chairman, I think that as we enter this debate and discussion about a future Puerto Rico and its relationship to the United States we need to ensure that all the different political perspectives and parties and their opinions be offered full and fair consideration—and we need to ensure that we reach consensus, Mr. Chairman, so that no one feels that this process is a process which favors one status or political option over another as it is presented to the people of Puerto Rico.

In that vein, Mr. Chairman, let me make a few suggestions. Number one, Mr. Chairman, I think that if Puerto Rico has a colonial relationship with the United States and you are going to go into a process of decolonization, then we must distinguish between American citizenship, which was offered to the people of Puerto Rico and granted to the people of Puerto Rico, and nationality. Who are the nationals of the island of Puerto Rico? Who are the nationals of Puerto Rico?

Let me suggest that because there is a colonial situation, that we should do everything possible, Mr. Chairman, to insure that all of the nationals, whether they happen to reside on the island of Puerto Rico or whether they reside in the continental United States be offered the opportunity—all Puerto Ricans be offered the opportunity to participate fully, and to vote in any process of plebiscite to solve the colonial status of Puerto Rico. And let me quickly suggest a quick definition of who qualifies as a Puerto Rican national. Those who were born on the island of Puerto Rico and the immediate children of those born on the island of Puerto Rico.

I think later on you will hear testimony that will be supportive of that definition, because we have a continuing migration in Puerto Rico to the island and back. Mr. Chairman, I lived on the island of Puerto Rico when my parents returned in 1969 after living 15 years in the United States. I returned there. I graduated from high school there. I went to college there. I returned there once again, Mr. Chairman, to be married with my wife Soraida 19 years ago.

So I too have been going back and forth and back and forth. Many Puerto Ricans do that, Mr. Chairman, and many of us are interested in being able to participate in deciding the future of Puerto Rico.

Indeed, Mr. Chairman, if we leave it as it is today, everybody who goes to Puerto Rico 70 days before the plebiscite could register to vote and participate and then leave the island anytime thereafter. I think we should look for a more expanded franchise, Mr. Chairman, that will allow more of us to participate.

Because of the limitation of time, Mr. Chairman, let me just say the following. I think that Don Luis A. Ferré, who was here, who has fought valiantly and with distinction for statehood for Puerto Rico, should be allowed to see the day when Puerto Rico—when there is a vote before this Congress should the people of Puerto Rico so request statehood, where he can see that day where it is admitted as a State. Let us not wait ten years after such a vote. Justice delayed is justice denied for Luis A. Ferré and for any of the proponents of any of the different options.

Let us offer the people of Puerto Rico not another opinion poll so that we can gauge their sentiment. We think we know what their sentiments are on the different status options, Mr. Chairman, so I respectfully say to you, Mr. Chairman, and the members of this Committee let us make the result of the vote self-executing. Let us have respect for the people of Puerto Rico. Let us have respect, Mr. Chairman, for our fine institution, the Congress of the United States. And should statehood win or independence win or free association win, that those things can be executed.

Finally, Mr. Chairman, if you would allow 30 additional seconds more, unanimous consent for 30 seconds, I just want to quickly speak about independence, Mr. Chairman.

I think that if we are going to be fair and we are going to live in the 21st Century, let us give them, the independentistas from Puerto Rico, an option that is not burdened, Mr. Chairman, an option that they can go and promote among the Puerto Rican people that is not burdened, an option that says, you know, maybe Luis's mom and dad and Nydia's mom and dad in Puerto Rico can still come to the United States of America should there be independence, and maybe they can continue to have their citizenship and their rights and their Social Security and their military benefits, because they fought for them, Mr. Chairman, and they gained them rightfully so, and other kinds of economics so that we can build a cooperation between an independent Puerto Rico and the United States.

I would like to see an independent Puerto Rico, Mr. Chairman, that lives in peace and in harmony and in unity with the United States of America. And we should offer them such an option that they can go to the people of Puerto Rico and raise it among them.

Mr. Chairman, thank you so much for your indulgence. And I submit my complete statement for the record.

[Statement of Hon. Luis Gutierrez may be found at end of hearing.]

The CHAIRMAN. Thank you, Luis, very well done. Bill McCollum.

Mr. MCCOLLUM. Thank you very much, Mr. Chairman. I would like to request unanimous consent that my statement be submitted for the record.

The CHAIRMAN. Without objection, so ordered.

Mr. MCCOLLUM. Thank you.

STATEMENT OF HON. BILL McCOLLUM, A U.S. REPRESENTATIVE FROM FLORIDA

Mr. MCCOLLUM. I have to follow a very eloquent statement by a native of—at least a person who has a generation going back to Puerto Rico and has the immediate blood connection that I do not have, but I have a great interest in this bill. As you know, I am an original cosponsor.

I have a very large number of constituents in my district. I have perhaps the second largest, something of that nature, number of Puerto Ricans in my Congressional district. And I have spent a lot of time discussing this issue of statehood, independence, and commonwealth with them. I have heard their views. I have been to Puerto Rico. I am going down there again on April 3 to hold a drug hearing because I am Chairman of the Crime Subcommittee, and the drug issue is very important to the people of Puerto Rico, as it is to all of us. So I have some views. And I just want to express them briefly.

First of all, I think the idea of making this decision and doing it now as this bill that you produced describes and sets out is very important. It needs to be done. We need to let the people of Puerto Rico speak. It should be their voice. I for one believe that they will choose statehood when they vote, but they may not. It is their choice to at least give us their advice. If they do choose statehood, I think we should grant them that statehood, and I think it should be swift and there should not be a significant question about it. And there shouldn't be any question in their minds when they vote that that is the sentiment that most all of us have in Congress.

Now when I say that I personally favor something, I want to make it very clear that this is not my choice. This is the choice of the Puerto Ricans, not Bill McCollum and not those of us who are from Florida or Minnesota or wherever. But there is an advantage to statehood, in my judgment. And let me describe a couple of the reasons why I think statehood would be an advantage to the Puerto Rican people.

First of all, Puerto Rico is today part of the United States. The Puerto Rican culture is part of what is uniquely American. And I think it is understood innately by most of us, if not specifically. Yet without statehood, something is missing. Every school child in America is taught about the 50 States. Sure there are the territories, but they are never firmly implanted in the mind of a young person as being integral to the whole as when thinking of the United States and each of the States.

I personally want to see the day when every school child learns about 51 States and thinks of Puerto Rico as much a part of the American family as Texas or Minnesota. Puerto Rico, in my judgment, will be stronger for this, and our nation will be stronger.

Again, however, my opinion doesn't matter, and the plebiscite is the opinion of the people of Puerto Rico.

And another area that I think that Puerto Rico would benefit from would be the economic area. I believe there will be an increase in investment and economic growth if Puerto Rico becomes a State.

I think that such things as efforts to get support for fighting the war on drugs, which I have been engaged in for a lot of reasons, as well as the governor and the officials of Puerto Rico and the Puerto Rican people, would be much easier in this Congress and with the Executive Branch of the government.

No longer would some people think Puerto Rico simply is the gateway for drugs to the U.S. mainland. Instead, people would think first, as they should now, of the horrors of the drug scourge on the people of Puerto Rico, equal partners in all we share and all we do as a nation.

So I do have a strong opinion, but it is understood, in my mind, again, this is a judgment that should be made under this bill and would be between commonwealth, independence or statehood by the people of Puerto Rico.

And one thing I want to add in this comment is something I am very strongly opposed to. I am very strongly opposed to any suggestion—and I have heard it made, not by the Chairman, but I have heard it made by other Members of Congress—I am strongly opposed to any suggestions that this bill be amended to include a condition of statehood on Puerto Rico for adopting English as its official language. It is a divisive and a destructive proposal.

English, in my judgment, should be the official language of the United States, but no State, be that New York or California or Florida or Puerto Rico, should be singled out and told it must adopt English as its official language. When and if Puerto Rico become a State, if and when English becomes the official language of the United States, it will apply to all 51 States, to Puerto Rico just as well as everybody else.

I believe the rights of the Puerto Ricans should be respected, the sovereign rights, just as we respect the sovereign rights of the other States of the Union and our territories.

So those are my thoughts to you today, Mr. Chairman. I support the bill in its present form. I am sure it could be modified and improved in some ways, but let's get on with it. It is time for the people of Puerto Rico to get a chance to voice—one more time. And I believe this is a critical time and I believe that they will voice it in favor of statehood. And when they do, it is time to bring it back here and take that vote in this Congress that will ratify that and make Puerto Rico the 51st State.

[Statement of Hon. Bill McCollum follows:]

STATEMENT OF HON. BILL MCCOLLUM, A U.S. REPRESENTATIVE FROM FLORIDA

Good morning, Mr. Chairman and members of the committee. I want to thank you for the opportunity to give a statement as part of your hearings on H.R. 856, the United States-Puerto Rico Political Status Act. Chairman Young, I appreciate your efforts on behalf of this legislation and I am proud to be an original cosponsor. It is certainly my hope to see progress made on this legislation in the 105th Congress.

I have a natural interest in Puerto Rico as there is a significant Puerto Rican community in my district. However, I have also had the opportunity to visit Puerto Rico in my capacity as the Chairman of the Crime Subcommittee on drug interdiction matters. I will actually be returning to Puerto Rico in about a month for hearings with the Crime Subcommittee. Meeting people both in my district and in Puer-

to Rico has given me the opportunity to hear many points of view on the issue of Puerto Rican statehood. Although there is a range of views, it is clear that we should allow the people of Puerto Rico to decide their fate.

As we know, H.R. 856 would require a plebiscite in Puerto Rico where the people of Puerto Rico would have the ability to decide the future of their beautiful island. The choices would include Puerto Rican independence, U.S. statehood or maintaining the status quo of commonwealth government under the authority of the U.S. Congress. A clear majority, as opposed to only a plurality, would be needed for definitive action. If statehood or independence were chosen, Congress would then have to affirmatively enact legislation in order to pursue the option. If commonwealth status receives a majority, or if no majority is achieved, then the plebiscite is revisited four years later.

Mr. Chairman, under a plebiscite conducted pursuant to this bill, I am convinced the people of Puerto Rico would choose statehood. Puerto Rico is part of the United States. For years the rich Puerto Rican culture has been part of what is uniquely American. Yet, without statehood, something is missing. Every school child in America is taught about the 50 states. Sure, there are territories, but they are never as firmly implanted in the mind as being integral to the whole when thinking of the United States. I want to see the day when every school child learns about 51 states and thinks Puerto Rico is as much a part of the American family as Texas or Minnesota. Puerto Rico will be stronger for this. Our nation will be stronger. However, my opinion would not matter in the plebiscite and I believe the people of Puerto Rico need the option to choose.

The commonwealth status was never intended to be a permanent status. I realize that some will try to claim otherwise, but I respectfully disagree. Furthermore, we must remain flexible in improving upon the status quo. If a majority of Puerto Ricans want statehood, then we should facilitate that.

Certainly there is the possibility that the voters of Puerto Rico will choose to keep the commonwealth status. That is fine, and there will be chances in the future to change this decision, but the relationship between Puerto Rico and the U.S. has been changing of late. It is time to reassess the wants and needs of the island, even if it is still the desire to remain a commonwealth.

Assuming that statehood is the path chosen, I believe that Puerto Rico would enjoy increased investment and economic growth as investors would be assured of economic and political stability in the region. Under statehood, Puerto Ricans would be guaranteed all the rights, privileges and responsibilities of U.S. citizens. Furthermore, support for such efforts as fighting the war on drugs would be easier to achieve. No longer would some think of Puerto Rico simply as the gateway for drugs to the U.S. mainland. Instead, people would think first (as they should now) of the horrors the drug scourge is bringing to the people of Puerto Rico—equal partners in all we share and all we do as a nation.

Independence would not bring these gains, but there may be advantages that the people of Puerto Rico would rather have. Regardless, we need to work on this situation to bring resolution to the issue. Past plebiscites have not been especially helpful, mainly because the unconstitutional option of an enhanced commonwealth was offered. This time, a clear choice put to the voters in Puerto Rico should provide a clear result.

One thing I strongly oppose, Mr. Chairman, is any amendment to this bill conditioning statehood on Puerto Rico adopting English as its official language. This is a divisive and destructive proposal. English should be the official language of the United States. But no state, be that New York, California, Florida or Puerto Rico, should be singled out and told it must adopt an official language. If and when Puerto Rico becomes a state, and if and when English becomes the official language of the federal government, it would apply in Puerto Rico, just as it is in the other 50 states. The sovereign rights of Puerto Ricans should be respected in the same manner as all states already admitted into the Union.

Mr. Chairman, I want to commend you for the patience you have had with this legislation. I remember that things got a little difficult with it at the end of the 104th Congress when it looked like movement was possible. I strongly urge you to report H.R. 856 favorably to the full House in the very near future. I will give you my full support in getting it scheduled for House floor action. Again, thank you for holding these hearings.

The CHAIRMAN. Thank you, Bill. I thank you—and again, an excellent job. I see we have been joined by Mr. Burton, and I know he has other things on his mind right now. Mr. Burton, if you would like to go forth, you have got five minutes.

Mr. BURTON. Well, thank you very much, Mr. Chairman. I apologize to my colleagues for interrupting these hearings. I will have a more complete statement I would like to submit for the record.

The CHAIRMAN. Without objection.

STATEMENT OF HON. DAN BURTON, A U.S. REPRESENTATIVE FROM INDIANA

Mr. BURTON. Mr. Chairman, I want to thank you for allowing me to testify regarding H.R. 856, The United States-Puerto Rico Political Status Act. As a senior member of the International Relations Committee, I am a cosponsor of this bill, and I have worked with Chairman Don Young and the Subcommittee Chairman Elton Gallegly to help them put together a fair and balanced bill. This bill is based on complete and open dialog with all the affected parties, and is the result of approximately 30 changes, 30 changes, from H.R. 3024, which was introduced in the 104th Congress.

The status quo in Puerto Rico cannot be maintained. The people of Puerto Rico have lived for far too long under a colonial status with second-class citizenship.

This is not a statehood bill for Puerto Rico, as some people seem to believe. It is not a pro-independence bill. It is not a pro-commonwealth bill. This is a balanced bill that allows the Puerto Rican people to exercise their right to self-determination. It lets the people of Puerto Rico make an informed choice about their political future.

We have compromised with all parties concerned by changing from a two-ballot format to a three-ballot format, thereby giving the citizens of Puerto Rico three options, namely statehood, separate sovereignty, and commonwealth, and giving the options equal positioning.

I have concerns with this change, given the inherent legal differences among the three options. The purpose of the previous two-ballot format was to make certain the voters understood that two of the options were for a new and permanent status consistent with full self-determination.

Those two options, statehood and separate sovereignty, would complete the decolonization process consistent with the commitments the United States made to the people of Puerto Rico and the United Nations when local constitutional government was established in 1952.

The option to continue the current commonwealth structure of local government was presented separately on the ballot under H.R. 3024 because it is not a constitutionally guaranteed or permanent status. Therefore I am afraid it could be misleading to the voters to present the less than full self-governing commonwealth option as a co-equal status with the full integration or separate nationhood status.

However, Mr. Young listened to the concerns of the political leaders of all parties in Puerto Rico, as well as the concerns of his colleagues in the Congress, and granted the change from a two to a three-ballot format. This example of leadership and show of good faith has not been reciprocated by opponents of this legislation. Disingenuousness, deception and in some cases outright falsehoods continue in their rhetoric and in their deeds.

This is unfortunate, because it only adds confusion to the issue. This confusion has disenfranchised voters and has delayed the process of Puerto Rican self-determination.

Mr. Chairman, I would like to end with the following observation. I have intentionally not publicly advocated for a particular outcome with respect to Puerto Rican status. My strong belief in a free people exercising their right to self-determination remains unwavering. The complexities of the history and uniqueness of the island of Puerto Rico do not change that fundamental belief. The citizens of Puerto Rico should have their day at the ballot box without duress and without any impediment to their ability to act out their own collective will.

Puerto Rican people also have a great responsibility in understanding their options and choosing the option they most agree with. They need to understand that there is no free lunch.

If they choose independence, the United States will deal with them as a partner in peace and a strong ally. If they choose statehood, we will add another star to our flag and welcome them officially as an equal partner into the greatest union known in the history of mankind. But keep in mind that with that benefit comes a great responsibility. If the Puerto Rican people choose to maintain commonwealth status, turning away from self-rule, we as a Congress will maintain the supreme administrative control of the island.

These are the options for the citizens of Puerto Rico to choose from. We as a Congress must facilitate the process in a fair manner. That is exactly what H.R. 856 seeks to accomplish and is why I am a strong supporter and cosponsor of the bill.

Thanks again, Mr. Chairman, for affording me the opportunity to testify today before you and the Resources Committee.

[Statement of Hon. Dan Burton follows:] ???

The CHAIRMAN. Thank you, Dan. And I appreciate your showing up, even if you are late. I know you have got a lot more responsibilities.

José Serrano, New York.

STATEMENT OF HON. JOSÉ SERRANO, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. SERRANO. Thank you, Mr. Chairman, for this opportunity. I want to thank you and commend you for your work on this bill. I want to commend my colleague George Miller, the ranking member of the Committee, for his work and for his support.

The reason I support this bill, Mr. Chairman, is because I believe that this bill brings about what needs to be brought about, a legislative confrontation between Puerto Rico and the Congress of the United States, a legislative confrontation that will allow the people of Puerto Rico to fully understand whether in fact the United States is willing to take them in as a State or whether it wishes to begin a process to let them go as an independent nation.

It is interesting to know that since 1898 that question has truly never been asked in Puerto Rico. We were not asked, as Mr. Gutierrez said, whether we wanted to be part of this country. We were simply invaded. And that invasion is the longest running invasion in the world at this moment. It has gone on 99 years.

In 1952, the people in Puerto Rico were asked do you want to become a commonwealth, or do you want to stay the way you are. I was seven years old and I could have answered that question. That was an easy one then. The question now is: in today's world, does the United States want to continue to ask that question, or do our Congress and our government want in fact to say to Puerto Rico what they are saying to the world? Do we really have the ability to continue to preach political changes and changes in government and in systems and in approaches in the world if we will not allow the people of Puerto Rico the opportunity to talk about their future?

Now, I have been criticized for being very clear, I think, on what I think the future should be. The future should be a change from the present. The present status, to me, is unacceptable. The present status perhaps at one time served a purpose, an economic purpose, a political purpose. At one time it was the only game in town.

The world has changed and this Congress has changed, and that is, perhaps, why you are sponsoring this bill, because this Congress has changed in some ways over times.

I believe that Puerto Rico is a colony. I didn't arrive at the usage of that word lightly. I wasn't raised in a family of "populares", people who believed in Luis Muñoz Marín, but then there are people sitting behind me who are "independentistas" who come from families of statehooders. And there are people who are "estadolibristas" who come from families of "independentistas". And so it is our situation in Puerto Rico and throughout this nation.

I believe Puerto Rico is a colony for a very simple reason that I always attribute to my relationship with my own family. I have cousins in Mayaguez and in Bayamon who cannot vote for a Member of Congress, who cannot vote for a President, who have nothing to say about the way this country treats them. On the other hand, they can't a establish relationship with Columbia or Cuba tomorrow morning or refuse to go to war or trade with Mexico on their own. They can't invite the Japanese in to do anything that they might want to do because we don't allow it.

Therefore, if they are not free to be a sovereign nation and they are not equal as a State, there is only one thing left to be, and that is a colony. We may deny it. It is good politics for us to deny it, but that is the truth. That is the case.

Now if we take the 1993 results, which we will hear a lot about here today, and say there was a vote in '93 that was for commonwealth, well, let me say two things. First of all, no option got a majority, and the options were independence, statehood or a different, enhanced form of the current commonwealth status. Well, on the island I could have voted for either of the three, because it was a change from the present. My point is that everyone who participated in the '93 plebescite in Puerto Rico voted for a change. No one voted for the status quo. So I feel that it would be a problem for us, although we may do it, to present to the people of Puerto Rico the status quo, because I think the status quo is colonial in nature and therefore improper for us to present.

Some may think this is too extreme, but when Lincoln was trying to deal with the issue of emancipation, I don't think slavery was

an option on the table. Either doing nothing or emancipating, but not reaffirming the present situation at that time. I don't think this Congress should reaffirm the present status in any way, shape, or form. And I believe that the people who support the present status with changes, should present before this Congress a separate status which would include the changes, but not the present status with changes, because the present status is what it is.

I also want to commend the authors of this bill, because if and when this bill passes, you will have accomplished something that many of us have wanted to see for years. You will have stated in legal terms Puerto Rico's relationship to the U.S. And that is a major victory for all of us who have felt that the present status in fact, is colonial in nature.

Therefore, Mr. Chairman, I come before you today in the hope that we can in fact pass this bill, that we can have this vote on the island, that as we mark 100 years since the invasion we get the results from that vote and Congress speaks.

I realize that the independence people are very courageous. They are only have four percent, five, six percent of the vote. They will bet that statehood will never be an acceptable option for this Congress and they are willing to go to the mat on this one.

The statehooders are very courageous, too, because they will take all the heat, all the accusations about what statehood will mean to the culture and the language on the island.

I hope everybody else becomes courageous and understands that a change is necessary.

Let me end with this point. Many of you, if not all of you, know that I am a very outspoken critic of our policy in Latin America, especially toward Cuba. I believe that our country no longer has any moral grounds to demand elections in any country as long as it won't allow a simple election like a plebiscite in Puerto Rico. We may not have the moral grounds any longer to demand political changes anywhere if we continue to hold a colony in the Caribbean in 1997.

I was born on the island. I came to the U.S. because of the relationship between Puerto Rico and the United States, which the created economic situation which sent many of us away from home. That is why since 1990 I have said that those who were born on the island and those who are children of people born on the island should be allowed to vote on this. Not for governor, not for mayor, not for sheriff or any other position they may create in the future, but to determine the future of the country. And if not, at the minimum respect that migration by not allowing anyone who was not born on the island of Puerto Rican parents to vote in the plebiscite.

Thank you, Mr. Chairman.

[Statement of Hon. José Serrano follows:]

STATEMENT OF HON. JOSE E. SERRANO, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman, distinguished members of the committee and fellow Puerto Ricans who will later address this Committee:

I want to commend Chairman Don Young, and Ranking Member George Miller and all the members of this Committee for the bipartisan effort to develop and consider this important legislation. Today is a hopeful day in the history of the relationship between Puerto Rico and the United States. Today we once again begin in this House the formal proceedings to establish a process leading to full self-government for Puerto Rico.

Thank you for considering an issue that is of critical importance. As one of the original cosponsors of this bill, I come before you today to speak in support of legislation that is very important to me both as a Puerto Rican, and as a citizen of this Nation. This Act provides to the Puerto Rican people a right that we as Americans cherish dearly and seek to share with peoples around the word—the fundamental right of self-determination.

Ever since Puerto Rico became a part of the United States after the Spanish-American War in 1898, the Puerto Rican people have had a dual identity—they are an island nationality in the Caribbean, and a component of the American nation. Although we have been in this relationship for 99 years, the fact remains that Puerto Ricans did not choose to become part of the United States. For better or worse, the incorporation of Puerto Rico in the United States was unilaterally imposed.

The people of Puerto Rico are citizens of this Nation by birth, and have fought and died in all the American wars of this century, from World War I to Operation Desert Storm. If these brave young men and women are important enough to serve our national interest, they surely are important enough to demand and receive the respect of this Congress in their pursuit of political self-determination.

Out of self-respect, and out of respect for our cherished democratic principles, we must recognize the right of the people of Puerto Rico for self-determination. Otherwise, the basic tenets of our Nation have lost all real meaning.

Today Puerto Rico is a colony. This means that we accord to Puerto Rico a citizenship with fewer attributes than that of other Americans. In addition, a colonial status lacks the ability to deal freely with other nations and to exercise full sovereignty. A quick study of this makes it clear that the Puerto Rican people are second class citizens. If I were to move tomorrow to the island, I would lose my right to vote in the election of the President of the United States, two U.S. senators and a voting Member of Congress. On the other hand, the government of Puerto Rico has no autonomy on international trade and immigration laws, and cannot refuse to go to war in the event the United States declares it. In other words, we are neither a full partner in the American nation, or an independent sovereign state. So, there is no doubt in my mind that Puerto Rico is a colony, even though some confusion exists, internationally and in Puerto Rico, about the official relationship of the United States with Puerto Rico.

Since 1898 the Puerto Rican people have had three opportunities to express their opinion as to what sort of relationship should exist between Puerto Rico and the United States.

In 1952 the people of Puerto Rico were invited either to enter into a Commonwealth relationship with the United States or to retain their then current status. In this instance, the Puerto Rican people "chose" what was offered to them. Independence and statehood were not options.

In 1967 a plebiscite was held in Puerto Rico on three political status alternatives: independence, statehood and a continuation of commonwealth status. Unfortunately, the plebiscite legislation was considered unfair by a substantial percentage of the electorate. After a contentious plebiscite marred by a substantial boycott on the part of proponents of independence and statehood, the Commonwealth option prevailed.

In 1993, the Government of Puerto Rico conducted a plebiscite initiated under local law on Puerto Rico's political status. In it, none of the three status propositions received a majority of the votes cast. However, results showed that almost everyone wanted to change the existing status.

The final tally of the plebiscite results reveals that out of nearly two million registered voters, 1.7 million, (73.5%) of them participated. The results were 826,326 votes for a commonwealth (48.6%), 788,296 for statehood (46.3%), and 75,620 for independence (4.4%).

Unfortunately and shamefully, up to now we have not abided by the right to self determination for the People of Puerto Rico. Although we have deplored colonialism and paternalism by other nations, we continue to practice it ourselves in our treatment of Puerto Rico. I can only hope that with this legislation we will finally end colonialism in Puerto Rico.

The Puerto Rican people are anxious for this opportunity to freely, fairly and collectively determine the political status of their island. And if I may say so, Mr. Chairman, there could not be a more appropriate time for this vital democratic exercise of self-determination than right now, going into the millennium.

Section 4, paragraph (a) of this bill, the "United States-Puerto Rico Political Status Act," provides, and I quote, "A referendum on Puerto Rico's political status shall be held not later than December31, 1998."

This commitment is good not only for the people of Puerto Rico, but for the credibility of American democracy in this era of stunning changes. As we in the United States strive to encourage and foster these developments around the world, it is es-

sential that we hold true to our principles at home and provide the people of Puerto Rico the opportunity to exercise full self determination and decide, a final political status of our island.

I would like to express my deep satisfaction with the fact that we are holding this hearing today. I believe that there is, in sum, one great Puerto Rican community. It encompasses those who reside on the island, and those who live in the United States. I also believe that there is no question about the effect our status has on those Puerto Ricans who reside on the fifty states, in terms of their own well being, as well as in terms of their future prospects for a return to the island. Moreover, the influence Puerto Ricans in the fifty states can wield, no doubt, will be an important factor in moving the plebiscite process forward in Congress.

Therefore, in due time I will propose an amendment to H.R. 856 that will make any person that was born in Puerto Rico and is not residing on the island of Puerto Rico, eligible to vote in the 1998 referendum.

As you all know, since I was elected to Congress in March of 1990, I have been advocating for this nonresident vote because I am convinced that the right of a people to determine its political status is so fundamental that Congress needs to give all Puerto Ricans the opportunity to voice their opinions on the issue. Just because a Puerto Rican leaves his or her homeland to go to the U.S. mainland for economic or educational reasons should not disqualify them to vote in the referendum. While former Puerto Rican residents, in general, are not allowed to vote in local elections, the issue of self-determination is a unique and important franchise that warrants broader voter eligibility. Unlike general elections which are purely related to local issues, a plebiscite to determine the final political status of a country will undoubtedly affect both Puerto Ricans living in Puerto Rico and those living on the U.S. mainland.

It is my hope that we can settle this issue as soon as possible because it would be a shame for this country to continue Puerto Rico's colonial status. This bill will afford all Puerto Ricans an effective, viable process of self determination. As a Puerto Rican, I say, "Let us decide this issue once and for all," and as an American Congressman I can say, "Shame on us that we still have a colony in 1997." And, so, let me say that it is in the interest of the United States to settle this issue, settle it clearly and leave no question unanswered as to the self-determination rights of Puerto Rico, with the participation of those of us that reside outside of the island.

This issue is one that touches the heart as well as the mind of every Puerto Rican, whether they are on the island or somewhere in the 50 states. In Spain, Mexico, the Armed Forces, etc. they seek information and they are watching closely the decisions we make. It is clear to me that all of us, regardless of where we live and where we stand in terms of the final outcome, feel that the time has come for true self-determination. We are politically mature. Ninety-nine years as an American colony and 400 years as a Spanish colony are more than enough.

My friends we have no credibility in the world if we fail to practice what we preach, if we continue to bear the shame of denying a people the basic human right of political self determination.

I applaud you all here today because you are taking the issue of the status of Puerto Rico seriously, so the 3.8 million American citizens in Puerto Rico and over 2.7 million Puerto Ricans on the mainland can fulfill their right to self-determination. I earnestly encourage you to forcefully seek passage of this bill so the colonial status of the United States citizens of Puerto Rico can end, and so we may honor their choice of a future, within this Nation or among the nations of the world.

The CHAIRMAN. Thank you. I am in awe. We have had an excellent panel here.

Peter, you are up next.

STATEMENT OF HON. PETER DEUTSCH, A U.S. REPRESENTATIVE FROM FLORIDA

Mr. DEUTSCH. Thank you, Mr. Chairman. And I also join in praise of you and the ranking member for this legislation. It is, I think, brilliant legislation besides important legislation.

What it does as its premise, I think, is important for everyone both in this country and in Puerto Rico to understand. And the premise is that the present status is not a permanent status. That is the working principle. And I think that is something worth repeating and worth stating, because without this legislation, the il-

lusion of permanent status under commonwealth can continue. I think it is factually not a permanent status. And anyone who holds that position is just wrong. And this legislation by its introduction, hopefully by its passage, has the United States Congress make that statement. And it is no longer a debatable point.

And I will join Congressman Burton's comment that I don't live in Puerto Rico. I wasn't born there. I obviously have a concern over its future for a variety of reasons, including being the Member of Congress on the mainland closest to Puerto Rico. But I think that the acknowledgement that permanent status is only in the options of statehood or independence is significant.

And the way the bill is set up, if commonwealth is voted for, that there will be by definition another plebiscite and another plebiscite and another plebiscite by this legislation until a permanent status solution is determined by the people of Puerto Rico. And, you know, that is, number one, I think, a thing that is significant.

The second thing I think which is significant is really the final—the challenge that you have as a Committee to work out the final language in terms of that plebiscite itself. I think that that issue is clearly a critical issue which I believe this Committee will be able to do. It is not going to be an easy task, but I think it is a task that reasonable people—at the end of the day you are not going to make everyone happy on every part of it.

But I think that in watching the election and the plebiscite, the recent plebiscite, I think it is clear that not only was the election, as my colleague Mr. Serrano said, all sides were talking about change, but I think what is clear for someone 1000 miles away looking at commercials or reading some of the print ads is that there was misinformation. There were issues that were presented in terms of definition that just were not accurate. And there are factual premises that need to be stated. Whether people like them or not, they need to be stated.

If Congress is not willing to define independence, for instance, the way Mr. Gutierrez suggested, then that ought to be stated. You know, it is an illusion to present it in a way that it is just not a reality. I mean, it is not—we don't want the debate to be a demagogue debate. We want it to be a factual debate. If Congress is willing to do that, then it ought to be presented as that as an option within the facts presented. But that—forcing ourselves in this process to come up with those languages, I think, is very, very significant as well.

The last thing I would mention, because those of us who have been involved in this legislation know this is what stopped the legislation the last time, which is the issue of language. I think it is an issue that we need to speak about and confront and talk about. Again, for anyone who has followed these issues, it is just not appropriate for the Congress to be dictating to a State what it is—whether that is the capital of the State, whether that is another issue, which in the history of this country has been debated on and off. It is just not appropriate.

And let me also make clear on the language issue, I think that English ought to be taught and in Puerto Rican schools whether or not Puerto Rico is a State, whether Puerto Rico is a State, a commonwealth or independent. I think that the people, the government

of Puerto Rico is doing a disservice to the children of Puerto Rico in not making it bilingual. In many ways, the United States government in many parts of this country is doing a disservice to many citizens by not encouraging second languages.

In 1997 to not acknowledge—and particularly if you have the vantage point of South Florida where South Florida truly is the capital of the Caribbean and South America. I mean, we truly are. It is not a cliche. It is a physical reality in terms of corporate headquarters, in terms of flight paths, in terms of a variety of issues. We see it on a daily basis in our community. And that issue, though, is something that, I think, needs to transcend—I was very happy to hear Mr. McCollum's comments this morning. And I hope that all of his Republican colleagues and all the Chairman's Republican colleagues join him in the efforts to take away that issue as a stumbling block to this legislation.

[Statement of Hon. Peter Deutsch follows:]

STATEMENT OF HON. PETER DEUTSCH, A U.S. REPRESENTATIVE FROM FLORIDA

Mr. Chairman, members of the Committee on Resources, I want to thank you for this opportunity to testify in support of H.R. 856, the United States-Puerto Rico Political Status Act. As a representative from a state with a strong ties to Puerto Rico and a vibrant Puerto Rican community, I am encouraged by the progress you have made on this issue, both in drafting a fair and balanced bill and in educating Members of Congress on the importance of the future status of Puerto Rico.

For too long, Congress has failed to appropriately and acceptably address the future political relationship between Puerto Rico and the United States. As a possession of the United States subject to the authority of Congress under the Territorial Clause, Puerto Rico and its future status is our responsibility and should be dealt with promptly. For this reason, it is not sufficient for us to abdicate our federal responsibilities with regards to Puerto Rico, rather we must work to define the options they may pursue.

Many of those who are against H.R. 856 argue that the status issue was decided by the plebiscite in 1993. As this Committee is aware, however, the definition of commonwealth appearing on that ballot was both unworkable and unconstitutional. It promised unrealistic benefits for the people of Puerto Rico, nonetheless received just a slim plurality of the vote. Wisely, Congress rejected those results as inconclusive for the purpose of determining future status.

Despite the failures and deficiencies of the 1993 commonwealth definition, there are still individuals who insist that portions of that legislation should be incorporated into the current proposal, H.R. 856. For example, provisions such as the promise of full federal benefits without paying federal taxes and veto power over Congressional decisions would certainly appeal to many of my constituents in South Florida, but we all know that these wishes are impossible to grant. By concocting a "have it both ways" hybrid of statehood and separate sovereignty, the individuals opposed to the Young Bill are hoping to expand a status that was never intended to be permanent. Fortunately, the bill before us today distinguishes between the realistic and the unrealistic and provides a real vehicle for finally determining the political status of Puerto Rico.

The appropriate way for the United States to respect the right of self-determination in Puerto Rico is for Congress to clearly and unequivocally define the options for change. To avoid the confusion of 1993, Congress must also confirm the nature of the status quo. The definitions should not include proposals for special benefits or possible agreements which could be reached to enhance any of the basic status options, but rather should prescribe the fundamental legal rights and political elements of each status option. On that basis, the voters will be able to make an informed choice that will be in a format respected on the mainland. I believe H.R. 856 meets these criteria and offers three distinct, realistic paths.

Mr. Chairman, I also want to note that there is propaganda being circulated claiming that Congress is legally constrained from defining the current status in a way that is different from the 1993 ballot definition of commonwealth. The people putting forth these arguments are citing a Federal lower court case they perceive contains some dictum supporting their position. I would refer my colleagues with the opposing viewpoint to page 67 of House Report 104-713, July 26, 1996, which

contains commentary from the U.S. Department of Justice repudiating the interpretation of the case being cited by opponents of H.R. 856. As the members here today are aware, the House Report I am referring to was the result of this Committee's exhaustive work on the self-determination issue last year and are positions that hold true today.

Quotations from statements made by U.S. diplomats in the United Nations back in 1953 are being used to support the theory that, as a result of approving the local constitution in 1952, Congress is bound forever by a "bilateral compact" that is unalterable without the consent of Puerto Rico. Again, I would refer them to the analysis of U.N. process in 1953 set forth on pages 11 through 23 of House Report 104-713.

The notion that Puerto Rico has somehow been converted from an unincorporated territory to a permanent commonwealth status is erroneous and unconstitutional. In 1953, the U.S. informed the U.N. that the precise nature of the relationship would be subject to "judicial interpretation" and that local self-government was limited to "internal affairs and administration." Furthermore, in the case of Harris v. Rosario, the U.S. Supreme Court ruled that Puerto Rico remains an unincorporated territory subject to the plenary authority of Congress under the territorial clause of the Constitution.

Mr. Chairman, I am encouraged by the comprehensive schedule of hearings on this bill both in Washington, D.C. and in Puerto Rico. The importance of listening to all sides in this debate cannot be stressed enough and will serve to produce a far stronger bill in the process.

After nearly 100 years as our colonial possession, it is clear that Puerto Rico must either become a full, responsible and co-equal participant in our Union or become a separate nation. H.R. 856 is the first step in this long process. I urge my colleagues to take the time to consider the impact their attention to this legislation will have on the future of Puerto Rico and to understand their responsibility to resolve this issue now.

Mr. Chairman, I want to thank you and the other members of the Resources Committee for this opportunity to testify.

The CHAIRMAN. Thank you, Peter. And I can assure that block will be removed. We have our last Member. Nydia, you are up next. Best for last.

STATEMENT OF HON. NYDIA VELÁZQUEZ, A U.S. REPRESENTATIVE FROM NEW YORK

Ms. VELÁZQUEZ. Thank you, Mr. Chairman. Chairman Young, Mr. Miller, distinguished colleagues and distinguished witnesses, thank you for giving me the opportunity to come before this Committee. It is my hope that we will work together in a constructive fashion to finally reach a resolution to Puerto Rico's status question. We should strive to respect the wishes of Puerto Ricans throughout this process. Anything less and we would be dishonoring the memories of so many Puerto Ricans who gave their lives for this country.

Puerto Ricans have put their faith in this government that true self-determination would one day be achieved in a fair and democratic manner. Indeed, my colleagues, almost 100 years after Puerto Rico became part of the United States it is tragic to see the divisiveness this debate has caused. Instead, we should work together to settle our differences and respect the wishes of the people of Puerto Rico.

H.R. 856 was written without fully consulting the Puerto Rican people. Yet, status definitions have historically been written with such participation. The definitions in this legislation were not written in such manner. They are just a few of the many other shortcomings and unanswered questions.

This government has told the people of Puerto Rico and the world that the island enjoys full self-government under the commonwealth. This bill simply does not treat commonwealth status

with inherent dignity it deserves and that was duly enacted in 1952. We went to the United Nations and we told the world in 1953 that it was a form of self-government.

One matter that is of utmost concern to all Puerto Ricans is the right, their right, to maintain their language, their language rights. And, yes, I do support the fact that the government of Puerto Rico should have the responsibility of teaching English in the schools and the Federal Government has a responsibility to provide the funding that they need to achieve such a goal. And in light of the deficits that we are facing in this country, I would like to see that there is a commitment from this Congress to provide such funding. Otherwise we are going to say to the people of Puerto Rico, yes, you should learn English, you are part of the United States, and yet we cannot provide the funding you need because we are doing programs that are so vital not only for Puerto Rico but also for the many citizens of this country.

The bill mandates a long 10-year process for the people of Puerto Rico to choose their status. Adding to this uncertainty is the fact that there is nothing in this legislation that will actually guarantee statehood if that option prevails. Consider that it took Alaska decades after it voted to become a State to finally be incorporated. The 105th Congress must have a clear proposal on any commitment to resolve Puerto Rico's status issue.

Instead of ensuring that the voices of all Puerto Ricans are heard, this bill is silent on whether stateside Puerto Ricans will participate in any future plebiscite. We must ensure that all those who were born in Puerto Rico and care about the future of their birthplace have the right to vote on such a monumental issue. Anything less would be unfair.

Furthermore, the legislation does not even address the question of the full cost to the United States of Puerto Rico statehood. Nor have we heard an official Administration position on this bill. These fundamental, but essential, issues must be resolved or Congress will be forced to revisit this process again and again.

Not only does this bill lack full consultation, it is also not inclusive. This bill is especially troubling to me because the future of the Puerto Rican people is what is at stake here. Think of the disturbing message we are sending to the world, who look to our country as a bastion of liberty and democracy.

My colleagues, let us make a commitment to provide a dialog that will allow the Puerto Rican people to express themselves. I strongly urge this Committee and the Congress to find solutions that will help resolve the political status issue, but only with the participation of all Puerto Ricans and all political parties from Puerto Rico.

Thank you very much, Mr. Chairman.

[Statement of Nydia Velázquez may be found at end of hearing.]

The CHAIRMAN. Thank you, Nydia. I will open it up for questions at this time. Anybody? Yes, Mr. Miller.

Mr. MILLER. Mr. Chairman, if I might. Thank you. And I want to thank the panel. I think it was an incredible presentation. I would like—if I might ask you to expand on two points. José, if you would expand on the issue about participation by people residing in the United States in the election. And, Nydia and Luis, you both

raised the issue of—actually, Luis, I think, raised it more. Nydia was also on the voting, but on the issue of if independence is chosen, the issue of access, where that would be, how that plays out in the consideration of this legislation. If you might briefly expand on that.

Mr. SERRANO. Thank you, Mr. Miller. First of all, as I said before, I believe that the bulk of the migration from Puerto Rico, certainly in the '20's, '30's, '40's, '50's and '60's and '70's, was a direct result of the relationship between the United States and Puerto Rico. For a long time the United States Government and Congress paid very little attention to Puerto Rico's economic problems.

I don't recall my parents coming to New York in the late '40's and denouncing Puerto Rico or its politicians. On the contrary, the first thing all Puerto Ricans did was to set up a hometown organization to start a parade, to start a festival, to keep those links and those ties going.

Since I believe that our migration was a direct result of that relationship, then when that relationship is resolved forever—and I believe that eventually it will be resolved forever—it will be either independence or statehood. That is what I believe, it should either be independence or statehood. But then all the children of the colony, if you will, should be allowed to participate. And to me all the children are those who were born there or those who were born of parents born there.

Let me just say this very quickly. Look at the situation you have. You have people who came to Puerto Rico from other countries and established a relationship with the U.S. Government called citizenship through application for citizenship, not citizenship from the island of Puerto Rico, not an agreement with the people of Puerto Rico but with the United States. Yet under our legislation, because of our election laws, they will be allowed to vote on the future of Puerto Rico while people who were born there and their children would not be allowed to vote.

I repeat, I will never ask to vote for governor of Puerto Rico while I reside in New York. That is improper. I will never ask for any other kind of vote. But this vote is different. This vote belongs to a people and this vote may finally come about after imposition by the United States of a colonial status for a long time.

Mr. MILLER. Thank you. Luis.

Mr. GUTIERREZ. Well, let me just first say that in 1917 we passed the Jones Act, which conferred upon the people of Puerto Rico, to put it in those terms, American citizenship without their consultation. Indeed, José de Diego responded to the Congress of the United States through the only elected mechanism that was on the island by saying thank you. But no thank you, the only other citizenship that I want other than Puerto Rican citizenship is the one I get after I have lived, which is the entrance into heaven, so that is the only other citizenship I ever want. So I think that we need to understand that in terms of how it is we participate in this process.

So I would like to echo the sentiments of my friend José from New York to allow a greater expansion of this franchise, to allow those Puerto Ricans in the United States to participate, because, Mr. Miller, I read and I believe that Mr. Young believes that he sais so in his opening statement—that in 1898 when the United

States invaded Puerto Rico as part of the Spanish-American War, that somehow Puerto Rico lost its nationality, that somehow Puerto Rico lost its sense of nation because we were adopted by the United States of America.

I would suggest that Puerto Rico is a Latin American country, has continued to be a Spanish-speaking, Latin American country that happens to have American citizenship. So the nationality is Puerto Rican. The citizenship is of the United States, which we all share, so therefore all Puerto Ricans should all be able to participate.

Let me quickly answer your second question. I think, Mr. Miller, that knowing the way this works obviously if you are a statehooder in Puerto Rico, you can say that your status or your position guarantees Social Security and medicare and expansion of the franchises, lots of goodies and lots of good things and a lot of the things that the Puerto Rican people have fought for and worked and sacrificed for.

Can't we just be a little fair in terms of our relationship with Puerto Rico by saying under independence those American citizens that are part of the Nation of Puerto Rico will continue to receive those benefits they have earned? We have to say that clearly and unequivocally so that if an argument is raised in Congress that to continue granting these benefits to Puerto Ricans is too expensive, that we say, look, you know, there's been American bases in Puerto Rico for which we paid nothing for all these years.

Puerto Rico's economy, as José stated earlier, has suffered because we haven't been able to enter into international trade with other countries because our economy is somehow false and fictitious because it is a colonial situation. Here is what we are going to do, but we want to enter into a new partnership so that we can structure it in such a way that it is real, Mr. Miller, not false, that it is real and a partnership so that we can say to the rest of Latin America when Puerto Rico, which I am sure it will, achieves its full independence one day; "look at the jewel of the democracy and the relationship we have crafted with Puerto Rico after 100 or so years of a colonial situation." That would be our jewel and our way of presenting to Latin America our new relationship with Puerto Rico.

The CHAIRMAN. Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman. A witness who will speak shortly says that one crucial question regarding statehood for Puerto Rico is—comes about—the way he puts it, he says would statehood be a realistic option so long as Puerto Rico's per capita income remains as it has for the past 50 years, one-third of the United States and one-half of that of your poorest State, considering the repercussions of that reality on the Federal treasury. That is a statement from Senator Ruben Berríos-Martinez, President of the Puerto Rican Independence Party.

What—that does raise a question, I think, we should look at that at some point. What would be the impact on the Federal treasury? Can any of you help me in that regard?

Mr. GUTIERREZ. Let me just—quickly, the GAO released a study, and I am sure we are going to debate it and discuss it quite a bit. It said statehood would cost the Federal treasury $3 billion, but let me just quickly add——

Mr. DUNCAN. $3 billion?

Mr. SERRANO. $3 billion a year.

Mr. DUNCAN. Over?

Mr. SERRANO. A year. Because of increased Medicaid and Medicare. But let me make two quick points. I think that Congress is going to have to consider this as it balances the budget at the same time. It is looking at a new entry, a full participant in the Nation. So we are definitely going to have to do that. That is the situation that we are going to have to fall on statehood, but we should tell the people of Puerto Rico.

Mr. GUTIERREZ. But let me just quickly add that, Congressman, if the Congress of the United States enacts the bill and our plebiscite occurs thereafter and statehood would win that plebiscite under the rules, as a Member of Congress from a Congressional district which is the poorest in the State of Illinois and one of the poorest in the nation, if you are willing to go back to your district and tell the people of your district that we need self-determination, we need to respect that position, I will tell you one thing. I will go back to the poorest people in my district and say the $3 billion is just something that we are going to have to pay as a Nation.

Mr. DUNCAN. Nydia.

Ms. VELÁZQUEZ. I would like to also react to that, because I think it is important when I mention that the cost of statehood has not been clearly stated throughout this legislation because once we are committed as the United States Congress to recognize the rights of the people of Puerto Rico to self-determination, and if in fact the people of Puerto Rico vote for statehood, I want to see a commitment from this institution that we will respect that will expressed freely by the people of Puerto Rico, so that we don't come back here and then in the debate, during the debate process we are discussing here how much it is going to cost, statehood is going to cost to the United States treasury. And then there might be some of us who supported the process of self-determination for the Puerto Rican people, but when we find out how much it is going to cost and when we have to determine whether or not we will support it—because here we are balancing the budget and dealing with the deficit of this Nation and then you have to say well, in order to achieve this we might have to cut certain vital programs in our own districts.

The CHAIRMAN. Would the gentleman yield?

Mr. MCCOLLUM. If I could respond just very quickly that I think that there are two issues. One is I assume you are going to have economists who are going to say the exact opposite, that the economy of Puerto Rico is really—that there is a weight on it right now in commonwealth status. The uncertainty of commonwealth status is really a hindrance to capital formation. I mean, if you have been to Puerto Rico, you can just literally see with your eyes the economic potential that exists in that country, in that island at this point at time, incredible.

And I would also point that you can find economists who are going to disagree on the economic impact to the Federal budget, but I think history tells its lessons well. Florida's income was far less, the percentage points, than Puerto Rico when Florida became a State. And there are examples and examples and examples of ter-

ritories becoming States where what has happened on a historical basis and that those economies have grown and have ultimately become incredible positive impacts to the treasury.

The CHAIRMAN. I would like to make one comment. Be very careful about reporting GAO reports. I have one in my possession, in fact, that shows that we—the treasury gains $50 million a year, because there is a lot of money going down there. Regardless of the cost, there is a justice question here, I think, that has to be addressed. I want to suggest one other thing. I am the last person other than my good friend Neil from Hawaii that went through this process. And if you had looked at the income of Alaska and the people that were employed in Alaska at the time of statehood, we were in dire straits. Now I want to suggest we are in much better shape now than most any other State in the union. We could not have been that unless we were an independent nation. I will tell that. And I could be king instead of Chairman.

Mr. ROMERO-BARCELÓ. Will the gentleman yield?

The CHAIRMAN. I am going to yield to——

Mr. ROMERO-BARCELÓ. Mr. Duncan, will you yield, sir? Mr. Duncan, can you state what your—just for your information, because of the hearing. When you asked what would be the cost to the Federal Government for Puerto Rico to become a State, the comment that Mr. McCollum made is partly true. It is true that when we become a State the additional programs that will go to Puerto Rico that are not being paid over now would represent, I think, a little bit more than 3 billion, would represent 3–1/2 billion additional funding, but at the same time we are not paying any Federal income tax. If we pay Federal income taxes fully, we would pay about 4 billion to 4–1/2 billion. So they—it would be a—and that is for everything, for the Federal Government, Puerto Rico becoming a State; so we will be paying in taxes and the corporations will be paying in taxes and what Puerto Rico will be receiving.

The CHAIRMAN. Gentlemen, let us see, who is next? I would say the gentleman from Guam because he was here early.

Mr. UNDERWOOD. Thank you. Just a quick clarification. I was very interested in the determination of the franchise for participation in these plebiscites. And, José, you mentioned that you thought that the franchise—you alluded to it, but it wasn't in your written testimony. What are your sentiments about the franchise in Puerto Rico itself? Who should participate in Puerto Rico?

Mr. SERRANO. Well, obviously in all of my comments I have always said that we should—. Let me back up and say a lot of people have said the reason you can't have a vote outside is because you can't carry out that vote. It is hard to carry it out. But it is hard for me to believe that the most democratic nation on earth cannot conduct an election outside Puerto Rico for people who would be eligible to vote. But those people who live in Puerto Rico now who were born in Puerto Rico would be allowed to vote. There are laws that cover that currently. What I want is, this one time, to have Congress state that we would add something to this bill which would allow people over here to vote.

Mr. UNDERWOOD. So if I moved to Puerto Rico before this, you wouldn't anticipate that I should be part of the franchise?

Mr. SERRANO. Well, I am very honest about this. My statement is very simple, and if it contradicts law, so be it. I don't have a problem with it.

Mr. UNDERWOOD. No, actually I like the idea. I am just trying to get you to say yes.

Mr. SERRANO. No, I don't have a problem with you voting if I am allowed to vote, but I have a serious problem with you voting when you weren't born there if I am not allowed to vote.

Mr. UNDERWOOD. But you are a very special person, so of course we would make special considerations——

The CHAIRMAN. All right, I believe, Patrick, you are next if you have any questions.

Mr. KENNEDY. No.

The CHAIRMAN. No questions. Donna, you are up.

Ms. CHRISTIAN-GREEN. Thank you, Mr. Chairman. And I would like to add my commendation to the Chairman and the ranking member for bringing this bill forward and thank my colleagues for coming today and giving that important testimony. I want to say that I support this process. And my concern here is that the people of Puerto Rico be given a process in which they can freely and fairly vote and realize their hopes and aspirations through this process.

[Statement of Hon. Donna Christian-Green follows:]

STATEMENT OF HON. DONNA CHRISTIAN-GREEN, A U.S. DELEGATE IN CONGRESS FROM THE VIRGIN ISLANDS

Mr. Chairman, Ranking member, thank you for this opportunity to give brief opening remarks on H.R. 856, a bill to provide a process leading to full self government for Puerto Rico.

This process is an important one, and one which I am committed to see go forward.

My only concern, and what I see as my duty, as we move forward, is to insure that the people of Puerto Rico have a process in which they will be able to choose freely and fairly the status which most realizes their hopes and aspirations.

In order to have this happen, it is important that each option be presented objectively and be given equal treatment in the bill.

It would be a travesty for the people of Puerto Rico to choose an option based on misunderstanding the issues involved, or on limited or lack of knowledge of how the proposed change would impact their lives.

I take special interest in this process, not only on behalf of the People of Puerto Rico, our neighbors and our friends, but because of the importance of this process to all of the off-shore possessions. Each one of us is or will be traveling the path of redefinition of our relationship to the U.S.

What happens here will set the precedent and the tone for us.

I want to take this opportunity to welcome the witnesses, and to express my confidence that we can work together to make this vehicle of Puerto Rican self-expression one that will truly result in the future that its citizens desire.

Ms. CHRISTIAN-GREEN. I am not sure if the question was that—my questions was along the lines of Guam. I would like to address it to Congressman Gutierrez. You said that people who had resided in Puerto Rico for 70 days should not really be allowed to participate in this process. Do you have——

Mr. GUTIERREZ. Let me—thank you, Congresswoman, for the question. The way I read the bill, and Congressman Young is here and I am sure he will correct me quickly.

The CHAIRMAN. Especially when I have got the gavel.

Mr. GUTIERREZ. The way I read the bill is that those who would be allowed to participate in the electoral process, that we would use

provisions of the local laws of Puerto Rico. We would not establish our own electoral law in this decolonizing process, that we would just adopt the laws of—the local law in Puerto Rico. And I understand, and I could be mistaken, that if 70 days prior to an election I would—thank you.

The Governor has just—OK, you have to establish residency. The point is that this is a very short period of time that I can arrive on the island of Puerto Rico and I can participate. My point is my mom and dad may be in Chicago. Nydia's mom and dad may be in New York. We don't know—I mean, the franchise of the Puerto Rican people. And my point is this, and I think it is a very important point. As you go through a process, you have to figure out who the nationals are of the Nation that are going through the process of decolonization as it is adopting self-government and self-rule.

So let us just figure out what that definition—for example, Mexico has adopted dual nationality. The government of Mexico has stated that if you were born in Mexico or you are the child, first-generation child, of a person born in Mexico, you are a national. Now you can become and adopt American citizenship, as many Mexican nationals have done, and become citizens of this country, yet Mexico still regards you a Mexican who has been naturalized as an American citizen as their national. So I think we can figure out a way of doing this, and I think that it is very, very important.

I met a young man from Eritrea, and he got to vote, even though he was in Washington, D.C., on the ultimate status resolution of Eritrea, because he was a national of Eritrea. Although he had become a citizen of the United States of America, he was still a national of that country. So that is all I want to determine, who the nationals of Puerto Rico are.

We may expand the franchise. I was fortunate enough to read the comments of the senator from Puerto Rico, Ruben Berríos, where he suggests, you know, maybe some people who have lived there for a while—let us just figure out what the rule is so that we can make it more inclusive.

Ms. CHRISTIAN-GREEN. And one other question. There are several of us territories that also feel that the history as it is written and studies in schools—I believe that was Congressman McCollum's statement, that the history of all of the territories should be included. Some of us are not yet going through this process. Do you believe that the process in this bill is one that can set a precedent for the rest of us such as the Virgin Islands, American Samoa?

Mr. GUTIERREZ. I think if we adopt this bill, regardless of how I believe, it will set the precedent. And let me just quickly add, because you bring up the question of territory, I think one of the greatest points of consternation, especially for me, is this debate and the struggle that I have of being an independentista on one hand and struggling for independence and knowing that that is the rightful place of the people of Puerto Rico to enter into, and then the issue of self-determination and consultation with the people of Puerto Rico. And the problem that I have there is that it seems to me—and there is a big debate.

If indeed in 1952 we enacted legislation and we went to the United Nations and we said to the United Nations and to their Committee on Decolonization, excuse me, the government of the United

States of America has entered into an agreement with the people of Puerto Rico for self-rule, please remove us from having to report before the Committee on Decolonization. And that was a process that was adopted by the Congress of the United States and accepted by the people of Puerto Rico. It seems to me that in the early 1950's the people in Puerto Rico made a decision, and it may be a decision that clearly stated we are a separate, distinct people who want a relationship, an autonomous relationship with the United States.

But the other thing that the United Nations—and sometimes we forget, the United Nations said, you know something, that is really not enough, because we don't really think this whole process has been completely decolonized, so we want you to continue to perfect it. The problem has been that the Congress of the United States has rejected many of the perfections proposed for the autonomy status of Puerto Rico. So I think we should consider that as we evaluate the current situation.

Mr. SERRANO. If I may, Mr. Chairman.

The CHAIRMAN. Just—she is about out of time, and I am going to suggest one thing.

Mr. KENNEDY. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. KENNEDY. I would like to hear Congressman Serrano's response to that, because this is——

The CHAIRMAN. I was going to do that, but if you would like to be recognized for that purpose, go ahead, because you said you didn't want to be recognized. Go ahead.

Mr. KENNEDY. Thank you, Mr. Chairman. I do think this is the point that I want to hear, sort of, resolved through talking it out, because it is hanging over us with Nydia's comment that we haven't recognized fully the commonwealth portion of this debate. And what it means to the people of Puerto Rico to have independence, do they maintain their citizenship, as I believe they should if they were—they are citizens of this country. They will remain citizens. And their rights with respect to their benefits that they have earned and the like. I want to understand that within the context of independence as opposed to maintaining commonwealth status where it seems, according to you, José, that you are still in a period of limbo because this Committee and this Congress is still deciding a lot of the issues with respect to Puerto Rico. So, José——

Mr. SERRANO. Sure, and it ties into the answer to your question in that what this bill does is—and the reason I applaud this bill is—by the time this bill passes Congress and the vote is taken in Puerto Rico, every American who pays attention to these issues will know there is a Puerto Rico, there is a territorial situation, there is an issue to be dealt with. The world will be commenting on it. Some pressure will be coming on us. We will have to work on it. Right now that doesn't exist.

Secondly, I believe that after 100 years of a relationship, if Puerto Rico determines that it wants to be an independent nation, it would not be improper. But it would also be fair, out of this relationship, to say, that everyone who was born up till 12:00 noon on the day of independence is an American citizen forever, till death.

That at minimum as a payment for what they did in wartime and in other times throughout the history of——

Mr. KENNEDY. I agree with you. Now how would that be reconciled with Nydia's concern about commonwealth, some aspect? Because I have the feeling that independence while maintaining the rights and benefits earned by citizens of this country during this limbo period is what is also being confused with commonwealth. So what I am trying to understand is we probably have a question instead of sort of splitting the hairs between independence and maintaining rights and commonwealth——

Mr. SERRANO. To me, Mr. Kennedy, it is totally different.

Mr. KENNEDY. OK.

Mr. SERRANO. And the way I break it down is the way nobody wants to hear it. If they were independent, they could establish relationships with Cuba tomorrow. They can't right now.

Mr. KENNEDY. OK.

Mr. SERRANO. As a commonwealth, they can't do that. Now citizenship if you expand commonwealth as some people would like, you really create an associated republic. Independence is clear. All I am saying is if independence comes out of the process—I hate to use this paternalistic approach, but when my children leave the house after they get married, they never stop being part of the family. There is always room for them. I always look out for them. If they need some cash, I try to help with that too. So after 100 years being used as a colony, the least you should do is keep your citizenship. You paid for it in Korea, Vietnam and everywhere else.

Mr. KENNEDY. Is this—I am interested—Nydia, would you say that what José is talking about would satisfy your concerns——

Ms. VELÁZQUEZ. No.

Mr. KENNEDY.—about whether commonwealth is properly recognized in this——

Ms. VELÁZQUEZ. I would say that in 1952 and in 1950 and '52 and '53 when we went to the United Nations, this government, the United States government, went to the United Nations and stated very clearly that the people of Puerto Rico achieved self-government through a bilateral compact. And all of a sudden we come here and we delete history after we went there. We told the people that government was there, and it has been unfair, the fact that people—44 percent of the people of Puerto Rico in 1993 voted in a plebiscite that wasn't polled by the Popular Democratic Party because they didn't—they weren't in power. They didn't control both houses like the NPP, and this is what happened. They went and they said those 44 percent of the population of the voters, they voted for the commonwealth. Are you going to go and tell them that you don't have any say in the definition of the commonwealth? And this is the way that we comply with the aspirations of 44 percent of the people of Puerto Rico, and this is the way that we will achieve decolonization and full self-government? I don't believe so.

Mr. KENNEDY. As to——

The CHAIRMAN. We are going to have a vote in ten minutes, and I have got some Members who would like to ask questions. Governor.

Mr. ROMERO-BARCELÓ. Mr. Chairman, thank you. First of all I would like to—for the matter of the record, I would like to mention

a couple of things. There is a discrepancy in Puerto Rico as to what happened in 1898, whether we were invaded or troops were asked to come in. And the vast majority of historians seeem to think, and the people who remember seem to think that the troops were actually—the United States was actually asked to come in, because the people of Puerto Rico, the vast majority, were not happy with their relationship with Spain at that time. So that is a matter of history and the record should be put straight, set straight on these issues.

Then regarding who should vote, you have already seen a little bit of discrepancy between what the panel—Congressman Serrano says and what Congressman Gutierrez says and what Congressman Velázquez says. Congressman Gutierrez will extend to the children of those who were born in Puerto Rico, whereas Congressman Serrano says only those who were born in Puerto Rico. I have to——

Mr. SERRANO. No, that——

Mr. ROMERO-BARCELÓ. You assent to the children of those who were born?

Mr. SERRANO. Absolutely.

Mr. ROMERO-BARCELÓ. And would deny people who were not born in Puerto Rico?

Mr. SERRANO. Not if I would get it. They should get it.

Mr. ROMERO-BARCELÓ. OK, that means virtually that my wife could not vote. My wife has been in Puerto Rico now for 30-some years, has children in Puerto Rico and grandchildren.

Mr. SERRANO. And neither should my wife.

Mr. ROMERO-BARCELÓ. Well, your wife doesn't live in Puerto Rico.

Mr. SERRANO. I am saying, Congressman, that, if we come to the conclusion to include us, we will work it out.

Mr. ROMERO-BARCELÓ. Well, let me—what right does somebody that is not going to live the benefits of dire consequences of the decision, because he is going to live up here in the mainland, have to tell—influence the decision of the people of Puerto Rico who are the ones that are going to be affected by that decision? What right do you have to tell me and others in Puerto Rico that you should do this and you actually participate in the decision when you are going to be outside Puerto Rico and you are not going to be living in Puerto Rico? I think—isn't that the position? Isn't that treating us also like a colony? The Puerto Ricans here now are going to treat us as a colony?

Mr. SERRANO. You want an answer to that, Carlos?

Mr. ROMERO-BARCELÓ. Yes.

Mr. SERRANO. This whole process is an imposition. Luis was correct. If this was about fairness and justice, the United States should get out now, tomorrow morning. But that is not going to happen. The whole process is an imposition. But it is a little imposition in a big imposition to include all of us. It is not a problem, really. It is really not a problem. I think we could work it out.

Mr. ROMERO-BARCELÓ. Let me ask another question. You say that the children can go and those that were born. Those who were born in Puerto Rico should vote even though they are living here. Now supposing somebody was in Puerto Rico visiting from the States and they had a child and they were there for a few weeks

and then they left and the child left and they came over now and they have been living in Wisconsin. Now that child grew up in Wisconsin. He is not going back to Puerto Rico. He has children here. Then he and his children should be able to vote in Puerto Rico on that decision.

Mr. SERRANO. If I could answer——

The CHAIRMAN. If I can, we are in a voting process. And this is a very interesting discussion and debate. It is not going to be solved right now at this time. I am going to suggest that—I am going to thank the panel, number one. I think it was a very excellent presentation. I am proud of this legislation. I think everybody knows that I want the change, because I will agree with the Governor and Congressman Serrano about the status quo is no longer acceptable. So we are going to go forth in this legislative process. And I am hoping everybody will take the opportunity—I am sure the people of Puerto Rico will participate in this discussion, and so will the members of this Committee. But in due respect to the next panel, I would suggest at this time that this panel be excused and we will go vote and then the next panel will be on when we get back so we can expedite this process. This hearing is recessing till 20 minutes to one o'clock. Thank you.

[Recess]

The CHAIRMAN. It gives me a great honor at this time to introduce the Honorable Governor, Governor Pedro Rosselló of Puerto Rico. He will be on the witness stand. And I just want to welcome you, Governor, as one that has dealt with many other governors over a period of time. And being in your great territory, I certainly have enjoyed your hospitality and your willingness to share your views as well as those of the people in Puerto Rico. So welcome, Governor, at this time.

STATEMENT OF PEDRO ROSSELLO, GOVERNOR OF PUERTO RICO, SAN JUAN, PUERTO RICO

Mr. ROSSELLÓ. Thank you very much, Chairman Young, and members of the Committee on Resources. For the record, my name is Pedro Rosselló. Since 1993 I have been Governor of Puerto Rico. And in that capacity on two occasions I presented statements to the 104th Congress that may be of interest to each one of you.

On October 17, 1995, here in Washington I addressed a hearing conducted jointly by this Committee, the Committee's Native American and Insular Affairs Subcommittee, and by the Subcommittee of the Western Hemisphere of the House Committee on International Relations. Then on March 23, 1996, I appeared before the Native American and Insular Affairs Subcommittee at a hearing conducted in San Juan. My October 1995 statement pertained to a November 1993 political status consultation organized by the government of Puerto Rico with the full support of all three Puerto Rican political parties. My March 1996 statement pertained to H.R. 3024, a bill filed by Chairman Young which bore the same title as the measure before us today.

Because of their relevance and because they may be particularly useful to members of this Committee that did not serve on the aforementioned Subcommittees of the last Congress, I shall be grateful if the Chairman will make copies of those statements

available to every member of the Committee on Resources of this 105th Congress.

Although I am the president of a political party, and although I do strongly advocate one specific solution to Puerto Rico's status dilemma, I wish to emphasize at the outset that my declarations at this hearing shall be solely in my role as chief executive of the government of Puerto Rico and on behalf of the people of Puerto Rico as a recipient this past November of the largest electorate mandate granted to any gubernatorial candidate in Puerto Rico since 1964.

In addressing you as Governor and as a spokesperson for a strong mandate from the people of Puerto Rico to move toward the final definition and decision on our political status, I see it as my duty to concentrate exclusively on offering my assistance as you commence to the profoundly important process of evaluating H.R. 856, the United States-Puerto Rico Political Status Act.

For the past eight years all the people of Puerto Rico and the United States Government have manifested a commendable commitment to addressing this issue seriously, responsibly and in an impressively nonpartisan manner. In 1989 a pro-commonwealth governor enlisted the backing of all three Puerto Rico political parties in soliciting action from the Federal Government. That petition produced an earnest and positive response from a Republican President and a Congress that was controlled by Democrats. More than two years of dedicated effort resulted from that initiative.

The effort fell short, but we must say it did not fail. Rather it left behind a valuable foundation upon which we have been building ever since. And so it was that my administration, led by a pro-statehood governor, succeeded four years ago and maintained a united front of Puerto Rico political parties in resuming the quest for a solution to the status dilemma. And so it was, too, that with a Democrat in the White House and Republican majorities on Capitol Hill, Washington has remained equally united since 1995 in pursuit of a mutually satisfactory remedy to the universally acknowledged inadequacy of Puerto Rico's current relationship with the rest of our fellow citizens of the United States of America.

President Bill Clinton reiterated his commitment at the beginning of this year in a letter that was read aloud by his personal representative during my second term inauguration ceremony in January. The President wrote, and I quote, "I will work with you, the island's other elected leaders, the Congress and all concerned to establish a process that would enable the fundamental issue of Puerto Rico's political status to finally be resolved."

Here in the House, for their part, Chairman Young and Ranking Member Miller have localized a broad bipartisan coalition with the solid backing of Speaker Newt Gingrich and the gentleman from Puerto Rico, Congressman Carlos Romero-Barceló. On the Senate side, Chairman Frank Murkowski visited Puerto Rico this past weekend, leading a bipartisan delegation from his Energy and Natural Resources Committee. The senators held lengthy meetings with senior officials from the political parties representing Puerto Rico status options.

In light of these developments, I can state for the record that the people of Puerto Rico are looking forward with enthusiasm to the imminent exercise by Congress of its constitutional responsibility to

collaborate with us on converting the chronic conundrum of Puerto Rico's status into a shining star of statesmanship. I am convinced that together we can do it, Mr. Chairman. Through a determined, persistent, unflagging effort and an unshakable allegiance to patriotic civility, we can indeed do it. Moreover, I suggest we can do it expeditiously.

I commend you, Mr. Chairman, for having requested of each Puerto Rico political party that it submit by March 31 a proposed definition which it believe will be most appropriate for the status option it supports. It is my understanding that each of the parties intends to comply with that request. You acted expeditiously, Mr. Chairman, in filing H.R. 856. You acted expeditiously in scheduling this hearing. You acted expeditiously in requesting status definitions. And I urge you that we likewise expedite the entire process contemplated by this bill.

A year ago this week in my testimony regarding H.R. 3024 I proposed that the process be streamlined. Like that earlier bill, H.R. 856 envisions, and I quote, "a transition plan of ten years minimum, which leads to full self-government for Puerto Rico consistent with the terms of this act." Nothing has transpired during the past 12 months to alter my outlook on this aspect of that legislation.

Accordingly, I take this opportunity to urge once again that this bill's three stages, initial decision, transition, and implementation, be consolidated into two stages. I feel certain that the transition and implementation stages can be combined in such a way as to eliminate any need for conducting the interim referendum that is stipulated by the bill under the provisions set forth in its transition stage.

If the people of Puerto Rico do embrace full self-government during the initial decision stage, I see no reason why ten or more additional years must elapse before we are able to cast a definite yes or no vote on a presidentially submitted and a Congressionally approved implementation formula.

A streamlining of this nature would save time, energy and money. It would facilitate the completion of the entire process with the utmost, focused attention to detail during that period that could easily be reduced to a maximum of four to five years. But more than that, by expediting matters, we can help to ensure that the United States-Puerto Rico Political Status Act achieves its purpose, because by expediting matters we can greatly enhance the likelihood that the momentum of this historic undertaking will not be weakened by unforeseen events that could occur as we go forward. And furthermore, it would send a strong message to all that Congress is ready and committed to act.

When I first offered the suggestion at the San Juan hearing of March 1996, my exact words were these. "Ten years, I respectfully submit, is an inordinately long time. Ten years ago there were two Germanies and a Berlin wall. South Africa was still under Apartheid. The North American Free Trade Agreement was merely a promising idea, almost nobody had ever heard of the Internet. A ten-year minimum, I believe, is more time than we need."

Today, in March 1997, I stand by those words. I earnestly propose that a mechanism be designed that will allow the people of Puerto Rico and our fellow citizens throughout the United States

to conclude at the sunrise of the 21st Century an extremely significant item of unfinished business that has awaited this nation's undivided attention ever since the twilight hours of the 19th Century.

To that end and in that spirit, Mr. Chairman and members of the Committee, you can count on me. You can count on me to work with you, with your Congressional colleagues, with the President and with the people of Puerto Rico. You can count on my good faith and my goodwill and my unwavering commitment to the fundamental principles of civil rights and human dignity that this bill so eloquently embodies, the principles of liberty and justice for all.

And may God bless each and every person who participates in this noble endeavor. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Governor. I want to compliment you on an excellent statement. Not only that, I was willing to give you a little more time. It is hard for a Governor or a Senator or a Congressman to put anything in five minutes, so I want to congratulate you. Excellently done.

Mr. ROSSELLÓ. We don't need much more time.

The CHAIRMAN. All right, excellently done. I may have some questions, but I will defer to my good friend from Puerto Rico at this time and then go right down the line if you have any questions. You don't have to ask questions.

Mr. ROMERO-BARCELÓ. I don't have any questions for the Governor. I know we have talked a lot about this issue many, many times. I just want to congratulate him on his statement and everything that he has done to make sure that this process continues and we reach an agreement and have a vote by 1998 and then look forward to entering the new millennium with Puerto Rico no longer being a colony. Thank you.

Mr. ROSSELLÓ. Thank you to our Congressman.

The CHAIRMAN. Mr. Kildee.

Mr. KILDEE. I just want to thank Governor Rosselló. It is good to see you again. I enjoyed my trip down to Puerto Rico last year and look forward to come down there again. And I share your concern about the ten years also. I would like to discuss that more fully with you. Thank you very much.

Mr. ROSSELLÓ. Thank you.

The CHAIRMAN. The gentleman from Guam.

Mr. UNDERWOOD. Thank you, Mr. Chairman. Thank you, Governor, for an excellent statement. It is true that it is hard to encapsulate all the emotions of the people within five minutes.

Much has been made of the year 1898 in some of the previous testimony, and you alluded to it in terms of taking care of a problem that has been with us since the end of the 19th Century. I believe earlier it was stated that Puerto Rico is the longest running colony under the U.S. flag. I did some quick research during the break and found out that Guam nosed you out by one month.

So I hope that the—in a way, it is a difficult issue to address, because I fully respect and understand that this is Puerto Rico's day and this is a day to analyze and understand the meaning and the impact of the Puerto Rican experience and how this country will deal with that. And actually in support of that, I have submitted—my earlier testimony was in support of that, and also as part of that I submitted a statement from Governor Gutierrez in his ca-

pacity as Chairman of the Commission on Self-Determination that is in support of that.

So it was some surprise, Mr. Chairman, that I note that there were some materials in the packets distributed about Guam. And in a sense I was—I am expressing some of my concern about that, but I just want to make the obvious distinction between Guam and Puerto Rico. The obvious distinction is that Puerto Rico, because of its size and its impact, I think, on the American consciousness, has a fuller range of options, viable political options, available to it than Guam has. But the fervor to deal with the issue is no less on Guam, and I am sure you understand and appreciate that.

And while our—it is an interesting dynamic, because we are really linked in terms of the Spanish-American War. It always—I always found it fascinating that the Spanish-American War was fought allegedly over issues in the Caribbean, yet the first strikes were in the Philippines and Guam, which always leads me to believe that there was something else at stake in the minds of all the people who carried the American flag at that time. So while we nosed you out by a month, I look forward to resolving your issues and I will be courteous and hope that these issues will be resolved and will be patient, but I hope we don't have to wait too long after you. Thank you.

The CHAIRMAN. I thank the gentleman from Guam. He has been very persistent in discussing this issue with me, and I believe the literature in your documents—I was going to ask unanimous consent they be submitted for the record as it was requested.

Mr. MILLER. That is granted.

The CHAIRMAN. Without objection, so ordered.

[The information may be found at end of hearing.] ???

The CHAIRMAN. The gentlelady from the Virgin Islands.

Ms. CHRISTIAN-GREEN. Good afternoon, Governor. Thank you for your testimony. I am concerned about the issues raised by Congresswoman Velázquez. And I wanted to know from you if you were satisfied that within the bill the Congress gives sufficient commitment to supporting the decision of the people of Puerto Rico.

Mr. ROSSELLÓ. I think the bill addresses in a very positive fashion the valid alternatives that Puerto Rico should and would have. Essentially if we look at this from the perspective of answering one question, whether Puerto Rico wants to remain under U.S. sovereignty or not, then everything becomes very clear. If you want to remain under U.S. sovereignty, the Constitution addresses only two options. You can either be a State or you can be a territory under the plenary powers of Congress under the territorial law. Those are the two options if you answer the question that you want to remain under U.S. sovereignty with U.S. citizenship.

If the answer is no, then you have the other panel. You can go toward a separate sovereignty under which you would have all the powers of any independent nation, or you could modify that by a treaty or a compact between two independent nations. But that would be outside the U.S. sovereignty and outside U.S. citizenship. In that sense, the question is very simple. You answer it yes or no. U.S. sovereignty and U.S. citizenship and then you have these two options, or outside U.S. sovereignty with a separate citizenship and a separate sovereignty.

From my perspective, if the question is answered that Puerto Rico should remain under U.S. sovereignty with U.S. citizenship, the option of remaining a territory, for me, is not valid, but I think it is pertinent and I suggested it and Chairman Young has accepted including the option of the current status under U.S. sovereignty and under the territorial clause as an option. I don't think it is valid. I don't think it is valid, but that is my personal opinion. But I think it allows everybody in Puerto Rico to have a valid option which they can support.

Ms. CHRISTIAN-GREEN. Thank you.

Ms. CUBIN. Are there any further questions from anyone else? Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Madam Chairman, and I certainly would like to offer my personal welcome to the Governor of Puerto Rico for his fine testimony. And I want to say I believe, Governor, it was by your suggestion of the process as we were reviewing the provisions of the previous bill that was introduced that the option of commonwealth also be included, given the fact that there are some very strong disagreements in the whole process, just as we have heard earlier from some of the Members. I had hoped that Congressman Serrano would be here, because his preference would have been don't even include the commonwealth option, it is either statehood or independence.

And I wanted to ask you, as you know, there are so many—so much a mixture of views in the Congress as far as the issue of Puerto Rico is concerned. I don't need to say that. There are some Members who have very strong feelings who are advocating about the—and I hate to see Puerto Rico being used as a scapegoat concerning the English only or the English first debate that is now going on here in the halls of the Congress.

I wanted to ask you, should the Congress equate statehood with dollars?

Mr. ROSSELLÓ. With what?

Mr. FALEOMAVAEGA. With dollar signs. I am unfortunate to say that there will be some Members who view it strictly for the dollar signs rather than looking at it as a matter of principle. I believe my good friend from Puerto Rico has given indications earlier that if the people of Puerto Rico were to become a State, that your contributions toward the income tax system would be a lot more than what it would cost. And I think that is certainly commendable.

But I—you know, at the time that we held hearings in Puerto Rico, Governor, as you well remember, the former candidate for president, Pat Buchanan, came out with a very strong accusation which I strongly disagreed with that this would create a welfare state for Puerto Rico should statehood become the option.

But I wanted to ask your response. Should the Congress equate statehood with dollar signs?

Mr. ROSSELLÓ. I think that in discussing this issue the main parameter should be the parameter of civil rights. I have not seen anybody in this Congress saying that because a certain population in Alabama or Mississippi or Iowa is deprived of their citizen rights, that they will not move to ensure those citizens' rights on the basis of cost alone. I think it is a valid point to argue about, but I think when we discuss this we should have the cost related

to statehood, to commonwealth and to independence. Each one has a cost. Each one has an economic cost and each one has political or other costs.

So if we want to discuss the issue on that scenario, we have to make sure that we project the cost of remaining as we are now. And the costs are considerable. And I would suggest that the costs are higher than if you would go toward statehood, because at some time Puerto Rico will become a contributing partner to the union, to the nation. So if the cost issue is discussed, it has to be discussed on equal terms for all options.

Independence has a cost, and we will hear and we have heard independence proponents suggest that the United States keep some measure of payments to Puerto Rico. So each one has some costs and we should define what those costs are and what the net flows of costing toward Puerto Rico and for Puerto Rico to the United States would be. And I think, again, the main issue here is one of civil rights, whether we can indeed keep 3.8 million U.S. citizens from having their full citizen rights or in the opposite extreme allow them to be independent and exercise their full rights to a separate sovereignty.

That is the basic issue here. The cost issue, I think, is pertinent, but it should not be overriding, and when it is analyzed it should be analyzed for the three options that are presented in this bill.

Mr. FALEOMAVAEGA. Governor, I appreciate you elaborating on that question I raised, but, you know, as far as I am concerned you can never equate any dollar sign to the——

Mr. ROSSELLÓ. I agree.

Mr. FALEOMAVAEGA. [continuing]—blood the sons and daughters of Puerto Rico have shed for all these years in the wars that have been fought.

Mr. ROSSELLÓ. I agree with you.

Mr. FALEOMAVAEGA. And I really—to me it is an insult to think that any option that Puerto Rican people should choose, that we have to put dollar signs to make that as a measurement. I think that the people of Puerto Rico have made the ultimate sacrifices, as they have already, and I sincerely hope that the Congress will be receptive to whatever option the Puerto Rican people decide for themselves in the future.

Mr. ROSSELLÓ. Thank you for your views. I share them totally, but since I know that we will not be able to curtail the debate, it will come up naturally as long as we are, in a sense, conscious of what the priorities are. And as long as we debate even those other aspects which may be economic or which may be others, that we keep in mind your eloquently stated position the rights of the people over the cost.

Mr. FALEOMAVAEGA. Thank you, Governor. Thank you, Madam Chairman.

Ms. CUBIN. And the gentleman from Illinois, did you have some questions?

Mr. GUTIERREZ. There are no other members of the Committee?

Ms. CUBIN. Oh, Mr. Kennedy.

Mr. KENNEDY. Thank you, Madam Chair. And thank you, Governor, for your testimony. I wanted to go back to a question I asked in the last panel and ask you to answer it as well. Put into context

the plebiscite that has been the source of much consternation with respect to the confusion that was related to it so that we don't end up repeating past mistakes and further exacerbating the feeling of frustration of the Puerto Rican people about their own self-determination. Would you comment on Ms. Velázquez's points that she made in the last panel with respect to the 1953 agreement between the United States and the United Nations with respect to enhanced commonwealth, the fact that this country did not respect that and did not fully heed its obligations under that or whether it was part of the territorial status that you spoke about just in the past question that was asked. And is it possible to have a bilateral relationship as is promised by advanced commonwealth, or is that not possible? Could you explain whether—more about your opinions about these issues.

Mr. ROSSELLÓ. The 1993 referendum in Puerto Rico did have an effect. These hearings are the result of that referendum or that plebiscite. We have seen that the legislature of Puerto Rico on two occasions has asked the Congress to respond to those results of the 1993 plebiscite in Puerto Rico. It was a plebiscite that was locally authorized, did not have a commitment from Congress, and on the basis of that plebiscite the legislature on two occasions has asked Congress to act.

I think this bill is a response to that 1993 plebiscite. I think this bill embodies the answer of Congress to the 1993 plebiscite. And in doing its—in assuming its responsibilities under the Constitution of authorizing a Congressionally sponsored plebiscite with Congressionally defined, valid options, I think that is the most positive response that we would have expected from Congress. So I think that, yes, the 1993 plebiscite has had its impact and the fact that we are immersed in this process now is ample evidence of that.

Secondly, we have to go back to basics. It is not what each one of us wants, because I might be tempted to say in my definition of statehood that I would require the future State of Puerto Rico to have the landing rights to the moon, the lunar landing rights would be a part of the 51st State. Maybe I would want that, but is that valid? And so in the same sense I think we all, those who advocate statehood, those who advocate commonwealth, those who advocate independence or free association, should submit their views so that they be analyzed and finally stated as valid by the Congress, who I believe has the powers under the Constitution to legislate for the territories.

So again, I think this process is one that allows that to happen. The Chairman and Ranking Democrat of this Committee have written to each one of the political parties in Puerto Rico and have allowed them to submit a proposed definition. Obviously, it may be different from 1993 where no limitation was placed on the definition that appeared on the ballot. This time there will be a so-called reality check. I am sure if I convinced my colleagues to submit a statehood definition that has the lunar landing rights for the 51st State, that would be taken out by Congress because it is not a valid option.

So in essence I think we are seeing a process where there is input and there is, to a certain extent, an analysis and a validity

check under the Constitution and under international law to make sure that the options that appear in the ballot are valid options.

Mr. GUTIERREZ. Will the gentleman yield?

Ms. CUBIN. The gentleman's time is up. Are there any other Committee members who would have a question? I will finish with the Committee, and then I would love to recognize you, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Madam Chairman. Governor, again, another—I think one of the most difficult issues that was derived as a result of the 1993 plebiscite was the fact that there was a plurality and not a clear majority.

Mr. ROSSELLÓ. Yes.

Mr. FALEOMAVAEGA. Now we are going through the process again. And let us say that the statehood obtains a 46 percent, commonwealth gets 42 and independentistas get 12. Do you have any suggestions how we resolve the continuous situation over plurality rather than the clear majority if it comes to that point in the future plebiscite?

Mr. ROSSELLÓ. Well, I think that there is almost—I wouldn't call it unanimous, but there is a consensus that the current status is one that is transitory. If we cannot make up our minds, then we remain in the current status, but this bill addresses that reality by saying that periodically the people of Puerto Rico would be consulted until they finally choose a stable and final status. So again, I hope that doesn't happen. If it happens, it is, you know, our own choosing. But if we cannot, so to speak, get our act together and by majority vote choose one of the paths to full self-government, then unfortunately we will remain in this transitory status until we make up our minds.

Mr. FALEOMAVAEGA. Governor, I thank you, because one of the problems, as I have seen over the years, I think one other major plebiscite that took place in Puerto Rico was since 1967. And then that was just kind of put on it, in fact, on the part of the Congress. We just didn't do anything despite, I am sure, there being a lot of proposals or a lot of offers from several administrations on behalf of the government of Puerto Rico. Still Congress did not act. Am I correct in that observation?

Mr. ROSSELLÓ. That is correct.

Mr. FALEOMAVAEGA. So this is where we are at now?

Mr. ROSSELLÓ. Yes.

Mr. FALEOMAVAEGA. And it is very easy to put the blame, the finger, on it and say who it is that was at fault. And I have to say, Madam Chairman, that we are not exactly angels ourselves in terms of what we should have done. We never did anything. Thank you, Governor. Thank you, Madam.

Ms. CUBIN. Are there other Members who have questions? I came in late, so I don't know who was here first. The gentleman from Illinois.

Mr. GUTIERREZ. Thank you so much. Number one, let me welcome you here to the Congress of the United States and congratulate you on your resounding reelection victory last November as Governor of Puerto Rico and to share with you that outside of this I look forward to working with you on those issues. I wish you Godspeed in your mission during this next four years as Governor of

Puerto Rico and look forward specifically to discussing and working with you on making economic viability of jobs in Puerto Rico and other kinds of social/economic issues viable in working with you in that spirit, Governor. Welcome once again.

Two quick questions, Governor. I agree with the gentleman from American Samoa that we should not equate self-determination with dollars. But as you rightfully interpreted, this Congress will do that in terms of the admission of Puerto Rico as a State into the union should we arrive at that point.

Let me just ask you, how do you see the process? Have you envisioned the process of Puerto Rico as a State, and what kinds of things do you see will happen differently than under the current status having the power of statehood that will allow you to grow and expand the franchise, the economic franchise in terms of contributions to what you will then be, part of the Nation as a whole.

Mr. ROSSELLÓ. Well, very basic in that respect is the power of participation. The same way you advocate for your district in Chicago, the same way you promote the development of business and business opportunities very forcefully for the people that elected you, I would see that a major component of allowing Puerto Rico to really compete on a equal basis would be the representation that Puerto Rico would have in this body. We would have certainly two Senators. We would have six to seven Congress persons here in this body that makes decisions about economic matters and about social matters.

So essentially if you look at the history, if you look at the fact that was mentioned here before, some territories before like Alaska and the differences when they were territory to the rest of the economic parameters of the States and you look at Puerto Rico, 50 years ago Puerto Rico had 50 percent of the income per capita that Mississippi had. Fifty years later, Puerto Rico still has 50 percent.

So if you are concerned about the development of Puerto Rico in reaching more equitable levels of economic development, then you should think of the current status as one that limits the possibilities of Puerto Rico and which by history you have seen many of the previous territories that have inferior economic parameters when they were territories move up toward more equitable levels of economic development.

So I think the—it is intrinsic in being a part of the system if you are a part of the system and you are participating in decisions, the system will allow you to come up to the level of other jurisdictions.

Mr. GUTIERREZ. Thank you, Governor, for that answer. One other question. As we look at—earlier I suggested, Governor, that sometimes I am a little perplexed at just how we deal with 1952 and the adoption of the free association and subsequently going to the United Nations and independentistas going before the United Nations and saying, you know, that is really not enough, adding an extra paragraph or saying that mutually the United States and the people of Puerto Rico are going to have to develop this free association so that it can reach full self-determination. But that really did happen, that historical linkage did exist.

Now as we go into the future, given the fact that in 1952 it was established by Congress to the United Nations that you could have an autonomous version of free association between Puerto Rico and

the United States, which would decolonize it because they accepted it as decolonizing at the United Nations, that allowed there to continue to be American citizenship of the nationals in Puerto Rico in that relationship, what is changed today that will not allow, in your opinion, for there to be such a status, or proposal maybe, for the people of Puerto Rico that would continue to allow American citizenship as a guarantee under that status?

Mr. ROSSELLÓ. Congressman Gutierrez, if you look at the records of Congress, it amply supported and was very clear that Congress never intended changing the basic relationship between the United States and Puerto Rico, that what Congress did—and this is in all Congressional records. What Congress did was to statutorily allow the people of Puerto Rico to adopt a constitution for internal affairs and internal government. External relation between Puerto Rico and the United States was not changed. In no—it is stated in a positive way in every area of the Congressional record, and in no place can you see where Congress said that it would be renouncing its power under the territorial clause.

An interesting thing happened on the way. Both at the United Nations and to the people of Puerto Rico a different story was taken. And I think it is time that we look at that, and it is time to reconcile what was actually done with what was projected.

Having said that, I must say that I do not wish to enter into a war of recriminations, who was right, who was wrong. But let us start from here and let us solve the problem. Let us say what are the alternatives that are valid internationally under the United Nations. And I have been to the United Nations with many of my colleagues here. And let us forget about the interpretation, because for me it is very clear. However, if we are really committed to solving this, let us go forward and not so much look backwards.

In looking forward, the United Nations is very clear as to what options can be offered territorial jurisdictions. One is integration, full integration, which is statehood. The other is full independence. And the third is a form of free association, which has to be, again, under two separate sovereignties that reach an agreement. So again, I go back to my initial position that the basic question we have to answer is whether we want to be within U.S. sovereignty with U.S. citizenship or without U.S. sovereignty and U.S. citizenship. Very simple. And that is totally consistent with what the international community accepts today as ending colonialism.

If you go to the United Nations and you say that you have a jurisdiction which does not participate and does not elect representatives that have a major decisional power over the inhabitants of that jurisdiction, they will tell you that that is a colony. And that is the real situation in Puerto Rico today.

Mr. GUTIERREZ. Governor, thank you for your answers. And I will, after this meeting, evaluate them very carefully so that I can continue to work with the members of this Committee to see if we can't foster a relationship that will end the colonial situation in Puerto Rico. And I look forward to working with you once again. Thank you so much.

Ms. CUBIN. The gentlelady from New York, Ms. Velázquez.

Ms. VELÁZQUEZ. Thank you Chairlady. Mr. Governor, thank you being here and welcome. You know, it is really very troubling for

me to listen to interpretation of what happened in 1952. And in some ways when you state that the United States government has been misrepresenting and that what occurred in 1952.

And what took place in 1953 was the bilateral compact was ratified by Resolution 748 at the United Nations and that the United States went—the government went to the United Nations and stated very clear that there was a self-government established in Puerto Rico by nature of a bilateral compact. So that happened and now you are telling us your interpretation.

We could clearly state that what this government has been doing has been a political sham and a charade that didn't respect the people of Puerto Rico and that this government has a responsibility to repair the damage and the pain that it has caused to the people of Puerto Rico.

When my colleague Patrick Kennedy asked you the question in reference to what I stated earlier, I think you didn't answer that because specifically he was referring to the fact that there was a bilateral compact that was agreed upon by the people of Puerto Rico and this government.

Mr. ROSSELLÓ. If you are asking me, I am still looking for that bilateral compact. I haven't found it anyplace.

Ms. VELÁZQUEZ. Well——

Mr. ROSSELLÓ. All I found is a statute by the U.S. Congress allowing Puerto Rico to establish a constitution for internal affairs. Nowhere—you are here in Congress. You can look at the records. Nowhere in Congressional Records—and this is where the decision was taken. It was not taken at the United Nations. It was taken here. And in this body nowhere does it say that Congress abdicates or renounces its Constitutional prerogatives over any of the territories, including Puerto Rico. So if that wasn't changed, then the relationship between Puerto Rico and the United States was not changed.

Now, I cannot answer for what other people, including the government of Puerto Rico at that time, represented to the people of Puerto Rico. I think that was a misrepresentation, yes.

Ms. VELÁZQUEZ. And I think later on, Mr. Chairman, we are going to have the Administration testify presenting their position.

The CHAIRMAN. Oh, yes.

Ms. VELÁZQUEZ. Yes, and——

The CHAIRMAN. You better read their testimony. It is quite interesting.

Ms. VELÁZQUEZ. Yes, well——

The CHAIRMAN. I——

Ms. VELÁZQUEZ. My concern is, Mr. Chairman, that I would like with your permission to request that a copy of the transcript that took place in 1953 be included as part of this hearing—at the United Nations.

The CHAIRMAN. I don't——

Mr. MILLER. I would support that.

The CHAIRMAN. I would suggest in all due respect—ever time we hear the word United Nations, I get a little antsy, so——

Ms. VELÁZQUEZ. Well——

The CHAIRMAN. I understand. I understand.

Ms. VELÁZQUEZ. It works when it is a way for the United States to go and to deal with public opinion about something that went wrong. And this government is responsible for that.

Mr. ROMERO-BARCELÓ. Would the Congresswoman yield?

Ms. VELÁZQUEZ. Sure.

Mr. ROMERO-BARCELÓ. I wanted to add that it was not only the national government, the U.S. Government that went to the United Nations and misrepresented what happened, but also the government of Puerto Rico corroborated with that misrepresentation. And they collaborated in the United Nations and they misrepresented it also to the people of Puerto Rico and have been misrepresenting it to the people of Puerto Rico for all these years.

Ms. VELÁZQUEZ. Yes, Mr. Chairman, my minutes are still——

The CHAIRMAN. I am not arguing that. Go right ahead.

Ms. VELÁZQUEZ. I just would like to say that is why in my statement before I made it very clear that it is important that we offer and we provide to the people of Puerto Rico every information and the facts about each formula that will be presented to the people of Puerto Rico, because then maybe two years later or four years later we are going to come back and say well, I wasn't part of that, you know. So it is really troubling. We need to provide the people of Puerto Rico with every information and every fact so that we do not come back and say, oh, I am sorry, that wasn't part of the record, that wasn't part of what we intended.

The CHAIRMAN. I agree. I will say this in defense of the people of Puerto Rico. If I had as many people in my great State and other States as interested in the process, participate in the process as much as it does in Puerto Rico, I would be quite proud. When I see 47 percent of the people voting nationwide in a Presidential election, it is very discouraging. Puerto Rico is quite high when they have participation.

The gentleman from New York.

Mr. SERRANO. Thank you, Mr. Chairman. Let me first preface my comments, Governor, by also welcoming you. You visit us on a regular basis, so it is a re-welcome. And, as you know, I grew up in New York. I am one of those New Yorkers who grew up, like so many other Americans, during the Vietnam era, in a love/distrust relationship with my government, loving my government, loving my country that I was being raised in, but distrusting a lot of what they told me about Vietnam and about a lot of other things.

So it doesn't surprise me that my government didn't tell the truth in 1950, '51 and '52. In fact, I know that they didn't tell the truth. I know they don't tell the truth now when they say Puerto Rico is equal. It is not. Ask my cousins. They are not equal and they are not independent.

Now I notice, Governor, that—you might have answered my question already, but I want you to elaborate somewhat on it. There must have been a process for you and your party, and those who have been in your party before you, to reach a point where you can comfortably use the word "colony" and the phrase "colonial status". Was that done through a difficult situation within the party, or did the party reach that from the kind of comments that you brought up here today?

In other words, how does your party agree with the independence party on the point that it is a colonial status?

Mr. ROSSELLÓ. I think we agree because we are looking at the facts. And if history shows us the different steps that were taken and if at the end of that route we apply a litmus test as to whether a jurisdiction is represented democratically, whether it is enfranchised or not, then you have to reach the conclusion no matter what happened here that this is a colonial status. That is why I again urge this Committee and Congress to put aside the historical contradictions.

If we are really committed to solving this problem, and I think if you look around the room you see that this is almost 100-year-old problem. We should be able to solve that. And again, as Governor of Puerto Rico, whatever the people decide, that is what it will be. I have my own choice, but whatever the people of Puerto Rico decide. They should know the valid options. If we spend so much time arguing about what somebody said in the United Nations, I gather we will reach conflicting opinions, because in the United Nations everybody said whatever they wanted.

I have been to the United Nations. I have been at hearings. Many of my colleagues here have also. And we can argue about this forever, but again I urge you let us not get bogged down. If we feel like I think everybody here feels, that this continuous debate over status is holding us back, then let us solve it. If we, as I think all of us agree here, if we feel that we cannot get together on education and on health and on job creation because we have different views which do not allow us to come together on those basic issues, let us solve the problem now. Let us not look backwards. Let us look forward.

And I suggest again that this is a historic opportunity. We will be having 100 years when this problem was first presented, almost 100 years. We are also nearing a new millennium, a new century, which also should allow us to be open in our minds and allow us to look at change as something natural. And when we look at all these things, I think everything is coming together so that we can finally solve this problem for the good of the people of Puerto Rico and also for all U.S. citizens in our nation. And if we take this opportunity to just squabble a little bit more as to what happened in 1952, I think we will be degrading from what I think is a very noble objective of this bill presented by Chairman Young.

Mr. SERRANO. Let me see, Governor, if I have some time left here—I just wonder if you personally have taken a look—my red light just went on.

The CHAIRMAN. I will give you 30 seconds.

Mr. SERRANO. OK, on the issue of the stateside vote, and what feelings you have personally on whether, first of all, it could be carried out and if it has any merit.

Mr. ROSSELLÓ. I have problems on two areas, two levels. One is what Carlos Romero-Barceló mentioned. It is very difficult for me to think of people that will not suffer or benefit from the consequences of a decision to be involved in that decision. If you would tell me that the people that voted that were outside of Puerto Rico, not residents of Puerto Rico, would live by the consequences, if the people that voted here and voted for independence would be willing

to give up their citizenship and go back to Puerto Rico and live under a separate nation, then I think that would be valid. But if you are telling me that people will be voting and then not really living the consequences of that decision, that is very hard for me to accept.

The other part is what you mentioned, and I think it is lesser of an objection, that we have established in Puerto Rico, I think, a very credible electoral process and structure which allows everybody that wants to participate to have participation. How will you extend that same privilege to the Puerto Ricans either born in Puerto Rico or children of people born in Puerto Rico throughout the 50 States? And I think it might be easy to do it in New York and it might be easy to do it, maybe, in Illinois, but some of the other States might be a little bit more difficult. So that is a practical question that I have. It doesn't mean that if you come up with a practical solution to that practical question I will——

Mr. SERRANO. I think the greatest country on earth can pull it off if they wish to pull the vote outside.

Mr. ROSSELLÓ. If that——

Mr. SERRANO. And, just in closing, Governor, we have been living the consequences. My parents are buried in the Bronx because we lived the consequences of forced migration. So in many ways we have already lived the consequences of the status. We are willing to roll some dice on what the future consequences will be.

The CHAIRMAN. I want to thank the Governor. You have been on the stand now for an hour and 20 minutes and you also sat here all day, and I want to congratulate you on that and your excellent testimony. And you are excused.

Mr. ROSSELLÓ. Thank you, Mr. Chairman.

The CHAIRMAN. Next we have the Honorable Ruben Martinez, President of the Puerto Rican Independence Party, San Juan, Puerto Rico. Mr. President, you can sit down anytime you would like to, and as soon as it quiets down we will proceed.

Mr. SERRANO. Mr. Chairman, may I ask a question for a second?

The CHAIRMAN. Absolutely.

Mr. SERRANO. I noticed you referred to Senator Berrios as President. Is that an opening for future——

The CHAIRMAN. Very frankly, I think it would be an excellent improvement. He is better looking, and he doesn't fall down as often. Go ahead.

STATEMENT OF RUBEN BERRÍOS-MARTINEZ, PRESIDENT OF THE PUERTO RICAN INDEPENDENCE PARTY, SAN JUAN, PUERTO RICO

Mr. BERRÍOS-MARTINEZ. Mr. Chairman and members of the Committee, for almost a century Puerto Ricans of all political persuasions have struggled unsuccessfully for the recognition of our full political rights as a people before a Congress that has for the most part been hostile or insensitive to our demands. Today on the verge of the 21st Century, it is a source of optimism that Congress finally begins to recognize its centennial obligation to decolonize Puerto Rico.

But before H.R. 856 becomes an effective and acceptable instrument for the solution of Puerto Rico's status problem, certain condi-

tions should be met and certain pitfalls avoided, some of which require major changes in the bill. One of them is the essential objective and nature of the bill must be maintained at all costs. This bill unambiguously faces and proposes a solution to the fundamental issue of sovereignty by promoting a decision within two paths, one under U.S. sovereignty leading to statehood and the other under Puerto Rico sovereignty leading either to independence or free association. Territorial commonwealth, on the other hand, is viewed as a problem to be outgrown and superseded.

Two, so long as this fundamental objective is preserved, the legitimate interest and demands of all the participants in the status debate must be provided reasonable accommodation. In this context, while independence and free association, as modalities of Puerto Rican sovereignty, must continue to be grouped under the same heading on the proposed plebiscite ballot, their distinctiveness should nevertheless be clarified. Free association and independence are members of the same family, but they are first cousins, not identical twins.

I propose, therefore, that the bill be amended to flesh out the free association and independent modalities within the separate sovereignty alternative, or as I prefer to call it the Puerto Rican sovereignty alternative. Once free association has been reformulated to address the legitimate concerns of its proponents, it will be totally unnecessary to include the territorial status quo as an option. Even the Popular Democratic Party rejects that option of an unincorporated territory subject to the powers of Congress under the territorial clause. It would be a perversion of the concept of inclusiveness to include a colonial or territorial option that nobody favors.

Three, this bill at least should reflect a sense of Congress regarding the truly critical questions which you will have to face and answer in case of a statehood petition. Congress should not convey the impression that a mere majority vote in the plebiscite is the only condition for statehood. I am convinced that if this bill is perceived in Congress as implicit commitment to grant statehood after a majority vote by the Puerto Rican electorate, it may never become law.

In this context, crucial questions regarding statehood for Puerto Rico arise which should be addressed in this bill, even though Congress cannot answer these questions in a way that will bind the future Congress. Is it the sense of Congress that statehood for Puerto Rico would be possible unless English becomes the primary or common language of Puerto Ricans? Would statehood be a realistic option so long as Puerto Rico's per capita income remains one-third that of the United States and one-half that of your poorest State considering the repercussions of that reality on the Federal treasury? Is statehood conceivable without an overwhelming political consensus in its favor in Puerto Rico? Is Congress willing to face a Caribbean Quebec if a minority for separate sovereignty should become a majority in the next generation?

At a minimum, Congress should make clear that if statehood achieves a sufficient majority, but does not then act favorably on the petition within a reasonable period of time, then statehood should be deemed to have been rejected. In such an eventuality,

the bill should provide that in order to achieve its primary decolonizing objectives, the people of Puerto Rico should then choose between the remaining alternatives, that is between independence and free association.

Four, fairness and objectivity should be maintained regarding the status definitions as they refer to the potential economic effects of the different alternatives. Congress has constitutional and international obligations with Puerto Rico's decolonization, in addition to moral and legal commitments after 100 years of U.S. occupation. In this context, Congress should be explicit in its willingness to obtain a smooth and fair transition toward independence as well as regarding the creation of a reparations or development fund.

Free trade and economic cooperation are not the exclusive prerogative of statehood and are clearly available for independence in this age of globalization and regional economic arrangements.

Five, it is of the utmost importance that Congress face the matter of U.S. citizenship under Puerto Rican sovereignty in a clear and realistic manner. Let us begin by separating myth from fact. I am firmly convinced that the principal value that the immense majority of Puerto Ricans attach to their U.S. citizenship is their right to travel freely to and from the United States. One should remember that free transit and free trade have been part of the U.S.-Puerto Rico relations since 1900, 17 years before Puerto Ricans became U.S. citizens.

As in the matter of trade and economic cooperation, if Congress expresses or implies that free transit is only possible under statehood, it would be promoting an artificial pro-statehood majority that has nothing to do with the spirit of patriotic commitment to the United States, which should be the real basis of a serious pro-statehood sentiment. Loyalty to one's nation and freedom to travel to other nations are, as Americans well know, two different things.

As far as we independentistas are concerned, we aspire exclusively to our own Puerto Rican citizenship in an independent Puerto Rico. But as regards those Puerto Rican born before independence who want to retain their U.S. citizenship after independence, they should be allowed to retain it.

As regard Puerto Ricans born after independence, Congress would be wise to allow for free transit arrangements within both countries. The European community stands as an example of this type of free transit agreement. Moreover, I remind you that a very large percentage of the Puerto Rican nationals reside in the United States. And it was the U.S. who, after the invasion of our nation, created and promoted free transit.

Six, the bill should be amended to substantially reduce the timeframe provided for the full implementation of the different alternatives.

Seven, to guarantee that all the options have adequate and equal access to public funding in the plebiscite campaign.

And eight, the bill should be amended as to who will have the right to vote in the plebiscite. It should be obvious that if the plebiscite is not a general election to select public officials but a special election to advance the cause of self-determination of the Puerto Rican people, only Puerto Ricans and not merely residents of Puerto Rico should have the right to vote. By Puerto Ricans I mean

those born in Puerto Rico or of Puerto Rican parents who reside in Puerto Rico or though residing outside have the intention to return to live in Puerto Rico. As an exception, those non-Puerto Ricans who have lived in Puerto Rico for a substantial period of time and who intend to remain should have the right to participate also.

Before concluding, Mr. Chairman, I wish to set the historical record straight concerning the participation of my party, the Puerto Rican Independence Party, in this process. The Puerto Rican Independence Party is convinced that statehood or integration into the United States as a State of the Union is not a valid solution to the colonial problem of Puerto Rico. Puerto Rico is a distinct, mature, Spanish-speaking, Latin American Caribbean nation. To argue that Puerto Rico is not a nation is as absurd as to argue that blacks in the U.S. were not human beings before the abolition of slavery.

For a nation such as Puerto Rico, statehood would be a dilution, if not an abdication, of our right to govern ourselves as Puerto Ricans, no matter how intensely we exercise our voting franchise. The problem of Puerto Rico, contrary to what the Governor of Puerto Rico thinks and has expressed here, is not a problem of disenfranchisement of a minority or an issue of civil rights, as some people believe. It is not a problem of individual rights. It is a problem of national rights, of the inalienable rights of a nation, of a people, to govern themselves.

Even Puerto Rican statehooders postulate our right as a people to our distinct identity, "Jibaro" statehood they call it. Puerto Ricans of all persuasions proudly and forcefully proclaim that Puerto Rico's language and culture are not negotiable under any status. You should be aware, therefore, that the primary loyalty of Puerto Ricans is to Puerto Rico, not to the United States or to any other nation. Quebec and Ireland are but contemporary reminders of the dangers that ensue when nations attempt to absorb other nations. Nations by definition cannot give up their inalienable right to self-determination and independence, that is, their right to secede.

Independence, on the other hand, members of this Committee, is the ultimate empowerment necessary to break the cycle of impotence and dependence which has become endemic to our colonial relationship, which would only become more acute under statehood and which inhibits our development and undermines our dignity and our self esteem. Moreover, it would be the beginning of an end of ever-increasing dependence on the Federal budget and a source of goodwill toward Latin America.

We are thus convinced, Mr. Chairman, that when the process comes to an end here in Congress, the United States Government will come to the conclusion that the only true option for both our countries is independence, but we are not there yet. We are not there yet, and it is thus necessary that the process work its way.

The relationship between colonizer and colonized denies the essential equality of nations in the same way that the relation between master and slave denies the essential equality of human beings. It denigrates the colonized and it demeans the colonizer. For the honor and respect of both our nations, let us bring it to an end. Thank you very much.

[Statement of Ruben Berríos-Martinez may be found at end of hearing.]

The CHAIRMAN. Thank you, Mr. President. I always enjoy your presentations. You do it with enthusiasm and belief, and I admire that. As I was sitting here listening to you, we have a party in my State that you probably could run for and win and do quite well, just to give you an idea. Unfortunately we lost our leader up there two years ago. And I will also compliment you on the suggested revisions of the bill. Although I may not agree with all of them, definitely they were very constructive suggestions. And I often think if more witnesses would do that, I think we could probably work a lot more of our problems out. Those that just say no sometimes give me great concern. So I do thank you.

And at this time I am going to turn the chair over to Carlos for a few moments. I have another appointment I have to meet with some of my constituents. I will be right back, so if he—watch him. Make sure he runs this fairly. Watch this bipartisan relationship here. I want you to know that I didn't go to Hershey. I don't need to go to Hershey, you see.

Mr. BERRÍOS-MARTINEZ. Before you leave, Mr. Chairman——

The CHAIRMAN. Yes.

Mr. BERRÍOS-MARTINEZ. I would like to tell you in all honesty that it is a real pity that Alaskans were Americanized before they could become a U.S. State and therefore their right to self-determination is a quivering subject.

The CHAIRMAN. It is not dead yet, because we have now a new era in Alaska where there is approximately 110,000 American natives that have decided that they may want to be sovereign within a State. This is a very interesting discussion, by the way.

Mr. ROMERO-BARCELÓ. [presiding] We will proceed with the questions. We will start with the Congressman from Samoa.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I want certainly to commend Senator Martinez, President of the Independentista Party for not only his eloquence but certainly his firm commitment to the cause that hopefully the people of Puerto Rico will be granted independence to become a sovereign nation. I did note in your comments that in the recommendations about some of these issues that the Congress will have to clarify, but it is becoming very controversial in and of itself. You had indicated earlier that—in your statement that commonwealth and independence are not identical twins but they are brother and sister relationship? Oh, they are cousins? First cousins or third cousins?

Mr. BERRÍOS-MARTINEZ. I said first cousins, but not identical twins. Not commonwealth and independence, free association and independence.

Mr. FALEOMAVAEGA. Can you elaborate a little bit on that? I mean, I think and I am sure that we will hear from those who are supportive of commonwealth. You have indicated also about territorial commonwealth. Is there a distinction with that of free association?

Mr. BERRÍOS-MARTINEZ. Of course. The bill recognizes it. It describes commonwealth in its first part and then goes into free association as a different alternative. But I must add here that once the free association modality is fleshed out and it is clearly distinguished from the independence modality within the separate sovereignty portion, then obviously the territorial commonwealth as it

is described in the bill becomes totally irrelevant, because nobody wants that, not even the populares.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. ROMERO-BARCELÓ. Ruben, do you think that—when you say that not even that populares, it is obviously that the leadership doesn't want it, but do you really believe that some of the popularity people don't want it either?

Mr. BERRÍOS-MARTINEZ. Well, we will have to see about that in the next months, but obviously I am talking about what the leadership has publicly said, at least before today.

Mr. ROMERO-BARCELÓ. When you think about free association, do you think about free association with citizenship, U.S. citizenship, or——

Mr. BERRÍOS-MARTINEZ. No, that is up to the defenders of free association to say. I propose my ideas regarding independence and free transit, not with citizenship, but the issue of citizenship is something the free association defenders will have to address.

Mr. ROMERO-BARCELÓ. Thank you. The gentlelady from Virgin Islands.

Ms. CHRISTIAN-GREEN. Thank you, Mr. Chairman. The issue of voting in this plebiscite came up with the prior panel, and on that issue, the issue of non-Puerto Ricans, as you referred to who have lived in Puerto Rico for a substantial period of time was left——

Mr. BERRÍOS-MARTINEZ. Vague.

Ms. CHRISTIAN-GREEN. Vague. Do you have some specific recommendations?

Mr. BERRÍOS-MARTINEZ. It was purposely left vague so we can talk about it here and in the Senate. But I have no—for example, what the now-present Chairman asked before—I have no doubt that people like his wife who has become an integral part of the Puerto Rican community, of course she would have the right to vote without any doubt whatsoever. What number of years, I am not sure about that. We have talked about 20, 15, 25. We should talk about it, but we can reach an agreement on that.

Ms. CHRISTIAN-GREEN. Just one other technical question on the issue of separate sovereignty. In the interest of fairness and making each option equitable, would you suggest that it be left as separate sovereignty? That suggests a bit of negativity. You didn't specifically make a recommendation, but would you recommend that it be changed to Puerto Rican——

Mr. BERRÍOS-MARTINEZ. Of course. That is what I said when—I am sorry. I would prefer to separate sovereignty, Puerto Rican sovereignty. What I meant is; it should be corrected. Let me say that regarding the issue of separate sovereignty it should be clearly stated that I refer to the legitimate demands of the defenders of free association. What is legitimate or not legitimate is for this Congress to decide and for us to decide to propose to this Congress. I didn't want to dwell on that issue, either. I just wanted to make this as all-encompassing as possible.

And I must add here that I don't know why commonwealth should be described as nothing else or nothing more than what it is, an unincorporated territory. Why dedicate eight or ten paragraphs to it. If you just say it is an unincorporated territory of the United States, we would avoid some of the discussions we have had

in Puerto Rico. I mean, we would go into the historical discussion regarding 1950, you know.

If we agree that this is no good anymore or doesn't serve a good purpose anymore, let us talk about the future. If you want to describe commonwealth, describe it as an unincorporated territory and period. Don't put any more adjectives on it, because then it would look unbalanced. And if it looks unbalanced, it won't be approved. It will be approved in the House but not in the Senate, because many Senators and Congressmen have legitimate questions regarding statehood. And obviously they will push for a balanced bill to be presented, because if not they will interpret it as a statehood bill.

If this is interpreted as a statehood bill, I repeat, it won't go through Congress. And we want this bill to go through Congress. So we should do everything in our power to be flexible enough in order to accommodate all participants and to have a just and balanced and equitable bill. And I think that can be reached.

Ms. CHRISTIAN-GREEN. Thank you.

Mr. ROMERO-BARCELÓ. I just want to add that as far as we are concerned, from my experience of talking to other Members of Congress, I feel very, very, very assured that this bill will go through at least the House. And it is gaining momentum in the Senate. But I can assure you that it is—there is support in the House for this bill.

Regarding the right of the persons to vote that live outside Puerto Rico, I just want to ask a couple of questions for the record. We have had two plebiscites in Puerto Rico, one in 1967 and one in 1993. Who was allowed to vote in 1967?

Mr. BERRÍOS-MARTINEZ. The voters—the franchise was determined by the Puerto Rican electoral law, which is the same way as it would be now under the bill. That is why we propose an amendment.

Mr. ROMERO-BARCELÓ. In other words, the 1967 plebiscite when commonwealth was established, the people who voted were the resident—U.S. citizens who were residents of Puerto Rico?

Mr. BERRÍOS-MARTINEZ. That is correct.

Mr. ROMERO-BARCELÓ. And that was the same in 1993?

Mr. BERRÍOS-MARTINEZ. That is correct.

Mr. ROMERO-BARCELÓ. Now there is a request that the rules be changed for this plebiscite?

Mr. BERRÍOS-MARTINEZ. That is our request. That is correct.

Mr. ROMERO-BARCELÓ. Do you really feel that the Congress and the people in the Senate and House would feel that well about saying that your citizens who reside in Puerto Rico just because they were not born there do not vote? Do you think that would be——

Mr. BERRÍOS-MARTINEZ. I don't think—I don't know how they will feel, but I do know in justice only Puerto Ricans should vote, notwithstanding the fact of how some U.S. citizens or some U.S. Congressmen might think. We have been feeling very much for what other people believe or think or feel, and it is about time we push for what we think should be just and equitable and let other people worry about their own feelings.

Mr. ROMERO-BARCELÓ. Do you think there will be court proceedings if people are left out of the vote if they have lived—were you a citizen that resided in Puerto Rico when——

Mr. BERRÍOS-MARTINEZ. Maybe there would be, but I remind the Chairman that under the territorial clause there is very, very large latitude for the U.S. Congress to act contrary to other types of——

Mr. ROMERO-BARCELÓ. I think——

Mr. BERRÍOS-MARTINEZ. If it were not under the territorial clause, we couldn't be doing what we are doing now here. So the same thing happens as regarding voting requirements. You can be lax, flexible, have latitude, refer to international law. I think we can manage that.

Mr. ROMERO-BARCELÓ. There will still be a lot of——

Mr. BERRÍOS-MARTINEZ. Yes, there will be. I imagine there will be people who will go to—but there will be people who might go also to court for the other reason, arguing that somebody who has lived in Puerto Rico for seven years and who is not a Puerto Rican either by birth or by virtue by being born to a Puerto Rican father and mother has a right to defend the future of Puerto Ricans. I think that can be taken to court also.

Mr. ROMERO-BARCELÓ. Thank you. Mr. Kennedy.

Mr. KENNEDY. No questions at this time.

Mr. ROMERO-BARCELÓ. Mr. Gutierrez.

Mr. GUTIERREZ. Mr. Chairman, thank you very much. First of all, I would like to say thank you very much for the statement that you prepared. I read it last night and it helped me immensely as your statements and your positions have always helped me in the past to prepare for today's hearing and to have some clarity about just how we should proceed on the questions of the decolonization of Puerto Rico. So, Senator, I would like to thank you for that, and thank you for the long history of dedication and commitment that you have brought to the struggle for Puerto Rican independence and for justice in Puerto Rico. I think your contributions have been enormous and I thank you for them, not only in my own capacity, but I am sure in the name of all of the Members of Congress who are here today.

Senator and President of the Independence Party, I spoke about and I know you spoke about independence and the issue of fairness. So if you could describe to this Committee how you see the definition of independence as proposed before the people of Puerto Rico that would be fair, that would give you equity and fairness.

Mr. BERRÍOS-MARTINEZ. Well, to start with, I think that can be accomplished here and over in the Senate because it is to the convenience of both parties. If it were only convenient to Puerto Rico, what I propose, I venture to say we wouldn't get too far. But since it is convenient for both parties to have a prosperous, exemplary democratic republic in Puerto Rico, then we can be sure that we can work out a way.

Free trade, for example, is now a reality not only in Europe, but in NAFTA as to Mexico and Canada. So to ask for free trade, it is nothing new. Besides, what is the alternative, free trade forever under statehood? It is not going to be worse under independence.

Second, free transit; the same way. Free transit is now an arrangement between many countries in the world. What is the alter-

native in statehood? It is free transit forever and for future generations also.

Mr. ROMERO-BARCELÓ. Excuse me just to advise the Members of Congress that was two bells. The vote on the Goodling amendment to H.R. 1 is now on the Floor.

Mr. BERRÍOS-MARTINEZ. A reparations or development fund is the only way to cut dependence in a sensible manner and still guarantee that we are going to be full trading partners to the United States and a good place for investment, because what we propose is a reparations fund that goes across or cuts across ten years—or a different figure—or 12 years or 8 or 15. We can talk about that. And then at the end of that period, that ceases; but that means that we would be able to develop our economy through these reparations funds for a period of ten years.

Besides this issue, I should for the record clarify in order to answer your question that if Puerto Ricans saved in purchases to the outside world under independence one percent of what they today import during ten years, and if at the same time they substitute by Puerto Rican production (in many areas, particularly food stuffs), one percent of what we import, that two percent over a ten-year period will be equivalent to more than the amount of the full Federal aid today in Puerto Rico.

So once we have the powers of sovereignty to trade with other nations and to bring in Japanese, European, besides American capital, to develop our economy and with these new tools we can really make a prosperous economy in Puerto Rico. What is the alternative? To become a permanently underdeveloped region of the United States with six representatives or seven and two senators asking for whatever is left from the people of the United States? Another Appalachia; because on what basis would Puerto Rico be able to attract U.S. capital, not to speak about Japanese and not to speak about German capital in Puerto Rico. In the republic of Puerto Rico we would have the tools to fully build our economy.

The only alternative under statehood is U.S. citizenship or free transit in order to have more Luis Gutierrez and more José Serrano, which are very good people, in the United States instead of in Puerto Rico where we would like to have you. So it would be the depopulation of Puerto Rico and the conversion of Puerto Rico into a permanent underdeveloped region of the United States because statehood provides no alternatives for the economic development of Puerto Rico save more food coupons or more welfare. There is no way people in Maricao, you understand me, can attract capital to Maricao if the factory can establish itself in Bayamon. They will always go to Bayamon and they will never go to Maricao.

For that same reason they will go somewhere else in the continental United States and not to Puerto Rico. That is why Hawaii is a tourist and military bases economy. That is why it is not an industrial economy. So the real reasons economically for Puerto Rican empowerment under independence, is to fully develop our economy. And that will in exchange be beneficial for export to the United States and for better trading relations.

So that is our idea of a fully developed economy. There are 15 or 20 smaller nations than Puerto Rico who in the last 25 years have passed Puerto Rico in economic development, with higher per

capita growth annually than Puerto Rico. And that is what we have to look for, for the powers of a republic; to add flexibility; to break this dependence with the United States; not to break our friendship but our dependence, and to become interdependent with the whole world. That is what independence is for.

Mr. GUTIERREZ. Thank you very much. And, Mr. Chairman, thank you. I would just like to end by saying, Mr. President, I noticed how well prepared—as he always is, but he seemed exemplary prepared this morning, Congressman José Serrano. And I would attribute it to the fact that you visited with him the last time you came. And without getting jealous or anything about the situation, since I did vote for you twice and I believe he has never lived in Puerto Rico and participated, I would hope that the next time you come you would——

Mr. BERRÍOS-MARTINEZ. Well, I am sure——

Mr. GUTIERREZ. [continuing]—also visit me so that we can continue to engage in——

Mr. BERRÍOS-MARTINEZ. I hope Mr. Serrano will vote for me next time and that you will keep your vote as you have always.

Mr. ROMERO-BARCELÓ. Thank you. Mr. Serrano.

Mr. SERRANO. I asked, in fact, before, when Representative Young called you Mr. President, if that was a message for the future. I have no problems. And thank you for reminding me I never lived in Puerto Rico; just a couple of years. But I will remind you I was born there.

Senator, throughout history, at least in my lifetime of understanding or trying to understand Puerto Rican issues, it was the Independence Party and the independentistas who were most often persecuted, not only outside the island but inside the island. And yet it is interesting that today, and throughout this debate, we are going to hear how the people who were empowered all those years by the status, not the people but the status, feel persecuted at this juncture of the situation.

So my question to you, which is related somewhat to Luis' question, with the changes you propose, is: is this bill a fair bill for the independence option? I am not asking if independence is fair. You already answered that. Is this bill, with the changes proposed, a fair bill? Would you walk away from this process and go back to the island and say we can vote, on what is up there in Washington because it is a fair deal?

Mr. BERRÍOS-MARTINEZ. It is not fair, because we have this historical prejudice against us. We would need many years in order to be able to preach in a free way which would compensate for what people have been led to believe through persecution, through public instruction in the schools, through denigrating everything that is Puerto Rican; through telling us that we cannot stand on our own two feet. You know, that takes generations. But we cannot wait a generation, because we might not have Puerto Rico left in a couple of generations. We need to act fast. So within the context of these limitations, we would see it as a fair bill if many of our conditions or amendments are introduced.

It is a very interesting thing, and I cannot resist the temptation—I cannot resist it. Excuse me, but those who were accomplices in the U.N. in 1952 now want to appear as victims. To me that is

an incredible proposition. You know, of course the United States lied in 1952 before the U.N., but the vote in the U.N. doesn't count in order to institute the parameters of the Constitutional role in the United States. It is a vote in the House and in the Senate. So what happened in Puerto Rico was that a number of people came here, sat in Congress and said nothing was going to change and then went to the U.N. and it was such an absurd proposition that they had to buy everybody off there. It was a buy and sell proposition.

My thesis for master of law was regarding the decision of the U.N. It was 22/18 with 16 abstentions when the United States was the owner of the world. What happened there? Arms were twisted, you know, all sorts of objectionable procedures were taken there for the United States to force a 22 to 18 vote in the U.N. That is what happened there, and the United States is guilty and the Puerto Rican government at that time is guilty also. They are accomplices in this enormous hoax upon the world.

After that happened, in 1960 came declaration of independence which legally superseded whatever happened in '52/'53. But besides those legal issues, the fact is the United States lied in 1952 in the U.N., in 1953, and the Puerto Rican government fooled the whole world and lied also in the U.N. And then they have been lying for 40-some odd years in Puerto Rico. They have been telling the Puerto Rican people that we have a compact here. If we had a compact, what are we doing here? What is the part of the compact that you people are supposed to keep? You know, if this is a compact, it is the worst compact I ever saw.

You know, so we should—I don't want to—that is why I couldn't resist the temptation, you know, but that is what I said, let us put that aside. I am willing not to speak about that. I urged Congressman Young, you know, be lenient in this matter, don't rub it in in the findings of the bill, everybody knows what commonwealth is. Even they know what it is. But let us leave that outside. Let us describe the two paths. One towards sovereignty of Puerto Rico and one towards the sovereignty of the United States, but let us not try to fool anybody anymore. We are grown up in Puerto Rico. We are grown up here.

The United States in Puerto Rico did things in 1952 because the U.S. Government was so stingy that they wouldn't grant the Puerto Rican autonomists even what they asked for, but instead of accepting that fact and coming to Puerto Rico and telling the people, "this is what we got," they tried to make out of what they could get from the United States something new, a development of federalism. It is a real pity that we have wasted 40-some odd years with these big hoax in Puerto Rico. But let us not speak about the hoax. Let us speak about the future.

Mr. SERRANO. Let me end. I have to go vote. I thank you for your support of the non-resident vote and for clarifying that I left it open for negotiation, because I know what I want, but there are other people who may want to tailor that to the needs of the moment.

Mr. BERRÍOS-MARTINEZ. I wanted to say that. The fact that I favor the non-resident vote doesn't mean that I am going to let those people who want this to continue under colonialism to use

that as an excuse not to participate in the process. That should be made very clear. I am not saying it as an excuse but as a matter of justice. We are past the stage of excuses. We have to face the issue. Either we want to be Americans or we want to be Puerto Ricans. That is the real issue.

The CHAIRMAN. We have got to go vote. When we come back—thank you, sir. The Honorable Acevedo Vilá, President of the Popular Democratic Party will be up.

You know, you don't have to vote. You can go ahead if you want to. I will be right back.

Mr. ROMERO-BARCELÓ. The President of the Popular Party, Mr. Acevedo-Vilá.

STATEMENT OF ANIBAL ACEVEDO-VILÁ, PRESIDENT OF THE POPULAR DEMOCRATIC PARTY, SAN JUAN, PUERTO RICO

Mr. ACEVEDO-VILÁ. Good afternoon. For the record, my name is Anibal Acevedo-Vilá. I am President of the Popular Democratic Party. I commend the sponsor of this bill for his interest in establishing the procedure for the people of Puerto Rico to choose their final political status. I pledge the full cooperation of our party to that end.

We have made every effort to evaluate, study and analyze H.R. 856 and conclude that we cannot and will not support it as it stands right now.

For the majority of the people of Puerto Rico that believe in autonomy and self-government with American citizenship as a bond with the United States, this bill offers no alternative. It will require that the more than 900,000 persons I represent that are against annexation as a State, choose between the colonial denigrating status or loosing our American citizenship. To vote in this plebiscite would force us to act against our political beliefs. It would trample us upon our conscience.

When Congress decided back in 1917 to offer American citizenship to the people of Puerto Rico, it was made completely disassociated from any thought of statehood and specifically contemplated that it be an element of future autonomous self-government development for the island. To unilaterally change these assumptions now would confront Puerto Ricans with a conscience dilemma of no precedent in American history.

With this bill as it stands, statehood becomes the only available alternative. The people of Puerto Rico would have to make a choice for statehood for their own reasons, not based on patriotism and a real commitment to the union, but because they have been left with no other real alternative. On the other hand, the U.S. Congress will have before it a petition for statehood, and a request for action without having considered properly the cultural, national, linguistic, economic consequences of statehood. As you can see, this bill as it stands would not solve any problem, but rather create a bigger one.

Let there be no doubt that we want to participate in a fair and democratic process. As Chairman Young stated in September 17, 1990, with regard to another referendum bill for Puerto Rico, and I am quoting, "a referendum should only be authorized by the Congress if it is to be fair to all parties and the statuses they advo-

cate." With all due respect, the bill under your consideration does not comply with the fairness standard Chairman Young previously established.

History shows that full autonomy and American citizenship are not mutually exclusive concepts. This principle was clearly outlined by President Taft in his 1912 State of the Union address advocating in favor of granting American citizenship to Puerto Ricans. And I quote from President Taft. "But it must be remembered that the demand must be, and in the minds of most Puerto Ricans is, entirely disassociated from any thought of statehood. I believe that no substantial approved public opinion in the United States or in Puerto Rico contemplates statehood for the island as the ultimate form of relations between us. I believe that the aim to be striven for is the fullest possible allowance of legal and fiscal self-government with American citizenship as the bond between us; in other words, a relation analogous to the present relation between Great Britain and such self-governing colonies as Canada and Australia."

The basic principles regarding commonwealth that this bill pretends to deny, the existence of a bilateral relationship based on mutual consent with American citizenship as one of its components, have been recognized by the court, by the U.S. Government, by the United Nations, and in all the bills that the Congress has seriously considered with regard to the status of Puerto Rico in the last 25 years.

For example, H.R. 11200–1st Session, 94th Congress, introduced in Congress in 1975 approved in a subcommittee, recognized that we—that the commonwealth was a compact between Puerto Rico and the United States. S. 712, approved by the Senate Energy Committee in August, 1989, recognizing the bilaterality of the relationship and the permanence of American citizenship. S. 244 was also considered by the Senate Energy Committee in 1991. It recognized Puerto Rico's autonomy, bilateral compact, mutual consent, and the U.S. citizenship as a bond of permanent union. Final Committee vote was 10 to 10, although major concerns to the commonwealth definition were not reported. Finally, H.R. 4765 approved by Interior and Insular Affairs, by the Interior Committee and unanimously by the House of Representative in August 10, 1990, allowing the people of Puerto Rico to vote for a new commonwealth.

So far, I have been talking about the historic precedents that clearly show that the assumptions under which this bill has been drafted are wrong. Now it is time to talk about the future.

The definition I am about to present is made recognizing the sovereignty of the people of Puerto Rico to enter into a new relationship with the United States consistent with the principles of dignity, political autonomy and permanent union that gave birth to the present commonwealth status. With minor changes in order to adjust it to the implementation process required by H.R. 856, the Popular Democratic Party believes that it will be adequate to work with the definition of a new commonwealth adopted by this Committee in 1990, which was included in the report to H.R. 4765 of the 101st Congress and approved unanimously by the full House on October 10, 1990.

Eleven members of this Committee, including Chairman Young and Congressman Miller, were members of that Committee and

voted in favor of that definition that I will now present. The new commonwealth shall be defined as follows.

A, the new Commonwealth of Puerto Rico will be joined in a union with the United States that will be permanent and the relationship could only be altered by mutual consent. Under a compact, the commonwealth would be an autonomous body politic with its own character and culture, not incorporated into the United States and sovereign over matters covered by the Constitution of Puerto Rico, consistent with the Constitution of the United States.

B, the United States citizenship of persons born in Puerto Rico would be guaranteed and secure as provided by the Fifth Amendment of the Constitution of the United States and equal to that of citizens born in the several States. The individual rights, privileges and immunities provided for by the Constitution of the United States would apply to residents of Puerto Rico. Residents of Puerto Rico would be entitled to receive benefits under Federal social program equally with residents of the several States, contingent on equitable contributions from Puerto Rico as provided by law.

C, to enable Puerto Rico to arrive at full self-government over matters necessary to its economic, social and cultural development under its constitution, a special constitutional convention will submit proposals for the entry of Puerto Rico into international agreements and the exemption of Puerto Rico from specific Federal laws or provisions thereof. The President and the Congress, as appropriate, will consider whether such proposals will be consistent with the vital national interests of the United States in the transition plan provided for in Section 4 of this act. The commonwealth would assume any expenses related to increased responsibilities resulting from these proposals.

And that is the end of the definition we are presenting. The definition describes the minimum content of our aspirations. By offering a definition which was the subject of serious study, was actively supported by Chairman Young and Congressman Miller among others, and met with the approval of this Committee and of the whole House a few years ago, we mean to show our desire to facilitate the work of this Committee and bring about a plebiscite in which commonwealth supporters may participate with a clear conscience.

By using the mechanism of a constitutional convention to implement the mandate in favor of the new commonwealth, which is already included in Section 4(b)(1)(B) of H.R. 856, that recognized the calling of a special constitutional convention, to implement a vote in favor of the new commonwealth, we would adapt it to the implementation mechanism conceived by this bill.

The Popular Democratic Party is looking with enthusiasm at the future. It is in the process of reorganizing its leadership and currently involved in a healthy generational transition that will guarantee a strong and rejuvenated party for years to come. The definition I have presented today fully complies with the principles contained in a document adopted last week by the Youth Organization of the Popular Democratic Party.

Commonwealth as an autonomic idea for the future is the only status alternative in Puerto Rico that harmonizes those aspirations and goals of the modern world by protecting our identity and si-

multaneously guaranteeing our relationship with the United States, with a common market, common citizenship, common defense and common currency.

We believe that the modern tendencies show that the ideas that will prevail in the new century will be those similar to the basic principles of commonwealth of national reaffirmation and political integration among the people of the world.

Thank you.

[Statement of Anibal Acevedo-Vilá may be found at end of hearing.]

Mr. ROMERO-BARCELÓ. Thank you, Mr. Acevedo. I want to thank you for your testimony, statement and also thank you for staying within the time limits allowed. Now I would like to ask a couple of questions about your proposal. But before that, I would like to ask a question about the plebiscite, how the plebiscite is held in Puerto Rico. Do you believe that the plebiscite bill in 1967 was a fair bill for all parties?

Mr. ACEVEDO-VILÁ. It was a completely different process. That one was basically a local plebiscite. Now we are talking about federally authorized plebiscite and I think that if we want to really have action from Congress, this is the kind of plebiscite we need. We had two plebiscites, one called by the Popular Democratic Party in 1967, the other one by the Statehood Party in 1993. And we haven't seen any action from Congress. So I don't—perhaps that one should have been done in a different way to guarantee that the resolve of the people of Puerto Rico would have been respected by Congress. I think that is one of the major limitations we have had till now.

Mr. ROMERO-BARCELÓ. My question is precisely whether you think that the 1967 plebiscite was a fair plebiscite to the other parties, the parties that represented statehood and independence? Would you say that that was a fair plebiscite as far as they were concerned? Having nothing to do with the Federal Government, just with the other parties.

Mr. ACEVEDO-VILÁ. Well, at that time the statehood party did not accept the plebiscite and a new faction was created. And as a result, perhaps, of what happened in '67, they won the elections in 1968. So the statehood was adequately represented in that plebiscite.

Mr. ROMERO-BARCELÓ. But we all considered it a very unfair plebiscite. We participated as an independent group. The party boycotted and so did the independence party boycott it. Both parties boycotted it, and they voted against the bill in the legislature of Puerto Rico.

Mr. ACEVEDO-VILÁ. I don't think that for some of that the 1993 plebiscite was either too fair. We participated and we won.

Mr. ROMERO-BARCELÓ. And the 1991 referendum, do you consider that—was that a fair bill for the other side?

Mr. ACEVEDO-VILÁ. In a way it is also—you could say it was unfair, but you won.

Mr. ROMERO-BARCELÓ. That is right. So sometimes what is unpleasant, is not fair, might be to the advantage of the other party.

Mr. ACEVEDO-VILÁ. I think that what we get out of this is that the next time we should do it the right way.

Mr. ROMERO-BARCELÓ. The other—when I read your definition of a new commonwealth, and so much emphasis is made on the sovereignty and the separateness of Puerto Rico, vis a vis the United States, my mind wonders why do you really, then, insist on U.S. citizenship? You don't really want to be like other U.S. citizens. Why do you insist on that?

Mr. ACEVEDO-VILÁ. As I showed you with the President Taft quote, when U.S. citizenship was granted to the people of Puerto Rico, it was clearly established it had nothing to do with statehood, and moreover that it could be the bond of a new relationship based on an autonomous self-government. And that is what we are asking. This bill—one of the problems with this bill is now, 60 years later, 70 years later, Congress wants to unilaterally give a new interpretation, but it is too late. U.S. citizenship was granted in 1917 under those rules, and to change that now is really unfair to the people of Puerto Rico.

Mr. ROMERO-BARCELÓ. I am not talking so much about the unfairness that might be or might not be in Congress. My question is why do you want to be a U.S. citizen if you don't really like being part of the United States as the rest of the citizens? What would you want to be?

Mr. ACEVEDO-VILÁ. Congressman, we haven't said that. I haven't said that. We have a special relationship, and to enter into a new relationship, yes, you have—the fact that we have here in our self-determination process, even if we vote for statehood, that is basically an exercise of our sovereignty. This Congress will decide if the people of Puerto Rico have the right to vote for their future. And whatever relationship we will have in the future with the United States has to be based on the sovereignty of the people of Puerto Rico, which means that the ultimate source of power is the people. So I don't see why you want to give some different computation to my expression when even for statehood this Congress has to decide that we have the power to decide. And to have the power to decide means to have—to be sovereign in terms of the decision we are going to make.

After the decision is made and a new commonwealth is established, we have provided for a mechanism so the powers that Congress will still exercise over Puerto Rico will be clearly established through this process of a special constitutional convention, which is the only change we are making to the definition that in 1990 was approved by the full House, by this Committee and unanimously by the full House.

Mr. ROMERO-BARCELÓ. The issue here is not only what we want, but also what Congress would approve and what the citizens for which the Congress people and the Senators respond would accept. Now the reason I asked that question is how do you think the U.S. citizens here feel when they hear or they read that the U.S. citizens of Puerto Rico don't really want to have the same things that they have or have equality in a democratic system which prides itself on equality politically, equality economically, and that they don't really want that, they want something else and they want to be separated and they want their own authority for certain other things and they don't want to get into the ball game?

Mr. ACEVEDO-VILÁ. Precisely because we know that it a two-way relationship. We are offering an alternative that was approved by the full House in 1990. So we are not here with a new wish list or whatever. We are working on what was done between 1989 and 1991, and in this case what was approved on this Committee.

With regard to Puerto Rico, the United States and the people of the United States know they have a special relationship with Puerto Rico. They know we have different culture and different language and they have advantage of that relationship. It is not only one way. It is two ways. Common defense is also in the interests of the United States, and we agree with that. Puerto Rico is one of the best markets for U.S. produce, and that is good for the American economy. So it is a relationship healthier for both sides. And what we want to do now is to get new tools for economic development for Puerto Rico within this special arrangement that has been working since 1952, but that now if we are going to address this issue seriously we should clarify any doubts about a relationship and give the opportunity for it to develop into further, more self-government, full self-government.

Mr. ROMERO-BARCELÓ. My time is up. I just want to make a statement. The problem with the whole thing is the citizenship. If you ask for the same things without U.S. citizenship, I would think that the Congress wouldn't even, you know, think twice about it if that is what the people wanted. It is the citizenship that creates the real problem.

Mr. ACEVEDO-VILÁ. That is not negotiable. Citizenship is not negotiable.

Mr. ROMERO-BARCELÓ. The Congressman from Samoa.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Acevedo-Vilá, am I to understand that your statement on page 9 in the proposed definitions that you have alluded to earlier, this has been submitted to Chairman Young and the members of the Committee? This is what you would like——

Mr. ACEVEDO-VILÁ. Yes.

Mr. FALEOMAVAEGA. [continuing]—have incorporated in the proposed bill?

Mr. ACEVEDO-VILÁ. We were given until the 31st of March, but I decided that this was the moment to present, so this Committee clearly understands that we are not against a plebiscite.

Mr. FALEOMAVAEGA. So you are——

Mr. ACEVEDO-VILÁ. All of the party have been committed since 1952, even after commonwealth was enacted, we have been committed to giving the opportunity of the people of Puerto Rico to be consulted again and also to develop commonwealth. But the problem with this bill is that it is unfair and basically if you approve this bill as it stands, you don't have to count the votes. You will have a petition for statehood here, but for the wrong reasons.

Mr. FALEOMAVAEGA. Let me ask you just—is it your position that you will not have any objections to this bill if the proposed definition of commonwealth as you alluded to earlier is incorporated?

Mr. ACEVEDO-VILÁ. If this definition is adopted by this Committee, that means that we have changed the assumptions under which this Committee has been acting. You could have some choice or change of course then you have to make some other changes on

the bill, for example the findings of fact, which even the independentistas said they are not necessary to be there. And of course these definitions should be part of the permanent solution of this issue. It is not something to—this one or the one that said that if commonwealth wins we have to have a vote every four years, it would be part of the permanent solution.

Mr. FALEOMAVAEGA. You know, as a matter of observation, Mr. Vila, it is interesting to note that you have stated that the people of Puerto Rico were not granted their American citizenship until 1917. The American Indians were not granted citizenship until 1924. My good friend here from Guam was not granted U.S. citizenship until 1950. To this day, we are still not U.S. citizens as part of the American family, as I say. So as a matter of observation I wanted to ask you it is your opinion that since granting citizenship in 1917 to the people of Puerto Rico, your feeling is that Congress never intended Puerto Rico to become a State?

Mr. ACEVEDO-VILÁ. That is clearly on the record. That has been decided by the courts. And also on page——

Mr. FALEOMAVAEGA. No, I am not——

Mr. ACEVEDO-VILÁ. No, I want to——

Mr. FALEOMAVAEGA. Well, I want to make an addition, an observation of the fact that I recall that in 1929 there was a U.S. Supreme Court case that emanated from Puerto Rico, which was *Downs* v. *Bidwell,* which by judicial legislation the U.S. Supreme Court then created what was called the incorporation doctrine, meaning that if a territory was to be described as an unincorporated territory, they will never see the day of becoming a State, but if you were an incorporated territory——

Mr. ACEVEDO-VILÁ. In that case——

Mr. FALEOMAVAEGA. [continuing]—like Alaska and Hawaii, there was some sense of future that one day those territories would eventually become States.

Mr. ACEVEDO-VILÁ. In that case it was after we had become U.S. citizens.

Mr. FALEOMAVAEGA. Yes.

Mr. ACEVEDO-VILÁ. And the court decided that we were not an incorporated territory because of the fact that we were given U.S. citizenship. It had nothing to do with statehood. And these men tried to change all that law.

Mr. FALEOMAVAEGA. Was there any reason when the U.S. finally decided to grant independence to the Philippines, was there any discussion in the Philippine—I mean in Puerto Rico, as well, as your understanding of history? Was there any movement by the people of Puerto Rico that a likely grant should also be given to the people of Puerto Rico when the Philippines became independent?

Mr. ACEVEDO-VILÁ. All the evidence is that Puerto Ricans never, never have really been interested in independence. And after the creation of commonwealth back in 1952, the Independence Party was the second party in the island, and I don't remember the percentage, but they got perhaps maybe 30 percent of the vote. Now they have been down to five percent for the last 20, 25 years.

Mr. FALEOMAVAEGA. Is it your basic position that—let us say that this legislation goes forward smoothly, that as proponents of a commonwealth status, whatever the will of the people of Puerto

Rico will decide, in fairness, if it wants statehood tomorrow, the commonwealth proponents will accept statehood? Is that basically your position?

Mr. ACEVEDO-VILÁ. We don't have any problem with that, and we will respect the will of the people, and we also believe that if it is a fair process and commonwealth is defined in a way that recognizes the kind of relationship we want, we will win that plebiscite. The people of Puerto Rico want to be—to keep being Puerto Ricans and also they want to keep their close relationship with the United States. The only way you can amortize that in the reality of Puerto Rico is through commonwealth. Independence, then you will afford—your nationalistic ideas and principles will be guaranteed, but then you won't have the close ties to the United States. With statehood, you are risking, definitely, your cultural identity and language.

Mr. FALEOMAVAEGA. But your point is that whatever the will expressed by the people will be, whether it be independence, commonwealth or statehood, your proponents of commonwealth will accept that?

Mr. ACEVEDO-VILÁ. I go a step further. On the resolution that was approved by my party, which is included as an appendix to my written statement, we say that we want any plebiscite—a federally approved plebiscite should be self-executing.

Mr. FALEOMAVAEGA. Thank you.

Mr. ACEVEDO-VILÁ. Believing that, recognizing 1989 to 1991 process, we were the ones requiring that any bill approved by Congress would be self-executing.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Faleomavaega. Now, who is next?

Mr. KENNEDY. Thank you, Mr. Chairman. I just want to make a point.

Mr. ROMERO-BARCELÓ. Congressman Kennedy.

Mr. KENNEDY. It is interesting that I have to ask a question now, because I get to go over and vote on the Fair Labors and Standards Act because I am a—I have got all the rights and privileges as a Member of Congress here, and yet you can let me go because you can't have that same right that I enjoy on the Floor of the House to go leave now. And yet when we adopt one way or another whether we can replace comp time for overtime in this country, it is going to affect the residents of—people of Puerto Rico such that at the end of the year they are not going to have accrued as much social security time. At the end of the year, they are not going to have accrued the overtime dollars. They are going to be at a loss of nearly $1600 per family of income because of this bill if it is to pass, and yet your representative cannot go on the Floor and say that is wrong for Puerto Rico because he doesn't have that voting privilege.

And from my point of view, if you want to have citizenship and you want to have a bilateral relationship, it seems to me it has to include your ability to have voting power or else to have full determination for your people is rendered moot because you don't have the governmental authority to advocate on some very basic issues of economic concern. And that is all I——

Mr. ACEVEDO-VILÁ. As to your concerns, I have adequately taken care on the definition I am presenting. The solution to that dilemma is to allow the people of Puerto Rico an established mechanism so we can be exempted from Federal laws which has nothing to do with vital national interest. We don't have any problem with the laws regarding to defense and all that, but any other law we should would have the mechanism to decide whether it should apply to Puerto Rico or not. There is no problem with that, and that will take care of your concern.

Mr. KENNEDY. Thank you very much.

Mr. ROMERO-BARCELÓ. The gentleman from Guam.

Mr. UNDERWOOD. Thank you, Mr. Chairman. Thank you for a very interesting presentation. I have always—obviously I have the bill that I have introduced to make Guam a commonwealth, and sometimes people ask what is the distinction between this bill and the current status of Puerto Rico, but that will come for another day. And that issue, I think we deal with a little bit differently, because as part of the legislation that I have for Guam includes a mechanism for ultimately making a case for full self-determination. So that is not a process that is oblivious to that, but is actually incorporated in the context of the legislation which we have developed from Guam.

The question that I have for you is that in the process of making a case for commonwealth and assuming that this legislation moves forward and it has a definition that fits your—is to your satisfaction, and commonwealth prevails in this process, is it your assumption that commonwealth will then be a permanent status and that there will be no further determination, no further electoral process involved?

Mr. ACEVEDO-VILÁ. It will be a permanent solution, of course. If 25, 30, 35 years from now the people of Puerto Rico express the will to become a State or even independence, we might reconsider the whole thing, but it is like when Texas was independent, Alaska was a republic and it was not the end of the discussion, but on this—from our point of view, it is a permanent solution, especially until—for all the time that Puerto Rico wants to still be part of that kind of arrangement. That is the concept of mutual consent.

Going back to the question of sovereignty, when Congress talks about mutual consent, it is recognizing the sovereignty of the other side to decide in terms of any change to the relationship. So that is taken care of also within the concept of mutual consent.

Mr. UNDERWOOD. OK, so as I understand you, and as I understand the advocates of your position, then, obviously things can always change. It could be that what is now an independent republic could become admitted as a State in the Union. It is even conceivable that a State in the Union may no longer be a State in the Union, but I think we take it on relatively safe political assumption that once you are a State in the Union, that is pretty much it and that once you are an independent country, that that is pretty much the situation. But the relative permanence of what you have described for commonwealth is not quite as permanent as the other two options.

Mr. ACEVEDO-VILÁ. It is as permanent as we want it to be permanent.

Mr. UNDERWOOD. It is as permanent until you change your mind.

Mr. ACEVEDO-VILÁ. As we want it to be permanent. There is no problem with that.

Mr. UNDERWOOD. OK, all right, well, I am glad you say that, because that clarifies for me——

Mr. ACEVEDO-VILÁ. I have to be—if you consider statehood for Puerto Rico, given the fact that we are a nation, you are going to have people telling you that the right of self-determination of the people of Puerto Rico haven't been extinguished under statehood.

Mr. UNDERWOOD. I hear that. I hear that loud and clear, but, you know, that is not a determination for me to make. I think it is a determination that will be made by the Puerto Rican people according to an orderly process, and so that is what I am most interested in. But what I am trying to understand is the relative permanence of what is being characterized as a permanent solution. And I want to state for the record that certainly in the process of—you know, you admit here or you submit as part of your testimony a quote from Justice Frankfurter.

Mr. ACEVEDO-VILÁ. I was going to—yes.

Mr. UNDERWOOD. Yes, who said that this is really unincorporated territory. It is a problem of statesmanship.

Mr. ACEVEDO-VILÁ. Yes, that is a quote from 1912 when he was working at the War Department and Puerto Rico was under the jurisdiction with regard to Puerto Rican interests was in the War Department. And that quote, I think, is very, very important, because it basically tells you here in Congress that there are no real Constitutional constraints on establishing a new relationship with Puerto Rico.

The quote is the following. "The form of the relationship between the United States and unincorporated territory"—which we were at that time—"is solely a problem of statesmanship. History suggests a great diversity of relationships between a central government and dependent territory. The present day demands upon inventive statesmanship is to help evolve new kinds of relationships so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this field of invention open."

What you have is an opportunity of statesmanship invention. That is it.

Mr. UNDERWOOD. Inventiveness is one thing. Invention is another, and permanent status yet is still another. And I would submit that there is—I understand the dynamics of where we are today and I have no doubt that saying that this dynamic may serve us well for the next 25 to 30 years, but there is in your characterization of this permanent status an indicator that there is still something unresolved in that. There is still something unresolved, and that is a final issue of self determination. And until that is fully resolved in one way or another, it seems to me that inevitably we will come back and indeed the current status may serve the purposes of the relationship well now. But indeed at 25 years from now, 30 years from now, 50 years from now, we will be back addressing the same issues.

That is why, you know, the way we have crafted it is a little bit different. Thank you very much, Mr. Chairman.

[Joint letter to the President may be found at end of hearing.]

Mr. ROMERO-BARCELÓ. Thank you, Mr. Underwood. The gentlelady from Virgin Islands.

Ms. CHRISTIAN-GREEN. Thank you, Mr. Chairman. Good afternoon, Mr. Acevedo-Vilá. Commonwealth and free association are status options in this bill, and I would ask you to clarify for me what is the difference.

Mr. ACEVEDO-VILÁ. Well, I mean, this bill—commonwealth is defined—in this bill, the one we have—OK.

Ms. CHRISTIAN-GREEN. Well, have you seen the definition that is proposed for free association?

Mr. ACEVEDO-VILÁ. The one in the bill, yes.

Ms. CHRISTIAN-GREEN. Go ahead and answer. Go ahead.

Mr. ACEVEDO-VILÁ. In this bill, in H.R. 856, commonwealth is defined as a colonial denigrating status and free association is defined as independence with no American citizenship. And that is one of the problems with this bill. It wants to force my people to vote to go back to a colonial status or to deprive the unborn Puerto Ricans, my grandchildren, of American citizenship. And that has no precedent in American history.

Ms. CHRISTIAN-GREEN. I can't find it right now, but I thought that—I think that in what is proposed for free association they propose to negotiate American citizenship. So what would be the difference—if that was proposed, what would be the difference between free association and commonwealth as you define it?

Mr. ACEVEDO-VILÁ. The definition of new commonwealth is the one that I am proposing. How you label it, to me, is not important. It is the essence. And the essence is that we have and we want a bilateral relationship based on a mutual consent with the American citizenship as one of its elements. That is not negotiable.

Ms. CHRISTIAN-GREEN. I understand. Thank you.

Mr. ROMERO-BARCELÓ. Before we go to the next member, I would like to say something for the record. One of the things that you mentioned, that the definition of the commonwealth in the bill before that was granted by the House back in 1991, that was '91 or '92. I don't remember exactly.

Mr. ACEVEDO-VILÁ. It was 1990, October 10.

Mr. ROMERO-BARCELÓ. That bill did not include a definition of commonwealth. The definition of commonwealth was only in the Committee report, but it was not included in the bill.

Mr. ACEVEDO-VILÁ. I clearly say in my statement that it was included on the report, but I can explain to you the whole process——

Mr. ROMERO-BARCELÓ. Well, I was in the process. I was in the process.

Mr. ACEVEDO-VILÁ. Because the law—the bill, as you know——

Mr. ROMERO-BARCELÓ. There was no consensus either in those days for those bills.

Mr. ACEVEDO-VILÁ. But it was approved. You were here. It was approved unanimously——

Mr. ROMERO-BARCELÓ. With no consensus of the parties in Puerto Rico.

Mr. ACEVEDO-VILÁ. Excuse me?

Mr. ROMERO-BARCELÓ. With no consensus of the parties in Puerto Rico as to what the bill said. The bill was approved the way the Congress wanted to approve it, not the way we wanted it.

Mr. ACEVEDO-VILÁ. OK, but of that bill——

Mr. ROMERO-BARCELÓ. I think the way——

Mr. ACEVEDO-VILÁ. That bill clearly says that the people of Puerto Rico have the option of voting for statehood, independence or new commonwealth and that whoever wins under that bill would come here and negotiate it. They said on the principles of the definitions that were included on the report—that was stated on the bill.

Mr. ROMERO-BARCELÓ. That was not stated on the bill. We can—we have the bill in our records, so we will look at that. The other—I have copies of it, of the bill. We have copies of it. Are you aware——

Mr. ACEVEDO-VILÁ. Can I read Section 4 of that bill?

Mr. ROMERO-BARCELÓ. Let me ask you a question. Are you aware that Congress cannot deny another Congress its Constitutional authority? In other words, if a Congress says today I am not going to exercise this Constitutional authority, this Constitutional power that I have, it cannot tell the next Congress that it cannot exercise it. Are you aware of that Constitutional doctrine?

Mr. ACEVEDO-VILÁ. That Constitutional doctrine has exceptions. And on my testimony, written testimony, you can look into Appendix A where we have a note on the power of Congress to enter into a compact with the people of Puerto Rico and in many cases where this Congress has entered into the same kind of compact relationship and the court has validated that exercise. I have said that further Congress would have to comply with that.

Mr. ROMERO-BARCELÓ. There is no single case that determines that Congress can address itself or its authority unless they do it by the Constitution, and to obligate a future Congress. A future Congress might abide by it throughout entirety, but the future Congress always had the right to do away and change the law. If you adopt something by law, if Congress adopts something by law, then the next Congress can repeal and can amend that law. There is no such thing as a law that is unrepealable or unamendable. So any law by Congress giving Puerto Rico certain powers can be taken away by the next Congress, because Congress cannot deny the next Congress that authority, that power that it has under the territorial clause.

Mr. ACEVEDO-VILÁ. We can discuss this for hours if you want to. It is basically a legal discussion. For me, this is basically a problem of Puerto Rico will. It is not a legal discussion. If this Congress wants to recognize and validate what it told the people of Puerto Rico back in 1952 and construe over it for the future—and at that time Law 600 was not a single law. Law 600 was approved by this Congress and then it said clearly that in order to enter into effect it had to be approved by the people of Puerto Rico. There is the compact that the Governor couldn't find.

Mr. ROMERO-BARCELÓ. This is merely a rectification. The Congress says this is a law, if you want it, accept it. That is all it says, all the law says.

Mr. ACEVEDO-VILÁ. That is not——

Mr. ROMERO-BARCELÓ. If you accept it, we will go on.

Mr. ACEVEDO-VILÁ. That is not what the cases say, but we don't want to——

Mr. FALEOMAVAEGA. Would the Chairman yield?

Mr. ROMERO-BARCELÓ. Yes.

Mr. FALEOMAVAEGA. I think what we are trying to determine here, Mr. Vila, is the fact that there is definitely a permanency on statehood status as well as independent status. But when we discuss the issue of commonwealth, it seems to be an evolving process. It is not really permanent. Whatever was the status of commonwealth in 1917 or even in 1920, I think the latest now, as I understand from those who are advocating commonwealth, it is a continuous process in between independence on one extreme and statehood on the other extreme, so I think what we are trying to establish here is that there definitely is a permanency on statehood and independence, but commonwealth seems to be an evolving process. There is no finality of determining what exactly is the—what direction is Puerto Rico headed for. Am I correct?

Mr. ACEVEDO-VILÁ. If it is good for the United States and if it is good for the people of Puerto Rico, why do we have to be then discussing this issue about the permanence? It is good for the people of Puerto Rico and it is good for the United States just continuing it. I don't—as I told you, even if Puerto Rico becomes a State, you will still have the self-determination issue, because given the fact that we are a nation, people will say that we haven't extinguished our self-determination right. So what you are asking me is that we by law say that it is legally important after this plebiscite we will say by law that it is illegal to be an independentista or statehooder, even—or if we become a State that it will be illegal to be an independentista or autonomous under statehood. No, the discussion might go on, but with this finished and if Congress finally clarifies many of the assumptions made on this bill, I can guarantee you that we will win that plebiscite and that this thing would be settled at least for one generation.

Mr. FALEOMAVAEGA. Do you view that with the current definitions of the proposed bill that there definitely would be some very serious problems with those advocating commonwealth if you were to proceed with the plebiscite, or will you participate in the plebiscite without the form of definition that you now have outlined in your statement?

Mr. ACEVEDO-VILÁ. I have to be honest with you. I can't make the U.S. Government, Congress and the President, approve a law which gives no option to 46, 48, 49 percent of the people down there in Puerto Rico who believe in self government with an autonomy with American citizenship. So I come here because we see the invitation, especially the letter that was sent by Chairman Young and Congressman Miller, as an openness, as an opportunity, as a willingness to revise the assumptions under that bill. So I really—I believe in principles. I believe in democracy, and I think that if a plebiscite is finally approved by Congress, we will be allowed to vote.

Mr. FALEOMAVAEGA. Mr. Chairman, my time is up. I am sorry.

Mr. ROMERO-BARCELÓ. Thank you. The gentleman from Illinois.

Mr. GUTIERREZ. Thank you very much, Mr. Chairman. Well, I guess we are coming back to probably the crux of the dilemma that we have here today, I believe. As I stated earlier, Mr. Chairman and members of the Committee, I have the perplexing dilemma also, and that is that I see what happened in '52, OK, we got Law 600. Subsequently, we go to the United Nations. We say to the committee on decolonization "tell you what, Puerto Rico has achieved self-determination, we have a bilateral agreement." That is our government interpreting what the Congress of the United States has done. Now we can argue and quibble into the night, but that was the interpretation before the world. Now, see, I don't mind looking backward from that position.

I say that if the people of Puerto Rico and the Government of the United States, through its representatives, went to the United Nations and said " we don't have to report anymore to the committee on decolonization," why are we moving backward to a territorial clause which is weaker, which is weaker and less respectful of the people of Puerto Rico to then reengage in a conversation where we should say "move forward." And so it is like we have let you come this far, we told the world we would let you come this far, but now we are taking it all back and starting back at square one going back to the territorial clause.

It would seem to me that even if you believe that it was a lie, a fantasy, and something that we misled the people of the world about, that it still has validity in terms of its impact, where it has taken the people of Puerto Rico. And we shouldn't really take that away. So I have a great dilemma of saying to myself I understand the question of sovereignty and separate sovereignty.

I understand those questions, but you see, in Puerto Rico if you look at the history, there have been three traditions. There has been the annexation tradition, those who wish for Puerto Rico to become a State. Very well established in history. There has been the independence tradition, very well established in the history of Puerto Rico. And there has been the autonomous position, very well established in the history of Puerto Rico. Ramon Baldorioty de Castro y Luis Muñoz Rivera. And you can keep adding names. And, I mean, maybe Muñoz Rivera, others probably didn't speak to José de Diego. And they were together at one time and then they separated over these questions.

But, you see, it is—the problem that I have, and I am going to have to grapple with it seriously and that I think the members of the Committee should seriously look at, do you now say given that history in Puerto Rico that we are going to lump two of them together? Two historically independent interpretations of what the will of the people of Puerto Rico should be historically speaking. I didn't make them up yesterday. So to kind of suggest that somebody is coming up and inventing a new formula, I think is a little disingenuous given the rich history of the option of autonomy and the proposal of autonomy which exists in Puerto Rico.

Now the question that I think this Committee should ask itself—if we can see—if we can concede that Puerto Rico under free association, which I think was from commonwealth—because let me just state for the record I do not believe that under the current status which exists between Puerto Rico and the United States we

have achieved self-determination. I don't believe that, and therefore I believe it is a colony. But I also believe that because the Congress of the United States did not—our country, our government, did not fulfill its obligations as it should have back in 1953 to allow the growth of the sovereign powers of Commonwealth—allow the island to develop and to give birth to new kinds of rights under that interpretation.

So I say to myself OK, now, let us think about this a minute. If I said there would be common currency, everybody on the Committee might say free association, common currency, sounds OK to me under free association. Common defense, sounds OK to me, probably could do that. If I could just—since the green light is still on——

Mr. ROMERO-BARCELÓ. I have been trying to say that, Luis, this is a time for questions.

Mr. GUTIERREZ. I understand that.

Mr. ROMERO-BARCELÓ. And I have been very——

Mr. GUTIERREZ. And I am working up to——

The CHAIRMAN. I know why it took 98 years now. Go ahead.

Mr. GUTIERREZ. And if we could have all of these other commonalities, I guess the question I have to ask myself very seriously, Mr. Resident Commissioner and Mr. Chairman, all of you, can there be common citizenship under that relationship between the two parties. And then if indeed we cannot do it under the interpretation of this Congress under the plenary powers under the territorial clause, can we allow the people of Puerto Rico under free association to have a convention in Puerto Rico, a constitutional convention in Puerto Rico, and come back and sign a treaty with the Senate thereby allowing this free determination and the freedom of the people of Puerto Rico—we can't have a treaty which is not removable unilaterally by one side. Maybe laws are changeable—and then resolve this issue.

I don't know—those are questions that I have and I would like Mr. Acevedo to please respond to that inquiry.

The CHAIRMAN. And may I suggest one thing, that you have a very short time to do it, because he took all the time in asking the question. Do the best you can, OK.

Mr. ACEVEDO-VILÁ. As Frankfurter said back in 1914, our Constitution has left this field of invention open. And what we can't accept is the assumption on this bill that you can't have autonomy and full self-government based on bilateral relationship that can be changed only by mutual consent and also have American citizenship.

So on the definition I am presenting, which I repeat was approved by the Committee and by the full—the definition was in the report and the report was approved here. And then the bill was approved in the House unanimously, and included this definition of the new commonwealth I am presenting with some minor changes. Recognizing all the principles we have been discussing, this doesn't have to be a trial on what happened in 1950 and '52. We believe what happened in 1952, but if somebody has doubts, let us clarify them now. This is the time to clarify them.

The CHAIRMAN. Thank you. The gentleman, Mr. Serrano.

Mr. SERRANO. Thank you, Mr. Chairman. Mr. Acevedo, this is not a very easy moment for me, because, as I have stated before, I have taken some heat in the last couple of years for using the words colony and territory. And I know that some people feel offended by that, and some people feel somehow betrayed that anyone who was born on the island would charaterize the situation later in such a way. Please understand that my belief is that whatever agreement or lack of agreement was reached in '52, '53, was not a permanent agreement, because it was supposed to lead to something. Now what it would have led to is where I think we differ. Many of you feel somewhat comfortable with the current arrangement, but at the same time want changes in it.

So my quick question to you, and I need you to give me a quick answer so I can give you another question, is: am I correct that, in the '93 plebiscite, the option presented as commonwealth was in fact a a different, enhanced, commonwealth, or was it a reaffirmation of everything that was in the agreement as you saw it and that the people voted 48 percent for?

Mr. ACEVEDO-VILÁ The definition I am presenting today verifies the principle in which we believe and that Congress told the people of Puerto Rico we were getting back in 1950, '52, but if you have some doubts inside yourself, then this is your opportunity to do it the right way, then. But within those principles, within those principles.

Mr. SERRANO. Let me ask you the hard question. It might be easy for you. You do not believe—are you a lawyer?

Mr. ACEVEDO-VILÁ. Yes.

Mr. SERRANO. I am not.

Mr. ACEVEDO-VILÁ. Good for you.

Mr. SERRANO. My safety in this whole process, you know. You believe that Puerto Rico is not a colony of the United States?

Mr. ACEVEDO-VILÁ. Yes, I do believe we are not a colony. I believe that in 1950 and '52 the people of Puerto Rico entered into this special arrangement with the United States. I don't say it is perfect, and we have always said that commonwealth needed further development. And that is the reason I am here today.

Mr. SERRANO. Do you believe that it is unfair for us to say in a bill, that commonwealth is based on what the Congress says it is, and that is what it is? It is whatever Congress says it is? And that commonwealth with your suggestions or the suggestions of people who believe in what you believe should be a separate option available to the people of Puerto Rico?

Mr. ACEVEDO-VILÁ. If nobody is going to vote for that definition, the first one, why do you have to put it on the ballot? Nobody wants the definition of commonwealth that is on this bill. So if we want to——

Mr. SERRANO. No, no, my question is: is it that nobody wants the definition of commonwealth or is it that the definition that Congress is presenting is shameful to a lot of people who supported it for so many years and they are running away from it now? Which one is it?

Mr. ACEVEDO-VILÁ. In my—from my point of view, that definition is not accurate.

Mr. SERRANO. OK, now let me tell you something.

Mr. ACEVEDO-VILÁ. But I am not asking from this Congress now to make a judgment on the plebiscite from 1950, '52.

Mr. SERRANO. Right. The problem is, Mr. Acevedo, that that is what is holding us back. If there is a problem here, it is the fact that there is a segment of the leadership in Puerto Rico that is saying this is not what we are. Now let me tell you the strange and painful position that I find myself in. I was born in Mayaguez. My father was born in Anasco, my mother in Maricao. I came here to this country when I was seven years old. I am 53. I probably should not say that in public, but I am 53. When I think with my Puerto Rican hat, which is X amount of time during the day, I also don't want to believe Puerto Rice is a colony. It hurts me to admit that. But when I am a United States Congressman, which is a lot of the day, and I see how I treat Mississippi, New York, and Puerto Rico, I know that my cousins live in a colony.

Now at what point do we say—maybe "colony" is not the word to use. Maybe the concept is a totally unfair relationship and we don't want it as an option. And let me ask you the last question. Do you think it would be proper for me as an American Congressman, forget the Puerto Rican part, to offer to people on the island an option that I believe to be unjust and unfair?

Mr. ACEVEDO-VILÁ. Well, I repeat again, I am not asking you to offer the commonwealth as defined on the bill as it stands right now. I am asking you to offer commonwealth as I have defined on my presentation and which you voted back in 1990 in favor of it. You voted. You were speaker pro tempore of that session.

Mr. SERRANO. In a great moment.

Mr. ACEVEDO-VILÁ. So what we are asking is something that already has been approved by Congress, by the House.

Mr. SERRANO. So, one last question. If an amendment was to come to this Committee proposing what you propose in this bill, and this Committee turned it down because it wasn't willing to give Puerto Rico that arrangement, would you then propose that your party participate in the plebiscite or not participate?

Mr. ACEVEDO-VILÁ. We will fight in other forums, including the Senate, the White House, everywhere else. As I said before, perhaps the same question was made in a different way, I believe that the U.S. Government, Congress and the President, would leave 48 percent of the people in Puerto Rico without option and that power.

Mr. SERRANO. Well, but let us clarify that. I believe that that really is an unfair statement to me as a Member of Congress. The notion that the 48 percent voted for—and I know that Puerto Ricans are beautiful for analyzing numbers when it comes to this issue. The 48 percent voted for an option that this Congress feels you haven't reached yet. And so when you say Congress is leaving out 48 percent, yes, Congress may be leaving out the wishes of 48 percent, but not the actual living conditions and political arrangements of 48 percent.

Mr. ACEVEDO-VILÁ. That is why I am talking now about the future here. And we said—we are talking about a new commonwealth consistent with the principle we have believed. And that new commonwealth was on the bill in October 1990.

Mr. SERRANO. All right, let me close by saying this. I don't have a problem with a new commonwealth. I have a problem with a new

commonwealth being presented in the ballot as the old commonwealth, because the old commonwealth is not the new commonwealth.

Mr. ACEVEDO-VILÁ. I invite you to read carefully the definition I am proposing today. And as I said, that was approved back in 1990.

Mr. SERRANO. All right. Then again, Mr. Chairman, one last point, any time a system of relationships allows me to run for Congress but doesn't allow my American citizen cousins in Mayaguez to run for Congress, that is not a fair relationship. I shouldn't see that on the ballot. Any time a system allows me to institute agreements with foreign countries but doesn't allow you the sovereignty to institute agreements with foreign countries, meaning you are not a State, and you are also not independent, then I can't see that as a fair relationship.

Mr. ACEVEDO-VILÁ. The solution to your concern is on paragraph C of the definition.

Mr. SERRANO. Which is not the actual status, is what I am trying to get at.

Mr. ACEVEDO-VILÁ. Yes.

Mr. SERRANO. What you——

Mr. ACEVEDO-VILÁ. I am going to——

Mr. SERRANO.—doesn't exist right now.

Mr. ACEVEDO-VILÁ. I am going to repeat my statement. So far I have been talking about the historic precedent that clearly showed that the assumptions under which this bill has been drafted are wrong. Now is the time to talk about the future.

Mr. SERRANO. OK.

Mr. ACEVEDO-VILÁ. And I am proposing a new commonwealth which is the definition that was approved by this Committee and the House back in 1990.

Mr. SERRANO. I respect that, and I won't badger you anymore. I do respect you. I respect what you stand for. I respect what your party stands for. I think the tragedy here is that Congress may be ready to stop lying and some people can't accept that Congress will finally stop lying. Thank you, Mr. Chairman.

Mr. ROMERO-BARCELÓ. One last question before we finish. If the Congress were to, both the House and the Senate, and the White House were to take a look at this suggestion that you have for the new commonwealth and accept everything but including the citizenship and the bill were adopted, passed as a law into law as to the new commonwealth as you define it, but without the U.S. citizenship, what would your party do?

Mr. ACEVEDO-VILÁ. It would be unacceptable for us, you know.

Mr. ROMERO-BARCELÓ. So what would your party do? Would you vote, wouldn't vote?

Mr. ACEVEDO-VILÁ. We would have to decide at the time, but that definition wouldn't be acceptable for us.

Mr. ROMERO-BARCELÓ. So you wouldn't participate?

Mr. ACEVEDO-VILÁ. That would be another way to tilt the process in favor of statehood.

Mr. ROMERO-BARCELÓ. So you would not vote?

Mr. ACEVEDO-VILÁ. You know that statehooders and commonwealth in Puerto Rico, we are proud of our U.S. citizenship, so by

defining commonwealth without a U.S. citizenship, basically you are preordaining the result. And I know this Congress doesn't want that.

Mr. ROMERO-BARCELÓ. I have my doubts about that pride in the U.S. citizenship of some of the commonwealth leaders because of the way they talk about——

Mr. ACEVEDO-VILÁ. I am talking on behalf of the PDP and the President of the PDP.

Mr. ROMERO-BARCELÓ. And when you—my question is if that were eliminated from your definition, would you participate in the process or not?

Mr. ACEVEDO-VILÁ. I don't see where we can vote under those circumstances.

Mr. ROMERO-BARCELÓ. All right, thank you very much. For the New Progressive Party, Governor Luis Ferré, former governor. Luis, welcome to the Congress, the Committee. A couple of the members of the Committee have indicated to me that they have to go to vote, so they are trying to get back as soon as possible, including Chairman Young. The problem is that the bill that is now being taken care of in the House has certain votes that are pass votes one right after the other. They don't even have time for debate in between. That is why they have to stay there till those votes are taken.

If you would like to wait for them, we can accommodate and we can wait for them. Would you like to start now? Whatever you wish.

Mr. FERRÉ. I understand that, Mr. Chairman. I know that they are voting now, but do you think I should start now? Your suggestion is that we should wait?

Mr. ROMERO-BARCELÓ. Well, if you want to wait for them to come—a couple of them to come back or we can start and then they will be coming.

Mr. FERRÉ. Is Mr. Farrow going to make a statement?

Mr. ROMERO-BARCELÓ. No, go ahead, sure.

Mr. FERRÉ. Mr. Farrow.

Mr. ROMERO-BARCELÓ. Oh, Mr. Farrow. I am sorry. Mr. Farrow is here also. I think we better proceed. I think we better proceed then.

STATEMENT OF LUIS FERRÉ, PRESIDENT OF THE NEW PROGRESSIVE PARTY, SAN JUAN, PUERTO RICO

Mr. FERRÉ. Mr. Chairman and members of the Natural Resources Committee, good afternoon. It is a pretty light day this afternoon, but also it's early to do things that is right.

My name is Luis A. Ferré. I have advocated statehood for Puerto Rico during my adult life, which extends to more than 93 years.

I served as Governor of Puerto Rico from 1969 to '73, and I appear before you as Founding President of the New Progressive Party, committed to achieve statehood for Puerto Rico, which won in 1996 election with a majority vote of 1,006,331 or 51.4 percent for Governor of Puerto Rico, a majority of the Senate with 19 seats out of 28, a majority of the House with 37 out of 54 seats, 54 mayors of a total of 78 municipalities and a vote of 973,654, or majority

for our Resident Commissioner who is presiding today at this meeting.

I am—the New Progressive Party, of course, stands firmly behind the Young bill, H.R. 856. And of course today when I sit here before you and I see Congressman Serrano, who presided this House three years ago when we voted in favor of another bill for statehood, when I see all these Members of—the Puerto Rican Members of the Congress of the United States here today, I say I am very happy that I have stood for statehood all the time, because all of them who have testified here say that they are proud to be Puerto Ricans, but they also are very proud and happy to have U.S. citizenship.

And that is the feeling that we have respect today. We have 2 million Puerto Ricans in the United States who are U.S. citizens and we have 3,600,000 in Puerto Rico. The 2 million in the United States are all enfranchised. They can vote for the President and for the Members of Congress. The 3 million in Puerto Rico are not enfranchised, the 3,600,000.

And those are the ones that want this thing to be defined finally. We cannot wait any longer. The ones who live up here can wait, but we cannot wait. And that is why it is very important to have the Young bill finally approved. A decision must be made, and we cannot permit that this bill be delayed unnecessarily.

We are all happy in this, that you have subscribed H.R. 856, which finally opens the road for Puerto Rico to make a decision on its ultimate political status in the dignified manner that becomes the United States Congress and the people of the United States, including statehood as an alternative, which was the implicit understanding under which the people of Puerto Rico welcomed the American forces of General Nelson Miles in 1898.

Unless we—I would like to note the American forces did not invade Puerto Rico. They landed in Puerto Rico, because there was no Puerto Rican fighting the American forces in Puerto Rico. In Cuba it was a different story. In Cuba they had to fight with the Spaniards, a big fight. In Puerto Rico, the Puerto Ricans immediately welcomed them and there was no fighting in Puerto Rico because the Spanish had to admit that—surrender and leave.

And then the Puerto Ricans said we want to keep—to be part of the United States. We want to be U.S. citizens, because we want in the long run to be a State of the Union. In Cuba, they said no, we want independence. Well, Cuba got its independence. We got our U.S. citizenship. A hundred years later, here we are. Cuba is a Latin American country. Puerto Rico is part of the United States. That is the big difference. And you can see how different it is. That is why the people of Puerto Rico want to maintain their U.S. citizenship and consolidate that citizenship with the Nation on an equal basis and with equal dignity.

I will not go into the historic elements, details of the landing of General Miles. It has been covered already here, but I would like to say the following thing. In 1950 Congress authorized the people of Puerto Rico to vote in referendum to accept or reject Law 600, which provided for the adoption of the local constitution, as well as to other amendments to the Jones Act of 1917. The Federal Relations Act remained unchanged, maintaining Puerto Rico as a non-

incorporated territory under the Territorial Clause of the United States Constitution and the full sovereignty of Congress.

I want to state that because it has been discussed here today and I want to maintain that there was no amendment to the territorial clause. And I am talking now from experience. I was a member of that constitutional assembly. And at that constitutional assembly, which considered Law 600, we looked into the matter of the way Law 600 was approved by Congress. And in all the years in this Congress where the law was discussed, it was always clearly stated that Puerto Rico was not being removed from the territorial clause of the United States.

And the Former Governor of Puerto Rico, Luis Muñoz Marin, said many times at these Committee hearings if Puerto Rico goes crazy and does something that is not quite in accordance with what we have agreed, you can—Congress can immediately repeal every thought of power it has given Puerto Rico. And that is why there was nothing passed.

In order to get the law approved in Congress, the lawyers of the Department of Interior had to work out a solution that was acceptable to Congress. Congress would not accept the compact, but they did accept something in the nature of a compact. And in the nature of a compact is not a compact. It is something similar to a compact, but not—doesn't have the binding quality of a compact. And that is why after that Governor Muñoz Marin and the Popular Party, and I have been fighting them since 1940, because do you know why I say so trying to make people of Puerto Rico believe that there has been a compact, that things have changed, that we were a different thing. But that was not true.

Now finally Congress has said let us go, let us look into this matter now. There was no compact. You are still under the clause of territory because that was the way the Congress approved Law 600. So therefore, it is today necessary to decide the question of Puerto Rico by this Congress.

In 1949, and many of you were not born then, I testified before a Committee of Congress, a subcommittee in Congress, on the subject of statehood for Puerto Rico. And at that time I said we are behind in our economic development because we are not a State of the Union. You have to give us our full—all the instruments that the States have to be able to bring Puerto Rico up to the same level as the rest of the nation. We don't want gifts, but we want the tools so that we can do it.

And at that time, I pointed out that a State of the Union, Mississippi, in 1940 had a personal income of $268 and Puerto Rico had $122, 45.5 percent. In '49, Puerto Rico had $250 and Mississippi $555, 45 percent, the same ratio. Since then, the United States has worked with the Former Governor of Puerto Rico in bringing new ideas of how to solve the problem of Puerto Rico, but they haven't worked. The only idea that would work is statehood.

If we would have two senators and six or seven Members of Congress, we would be able to work in Congress the solutions to our problem and we would have an economic position today where we would be similar to your States, but too much has happened since 1949. In 1956, Puerto Rico had $468 per capita and Mississippi $964, 48.5 percent. In 1996, now, this last year, Puerto Rico had

$7882 and Mississippi $16,966, 45.8 percent of Mississippi. That is why we need so much help from Congress, because we have not been able to pull up our economy to the level of Mississippi at least, and not even to the average of the United States.

So why? Because we are not a State of the Union. So all this discussion is really impractical. We have to solve the problem with the only way it can be done, which is by becoming a State of the Union.

Now the admission of Puerto Rico as a State of the Union would directly enhance the position of the United States in foreign affairs. It would be the logical conclusion of a process which started in 1898 when Puerto Rico came under the American flag. Puerto Rico before the year 1900 had the old European authoritarian social structure. This structure has gradually evolved into a democratic society under the American influence, which began by teaching our youth the American principles of individual liberty, equality of opportunity and respect for human dignity, through the school system and the political institutions, which were established after the year 1900.

That is the way Puerto Rico has grown. That is why I can see today Mr. Gutierrez sitting here, Congressman of his people, Mr. Serrano sitting here in the Congress of the United States. Mr. Serrano, who as I said, chaired the U.S. House three years ago for awhile brought forth the bill on Puerto Rico. And that is why I think it is important to understand that change in Puerto Rico. We are not a Latin American country anymore. Cuba is, because we changed, we took a different route. We became part of the United States. And we have wanted to be—we want to work up to the same level of dignity and equal rights as the rest of the country.

This, therefore, has been, to my mind, the most significant change that Puerto Rico has undergone under the American flag. The successful achievement of our economic well being is, therefore, a challenge to the American citizens of Puerto Rico and to our fellow citizens of the mainland, a challenge to show the world that the American way is the way to both economic success, social improvement and political freedom, which can usefully serve as a pattern to solve the vaster problems of other underprivileged countries of the world. A challenge of great political and human potentialities, which may be of great world significance.

With respect to the relations of the United States and Latin America, statehood for Puerto Rico would have still greater significance. It would serve to improve and solidify the position of America as a friend and partner, for it would be the best proof that our good-neighbor policy is not a mere diplomatic posture, but that it is an honest and sincere expression of respect of North America for Latin America. It would make Latin America feel that through Puerto Rico and through its representation in Congress, their problems and aspirations would be better understood because of our common cultural origin and tradition.

As Americans identified with the political and social philosophy of America and its institutions of law, we would be able to better interpret our foreign policy to them and help the United States to succeed in bringing better understanding and cooperation in the common problems of our hemisphere.

And at the present moment, the need to maintain and further develop the commercial interchange with Latin America, which is our natural market, when we are loosing the European market to United Europe and the Pacific markets to Japan and China, is essential to our success and prosperity.

The growth of statehood forces in Puerto Rico have been overwhelming since 1968. In 1964, the Pro-commonwealth Party had 487,000 votes or 59.4 percent of the vote, and the Pro-statehood Party had 284,000 or 34.6. In the last election of 1996, there was a complete reversal. The Statehood Party obtained 963,000 votes or 51.3 percent, and the Pro-commonwealth Party 855,000 or 45.5 percent, which shows that statehood is the growing movement in Puerto Rico.

And remember that the Commonwealth Party also wants to keep U.S. citizenship. They are not thinking of giving it up. They want to hold onto it, so really when you come to think about it, 90 percent of the people of Puerto Rico want to continue to be U.S. citizens.

Now can they be U.S. citizens without statehood? That is the issue. That is the issue. And all this playing around isn't going to solve the problem, because United States is determined and understand that constitutionally the only way you can be a U.S. citizen is by being born in a State of the union. And therefore, that is the only solution that we can find.

We feel, therefore, that Puerto Rico is ripe to become a State after almost 100 years of successful democratic apprenticeship and to assume its full political rights and responsibilities. During all this century, more than 200,000 Puerto Ricans have served with distinction in all the wars that United States has been involved with more than 6000 casualties and in several cases with higher casualties than some States. More than 2000 Puerto Rican soldiers served in the Gulf War, amongst whom was a grandson of mine in the First Armored Division. Four, such as Fernando Luis Garcia, who gave their lives, heroically, in the line of duty, have been decorated with the Congressional Medal of Honor.

Other distinguished leaders who have also served the Nation are Admiral Horacio Rivero, in 1968, Commander in Chief of NATO Forces in Southern Europe and later Ambassador to Spain; Vice Admiral Diego Hernandez, who was in command of the Mediterranean Fleet; Major General Pedro del Valle commanded the U.S. Marine Corps, First Division, in the Pacific; General William A. Navas, Jr., who is Deputy in Command of the National Guard; Dr. Antonia Novello served as U.S. Surgeon General, and Dr. Enrique Mendez, Jr., as Deputy Surgeon General of the U.S. Army, amongst many.

The real test for Puerto Rican statehood should be how much we share common values with fellow citizens of the 50 States and how much Puerto Ricans believe in, honor, and defend the Constitution of the United States. A look at the myriad ways Puerto Ricans have served the United States over the last 99 years is enough to pass the test.

President Clinton has just appointed Mrs. Aida Alvarez, another Puerto Rican, to his Cabinet as head of Small Business Administration.

Puerto Rico is participating, successfully and with distinction, in Mainstream America to enrich its economy and its culture. There are about 2 million Puerto Ricans, as I said already, living throughout the nation, doing constructive and creative work as factory workers and professionals, in all fields of activity, thousands of physicians and engineers, thousands of teachers and professors in schools and universities.

In the arts and humanities, our rhythms and melodies have contributed to enrich American music. Justino Diaz and Pablo Elvira have been great voices at the Metropolitan Opera. Our great actors, like José Ferré and Raul Julia, have been American favorites.

We are contributing to enrich our cultural patrimony through museum collections. Today you can see on loan by the Fountain Museum at the National Gallery here in Washington the painting "Flaming June" by Lord Leighton, which is the key painting and masterpiece of the Victorian Exhibition.

We are also contributing to the richness of America in the area of civil government, amongst many others, Judge Juan Torruella, Chief Justice of the U.S. First Circuit of Appeals. Judge José Cabranes is a member of the U.S. Second Circuit of Appeals. And we have here all these members of this Congress, who are our pride to have them here.

In the area of sports, we have contributed with many baseball players, among whom Roberto Clemente has been included in the hall of fame. Charles Pasarell in 1969 was the first number one tennis player in the U.S., and now Gigi Fernandez is a tennis champion. Chi Chi Rodriquez is a golf professional

And last, but not least, and I repeat this in the last meeting of the past Congress, but not least, to show how much Puerto Rico is embedded in the American life, it was the Puerto Rican judge of the Southern District of New York, Sonia Sotomayor, who was a fearless jurist a couple of years ago, decided to issue an injunction that could break the deadlock in the baseball strike, and by doing so, sent the baseball players back to Americans, after more than a year, the enjoyment of one of their favorite sports. Nobody could be part of America more than this competent jurist of 40 years of age. She was the true image of the freedom and respect of law America stands for.

Mr. Chairman, I think that the time has come for Congress to live up to the commitment of equality under which we were brought into its fold. It is time to do justice to more than 3.6 million disenfranchised American citizens of Puerto Rico. We congratulate you for taking the proper step with H.R. 856 to comply with your moral duty, as it becomes the United States Congress and our fellow citizens of the United States.

Thank you very much.

[Statement of Luis Ferré may be found at end of hearing.]

The CHAIRMAN. Thank you, Governor. And you are always an inspiration for me. As you get more mature, I see there is hope for me yet. And I want to thank you for your testimony. At this time, I understand, with the agreement of the other members—Mr. Kennedy, do you have to go somewhere?

Mr. KENNEDY. Thank you. Yes, I have a caucus I have to go to.

The CHAIRMAN. Well, being that you are one of the members, so is my good friend from American Samoa——

Mr. KENNEDY. Right.

The CHAIRMAN. Would you let him have your time ahead of time?

Mr. FALEOMAVAEGA. Absolutely.

The CHAIRMAN. All right.

Mr. KENNEDY. Thank you. I appreciate the consideration. At the conclusion of the last witness, Mr. Acevedo, I was asking the question about whether—it was interesting that I got to go to the Floor of the House and vote on a very important bill on the fair labor—that affects the Fair Labor and Relations Act. And I made the point that it affects the people of Puerto Rico, and yet they can't have a representative on the Floor, like our good friend Carlos Romero-Barceló go to the Floor and vote on that.

And his answer to me as I was walking out was well, we wouldn't have to adhere to the Federal laws. And yet that begs the question well, what kind of citizen would you be. And I don't know if we could in good conscience allow our fellow citizens not to have to live with the same laws that we live with. And, you know, I think this—the definition of citizenship is the guarantee of the same rights and responsibilities of every other citizen. And so that is where I think his argument fell down.

I wanted to state that for the record, because I was on my way out to vote when he made that rebuttal. And I think it is important, given the very proud record of citizenship and contribution to this country that Governor Ferré has just enunciated in his wonderful statement to this Committee about how proud Puerto Ricans have been in serving this country and being good American citizens. The notion that they would want to take anything less than all the responsibilities of that citizenship would contradict everything that Governor Ferré has talked about.

The CHAIRMAN. Thank you for that.

Mr. FERRÉ. I think I answered to some extent your question, because when you mentioned that we were not going to suffer because we had no way to prevent that bill from being passed, it is exactly what I have been saying. We don't have that power that can stop the things that harm Puerto Rico and that can give Puerto Rico the help that we need to solve our economic problems.

The CHAIRMAN. Thank you. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I have no questions. And I do want to thank Governor Ferré for an excellent presentation and certainly to remind the members of the Committee and certainly the Members of the Congress the tremendous contributions that our good fellow Americans from Puerto Rico have contributed greatly to this Nation. So I thank the Governor for his statement.

The CHAIRMAN. The gentlelady from Virgin Islands.

Ms. CHRISTIAN-GREEN. Thank you, Governor, for your presentation. I have no questions.

The CHAIRMAN. Now, may I remind the gentleman he has the time to ask questions.

Mr. GUTIERREZ. Yes, sir. Thank you very much, Mr. Chairman. You have been very good with me today. I thank you so much. I wish to welcome to Congress Mr. Luis Ferré. I wish to convey to

you and to my colleagues a sense of respect and admiration that I feel for you. Mr. Luis Ferré, you are one of Puerto Rico's most respected and important statesmen of the 20th Century, and I can only wish and hope that at the end of my public service career I have achieved but a small fraction of your record and your stature. And I feel that it is a great honor to be able to share this room with you here today.

I noticed as I read your testimony that you talked about Muñoz Rivera.

Mr. FERRÉ. Yes.

Mr. GUTIERREZ. That Muñoz Rivera, back in 1900 said we should include it in the platform and that statehood, who subsequently became renowned as a great autonomista in the history of Puerto Rico, and in 1900 said that statehood was indeed a dignified alternative and accepted that. But I raise that in the sense that today, as autonomistas and estadistas have to work to resolve the issues, maybe you can share with me and expand a little bit more on that?

Mr. FERRÉ. May I clarify? You know, autonomista in Spanish times was not what we think today, commonwealth. Autonomista meant that they were trying to be a province on equal basis with the rest of the provinces of Spain. And we fought in the sense in the context of Spain. And that was a thing that was strong, which is exactly what we are asking. The alternative under statehood you are asking for, but those leaders of 1898, none of them wanted to be a colony, neither of Spain nor of the United States. They said we are willing to welcome the United States, and they did welcome them with flowers. There was not a shot fired by a single Puerto Rican, and I am talking from experience of my parents who welcomed all the American forces in a very friendly manner. And that is why Puerto Rico welcomed and gave landing of the American forces. Nothing ventured.

Mr. GUTIERREZ. And I guess my point is that as we reach 1997 and go into the 21st Century, and because things tend to change and evolve, the independence of the Nationalist Party is not the independence that is being articulated today before the Congress of the United States or that I articulate, for example, before the Congress of the United States.

We heard earlier from the Governor of Puerto Rico, Rosselló, that he talked about the United Nations and following the laws of the United Nations and making sure that this is a decolonizing process and that estado libre asociado is not a decolonizing process, alternative. Something that I agree with, but I don't think that you can't have a road that is similar to it that you cannot develop. I guess that is where we digress. But at the same time, then, statehood, if we were to follow international law, then the people of Puerto Rico would have the inalienable right to independence, something that we discussed earlier at the—when I testified, I think, in '93—hearing.

I just simply said to Chairman Young, and I think Don Carlos remembers when I suggested that if Puerto Rico became a State, that it never would give up that inalienable right to its independence. So I would like to just ask you one other question. You as the founder of the New Progressive Party and a distinguished statesman independent of your position on statehood, as a distin-

guished statesman, in 1966 you participated, it says here, in a status commission report. In that status commission report, Don Luis, that you were a signatory.

Mr. FERRÉ. Yes.

Mr. GUTIERREZ. How did it describe el estado libre asociado or the commonwealth of Puerto Rico, and did it describe it as it has been described today?

Mr. FERRÉ. Well, if you read my testimony before this Committee on the Young bill, that was 724, you will see what I said. At that time what was understood was something that was supposed to have the compact, but the compact was not true. That is where the people were misled. There has been no compact with Congress. It was simply just giving us some initial local freedom to elect our governor and so on, but not to remove us from the clause of the—territorial clause of the Constitution. The Federal Relations Act was not amended. And by the way, the best—the man who was the great consultant of the Minot, who then became the President of the Supreme Court of Puerto Rico. In his book, which was mentioned here this afternoon by Congressman Barceló, Romero-Barceló, said that he was convinced that Puerto Rico was still a colony in 1990. And that is his opinion—now he was the——

Mr. GUTIERREZ. In fact, we just asked him, but that status commission report, did it describe el Estado Libre Asociado as a dignified option?

Mr. FERRÉ. It is a question of statesmanship.

Mr. GUTIERREZ. OK.

Mr. FERRÉ. In this illustration were two very important words.

The CHAIRMAN. Thank you, Governor. And again, thank you for taking the time and presenting the views and the history behind it. We deeply appreciate your participation.

Mr. FERRÉ. Thank you.

The CHAIRMAN. You are excused. The next person will be Jeff Farrow, Co-Chairman, Administration Interagency Working Group on Puerto Rico, Washington, D.C. Jeff, I have great sympathy, but also this is what you get paid for. You waited all day long.

Mr. FARROW. Mr. Chairman, this is why I took this job.

The CHAIRMAN. Besides that, they have got great golf courses in Puerto Rico, don't they? Go ahead.

Mr. FARROW. Thank you, Mr. Chairman and distinguished members.

The CHAIRMAN. We have the last witness of the day. It has been a long hearing. If we can have Luis and Patrick take it outside. Thank you. Go ahead, Jeff.

STATEMENT OF JEFFREY L. FARROW, CO-CHAIR, THE PRESIDENT'S ADMINISTRATION WORKING GROUP ON PUERTO RICO, WASHINGTON, DC

Mr. FARROW. Thank you for inviting the Clinton Administration to testify on authorizing the people of Puerto Rico to express their preference regarding their islands' relationship to the United States before the end of 1998 and the bill that you and other Members sponsored to provide a process leading to full self-government for the Commonwealth, H.R. 856.

Let me begin by expressing appreciation for the interest and initiative of yourself and the other primary sponsors of the bill in Puerto Rico's political status dilemma. It is a matter of transcendent importance, concerning the political rights of millions of U.S. citizens and a major factor in determining the approach to many of the serious social and economic challenges faced in the islands.

It is also, however, extremely complex and sensitive, involving much of the range of Federal policy, central questions of identity, a century of history, the interests of political parties that are based on conflicting visions of what the best status for the islands would be and differences so intense that they hinder action on the issue itself and other issues as well.

President Clinton is dedicated to supporting the people of Puerto Rico's decision of what status their island should have. He has pledged to back statehood or independence if Puerto Ricans vote for either one and to do his best to make the Commonwealth arrangement work better for them if they want to continue it.

He has also, though, recognized that the frustrating debate is likely to persist until the Federal Government clarifies what the options really are and how they can be implemented. The differing status aspirations that Puerto Ricans have long discussed largely hinge on fundamental Federal decisions that have not been made.

The President has therefore favored Puerto Ricans making a choice in concert with Congressional action in a process that is developed together with the people's representatives.

Establishing a process that would enable this matter to finally be resolved is his highest priority regarding Puerto Rico, and he is fully committed to working with you and others in the Congress, with Puerto Rico's leaders, and others to establish it as soon as possible.

The President believes that the Federal Government should number one, provide the people of Puerto Rico with options that are serious and fair responses to their diverse, expressed aspirations and, number two, commit to act on implementing an option that is authorized by a majority vote in Puerto Rico. He very much hopes that such a process will be underway next year, the centennial of the United States acquisition of Puerto Rico. He looks forward to our entering the new millennium having concluded the debate and implementing the will of the Puerto Rican people.

To facilitate the enactment of the law that is needed, the Administration offers the following comments on H.R. 856.

Democratic principles require that the expressed aspirations of Puerto Ricans be central to the development of the options (which also must be viable from the Federal perspective). The President regards this as an integral part of the sound process.

We, therefore, view Chairman Young's agreement with Senior Democrat Miller to give Puerto Rico's major political parties until March 31 to submit alternatives to the options in the bill and to seriously consider their proposals as a very constructive step. We appreciate the role that Governor Rosselló and Resident Commissioner Romero-Barceló also played in it being taken.

Consequently, the Administration would like to work with the Committee in fashioning the options, considering the proposals of

the parties and others, as well as considering United States necessities, after the parties have had this opportunity to advance their ideas to you.

The bill would ostensibly require a referendum before 1999 and further referendum at least every four years thereafter in the event of no option of obtaining a majority, a majority for the Commonwealth option, or Puerto Rican rejection of Federal status implementation legislation. Rather than suggest a mandate for votes, it would be more appropriate to simply provide a process for and facilitate the status choice.

We also suggest giving the government of Puerto Rico flexibility on calling votes. Further votes might not be desired by Puerto Ricans so often, and in such a case the call for revoting at least every four years would be a burden. Additionally, if Puerto Ricans were to reject statehood or nationhood implementation legislation, it probably would not make sense for them to vote again absent further Federal action.

The bill would call for a plan for a transition of at least ten years in the event of a majority for either nationhood or statehood.

Since the measures that would need to be taken have not been specified and would change as time goes on, we recommend that the length of the transition be set in the transition plan. Congress would still have its say over the duration, since the plan would require Congressional approval.

A more fundamental problem is that H.R. 856 would require that a law be enacted at the end of the transition to nationhood or statehood, in addition to beforehand, in order to actually implement a status change.

The Administration favors prompt, final action on implementing a status change if chosen by a majority of Puerto Ricans. The purpose of a transition should be to permit significantly different policies to be implemented on an orderly basis. A further decision and possibly further requirements at the end of the transition could make the period only a partial transition, or even overturn the original status choice. That could be very problematic. The Federal Government and Puerto Ricans should have greater assurance of actually implementing a status before heading down the path toward it.

The bill includes several provisions regarding the use of English that should be mentioned. One would establish a policy of English being the "common language of mutual understanding" in the United States.

Such a policy is unnecessary and could create divisiveness. We are also concerned that it could be used to question statehood as an option for Puerto Rico. The language that most of Puerto Rico's United States citizens have always used should not be a barrier to full participation in the Federal system if they want it.

Another provision would call for measures to enhance English education in public schools in a transition to statehood. We understand it to mean measures that would supplement educational practice in Puerto Rico, consistent with local control of schools.

Finally, there are provisions that suggest an intent to make English the official language of the Federal Government and the need to use English. As you may be aware, the President indicated his

intent to veto a bill last year, H.R. 123, that would have required the Federal Government to conduct most of its official business in English only. Legislative statements on a need to use English could be used by others to promote goals which are disharmonizing and diversionary. They could also unduly influence the Puerto Rico status decision.

The bill would make some other statements or suggestions which would not be part of the procedure for resolving the status issue that are problematic. These provisions address the current situation and have contributed to controversy about the bill in Puerto Rico.

History has given us the conflicting facts and ambiguities that have fueled Puerto Rico's divisive and distracting status debate for decades. Rather than litigate them now when there is a general consensus on what needs to be done to resolve the dilemma, we think it would be more advisable to simply concentrate on resolving it, establishing a process that includes providing the people of Puerto Rico with options that can end the debate and providing for Federal action on implementing their choice.

Mr. Chairman, it is time for the Federal Government to meet its responsibilities regarding the status question and provide such a process. Puerto Ricans have been asking for the United States to act for years. H.R. 856 provides a basis from which to act. Working together and with others, we can ensure that our great country lives up to its ideals in the case of our 3.7 million fellow citizens in Puerto Rico. It is of vital importance to their future that we do.

The Administration's priority is to get a law enacted that will make it possible to finally and fairly resolve the situation. We will be flexible within the principles that the President has espoused so that agreement can be reached. All of us who are committed to settling the issue should not let this opportunity pass.

Thank you.

[Statement of Mr. Farrow may be found at end of hearing.]

The CHAIRMAN. Thank you, Jeff. That was very good. I will assure that this is what hearings are all about. We will take your comments very seriously and hope you will still be working with Manase and seeing if some of these things can't be added and subtracted from the bill. My goal is to keep you aboard and the President aboard, because I would like to see this done very quickly. There is some comments about the length of time of implementing the act, et cetera. I would like to see it done as rapidly as possible. And we will work along the lines of achieving that. You have a responsibility to the Administration, but that Administration has a responsibility to this Committee to try to achieve those goals together. We can't do it separately. And I think we owe that to the people of Puerto Rico.

The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman. I want to congratulate and congratulate the President on this statement. I think it is a very, very significant statement. It is going to be definitely an historical statement. The questions in the statement about the language clears a lot of the air. I am sure it will have a great impact in Puerto Rico. Anything that makes such a statement from the White House on Puerto Rico has a lot of meaning. And the peo-

ple understand that clearly and it helps in the debate so the people learn to understand where everyone is coming from. The fact that there are some people in this country that would like to impose a will and would like to carry us in a different path doesn't mean that the majority of the people of the United States or the majority of the Congressmen or Senators or the White House take those positions.

And some of the other statements in your statement also are very, very positive and I think that now we have the proposal by the commonwealth supporters and we will soon have the other proposals, then we can discuss the alternatives. And I am sure that we can have something that will be fair, if not to everyone at least to the majority and to the objective observers.

Thank you very much for your testimony. I have no questions.

Mr. FARROW. Thank you, Congressman.

The CHAIRMAN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I certainly thank Mr. Farrow for his presentation this afternoon. Just one question. You know, we have—the people of Puerto Rico have had this experience in the plebiscite of 1993 where there was no clear majority. And you have expressed in your statement about the fact that whatever is to come about, whether it be from this plebiscite process, that there should be a majority. You know, there is nothing in the Constitution that says that the President has to be elected by a majority vote. What happens, and as you well know, Mr. Farrow, whenever you have three options it is a very, very difficult proposition to get a majority. What happens in the plebiscite if there is no majority?

Mr. FARROW. Well, the legislation provides, and we think it is proper, that there be a majority requirement. In the event of no majority, that there be a reconsideration somewhere down the line. Our only question is when that reconsideration ought to occur, whether it ought to occur every four years or in a time determined by the government of Puerto Rico.

Mr. FALEOMAVAEGA. You have also raised a question about that this four-year period might be too long. Do you have a better suggestion as to the time period? I felt four years is a fair statement for considering the referendums. If it triggers that process to take place, do you feel that four years is not sufficient time or is it too much time?

Mr. FARROW. I think it will depend on the situation. It is very difficult to project right now what the results of referendum would be. And depending on how close those results are, the government of Puerto Rico might want to hold a referendum earlier or sometime later than that rather than set a specified time period. We think that is a matter the government of Puerto Rico ought to determine.

Mr. FALEOMAVAEGA. So as much as you can say that the Administration definitely is fully committed to the proposition and the plebiscite should be held by next year, hopefully? Is that a fair statement? You are committed to that?

Mr. FARROW. It is a fair statement. And further, the President looks forward, as I said, to implementing a majority decision during his term.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Jeff. I appreciate it.

Mr. FARROW. Thank you, Mr. Chairman.

The CHAIRMAN. I would just like to compliment all the witnesses today and the audience that conducted themselves admirably today. I apologize for the interruptions. I believe this has been a very beneficial hearing, and I deeply appreciate the Governor chairing this meeting in a bipartisan way. And hopefully we can continue this. The next hearings will take place in Puerto Rico. It is my intent to move this legislation. It is my intent to see it pass the House and be signed into law, but it also takes a lot of work, a lot of communication with everybody involved. And try to avoid the pitfalls of delay and impasse, because this is the period of time I want to get this done.

I do thank you. Thank you very much. This meeting is adjourned.

[Whereupon, at 4:17 p.m., the Committee was adjourned; and the following was submitted for the record:]

STATEMENT BY THE HONORABLE PEDRO ROSSELLÓ, GOVERNOR OF PUERTO RICO

Chairman Don Young; Ranking Democrat, Congressman George Miller; members of the Committee on Resources:

My name is Pedro Rossello. Since 1993, I have been Governor of Puerto Rico. In that capacity, on two occasions, I presented statements to the 104th Congress that may be of interest to each of you.

•On October 17, 1995, here in Washington, I addressed a hearing conducted jointly by this Committee's Native American and Insular Affairs Subcommittee and by the Subcommittee on the Western Hemisphere of the House Committee on International Relations.

•Then, on March 23, 1996, I appeared before the Native American and Insular Affairs Subcommittee at a hearing conducted in San Juan.

My October 1995 statement pertained to a November 1993 political status consultation, organized by the Government of Puerto Rico with the full support of all three Puerto Rico political parties.

My March 1996 statement pertained to H.R. 3024: a bill filed by Chairman Young, which bore the same title as the measure before us today.

Because of their relevance, and because they may be particularly useful to members of this Committee who did not serve on the aforementioned Subcommittees of the last Congress, I shall be grateful if the Chairman will make copies of those statements available to every member of the Committee on Resources of this 105th Congress.

Although I am the president of a political party, and although I do strongly advocate one specific solution to Puerto Rico's status dilemma, I wish to emphasize at the outset that my declarations at this hearing shall be made solely in my role as chief executive of the Government of Puerto Rico and on behalf of the people of Puerto Rico, as the recipient this past November of the largest electoral mandate granted to any gubernatorial candidate in Puerto Rico since 1964.

In addressing you as Governor, and as the spokesperson for a strong mandate from the people to move toward the final definition and decision on our political status, I see it as my duty to concentrate exclusively on offering my assistance as you commence the profoundly important process of evaluating H.R. 856, the United States-Puerto Rico Political Status Act.

For the past eight years, both the people of Puerto Rico and the United States Government have manifested a commendable commitment to addressing this issue seriously, responsibly and in an impressively non-partisan manner.

In 1989, a pro-"commonwealth" Governor enlisted the backing of all three Puerto Rico political parties in soliciting action from the Federal Government. That petition produced an earnest, positive response from a Republican President and a Congress controlled by Democrats. More than two years of dedicated effort resulted from that initiative. The effort fell short. But it did not fail. Rather, it left behind a valuable foundation upon which we have been building ever since.

And so it was that my administration—led by a pro-statehood Governor—succeeded four years ago in maintaining a united front of Puerto Rico political parties

in resuming the quest for a solution to the status dilemma. And so it was too that—with a Democrat in the White House and Republican majorities on Capitol Hill—Washington has remained equally united, since 1995, in pursuit of a mutually satisfactory remedy to the universally acknowledged inadequacy of Puerto Rico's current relationship with the rest of our fellow citizens of the United States of America.

President Bill Clinton reiterated his commitment at the beginning of this year. In a letter that was read aloud by his personal representative, during my second-term inauguration ceremony in January, the President wrote: "I will work with you, the islands' other elected leaders, the Congress, and all concerned to establish a process that would enable the fundamental issue of Puerto Rico's political status to finally be resolved."

Here in the House, for their part, Chairman Young and Ranking Member Miller have mobilized a broad bipartisan coalition—with the solid backing of Speaker Newt Gingrich and the gentleman from Puerto Rico, Congressman Carlos Romero-Barceló.

On the Senate side, Chairman Frank Murkowski visited Puerto Rico this past weekend, leading a bipartisan delegation from his Energy and Natural Resources Committee. The Senators held lengthy meetings with senior officials from the political parties representing Puerto Rico status options.

In light of these developments, I can state for the record that the people of Puerto Rico are looking forward with enthusiasm to the imminent exercise by Congress of its constitutional responsibility to collaborate with us on converting the chronic conundrum of Puerto Rico's status into a shining star of statesmanship.

I am convinced that together we can do it

Through determination, persistence, unflagging effort and an unshakable allegiance to patriotic civility, we can do it.

Moreover, we can do it expeditiously.

I commend you, Mister Chairman, for having requested of each Puerto Rico political party that it submit by March 31 a proposed definition which it believes will be most appropriate for the status option it supports. It is my understanding that each of the parties intends to comply with that request.

You acted expeditiously, Mr. Chairman, in filing H.R. 856.

You acted expeditiously in scheduling this hearing.

You acted expeditiously in requesting status definitions.

And I would urge that we likewise expedite the entire process contemplated by this bill.

A year ago this week, in my testimony regarding H.R. 3024, I proposed that the process be streamlined. Like that earlier bill, H.R. 856 envisions "a transition plan of 10 years minimum which leads to full self-government for Puerto Rico consistent with the terms of this Act..."

Nothing has transpired during the past 12 months to alter my outlook on this aspect of the legislation. Accordingly, I take this opportunity to urge once again that this bill's three stages—initial decision, transition and implementation—be consolidated into two stages.

I feel certain that the transition and implementation stages can be combined in such a way as to eliminate any need for conducting the interim referendum that is stipulated by the bill under the provisions set forth in its transition stage.

If the people of Puerto Rico do embrace full self-government during the initial decision stage, then I see no reason why ten-or-more additional years must elapse before we are able to cast definitive "yes-or-no" votes on a Presidentially-submitted and Congressionally-approved implementation formula.

A "streamlining" of this nature would save time, energy and money; it would facilitate completion of the entire process, with the utmost, focused attention to detail, during a time period that could easily be reduced to a maximum of four-to-five years.

But more than that, by expediting matters we can help to ensure that the United States-Puerto Rico Political Status Act achieves its purpose because—by expediting matters—we can greatly enhance the likelihood that the momentum of this historic undertaking will not be weakened by unforeseen events that could occur as we go forward.

And furthermore, it would send a strong message to all that Congress is ready and committed to act.

When I first offered this suggestion at the San Juan hearing of March 1996, my exact words were these: "Ten years, I respectfully submit, is an inordinately long time. Ten years ago, there were two Germanys and a Berlin Wall; South Africa was still under apartheid; the North American Free Trade Agreement was merely a promising idea; and almost nobody had ever heard of the Internet. A ten-year minimum, I believe, is more time than we need."

Today, in March 1997, I stand by those words. I earnestly propose that a mechanism be designed that will allow the people of Puerto Rico and our fellow citizens throughout the United States to conclude, at the sunrise of the 21st century, an extremely significant item of unfinished business that has awaited this nation's undivided attention ever since the twilight hours of the 19th century.

To that end and in that spirit, Mr. Chairman and members of the Committee, you can count on me. You can count on me to work with you; with your Congressional colleagues; with the President; and with the people of Puerto Rico. You can count on my good faith, my good will, and my unwavering commitment to the fundamental principle of civil rights and human dignity that this bill so eloquently embodies: the principle of liberty and justice for all.

May God bless each and every person who participates in this noble endeavor.

Thank you very much.

STATEMENT OF SENATOR RUBEN BERRÍOS-MARTINEZ, PRESIDENT, PUERTO RICAN INDEPENDENCE PARTY

For almost a century Puerto Ricans of all political persuasions have struggled—unsuccessfully—for the recognition of our full political rights as a people before a Congress that has, for the most part, been hostile or insensitive to our demands. Today—on the verge of the 21st century—it is a source of optimism that Congress finally begins to recognize its centennial obligation to decolonize Puerto Rico.

But before H.R. 856 becomes an effective and acceptable instrument for the solution of Puerto Rico's status problem, certain conditions should be met and certain pitfalls avoided, some of which require major changes in the bill.

1. The essential objective and nature of the bill must be maintained at all costs. This bill unambiguously faces and proposes a solution to the fundamental issue of sovereignty—the issue of where will ultimate power reside—which is the crux of the Puerto Rican status problem. In other words, it proposes a process for the definitive solution of the status problem by promoting a decision between two paths; one, under US sovereignty, leading to statehood, and the other under Puerto Rican sovereignty, leading either to independence or free association. Territorial Commonwealth on the other hand is viewed as the problem to be outgrown and superseded.

2. So long as the fundamental objective of the bill is preserved, the legitimate interests and demands of the participants in the status debate must be provided reasonable accommodation. This, of course, includes not only "independentistas" and statehooders but, also thousands of Puerto Ricans who do not support either independence or statehood.

In this context, while independence and free association, as modalities of Puerto Rican sovereignty, must continue to be grouped under the same heading on the proposed plebiscite ballot, their distinctiveness should nevertheless be clarified. Free association and independence are members of the same family; but they are first cousins, not identical twins.

I propose therefore that the bill be amended to "flesh out" the free association and independence modalities within the "separate sovereignty" alternative, or as I prefer, the "Puerto Rican sovereignty" alternative.

If this proposal is accepted then it will not be necessary to include the territorial status quo as an option. Even the Popular Democratic Party rejects the option of an unincorporated territory subject to the power of Congress under the Territorial clause of the US Constitution. While we should all favor "inclusiveness", it would indeed be a perversion of that concept to include a colonial or territorial option that nobody favors.

Territorial Commonwealth was included because the bill was attacked for excluding a substantial segment of Puerto Rican public opinion. But once the free association modality has been reformulated in such a way as to address the legitimate concerns of its proponents, there would be no need for its inclusion, and the bill would once more guarantee a majority vote for one of the two paths leading to full self government.

3. This bill should at least reflect a sense of Congress regarding the truly critical questions which it would have to face and answer in the event of a statehood petition.

Congress should not convey the impression that a mere majority vote in the plebiscite is the only condition it would require in order to grant statehood. I am convinced that if this bill is perceived in Congress—rightly or wrongly—as an implicit commitment to grant statehood after a majority vote by the Puerto Rican electorate, it may never become law. The reason is simple. Such commitment would run contrary to legitimate political and economic concerns of those members of Congress

who, in the House or in the Senate, are uninclined to accept Puerto Rico as a state or who question the wisdom of such an implicit offer.

Crucial questions regarding statehood for Puerto Rico arise, which should be addressed in this bill:

*Is it the sense of Congress that statehood for Puerto Rico would be possible unless English becomes the primary or common language of Puerto Ricans?

*Would statehood be a realistic option so long as Puerto Rico's per capita income remains—as it has for the past 50 years—one third that of the United States and one half that of your poorest state, considering the repercussions of that reality on the federal treasury?

*Is statehood conceivable without a solid and overwhelming political consensus in its favor in Puerto Rico far beyond a mere majority?

*Is Congress willing to face a Caribbean Québec if a minority for separate sovereignty should become a majority in the next generation?

Needless to say, this Congress cannot anticipate the answers to these questions in a way that would bind a future Congress. The critical question, however, is a political one which only this Congress can answer: should Congress authorize a plebiscite with a statehood option, without first providing the people of Puerto Rico a clear sense as to what criteria it would use to evaluate a statehood petition?

At a minimum. Congress should make clear that if the statehood alternative achieves a sufficient majority but Congress does not then act favorably on the petition within a reasonably short period of time then the statehood alternative should be deemed to have been rejected. Accordingly in order to achieve its primary objective, the bill should mandate that in such an eventuality the People of Puerto Rico should then choose between the remaining decolonizing alternatives, that is between independence and free association.

4. Fairness and objectivity should be maintained regarding the status definitions as they might refer to the potential economic effects of the different alternatives. As regards this issue, the bill is unbalanced and unjust and should be amended.

Congress has constitutional and international law obligations with Puerto Rico's decolonization, in addition to moral and political commitments after almost one hundred years of U.S. occupation. In this context, Congress should be explicit in its willingness to approve a smooth and fair transition towards independence, as well as regarding the creation of a reparations or development fund. Such a fund would indeed be a small price to pay in order to end the overgrowing dependence on the federal budget promoted by the status quo and which would certainly multiply with the two senators and seven representatives which statehood would entail. On previous occasions, both the House of Representatives and the Senate have demonstrated that such objectives can be attained.

Free trade and economic cooperation are not the exclusive prerogative of statehood. On the contrary, mutually beneficial and common sense solutions are clearly available for independence in this age of globalization and regional economic arrangements. The bill should reflect these concepts in order to be fair and balanced.

There are hundreds of thousands of Puerto Ricans who are now inclined towards statehood only because they have been led to think that a choice for independence would lead to economic penalties imposed by the United States through a regime of tariffs and trade restrictions. On the other hand they have been led to contemplate a statehood panorama of an eternal cornucopia of federal welfare funds guaranteed by two senators and seven representatives. It is up to Congress to dispel these myths by stating its sense as to what its trade and assistance policies would be towards an independent Puerto Rico.

5. It is of the utmost importance that Congress face the matter of US citizenship under the Puerto Rican sovereignty alternative in a clear and realistic manner. It should begin its analysis by separating myth from fact.

I am firmly convinced that the principal value that the immense majority of Puerto Ricans attach to their US citizenship is the right to travel freely to and from the United States. This should come as no surprise.

The importance of Puerto Ricans' free transit into the United States, however, cannot be underestimated. For almost one hundred years—even before Puerto Ricans became US citizens in 1917—free transit and free trade have been part of the US-PR relationship by virtue of US law and policy since 1900. More than two million Puerto Ricans live in the United States either permanently or temporarily and there is hardly anyone in Puerto Rico who does not have a close relative who lives in New York, Chicago, Philadelphia or other cities.

It is within this historical context of free transit—existing before and after the imposition of US citizenship—that the majority of Puerto Ricans react with apprehension at the threat of losing that freedom to travel which they equate to US citizenship.

As in the matter of trade and economic cooperation if this Congress expresses or implies that free transit is only possible under statehood it will be promoting an artificial pro statehood majority that has nothing to do with the spirit of patriotic commitment to the United States which should be the real basis of a serious pro statehood sentiment. As recently as this month the governor of Puerto Rico, in promoting this myth, insisted that regarding the plebiscite "the decision that must be made is whether we want to be American citizens or not. That is the basic decision."

Loyalty to one's nation and freedom to travel to other nations are, as Americans well know, two different things. By separating the issue of free transit from the issue of citizenship you will have defused the artificial growth of the statehood movement.

As far as we independentistas are concerned we aspire exclusively to our own Puerto Rican citizenship in an independent Puerto Rico. But as regards those Puerto Ricans born before independence who want to retain their US citizenship after independence, they should be allowed to retain it. In any case, if they were not allowed to do so, the US courts would have the final word on the matter.

As regards Puerto Ricans born after independence, Congress would be wise to allow for free transit arrangements between both countries. I remind you that a very large percentage of the Puerto Rican nationality resides in the United States and that it was the US who, after the invasion of our nation, created and promoted free transit, and that at present there is free transit between Puerto Rico and the US; so surely the United States would not be worse off under independence than at present. If the European Community countries have successfully entered into such free transit arrangements without a similar 99 years precedent, there is no reason why the United States should have any problem in reaching a similar arrangement with an independent Puerto Rico.

6. The bill should be amended to substantially reduce the time frame provided for the full implementation of the different alternatives.

In this respect, since the status alternatives require, by their very nature different procedures and conditions for their implementation, the temptation of false symmetry should be avoided. Independence, for example, being an unalienable right of the Puerto Rican people, should and could come into effect in a very reduced period of time. Once independence has been proclaimed, a transition period involving economic and other matters would be implemented over an extended period of time.

On the other hand, statehood not being a right but a privilege to be granted at the will of Congress, it would necessarily require a different time frame which should be as short as practically possible. We believe that the more than 10 years proposed in the bill should be drastically reduced. It would otherwise become a way of avoiding the difficult decisions that sooner or later Congress will have to face regarding statehood.

7. The bill should guarantee that all the options have adequate and equal access to public funds in the plebiscite campaign; that a reasonable limit on spending for advertising beyond that provided for by public funds be imposed so as not to create an unfair advantage for any option; and that government funds and agencies are not improperly utilized to favor any option.

8. H.R. 856 should be amended as to who will have the right to vote in the plebiscite.

It should be obvious that if the plebiscite is not a general election to select public officials but a special election to advance the cause of self determination of the Puerto Rican People, only Puerto Ricans—and not merely residents of Puerto Rico—should have the right to vote. By Puerto Ricans I mean those born in Puerto Rico or of Puerto Rican parentage who reside in Puerto Rico or who, though residing outside have the intention to return to live in Puerto Rico. As an exception those non Puerto Ricans who have lived in Puerto Rico for a substantial period of time and who intend to remain should also have the right to participate.

To allow non Puerto Rican residents of Puerto Rico to vote, or to exclude non resident Puerto Ricans, will undoubtedly have distorting effects on the election results and call into question the legitimacy of the outcome. No objective observer would seriously dispute, for example, that the overwhelming majority of the non-Puerto Rican residents would vote for statehood, either because they are Americans residing in Puerto Rico or because, though originally from other countries, they became US citizens by choice.

The anomalies of our colonial condition are such, however, that one may clearly anticipate constitutional arguments as to the exclusion of non-Puerto Rican residents, and practical arguments as to the inclusion of Puerto Rican non-residents can also be anticipated. But these constitutional and practical obstacles are certainly not insurmountable to a Congress acting pursuant to its plenary powers under the territorial clause.

Even if this committee were unwilling, for whatever reason, to agree that the plebiscite franchise be designed in accordance with our proposal, this does not mean that the bill should not recognize the distorting effect that the electoral franchise proposed in the bill implies.

Needless to say, an imperfect plebiscite is a better option than no plebiscite at all, but this committee is by now advised that a revision of the bill's franchise provisions is both necessary and possible and that not to do so will weaken the reliability and legitimacy of the plebiscite results.

From my long experience with previous processes relating to Puerto Rico's status, I have no doubt that as the legislative process evolves, the issues I have raised today before this Committee will emerge as crucial issues, either in the House or the Senate.

If Congress addresses these issues we are convinced that fair and equitable legislation will finally emerge. We are willing to work with this Committee to draft the necessary specific amendments to meet the objectives we have referred to.

Before concluding, I wish to set the record straight concerning the participation of the Puerto Rican Independence Party in this plebiscite process.

We fully understand why the sponsors of the bill start from the premise that statehood would be a legitimate form of self government for Puerto Rico. After all, thirty six former territories have become states of the Union. In addition a large percentage of Puerto Ricans favor statehood and even international law admits integration, in certain circumstances, as a way out of colonialism.

But the Puerto Rican Independence Party is convinced that integration to the United States as a state of the Union is not a valid solution to Puerto Rico's colonial problem.

Puerto Rico is a distinct, mature, Spanish Speaking, Latin American, Caribbean nation. To argue that Puerto Rico is not a nation is as absurd as to argue that blacks in the US were not human beings before the abolition of slavery.

For a nation such as Puerto Rico, statehood would be a dilution, if not an abdication, of our right to govern ourselves as Puerto Ricans, no matter how intensely we exercise our voting franchise. The problem of Puerto Rico is not a problem of the disenfranchisement of a minority or an issue of civil rights, as some people seem to believe. It is not a problem of individual rights it is a problem of national rights of the inalienable right of a nation, of a people, to govern themselves.

Even Puerto Rican statehooders postulate our right as a people to our distinct identity —"Jíbaro" statehood, they call it—which in part accounts for their success at the polls. Puerto Ricans of all political persuasions proudly and forcefully proclaim and have even submitted for the Congressional Record that Puerto Rico's language and culture are not negotiable under any status. As Gandhi once said, we do not "want [our] house to be walled in on all sides and [our] windows to be stifled. [We] want all the cultures of all lands to be blown about [our] house as freely as possible. But [we] refuse to be blown off our feet by any."

You should be aware, therefore, that the primary loyalty of Puerto Ricans is to Puerto Rico, not to any other nation, and that regardless of what this Congress may resolve or believe, we Puerto Ricans are determined to preserve and develop our distinct national identity as a people.

For the US to accept as a state of the Union a distinct Spanish Speaking, Latin American nationality with half the per capita income of the poorest state, would run counter to its national interests, particularly when a substantial consensus regarding statehood is a practical impossibility in the foreseeable future. Québec and Ireland are but contemporary reminders of the dangers that inevitably ensue when nations have attempted to absorb other nations. Nations by definition cannot give up their inalienable right to self determination and independence that is, their right to secede.

Independence, on the other hand, which is the ultimate empowerment, would endow Puerto Rico with the political, fiscal and commercial flexibility indispensable in this day and age to insert ourselves into the globalized economy, attract foreign capital, strengthen our own, and thus fully develop our economic potential.

For Puerto Rico, independence would be the tool necessary to break the cycle of impotence and dependence which has become endemic in our colonial relationship and which would only turn more acute under statehood. This condition of dependency has constrained our economic development and undermined our dignity and self esteem. Independence, in contrast with commonwealth or statehood, would mean the beginning of the end of the ever increasing drain on the federal budget.

Moreover, it would be a source of incalculable good will for Latin America and the Caribbean; an indispensable condition for the development of a forward-looking US policy towards the region for the next century based on equality and cooperation.

We are thus convinced that when Congress finally works its will, when this process comes to its end, the United States government will come to the conclusion that the only true option for both of our countries is independence.

But we are not there yet and it is thus necessary that the process work its way. Let us, therefore, move ahead with the process.

The relationship between colonizer and colonized denies the essential equality of nations in the same way that the relation between master and slave denies the essential equality of human beings. It denigrates the colonized and it demeans the colonizer. For the honor and respect of both our nations let us bring it to an end.

STATEMENT OF ANIBAL ACEVEDO-VILÁ, PRESIDENT, POPULAR DEMOCRATIC PARTY, COMMONWEALTH OF PUERTO RICO

Good Morning.

I come before you today at the invitation of Chairman Young to attend these hearings with regard to H.R. 856, "The United States-Puerto Rico Political Status Act". Ever since the creation of the unique status of Puerto Rico—Commonwealth, which was crafted by the leadership of the Congress and Puerto Rico in a constructive process, and was overwhelmingly approved as a compact by the people of Puerto Rico and the United States in 1952—the Popular Democratic Party has actively participated in every status deliberation process.

We represent the preferred status formula of the people of Puerto Rico, having won every status consultation ever undertaken. Our position has been supported by a majority of the people in all three status plebiscites, in 1952, in 1967 and most recently in 1993.

We believe in principles. We believe in democracy. We believe in constitutional governments and the everlasting premise that the rule of law requires respect from the government to commitments made by previous administrations, and a serious recognition by all of judicial precedents. We believe in the most fundamental of democratic principles: that all governments of the free world legitimize their condition as a government only with the consent of the governed.

I commend the sponsors of this bill for their interest in establishing a procedure for the people of Puerto Rico to choose their final political status. I pledge the full cooperation of our party to that end. As in every process before, the basic principles of democracy, fairness and inclusiveness must always be present.

We have made every effort to evaluate, study and analyze H.R. 856 and conclude that we cannot and will not support it as its stands. (Our position with regard to this bill and a future process of self-determination for Puerto Rico is fully spelled out in the two resolutions unanimously adopted by the General Council of our party, which I am enclosing as appendices to this statement and which should be made a part of the record.) Appendices C & D.

The objective of this bill is right, but the means devised to accomplish it are wrong. This is not a balanced bill. This bill has a severe tilt. It is actually a statehood bill and as such is unacceptable.

The bias which mars this bill is glaring and offensive. Commonwealth status, the preferred choice of the Puerto Rican people since its establishment in 1952, reaffirmed as recently as in the 1993 plebiscite called by the Statehood party itself, is pictured in dark colors and dismissed as a colonial status, unworthy of consideration. Should the people of Puerto Rico churlishly decide to continue backing it, further plebiscites must be held, until statehood, independence or free association, involving the loss of United States citizenship, is chosen. It being well known that the people of Puerto Rico want no pact on independence and take proper pride in their American citizenship, the result is, of course, pre-ordained for statehood.

For the majority of the people of Puerto Rico that believe in autonomy and self-government with American citizenship as a bond with the United States, this bill offers no alternative. It will require that the more of 900,000 persons I represent that are against annexation as a state, choose between a colonial denigrating status or loosing our American citizenship. To vote in this plebiscite will force us to act against our political beliefs and our freedom of speech. It will violate the principle of equal protection and trample us upon our conscience.

When Congress decided back in 1917 to offer American citizenship to the people of Puerto Rico, it was made completely disassociated from any thought of statehood and specifically contemplating that it be an element of future autonomous self-government developments for the island. To unilaterally change these assumptions now

would confront Puerto Ricans with a conscience dilemma of no precedent in American History.

With this bill as it stands, Statehood becomes the only available alternative. This anticipated result will be unfair both to Puerto Rico and the United States. The people of Puerto Rico would have to make a choice for statehood for the wrong reasons. Not based on patriotism and a real commitment to the Union, but because they have been left with no other real alternative. On the other hand, the U.S. Congress will have before it a petition for Statehood, and a request for action, without having considered properly the cultural, national, ethnic, linguistic, economic and social consequences of statehood. As you can see, this bill will not solve any problem, but rather create a bigger one.

Let there be no doubt that we want to participate in a fair and democratic process. As Chairman Young stated in September 17, 1990 with regard to another referendum bill for Puerto Rico: "a referendum should only be authorized by the Congress if it is to be fair to all parties and the statuses they advocate." This should be the guiding principle in this process of enacting legislation. With all do respect, the bill under your consideration does not comply with the fairness standard you, Mr. Chairman, previously established.

The assumptions of this bill, that it is not possible to have a non-colonial bilateral relationship, based a mutual consent with American citizenship as a bond between Puerto Rico and the United States, is against history, legal precedents and clearly unacceptable for us.

We see the joint letter from Congressmen Young and Miller of March 3, 1997, giving the Popular Democratic Party the opportunity to present a new definition of Commonwealth before March 31, as a new approach and openness, to have a referendum "fair to all parties and the statuses they advocate" and to revise the dispositions and assumptions of this bill which have until now made impossible any meaningful participation for us.

A starting point in this process should be the express recognition of what the present relationship is. The creation of Commonwealth status was a great joint achievement of the government of the United States and the people of Puerto Rico. Public Law 600 was enacted on July 3, 1950 by Congress authorizing the people of Puerto Rico to draft and adopt a Constitution. Recognizing the sovereignty of the people of Puerto Rico to establish its own Constitution, Congress clearly stated in Public Law 600 that: "fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact", conditioning its effectiveness and the perfectioning of the compact on it first being approved by the people of Puerto Rico in a referendum.

Public Law 600 was overwhelmingly approved by the people. A Constitution was adopted on a second referendum and approved by the Congress on July 3, 1952. In Public Law 447, by which Congress accepted the Commonwealth Constitution, it is clearly stated that Public Law 600 had been adopted as a compact between Congress and Puerto Rico. The Constitution of the Commonwealth of Puerto Rico, adopted by the People and approved by Congress clearly recognizes the sovereignty of the people and the compact between Puerto Rico and the United States states:

"Section 1. The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico."

Based on these actions, the United States Government made a solemn representation to the United Nations, on the basis of which Puerto Rico was struck out from the list of non self-governing peoples in 1953. At that time, the United States government made clear statements before the United Nations with regard to the new status of Puerto Rico of a bilateral compact that can only be changed by mutual consent:

"The previous status of Puerto Rico was that of a territory subject to the full authority of the Congress of the United States in all governmental matters. The previous constitution of Puerto Rico was in fact a law of the Congress of the United States, which was called an Organic Act. Congress only could amend the Organic Act of Puerto Rico. The present status of Puerto Rico is that of a people with a constitution of their own adoption, stemming from their own authority, which only they can alter or amend. The relationships previously established by a law of Congress, which only Congress could amend, have now become provisions of a compact of a bilateral nature whose terms may be changed only by common consent".

On November 27, 1953 the General Assembly of the United Nations approved Resolution 748 VIII which specifically declares that: "In the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity".

The United States Supreme Court has repeatedly held that Puerto Rico is to be deemed "sovereign over matters not ruled by the [United States] Constitution"; that "the purpose of Congress in the 1950 and 1952 legislation was to accord to Puerto Rico the degree of autonomy and independence normally associated with a State of the Union"; that "Puerto Rico occupies a relationship to the United States that has no parallel in our history"; and that "Puerto Rico, like a state, is an autonomous political entity" [*Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 US 663, 672-673 (1974); *Rodríguez v. Popular Democratic Party*, 457 US 1, (1982); *Posadas v. Tourism Co.*, 478 US 328 (1986); *Examining Board v. Flores de Otero,* 426 US 572, (1976)]. While sitting in the Court of Appeals for the First Circuit, Judge, now Justice, Breyer stated in a landmark case [Córdova v. Chase Manhattan Bank, 649 F. 2d 36, (1981)]:

"In sum, Puerto Rico's status changed from that of a mere territory to the unique status of Commonwealth, and the federal government's relations with Puerto Rico changed from being bound merely by the territorial clause, and the rights of the people of Puerto Rico as the United States citizens, to being bound by the United States and Puerto Rico Constitutions, Public Law 600, the Puerto Rican Federal Relations Act and the rights of the people of Puerto Rico as United States citizens".

Of the various of cases decided by Federal Courts touching upon Commonwealth status, opponents to this option single out the case of *Harris vs. Rosario,* 446 U.S. 651 (1980) to establish that Congress may, at any time, unilaterally alter or abolish Commonwealth. However, the point of law before the Court in *Harris vs. Rosario* dealt with the question of whether it was constitutional for an act of Congress to deny Puerto Rico residents benefits under the AFDC program otherwise available to that citizen if residing in the mainland. To justify unequal treatment between the Puerto Rico residents and those of the several states in its brief discussion the Supreme Court made reference to the territorial clause of the U.S. Constitution.

However, there was no claim that the Commonwealth compact required that Congress must extend to Puerto Rico, in equal terms, all federal aid programs. Therefore, the holding in *Harris vs. Rosario* in no way invalidates the compact by virtue of which Commonwealth was created. Moreover, in all the cases after Harris in which the Supreme Court has confronted an issue regarding the nature of Commonwealth, the Court has validated the main principles of our present status. (See *Rodríguez v. PDP, supra,* 1982; *Posadas v. Tourism Co.,* supra, 1986). (For further discussion of Harris see Appendices B.)

The definition of Commonwealth contained on H.R. 856 denies these precedents, presents Commonwealth as a classic colonial status and for the first time proclaims the revocability of the American citizenship all Puerto Ricans enjoy since 1917. Under these circumstances, Commonwealth followers which I represent, have no place to vote on the ballot proposed by this bill. It will force us to choose between a colonial alternative that goes against our beliefs and constitutional rights or, on the other side, deprive our children and grandchildren of the American citizenship. Two alternatives clearly unacceptable.

History shows that full autonomy and American citizenship are not mutually exclusive concepts. Moreover, American citizenship has always been the bond for a permanent union entirely disassociated from statehood.

This principle was clearly outlined by President Taft in his 1912 State of the Union address, advocating in favor of a bill pending in Congress to grant American citizenship to all Puerto Ricans, where he stated:

"I believe that the demand for citizenship is just, and that it is amply earned by sustained loyalty on the part of the inhabitants of the island. But it must be remembered that the demand must be, and in the minds of most Puerto Ricans is, entirely disassociated from any thought of statehood. I believe that no substantial approved public opinion in the United States or in Puerto Rico contemplates statehood for the island as the ultimate form of relations between us. I believe that the aim to be striven for is the fullest possible allowance of legal and fiscal self-government, with American citizenship as the bond between us; in other words, a relation analogous to the present relation between Great Britain and such self-governing colonies as Canada and Australia. This would conduce to the fullest and most self-sustaining development of Puerto Rico, while at the same time it would grant her the economic and political benefits of being under the American flag".

As to the legal problems that conceivably could be raised, by granting American citizenship, Felix Frankfurter, when he was serving at the War Department, wrote in 1914 and is cited in *Mora v. Torres,* 113 F.Supp. 309, 319 (District of Puerto Rico, 1953), waiving aside sham constitutional objections:

"The form of the relationship between the United States and unincorporated territory is solely a problem of statesmanship.

"History suggests a great diversity of relationships between a central government and dependent territory. The present day demands upon inventive statesmanship is to help evolve new kinds of relationships so as to combine the advantages of local self-government with those of a confederated union. Luckily, our Constitution has left this field of invention open".

Congressional and official actions after the enactment of Commonwealth have been consistent with these principles and precedents that now this bill intents to unilaterally revoke. There is ample evidence, moreover, that Congress has expressly recognized the non-territorial character of Commonwealth Status. The report of 1964 of the federally created United States Puerto Rico Commission on the Status of Puerto Rico (Public Law 88-271) states:

"The Commission's mayor conclusion is that all three forms of political status—the Commonwealth, Statehood, and Independence—are valid and confer upon the people of Puerto Rico equal dignity with equality of status and of national citizenship.

"The Commonwealth relationship was established through bilateral agreement. It is clear that the U.S. Government entered into a solemn agreement with the Puerto Rican people in 1952 and that the agreement, referred to in the legislation as the compact, bears permanent legal consequences.

"A solemn undertaking of such profound character between the Federal Government and a community of U.S. citizens is incompatible with the concept of unilateral revocation. It is inconceivable that either the United States or Puerto Rico would, by an act of unilateral revocation, undermine the very foundation of their common progress: the fundamental political and economic relationships which were established on the basis of mutuality.

"The key to the continuation and development of the relationship between Puerto Rico and the mainland is U.S. citizenship. This citizenship carries with it basic personal and institutional protections which cannot be encroached upon by the Legislature of Puerto Rico or the Congress of the United States".

Other Congressional documents are consistent with these precedents. The basic principles regarding Commonwealth, that this bill pretends to deny—a bilateral relationship based on mutual consent with American citizenship as one of its components—have been recognized in all the bills that the Congress has seriously considered to further develop Commonwealth in the last 25 years. For example:

—H.R. 11200-1 introduced in Congress in 1975 to implement the result in favor of Commonwealth in the 1967 referendum and approved by the House Sub-Committee of Insular Affairs. It defined Puerto Rico as an autonomous body politic organized by their own, free and sovereign will, joint in permanent union with the United States with American citizenship.

—S. 712 approved by the Senate Energy Committee in August, 1989, recognizing the bilaterality of the relationship and the permanence of the American citizenship.

—S. 244 was also considered by the Senate Energy Committee in 1991. It recognized Puerto Rico's autonomy, bilateral compact, mutual consent and, U.S. citizenship as a bond of permanent union between the United States and Puerto Rico. Final Committee vote was 10-10, although major concerns to the Commonwealth definition were not reported.

—H.R. 4765 approved by the Insular Affairs Sub-Committee, by the Interior Committee and unanimously by the House of Representatives in August 10, 1990, allowing the people of Puerto Rico to vote for a New Commonwealth.

So far, I have been talking about the historic precedents that clearly show that the assumptions under which this bill has been drafted are wrong. Now is time to talk about the future. The Chairman, Mr. Don Young, and the ranking Democrat, Mr. George Miller, have graciously asked me to submit a definition of Commonwealth.

The definition I am about to present is made recognizing the sovereignty of the People of Puerto Rico to enter into a new relationship with the United States consistent with the principles of dignity, political autonomy and permanent union that gave birth to the present Commonwealth status. With minor changes in order to adjust it to the implementation process required by H.R. 856, the Popular Democratic Party believes that it would be adequate to work with the definition of a New Commonwealth adopted by this Committee in 1990 which was included in the report to H.R. 4765 of the 101st. Congress approved by the Sub-Committee of Insular Affairs,

by the full Committee of the Interior, and unanimously by the full House on October 10, 1990.

Eleven members of this Committee, including Chairman Young and Congressman Miller, were members of that Committee and voted in favor of the definition I will now present. The New Commonwealth should be defined as follows:

"(A) The new Commonwealth of Puerto Rico would be joined in a union with the United States that would be permanent and the relationship could only be altered by mutual consent. Under a compact, the Commonwealth would be an autonomous body politic with its own character and culture, not incorporated into the United States, and sovereign over matters covered by the Constitution of Puerto Rico, consistent with the Constitution of the United States.

"(B) The United States citizenship of persons born in Puerto Rico would be guaranteed and secured as provided by the Fifth Amendment of the Constitution of the United States and equal to that of citizens born in the several states. The individual rights, privileges and immunities provided for by the Constitution of the United States would apply to residents of Puerto Rico. Residents of Puerto Rico would be entitled to receive benefits under Federal social programs equally with residents of the several States contingent on equitable contributions from Puerto Rico as provided by law.

"(C) To enable Puerto Rico to arrive at full self-government over matters necessary to its economic, social, and cultural development under its constitution, a Special Constitutional Convention would submit proposals for the entry of Puerto Rico into international agreements and the exemption of Puerto Rico from specific Federal laws or provisions thereof. The President and the Congress, as appropriate, would consider whether such proposals would be consistent with the vital national interests of the United States in the transition plan provided for in Section 4 of this Act. The Commonwealth would assume any expenses related to increased responsibilities resulting from these proposals."

This definition describes the minimum content of our aspirations. By offering a definition which was the subject of serious study, was actively supported by Chairman Young and Congressman Miller among others, and met with the approval of this Committee and of the whole House a few years ago we mean to show our desire to facilitate the work of this Committee and bring about a plebiscite in which Commonwealth supporters may participate with a clear conscience.

By using the mechanism of a Constitutional Convention, which is already included in Section 4(b) (1) (B) of H.R. 856, to implement a vote in favor of the New Commonwealth, we would adapt it to the implementation mechanism conceived by this bill.

The Popular Democratic Party is looking with enthusiasm at the future. It is in the process of reorganizing its leadership and currently involved in a healthy generational transition that will guarantee a strong and rejuvenated party for years to come. The definition I have presented today fully complies with the principles contained in a document adopted last week by the Youth Organization of the Popular Democratic Party.

Commonwealth as an autonomic ideal for the future is the only status alternative in Puerto Rico that harmonizes those aspirations and goals of the modern world by protecting our identity and simultaneously guaranteeing our relationship with the United States, with a common market, common citizenship, common defense and common currency.

We believe that modern tendencies show that the ideas that will prevail in the new century will be those similar to the basic principles of Commonwealth of national reaffirmation and political and economic integration among the peoples of the world.

Thank you.

APPENDICES A

A NOTE ON THE POWER OF CONGRESS TO ENTER INTO A COMPACT WITH THE PEOPLE OF PUERTO RICO

The Supreme Court of the United States has relied upon two sources to sustain Congress' power with respect to territories: the inherent and implied powers of the United States as a sovereign and the territorial clause, Article IV, Section 3, Clause 2 of the United States Constitution. *American Insurance Co. v. Canter,* 26 US 511,

542-43 (1828). Under both powers Congress can make contracts or compacts binding upon other Congresses.

The general power to make binding compacts and agreements is a necessary corollary of sovereignty. *United States v. Bekins* 304 US 27, 51-52 (1936). In *Perry v. United States,* 294 US 330, 352, 253-54 (1935), regarding the gold clause in the bonds of the United States, the Court plainly stated that "the right to make binding obligations is a competence attaching to sovereignty". A Joint Resolution of Congress that attempted to override the obligation created by the bond was accordingly held to be beyond Congressional power. See also: *Union Pacific R.R. Co. v. United States,* 99 US 700, 719 (1870), where the federal government contracted with states to grant them federal lands on certain conditions, the Court holding that such agreements had to be honored by future Congresses.

Binding compacts and agreements can also be made under the territorial clause. The power of Congress to contract is included within the power to "dispose" referred to in that clause. See: *United States v. Gratiot,* 30 US (14 Pet) 526, 537-538 (1840), regarding the lease of mineral rights on public lands and holding that Congress could dispose partially, as well as totally of the property and territory of the United States. See also: *Ashwander v. T.V.A.* 297 US 288 (1936).

The binding nature of contracts entered into pursuant to the territorial clause includes contracts made with the people of a territory. See *Stearns v. Minnesota,* 179 US 223 (1900), concerning a contract made between the United States and the territory of Minnesota relating to the grant of certain federal lands to the territory in trust. Such an action was held binding on future Congresses.

Compacts made pursuant to the territorial clause may deal with governmental rights. The Northwest Ordinance of 1787 provides the classic example. The Northwest Ordinance stated that several of its provisions "shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable unless by common consent". The Northwest Ordinance was adopted by the Continental Congress under the Articles of Confederation and ratified by the First Congress under the new Constitution by Act of August 7, 1789, 1 Stat. 50. Story was of the opinion that the Ordinance bound Congress in the exercise of its otherwise absolute power under the territorial clause. 2 Story on the Constitution [Bigelow ed., 1891] sec. 1328.

Congress may relinquish or dispose of part of its territorial powers and retain others. The admission of a territory as a state is an example of total disposal. So is the Tydings-McDuffie Act of 1934, 48 Stat. 761, which granted independence to the Philippines. The Northwest Ordinance of 1787 represents an example of partial relinquishment or limitation of Congressional rights under the territorial clause. There is no authority for the proposition that the United States is forced by its Constitution to opt only for total relinquishment of its powers under the territorial clause. Independence and statehood are not the only ways out of territorial status. As pointed by Felix Frankfurter in his days at the Bureau of Insular Affairs at the War Department (see Mr. Acevedo Vilá's statement before this Committee today), the field is constitutionally open to inventive statesmanship.

The validity of the compact entered into in 1952 between the people of Puerto Rico and the government of the United States was duly recognized by United States representatives at the United Nations in 1953. (See Mr. Acevedo Vilá's statement for the appropriate quote).

At various times, although there have been occasions to the contrary, the United States Department of Justice has admitted the constitutional possibility of a compact between the people of Puerto Rico and the government of the United States. On April 2, 1962, it stated that the more reasonable conclusion would be "to read the Constitution as not restricting Congress' power to construct such political relationships with the territories as it may consider necessary in the light of particular instances, including one in which it permanently divests itself of part of its territorial powers". (J. Trías Monge, *Historia Constitucional de Puerto Rico,* Río Piedras, Editorial de la Universidad de Puerto Rico, 1983, vol. 4, p. 184).

The United States-Puerto Rico Commission on the Status of Puerto Rico, established by Congress in 1964, 78 Stat. 17, concluded in its 1966 report that "All three status alternatives—the Commonwealth, Statehood, and Independence—are within the powers of the people of Puerto Rico and the Congress to establish under the Constitution". Report of the United States-Puerto Rico Commission on the Status of Puerto Rico, 1966, p. 6.

On May 12, 1975, the United States Department of Justice, being consulted by the White House as to the constitutionality of the proposed Compact of Permanent Union between Puerto Rico and the United States (H.R. 11200 and H.R. 11201, 121st Congress, 1st Sess.) concluded that "it is possible for Congress to bind future Congresses with respect to Puerto Rico by means of a 'compact'. This may be viewed

either as the vesting of certain rights, see, e.g., *Downes v. Bidwell,* 182 US 244, 261-71 (1901), or as the granting of a certain measure of independence which once granted cannot be retrieved. Thus, specifically, Article 21 of the proposed Compact, requiring mutual agreement for amendment to the Compact, would, in our belief, be constitutional. Indeed, its explicit statement would appear to be an improvement over the situation under the present Compact where there is some question as to the ability of Congress to change its provisions". (President Ford's Library, Norman E. Ross Files, Ad Hoc Committee, folders 2-3, letter dated May 12, 1975 from A. Mitchell McConnell, Acting Assistant Attorney General, Legislative Affairs, written as an answer to the request of James M. Cannon, Assistant to the President for Domestic Affairs).

As respects court opinions, the question as to the power of Congress to enter into a binding compact with the people of Puerto Rico has not yet been directly at issue, but many rulings of the Supreme Court of the United States and the Court of Appeals for the First Circuit are incompatible with the argument that for Congress to enter into a binding compact would be constitutionally impossible. Among such rulings are the recognition that Puerto Rico is sovereign over matters not ruled by the Constitution of the United States; that Puerto Rico has been accorded the degree of autonomy and independence normally associate with States of the Union; that Puerto Rico occupies a relationship to the United States that has no parallel in American history; and that, accordingly, upon the establishment of Commonwealth status, Puerto Rico ceased to be a territory of the United States subject to the plenary power of Congress. (See the note on *Harris v. Rosario* for the appropriate citations).

APPENDICES B

A NOTE ON *HARRY v. ROSARIO*

Harris v. Rosario, 446 US 651 (1981), held in a two-paragraph per curiam opinion, citing *Califano v. Torres,* 435 US 1 (1978), that Congress was empowered to treat Puerto Rico differently than a state in granting aid to families with dependent children. The Court briefly referred to the territorial clause as the basis for that power. The Court, it should be noted, did not face in *Harris* the question whether Congress retained plenary power to legislate for Puerto Rico and accordingly said nothing about that. In order to address such a momentous issue a full-dress opinion would naturally have been required, rather than the summary action taken. The Court just ruled in *Harris* that Congress can under the territorial clause treat Puerto Rico differently than a state as respects the application of aid programs. The power of Congress to do so has, of course, never been challenged by the government of Puerto Rico, as it actually provides one of the constitutional bases for the unique nature of Commonwealth status. The interpretation of *Harris* advanced by critics of Commonwealth status simply misses the substantial distinction between the power of Congress to treat Puerto Rico differently than a state and the power to legislate for the unincorporated territories basically at its pleasure.

Harris does not, therefore, support the understanding of its meaning propound by critics of Commonwealth status. Such an interpretation of *Harris* runs counter to other decisions of the United States Supreme Court issued both before and after *Harris.*

Should the construction put on *Harris* by critics of Commonwealth status to be correct, why is it that neither the United States Supreme Court nor the Court of Appeals most familiar with Puerto Rican matters, that for the First Circuit, not only has ever failed to follow such an interpretation, but actually ruled to the contrary?

Contrary to the bizarre interpretation of *Harris* favored by critics of Commonwealth status, these are some of the statements issued by the United States Supreme Court and the Court of Appeals for the First Circuit on the status change represented by the establishment of the Commonwealth:

•"We readily concede that Puerto Rico occupies a relationship to the United States that has no parallel in our history..." *Examining Board v. Flores de Otero,* 426 US 572 (1972).

•"Puerto Rico is to be deemed sovereign over matters not ruled by the Constitution". *Calero Toledo v. Pearson Yacht Leasing Co.,* 416 US 663 (1974); *Rodríguez v. Popular Democratic Party,* 457 US 1 (1982); *Alfred L. Snapp & Son Inc. v. Puerto Rico,* 458 US 592 (1982), *Posadas de Puerto Rico Assc'n v. Tourism Co.,* 478 US 328 (1986).

•"The purpose of Congress in the 1950 and 1952 legislation was to accord to Puerto Rico the degree of autonomy and independence normally associated with States of the Union". *Examining Board v. Flores de Otero,* supra.

•"Puerto Rico, like a state, is an autonomous political entity". *Rodríguez v. Popular Democratic Party,* supra.

•"The theme that consistently runs throughout the legislative history of Puerto Rico's attainment of Commonwealth status is that Commonwealth represents the fulfillment of increasing self-government over local affairs by the people of Puerto Rico...In sum, Puerto Rico's status changed from that of a mere territory to the unique status of Commonwealth. And the federal relations with Puerto Rico changed from being bounded merely by the territorial clause, and the rights of the people of Puerto Rico as United States citizenship, to being bounded by the United States and Puerto Rico Constitutions, Public Law 600, the Puerto Rican Federal Relations Act and the rights of the people of Puerto Rico as United States citizens". *Córdova & Simonpietri, Inc. v. Chase Manhattan Bank,* 649 F2d 3 6 (1st Cir. 1981).

•"Thus, in 1952, Puerto Rico ceased being a territory subject to the plenary powers of Congress". *United States v. Ouiñones, 758 Fed. 2d 40 (1st Cir. 1985).*

There is accordingly no basis in law for the proposition that *Harris* establishes that Puerto Rico is still an unincorporated territory of the United States subject to the plenary power of Congress under the territorial clause.

STATEMENT OF LUIS A. FERRÉ, FORMER GOVERNOR OF PUERTO RICO, NEW PROGRESSIVE PARTY

Chairman Young and Members of the House Natural Resources Committee:

Good Afternoon!

My name is Luis A. Ferré.

I have advocated statehood for Puerto Rico during my adult life, which extends today to 93 years.

I served as Governor of Puerto Rico from 1969 to 1973 and I appear before you as Founding President of the New Progressive Party, committed to achieve statehood for Puerto Rico, which won the 1996 election with a majority vote of 1,006,331 or 51.4% for Governor of Puerto Rico, a majority of the Senate with l9 seats out of 28, a majority of the House with 37 out of 54 seats, 54 mayors of a total of 78 municipalities and a vote of 973,654, or majority for Resident Commissioner to Congress.

The New Progressive Party stands firmly behind the Young Bill, H.R. 856. We are all happy, indeed, that you have all subscribed H.R. 856, which finally opens the road for Puerto Rico to make a decision on its ultimate political status in the dignified manner that becomes the United States Congress and the people of the United States, including statehood as an alternative, which was the implicit understanding under which the people of Puerto Rico welcomed the American forces of General Nelson Miles in 1898.

Upon landing, General Nelson Miles published a proclamation which read in part, "Our military forces have not come to make war on the people of the country—but, on the contrary, to bring protection,— promote your prosperity, and bestow the immunities and blessings of our enlightenment and liberal institutions and government."

This proclamation was considered, by our political leaders and the Puerto Rican people, as a moral commitment by the United States to accept Puerto Rico, eventually, as a state of the Union, with full United States citizenship. Accordingly, both political parties that participated in the elections of 1900, under the leadership of the two most important and respected leaders, Barbosa and Muñoz Rivera, included statehood in their platforms, and gave their full support to you assumption of our destiny on an equal political basis and moral responsibility.

Unfortunately, and to everybody's disappointment, Congress enacted the Foraker Bill to establish the first civil government, in 1900, which did not grant United States citizenship to Puerto Ricans, acting in contradiction to the historical precedent of accepting territories only to become states. In spite of this disappoinunent, the people of Puerto Rico did not lose their confidence in the ultimate spirit of justice and moral responsibility of the United States and persisted in their demands for United States citizenship, as a step to ultimate statehood.

We are now approaching one hundred years from the date of the signature of the Treaty of Paris, which bestowed upon Congress the power to determine the political destiny of Puerto Rico, as at last outlined, with options for full self-government, including statehood, in Young Bill H.R. 856.

It took Congress 19 years to grant United States citizenship, under the Jones Act, and to establish an elected Senate. It took congress 50 years to provide for an elected Governor. It took an additional four years to allow us to draft and approve our own state-like Constitution in 1952, through an elected Constitutional Convention to which I had the honor of being elected as a statehood advocate and spokesman.

In 1950, Congress authorized the people of Puerto Rico to vote in a Referendum to accept or reject Law 600, which provided for the adoption of the local Constitution, as well as to other amendments to the Jones Act of 1917. The Federal Relations Act remained unchanged, maintaining Puerto Rico, as a non-incorporated Territory under the Territorial Clause of the United States Constitution and the full sovereignty of Congress.

We voted in favor of the Constitution drafted by the Convention under the clear understanding that the Commonwealth (E.L.A.), as defined therein, was to be a transitory status that kept the way open for Puerto Rico to achieve statehood or independence, at a future date, if the people so decided.

Several attempts were made afterwards to interpret and modify Law 600, which were rejected by Congress.

In 1964, and to clarify the meaning of Law 600, under which the Constitution of Puerto Rico was granted, the United States-Puerto Rico Status Commission as appointed. I was appointed member of the Status Commission on behalf of the statehood position.

During the Commission proceedings, I was able to argue against the misleading campaign of the advocates of Commonwealth status, that statehood for Puerto Rico was not attainable and that it would be economically disastrous for the Island and an economic burden to the United States, assuming the position that I had been sustaining since November 23, 1949, when I testified before the sub-committee of the Committee on Labor and Education of the House of Representatives of the United States, that to the contrary, Puerto Rico could assume the full economic responsibilities of statehood and it would be in the long run an asset to the United States, while the territorial status of Commonwealth would perpetually be a burden.

And I added and repeat today, that if we are American citizens, then we must be given the tools that our fellow American citizens in Continental United States have to solve their problems; and these tools are equal rights under statehood. Only by having two Senators and six Congressmen who can be on the alert all the time and who have the power to protect our interests, can the American citizens of Puerto Rico give their economy the necessary impetus to solve their problems.

Finally, the Status Commission Report came out with the following conclusion amongst others: "Economic studies indicate, that sustained economic growth, under the present status and continuation of the special arrangements will make statehood with adequate but not extraordinary or unprecedented provisions for transition, fully possible, without severe risks."

"With respect to the nature of the compact agreed upon under Law 600, the Supreme Court of the Untied States is the final interpreter, and has not expressed itself, as yet, on these matters." This was in 1966. Since then, it has expressed itself in several instances, in particular, in the case of Harris vs. Rosario, in which it ruled that Congress had the authority to discriminate against the United States citizens of Pueblo Rico, since Puerto Rico was held under the Territorial Clause of the Constitution.

Let me add some political considerations for the admission of Puerto Rico as a state, that I expressed before the Sub-Committee on Interior and Insular Affairs of the House of Representatives of the United States Congress on December 7, 1959, and which I think are still pertinent today.

"The admission of Puerto Rico as a state would greatly enhance the position of the United States in world affairs. It would be the logical conclusion of a process which started in 1898, when Puerto Rico came under the American flag. Puerto Rico before the year 1900 had the old European authoritarian social structure. This structure has gradually evolved into a democratic society under the American influence, which began by teaching our youth the American principles of individual liberty, equality of opportunity and respect for human dignity, through the school system and the political institutions, which were established after the year 1900."

"This has been, to my mind, the most significant change that Puerto Rico has undergone under the American flag. The successful achievement of our economic wellbeing is, therefore, a challenge to the American citizens of Puerto Rico and to our fellow citizens of the Mainland; a challenge to show the world that the American way is the way to both economic success, social improvement and political freedom, which can usefully serve as a pattern to solve the vaster problems of other underprivileged countries of the world. A challenge of great political and human potentialities, which may be of great world significance."

"With respect to the relations of the United States and Latin America, statehood for Puerto Rico would have still greater significance. It would serve to improve and solidify the position of America as a friend and partner, for it would be the best proof that our Good-neighbor policy is not a mere diplomatic posture, but that it is an honest and sincere expression of respect of North America for Latin America. It would make Latin America feel, that through Puerto Rico and through its representation in Congress, their problems and aspirations would be better understood, because of our common cultural origin and tradition."

"As Americans identified with the political and social philosophy of America and its institutions of law, we would be able to better interpret our foreign policy to them and help the United States to succeed in bringing better understanding and cooperation in the common problems of our hemisphere."

And at the present moment, the need to maintain and further develop the commercial interchange with Latin American, which is our natural market, when we are loosing the European market to United Europe and the Pacific markets to Japan and China, is essential to our success and prosperity.

The growth of the statehood forces have been overwhelming since 1968. In 1964, the Pro-commonwealth Party had 487,280 votes or 59.4% of the vote and the Pro-statehood Party had 284,627 or 34.6%. In the last election of 1996, there was a complete reversal. The Statehood Party obtained 963,536 votes, or 51.3%, and the Pro-commonwealth Party 855,960 votes, or 45.5%, which shows a clear growing trend for statehood.

We feel, therefore, that Puerto Rico is ripe to become a state after almost a hundred years of successful democratic apprenticeship and to assume its full political rights and responsibilities. During all this Century, more than 200,000 Puerto Ricans have served with distinction in all the wars that United States has been involved with more than 6,000 casualties and in several cases with higher casualties than some states. More than 2,000 Puerto Ricans soldiers served in the Gulf War, amongst whom was a grandson of mine in the 1st Armored Division. Four, such as Fernando Luis García, who gave their lives, heroically, in the line of duty, have been condecorated with the Congressional Medal of Honor.

Other distinguished leaders who have, also, served the Nation are: Admiral Horacio Rivero, in 1968, Commander in Chief of NATO Forces in Southern Europe and later Ambassador to Spain; Vice Admiral Diego Hernández, who was in command of the Mediterranean Fleet; Major General Pedro del Valle, commanded the U. S. Marine Corps, First Division in the Pacific; General William A. Navas, Jr., who is deputy in Command of the National Guard. Dr. Antonia Novello, served as U. S. Surgeon General. and Dr. Enrique Méndez, Jr., as Deputy Surgeon General of the U. S. Army.

The real test for Puerto Rican statehood should be how much we share common values with fellow citizens of the 50 states, and how much Puerto Ricans believe in, honor, and defend the Constitution of the United States. A look at the myriad ways Puerto Ricans have served the United States over the last 99 years is enough to pass the test.

President Clinton has just appointed Mrs. Aida Alvarez to his Cabinet, as head of Small Business Administration.

Puerto Rico is participating, successfully and with distinction, in Mainstream American to enrich its economy and its culture. There are about 2,000,000 Puerto Ricans living throughout the Nation, doing constructive and creative work as factory workers and professionals, in all fields of activity: Thousands of physicians and engineers, thousands of teachers and professors, in schools and universities.

In the arts and humanities, our rhythms and melodies have contributed to enrich American music: Justino Díaz and Pablo Elvira have been great voices at the Metropolitan Opera; our great actors, like José Ferrér and Raúl Juliá, have been American favorites.

We are contributing to enrich our cultural patrimony through Museum collections. Today you can see on loan at the National Gallery of Art in Washington, the painting, *Flaming June,* by Lord Leighton, which is the key painting and masterpiece of the Victorian Exhibition.

In the area of civil government, amongst many others, Judge Juan Torruella, chief Justice of the U. S. First Circuit of Appeals; Judge José Cabranes is member of the United States 2nd Circuit of Appeals.

In the area of sports, we have contributed with many baseball players, amongst whom, Roberto Clemente has been included in the Hall of Fame; Charles Pasarell, in 1969, was #1 tennis player in the United States, and now, Gigi Fernández a tennis champion; as well as, Chi Chi Rodríguez, a golf professional.

And last, but not least, to show how much Puerto Rico is embedded in American life, it was the Puerto Rican judge of the Southern District of New York, Sonia

Sotomayor, who as a fearless jurist, a couple of years ago, decided to issue an injunction that could break the deadlock in the baseball strike, and by doing so, sent the baseball players back to give Americans, after more than a year, the enjoyment of one of their favorite sports. Nobody could be part of America, more than this competent jurist of 40 years of age. She was the true image of the freedom and respect of law America stands for.

Mr. Chairman, I think that time has come to Congress to live up to the commitment of equality, under which we were brought into its fold. It is time to do justice to more than 3.6 million disenfranchised American citizens of Puerto Rico. We congratulate you for taking the proper step, with H.R. 856, to comply with your moral duly, as it becomes the United Slates Congress and our fellow citizens of the United States.

STATEMENT OF JEFFREY L. FARROW, CO-CHAIR OF THE PRESIDENT'S WORKING GROUP ON PUERTO RICO

Mr. Chairman and distinguished Members:

Thank you for inviting the Clinton Administration to testify on—

(1) the general idea of authorizing the people of Puerto Rico to express their preference regarding their islands' relationship to the United States before the end of 1998 and

(2) the bill that the Chairman and other Members have sponsored to provide a process leading to full self-government for the Commonwealth, H.R. 856.

Let me begin by expressing appreciation for the interest and initiative of Chairman Young and the other primary sponsors of H.R. 856 in Puerto Rico's political status dilemma: It is a matter of transcendent importance, concerning the political rights of millions of U. S. citizens and a major factor in determining the approach to many of the serious economic and social challenges faced in the islands.

It is also, however, extremely complex and sensitive, involving much of the range of Federal policy, central questions of identity, a century of history, the interests of political parties that are based on conflicting visions of what the best status would be, and differences so intense that they hinder action on the issue itself and other issues as well.

President Clinton is dedicated to supporting the people of Puerto Rico's decision of what status their islands should have. He has pledged to back statehood or independence if Puerto Ricans vote for either one and to do his best to make the Commonwealth arrangement work better for them if they want to continue it.

He has also, though, recognized that the frustrating debate is likely to persist until the Federal Government clarifies what the options really are and how they can be implemented: The differing status aspirations that Puerto Ricans have long discussed largely hinge on fundamental Federal decisions that have not been made.

The President has, therefore, favored Puerto Ricans making a choice in concert with congressional action in a process that is developed together with their representatives.

Establishing a process that would enable this matter to finally be resolved is his highest priority regarding the islands. And he is fully committed to working with you and others in the Congress, with Puerto Rico's elected leaders, and with all concerned to establish it as soon as possible.

The President's position is that the Federal Government should—

(1) provide the people of Puerto Rico with options that are serious and fair responses to their diverse, expressed aspirations and

(2) commit to act on implementing an option that is authorized by a majority vote in the islands.

He very much hopes that such a process will be underway next year .. . the centennial of the U. S. acquisition of the islands. He looks forward to our entering the new millennium having concluded the debate and implementing the will of the Puerto Rican people.

To facilitate enactment of the law that is needed, the Administration offers the following comments on H.R. 856 and urges the Committee to consider them.

Options

The bill would provide Commonwealth, nationhood, and statehood options.

Democratic principles require that the expressed aspirations of Puerto Ricans be central to the development of the options (which must also be viable from the Federal perspective). The President regards this as an integral part of a sound process.

We, therefore, view Chairman Young's agreement with Senior Democrat Miller to give Puerto Rico's major political parties until March 31st to submit alternatives to

the options in the bill and to seriously consider their proposals as a very constructive step and we appreciate the role that Governor Rossello and Resident Commissioner Romero-Barcelo also played in it being taken. The parties are each recognized as the leading advocates for one of the three status formulas that substantial numbers of Puerto Ricans have supported: Commonwealth, statehood, and independence.

The Administration encouraged such an outreach and strongly supports the procedure that was agreed upon. Consequently, we would like to work with the Committee in fashioning the options—considering the proposals of the parties and others as well as U. S. necessities—after the parties have had this opportunity to advance their ideas to you.

Referenda

The bill would ostensibly require—

(1) a referendum before 1999 and

(2) further referenda at least every four years thereafter in the event of: no option obtaining a majority; a majority for the Commonwealth option, or Puerto Rican rejection of Federal status implementation legislation.

Rather than suggest a mandate, it would be more appropriate to simply provide a process for and facilitate a status choice. This is the approach that was used in past legislation on the islands' political development. (Public Laws 81-600 and 82-447, which helped establish the governing arrangement for Puerto Rico, including the Commonwealth Constitution and the Puerto Rican Federal Relations Act; Public Law 88-271, which established a joint Federal-Commonwealth status commission; and the status process bill that the House passed in 1990.)

We also suggest giving the Government of Puerto Rico flexibility on calling additional votes. Further votes might not be desired by Puerto Ricans so often and in such a case the call for revoting at least every four years would be a disruptive burden. Additionally, if Puerto Ricans were to reject Federal statehood or nationhood implementation legislation, it probably would not make sense for them to vote again absent further Federal action.

Transition and Implementation

The bill would call for a plan for a transition of at least 10 years in the event of a majority for either nationhood or statehood.

Since the measures that would need to be taken have not been specified and would change from time to time, we recommend that the length of a transition be set in the transition plan prepared in consultation with Puerto Rico's leaders. Congress would still have its say over the duration since the plan would require congressional (as well as Puerto Rican) approval.

A more fundamental problem is that H.R. 856 would require that a law be enacted at the end of a "transition" to nationhood or statehood—in addition to beforehand—in order to actually implement a status change.

The Administration favors prompt, final action on implementing a status change if chosen by Puerto Ricans. The purpose of a transition should be to permit significantly different policies to be implemented on an orderly basis. A further decision and, possibly, further requirements at the end of a "transition" could make the period only a partial transition or, even, overturn the status choice. Rejection or new conditions after substantial fiscal and program changes had been made could be very problematic. The Federal Government and Puerto Ricans should have greater assurance of actually implementing a status before heading down the path toward it.

English Language Provisions

The bill includes several provisions regarding the use of the English language that should be mentioned.

One would establish a policy of English being the "common language of mutual understanding" in the United States.

Such a policy is unnecessary and could create divisiveness. We are also concerned that it could be used to question statehood as an option for Puerto Rico. The language that most of the islands' U. S. citizens have always used should not be a barrier to full participation in the Federal system if they want it.

Another provision would call for measures to enhance English education in public schools in a transition to statehood.

We understand it to intend measures that would supplement educational practice in the islands, consistent with local control of schools.

Finally, there are provisions that suggest an intent to make English the official language of the Federal Government and a need to use English—including that Puerto Ricans should use it "to enjoy the full rights and benefits of their citizenship."

As you may be aware, the President indicated his intent to veto a bill last year, H.R. 123, that would have required the Federal Government to conduct most of its official business in English only. Legislative statements on a need to use English could be used by others to promote goals which are disharmonizing and diversionary. They could also unduly influence the Puerto Rico status decision. And, of course, Puerto Ricans should be able to continue to enjoy their citizenship rights and benefits whether they continue to use Spanish or not.

Problematic Statements

The bill would also make some other statements or suggestions which would not be part of the procedure for resolving the status issue that are problematic. These provisions relate to the current situation and have contributed to controversy about the bill in Puerto Rico.

History has given us the conflicting facts and ambiguities that have fueled the islands' divisive and distracting status debate for decades. Rather than litigate them now when there is a general consensus on what needs to be done to resolve the dilemma, we think it would be more advisable to simply concentrate on resolving it: establishing a process that includes—

(1) providing the people of Puerto Rico with options that can end the debate and

(2) providing for Federal action on implementing their choice.

Mr. Chairman, it is time for the Federal Government to meet its responsibilities regarding the Puerto Rico status question and provide such a process; Puerto Ricans have been asking for the United States to act for years. H.R. 856 provides a basis from which to act in the House. Working together and with others, we can ensure that our great country lives up to its ideals in the case of our 3.7 million fellow citizens in the islands. It is of vital importance to their future that we do.

The Administration's priority is to get a law enacted that will make it possible to finally and fairly resolve the situation. We will be flexible within the principles that the President has espoused so that agreement can be reached. All of us who are committed to settling the issue should not let this opportunity pass.

STATEMENT OF GOVERNOR CARL T.C. GUTIERREZ, CHAIRMAN, GUAM COMMISSION ON SELF-DETERMINATION

The Guam Commission on Self-Determination strongly supports H.R. 856 and urges its swift passage. Guam and Puerto Rico have a strong historical bond: both territories were acquired by the United States as a result of the Treaty of Paris ending the Spanish-American War in 1898. Now, almost 100 years later, both territories eagerly await a new relationship with the United States appropriate for the twenty-first century.

However, while each territory desires and deserves a new relationship with the United States, those relationships will by definition be different. H.R. 856 embodies the choices available to Puerto Rico regarding its future status, and the people of Guam are fully supportive of the people of Puerto Rico having a relationship with the United States that reflects the will of their people.

Unlike Puerto Rico, statehood is not an option for Guam in the foreseeable future. Because statehood is not an option for Guam, any comparisons between Guam's status efforts and Puerto Rico's efforts are not helpful. Those who would link the two efforts do a disservice to both territories. The only similarity is that we have both waited a very long time to resolve our status issues, and we are both mutually supportive of the efforts of our peoples to achieve political dignity. We have our own answer to the question of a new relationship between our people and the United States, an answer that is appropriate for Guam and is consistent with the choices that we have at this time. We endorse a process that calls for consideration of Guam's status as a separate question for this Committee and for the Congress—we would prefer that attention then be given to what is unique about Guam and Guam's quest.

We sincerely commend Chairman Young, Ranking Member Miller and the bipartisan cosponsors of H.R. 856 for your commitment to a process of self-determination for the people of Puerto Rico. We also want to thank the Chairman for his commitment to hold hearings on Guam's status after the Committee has concluded its consideration of Puerto Rico.

From the Pacific to the Caribbean, we join together as two peoples linked by a common history and a common journey, the quest for our inalienable rights to self-determination. The Congress's commitment to this process marks a defining moment in this 98 year journey. We look forward to working with the Committee on Resources to realize this historic opportunity and we fully support the Chairman's

efforts in redefining Puerto Rico's relationship with the United States. Across two seas, from the east and from the west, a question echoes in Chamorro, Spanish and English, "Is there a place for us in this community?"

STATEMENT OF FRED M. ZEDER II, RANCHO MIRAGE, CALIFORNIA

Mr. Chairman:

In 1982 I was appointed by President Ronald Reagan with Senate confirmation to serve as Ambassador in the post of President's Personal Representative for Micronesian Status Negotiations. In that capacity I concluded status treaties which had been under discussion for over a decade, and by the end of 1983 on behalf of the United States I signed the Compact of Free Association with the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia.

From 1983 to 1986 I also represented the Reagan Administration in Congressional hearings which led to approval of the Compact of Free Association Act (P.L. 99-239), effective January 14, 1986. On November 3, 1986, President Reagan issued Proclamation 5564, ending the U.N. trusteeship in the Pacific islands based on implementation of the Compact. At that time I returned to the private sector, after initiating measures to decommission the National Security Council interagency office which successfully had supported fulfillment of my negotiating mission and Presidential instructions.

I hardly need remind you of those events. As the Ranking Minority member on the Interior and Insular Affairs Committee during that period, you asked many of the tough questions that the Administration and the island governments needed to answer in order to persuade Congress to approve the Compact. Because you addressed these issues based on principle without allowing partisanship unduly to influence your position, in my view there is no one better prepared to provide stewardship in Congress regarding the matter of self-determination for Puerto Rico.

In this regard, I have had the opportunity to review materials concerning the definition of free association which were submitted to the Committee during hearings in 1996 on H.R. 3024. In order to correct clever but misleading interpretations presented to the Committee regarding the legislative history of the Compact for associated republics in the Pacific, the following subjects are addressed below:

Status of Puerto Rico Compared to Trust Territory

Citizenship in Trust Territory Compared to Citizenship of Persons Born in Puerto Rico

Comparison of Decolonization Processes for Trust Territory and Puerto Rico

Basis for U.S. Sovereignty in the Commonwealth Territories

Nationality and Citizenship in Associated Republics

Separate Nationality and Citizenship as Required Elements of Separate Sovereignty

Summary of Governing Principles of Citizenship for Associated Republic Status (Free Association)

While there are important similarities and analogies to be drawn between the decolonization process for Puerto Rico and that resulting from the Micronesian status negotiations, there also are fundamental structural differences between Puerto Rico's current status and that of the trusteeship for the Pacific islands. The distinctions which must be drawn in this respect have profound legal and political significance in defining options for Puerto Rico. The following discussion is based on the existing Congressionally approved precedents, which establish how applicable international law and practice regarding free association can be implemented consistent with the U.S. constitutional process.

Status of Puerto Rico Compared to Trust Territory

In the case of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau, the status of their peoples while still within the former trust territory had been determined and controlled by the U.S. Congress under a Trusteeship Agreement with the United Nations. In one sense, the Trusteeship Agreement was merely an internationally approved form of plenary U.S. governmental authority over the trust territory as provided by the U.N. Charter. This Congressional authority was implemented not on the basis of U.S. sovereignty, but rather under the trusteeship agreement as a treaty between the U.S. and the U.N. to which the U.S. became a party through the foreign affairs powers in article II, section 2 of the U.S. Constitution, as well as relevant provisions of article I, section 8.

As such, the power of the federal government over the trust territory was equivalent to—and in some respects arguably even greater than—the power of Congress

under article IV, section 3, clause 2 of the Constitution to govern the unincorporated territories over which the U.S. acquired actual sovereignty under the Treaty of Paris. For under Article 3 of the Trusteeship Agreement the U.N. had agreed that the U.S. would "have full power of administration, legislation and jurisdiction over the territory...and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable, such of the laws of the United States as it may deem appropriate..."

Under this virtually unrestricted power, analogous to the broad powers of Congress over the U.S. territories under the Territorial Clause, the U.S. made many Federal laws applicable to the trust territory, and also created a trust territory government under a separate body of trust territory law which legalized less-than-equal citizenship status for trust territory citizens—even in comparison to those with full U.S. citizenship living and working in the trust territory itself. Puerto Ricans are familiar with the fact that the legal and political rights of all U.S. citizens residing in Puerto Rico are less than when those citizens reside in one of the states, but in the trust territory the U.S. citizens residing there had preferences, legal rights, privileges and benefits that the trust territory citizens did not enjoy.

This was possible because U.N. trusteeship status existed under international law, rather than U.S. sovereignty. Consequently, those born in the trust territory never had U.S. citizenship, and the U.S. Constitution did not apply directly or of its own force. Even the "fundamental rights" doctrine of the *Insular Cases* did not apply directly to the trust territory because it was not "Territory or other Property belonging to the United States" for purposes of article IV, section 3, clause 2 as construed by the Supreme Court in that line of cases. Although there had been some confusion about this during the trusteeship period, the non-applicability of the Territorial Clause to the trust territory was confirmed by Congress in approving the negotiated free association treaty, and by the federal courts in cases which include *Juda* v. *United States,* 6 Cl. Ct. 441 (Cl. Ct. 1984).

Citizenship in Trust Territory Compared to Citizenship of Persons Born in Puerto Rico

Under the U.N. Trusteeship Agreement people born in the trust territory were given the status of "citizens of the Trust Territory of the Pacific Islands." This is another aspect of U.S. trusteeship treaty implementation in the Pacific islands that is analogous to the exercise of actual sovereignty by the U.S. in Puerto Rico pursuant to which the people of Puerto Rico were given the status of "citizens of Puerto Rico" under the Foraker Act between 1900 and 1917.

Rather than being a form of indigenous nationality and citizenship arising from an exercise of the inherent sovereignty of the people, in the case of both Puerto Rico and the trust territory these territorial citizenship arrangements were conferred in an exercise of U.S. authority which was predicated on the non-self-governing status of the territorial populations concerned. The only difference is that in the case of Puerto Rico the source of the authority for classification of territorial citizens was the Territorial Clause, and in the case of the trust territory the source of that authority was the U.N. Trusteeship Agreement as a treaty.

In both cases discriminatory citizenship classifications and measures based thereon adopted by Congress or the Executive Branch of the U.S. federal government—which would not withstand constitutional scrutiny if applied to U.S. citizens in one of the states of the union—were held by the federal courts to be permissible as long as the territorial status continued. This remains true in Puerto Rico even though the Foraker Act citizenship has been replaced with statutory U.S. citizenship under the Jones Act, now codified at 8 U.S.C. 1402. See, Harris v. Rosario, 446 U.S. 651 (1980).

Although the inhabitants of the trust territory were never given the legal status of U.S. citizenship, in both the case of Puerto Rico and the trust territory it was clear that the decolonization process would not be completed until each territory got out from under the less-than-equal citizenship prescribed by the U.S. in the exercise of plenary powers over less-than-fully-self-governing peoples. For the currently federated Micronesian islands, the Marshalls and Palau that meant ending the application of the Trusteeship Agreement, which was accomplished in 1986 for the Marshallese and Micronesians, and in 1993 for Palau. In the case of Puerto Rico it means ending application of the Territorial Clause.

Comparison of Decolonization Processes for Trust Territory and Puerto Rico

Understanding decolonization of the trust territory under U.N. auspices is instructive with respect to decolonization for Puerto Rico and the nature of the commonwealth structure of self-government as long as Puerto Rico remains under the Territorial Clause. For example, it is interesting to note that even after the people of the trust territory had exercised self-determination to create local constitutional govern-

ments in the 1978-1981 period, the U.S. retained the ultimate authority granted under Article 3 of the U.N. Trusteeship Agreement. This, again, is analogous to the retention by the Congress of Territorial Clause authority after Puerto Rico established its constitution under P.L. 600 in 1952.

In the case of Puerto Rico, failure to complete the decolonization process begun in 1952 precludes full extension of the U.S. Constitution or equal citizenship and full self-government within the federal constitutional system. Thus, if full equality and the related benefits of U.S. federalism are desired by the people of Puerto Rico, the decolonization process needs to be completed in favor of full political integration to realize that desire.

Similarly, if the people of Puerto Rico desire a completely separate identity and existence apart from the U.S.—not just social and cultural distinctness but separation in the legal and political sense of another constitutional nationality like Cuba or the Philippines—it is necessary to complete the decolonization process begun in 1952 in favor of independence or free association. For just as the U. S. had to end the trusteeship before the world would fully recognize the status of the associated republics under the Compact of Free Association, international recognition of Puerto Rico as an independent or free associated nation should not be expected until and unless Congress exercises its Territorial Clause power in conjunction with an exercise by the President of the foreign policy power by approving as a treaty an agreement ending U.S. sovereignty, nationality and citizenship in Puerto Rico.

To illustrate the point, even after the Marshall Islands called itself a "Republic" under its own constitution in 1978, the U.S. and the community of nations, including international organizations, did not recognize it as a nation or a legal government in the international sense because the status of the government was established under the Trusteeship Agreement, which remained in force and continued the virtually plenary authority of Congress. Only in 1986 when the U.S. acted to effectively end the application of the U.N. trusteeship to the Marshall Islands, so that the treaty relationship between the U.S. and the free associated nations under the Compact of Free Association replaced the U.N. Trusteeship Agreement as the legal basis for the status of these new nations, did the international community generally begin to recognize that the decolonization process was complete for these territories, including the Republic of the Marshall Islands.

This demonstrates the need under both international law and the U.S. constitutional process to complete decolonization based on a valid self-determination process and accepted definitions in order successfully to implement a permanent status—be it integration or separate sovereignty—that will be recognized by the world as a form of full self-government and not merely a more politically correct form of colonialism. Thus, there is a need for Puerto Rico to become fully integrated or a separate sovereign in order to end application of the Territorial Clause and become fully self-governing under a recognized definition of that term.

Basis for U.S. Sovereignty in the Commonwealth Territories

Perhaps also of interest in relation to the situation in Puerto Rico, another part of the Pacific islands trust territory, the Northern Mariana Islands, did not adopt the free association separate sovereignty model of independence. Instead, the Northern Mariana Islands adopted the Puerto Rico model of an unincorporated territory with statutory U.S. citizenship and a structure of local constitutional self-government under the "commonwealth" label.

As a result, U.S. sovereignty was extended to the Northern Mariana Islands based on approval of the commonwealth status by the voters there in a 1976 plebiscite, rather than by a treaty of cession as in the case of Puerto Rico. This was the legal basis upon which application of the Trusteeship Agreement was terminated and the Territorial Clause became applicable to the NMI—which is now an unincorporated territory based on the consent to the people.

Thus, establishment of the commonwealth structure of local constitutional self-government with the consent of the people in the CNMI also changed the political status of that island territory from being part of an international trusteeship to territorial status under U.S. sovereignty. The result is a status virtually the same as that which Pueno Rico has due to the extension of U.S. sovereignty under the Treaty of Paris combined with approval of the commonwealth structure of local constitutional self-government by the voters of Puerto Rico in 1952.

The historical ironies of this decolonization process are profound. For the Northern Mariana Islands are only 100 miles from Guam, which was ceded to the U.S. under the Treaty of Paris along with the Philippines, Puerto Rico and Cuba. However, instead of coming under U.S. sovereignty along with neighboring Guam, essentially by historical accident the Northern Marianas became a League of Nations mandate administered by the Japanese.

The Japanese mandated area was in the larger geographic region known as "Micronesia," and included both the Eastern Carolines and the Western Carolines—islands chains now comprised within the associated republics of the Marshall Islands, Palau and the Federated States of Micronesia. Because of its cession to the U.S. under the Treaty of Paris, Guam was not included in the Japanese mandate.

The Japanese abused the League of Nations mandate by using the islands to perpetrate illegal international aggression, among other things staging elements of the attack on Pearl Harbor from the Marshall Islands. Upon being invaded and occupied by Japan during WWII, Guam temporarily was governed for the first time under the same power that ruled the rest of the Micronesian islands within the mandated area. Much of the famous "island-hopping" campaign of WWII took place within the Japanese mandate area, and both Guam and the Northern Marianas were liberated from Japanese totalitarianism in some of the bloodiest fighting of WWII.

However, the Northern Marianas were not ceded to the U.S. by Japan at the end of WWII, as nearby Guam and the other Treaty of Paris territories had been at the end of the Spanish American War. Instead, because they had been under the League of Nations mandate system, the Northern Marianas and the rest of the Micronesian islands were placed under the new U.N. trusteeship system and administered by the United States. Guam was restored to unincorporated territorial status under the Treaty of Paris.

The technical legal title of the trusteeship treaty between the U.N. and the U.S. was "Trusteeship Agreement for the Former Japanese Mandated Islands." Politically, this meant the islands were part of an internationally supervised decolonization process. However, as a practical and legal matter the trusteeship treaty with the U.N. conferred on the United States powers of administration in the Northem Mariana Islands and the rest of the trust territory at least comparable to—and, again, arguably greater than—those which it had regarding the Treaty of Paris territories over which the U.S. had sovereignty resulting from cession by Spain after losing a war with the United States.

Thus, notwithstanding the advent of the international trusteeship system, the U.S. ended up governing the Northern Marianas and other islands it occupied after the allies defeated Japan in WWII, just as it ended up governing the Treaty of Paris territories after the defeat of Spain in 1898. However, both the Treaty of Paris territories still under U.S. sovereignty and the trust territory were designated "non-self-governing" areas subject to decolonization consistent with Article 73 of the U.N. Charter.

In the case of the Northern Marianas, the U.S. addressed its obligations regarding decolonization by supporting the self-determination process leading to the new commonwealth structure of local constitutional self-government established for the CNMI in 1976. This new constitutional status was formally implemented along with the Compact of Free Association under Presidential Proclamation 5564 on November 3, 1986. This was sufficient to persuade the U.N. to accept the U.S. determination to cease reporting to the U.N. on the CNMI, just as the new constitutional status of the Commonwealth of Puerto Rico in 1952 was deemed sufficient by the U.N. in 1953 for the U.S. to stop reporting on Puerto Rico.

While the Puerto Rican and CNMI commonwealth models adopted with approval of the peoples concerned represent sufficient self-government to end reporting to the U.N., the form of local self-government established in each case is still subject to the Territorial Clause power of Congress and does not constitute a form of full self-government based on equality. Therefore the ultimate fulfillment of the decolonization process has not been completed.

Thus, the CNMI self-determination process under the U.N. trusteeship system has produced for the Northern Marianas the same unincorporated territory status as neighboring Guam, the very result which might have obtained had it been ceded to the U.S. along with Guam in 1898. Despite the fact Guam has been part of a different political order than the CNMI throughout most of this century, the common Chamorro culture and language continue to thrive today in both territories.

Some people believe Guam and the CNMI should be reunited to their pre-colonial condition of inter-relationship, and that whether the ultimate status of the islands is full integration with the U.S. or separate sovereignty it should be as one people. That is a matter to be resolved through the self-determination process regarding the ultimate status of Guam and the CNMI. Interestingly, Guam is still under an orgamc act without a local constitution, but as a result of the combined self-determination process for political status and establishment of a local constitution in 1976 the CNMI has a degree of local self-government comparable to that of Puerto Rico.

Nationality and Citizenship in the Associated Republics

Turning now to the question of citizenship implications of free associated nation status, under Section 141 of the Compact of Free Association citizens of the Freely Associated States are non-immigrant aliens under U.S. immigration and nationality law, but there is a waiver of visa requirements so that they may enter, reside and be employed in the U.S. during the period of free association. This visa waiver arrangement is not a constitutional right, but a privilege under a treaty which is unilaterally terminable by the U.S. or the free associated nations.

Any period of residence in the U.S. under this visa waiver does not count toward naturalization in the United States, and eligibility for naturalization must be established on a basis other than birth or citizenship in the trust territory or one of the associated republics to emerge therefrom. Similarly, in the case of a U.S. territory such as Puerto Rico which chooses separate sovereignty, it is clear for reasons discussed below that neither birth in the former U.S. territory, statutory U.S. citizenship based thereon due to birth in a U.S. territory, nor relationship to a person with such statutory citizenship will provide a basis for naturalization in the U.S. following establishment of separate sovereignty.

Against this background, the Committee must carefully scrutinize the characterizations—in materials submitted during hearings on H.R 3024 in San Juan on March 23, 1996—regarding the testimony on the Pacific islands free association pact by a former State Department officer, James D. Berg. Mr. Berg was assigned to my NSC staff during the hearings on the Compact, and I can speak with authority about the meaning of his testimony during questioning by former Congressman John Seiberling.

In this regard, Congressman Seiberling's questions, as quoted at page 5-6 of the legal memorandum attached to the testimony of the PROELA witness presented to the Committee at its hearing on H.R 3024 on March 23, 1996, correctly noted that Section 172 of the Compact of Free Association does not address the issue of dual nationality or citizenship. See, Hearing Report, Subcommittee on Native American and Insular Affairs, Committee on Resources, H.R 3024, San Juan, Puerto Rico, March 23, 1996, p. 136-137. However, since the official section-by-section analysis relating to this provision of the treaty included a background explanation which addressed the issue of dual citizenship, Congressman Seiberling asked and Mr. Berg answered the question regarding dual citizenship as recorded in the hearing and included in the material submitted to the Committee.

The statement regarding dual citizenship in the section-by-section analysis quoted on page 3 of the PROELA testimony (Hearing Report p. 127), and Mr. Berg's reiteration of that statement in response to Mr. Seiberling's question, correctly states U.S. law regarding dual citizenship. Specifically, consistent with 8 U.S.C. 1481 and the U.S. Supreme Court ruling in *Afroyim* v. *Rusk,* a person who has U.S. nationality based on birth or naturalization in the United States does not automatically lose U.S. nationality by acquiring citizenship of another country.

It is well-established under U.S. law and practice that a person with citizenship conferred under and protected by the U.S. Constitution based on birth or naturalization in a state must renounce that status voluntarily and with the intention to relinquish U.S. nationality in order for loss of nationality and citizenship to occur. However, the *Afrovim* case would not apply to termination of statutory U.S. nationality and citizenship under the Supreme Court's ruling in the case of *Rogers* v. *Bellei.*

This is especially clear where the citizenship issues arises in the context of the law of state succession upon establishment of separate sovereignty based on an act of self-determination by the people of Puerto Rico. In that circumstance, there would not be the same due process issues that would arise if Congress simply terminated the statutory citizenship of persons who already had acquired it based on birth in an unincorporated territory, especially if Congress provided for an election between retention of statutory citizenship rights or transfer of allegiance and citizenship to the new sovereign. Under the Supreme Court's decision in *Bellei* there would be none of the 14th Amendment issues that would arise in a case where the nationality and citizenship of a person born or naturalized in one of the States of the Union is involved.

Because the Federated States of Micronesia, Republic of the Marshall Islands and Republic of Palau have separate sovereignty and are foreign countries under the Compact of Free Association, a U.S. citizen who acquires dual citizenship in those nations will be treated under U.S. law in the same manner as a U.S. citizen who acquires a second citizenship in any other foreign country. Thus, no special dual citizenship arrangements were made under the Compact of Free Association, and existing U.S. law governs this matter without modification related to the Compact of Free Association.

It would be misleading to suggest that the exchange between Mr. Berg and Mr. Seiberling provides support for the view that the free association status established

under the Compact of Free Association created any new or special right, or that the background explanation on this issue in the section-by-section analysis simply can be converted into a provision of law governing the nationality and citizenship status of the people of Pueno Rico should they exercise their right of self-determination in favor of separate sovereignty.

If the people of Puerto Rico vote to establish separate Puerto Rican sovereignty, the procedures for transition to separate nationality will be determined by Congress and subject to approval by the people of Puerto Rico. All parties will be required to take into account, among other things, the international law of state succession. Based on U.S. and international practice, Congress presumably will provide for U.S. sovereignty, nationality and citizenship to be terminated in favor of separate Puerto Rican sovereignty, nationality and citizenship.

The PROELA proposal that virtually 100 percent of the population of Puerto Rico could keep the current U.S. nationality and statutory citizenship status granted under the Treaty of Paris and the Territorial Clause, and at the same time also acquire separate Puerto Rican nationality and citizenship under a new government-to-government treaty relationship establishing separate sovereignty, is legally inconsistent and politically incompatible with separate sovereignty for Puerto Rico. The idea that under separate sovereignty the people of Puerto Rico would acquire a citizenship right superior to the current limited statutory citizenship—that is to say a guaranteed and enforceable right comparable to the 14th Amendment citizenship protected by the U.S. Constitution under the *Afroyim* case—is even more implausible.

This would amount to an upgrade from the current statutory citizenship status of person born in Puerto Rico under 8 U.S.C. 1402, based on a vote by the people of Puerto Rico to terminate U.S. sovereignty in Puerto Rico in favor of separate sovereignty. As discussed below, there are political, legal and constitutional reasons why that simply is not going to happen under any circumstances.

Separate Nationality and Citizenship as Required Elements of Separate Sovereignty

While it is possible that some temporary exceptions and special rights for people with current statutory territorial citizenship may be part of the transition process for Puerto Rico if the people choose separate sovereignty, the general result will be that the people of Puerto Rico will become nationals and citizens of Puerto Rico and U.S. nationality and citizenship conferred during the territorial period will end. In the case of the Compact of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, Congress granted special temporary immigration status for the citizens of the free associated nations when the separate sovereignty status was implemented. However, this arrangement is terminable by the U.S., and under this terminable arrangement the citizens of these associated republics are alien non-immigrants under U.S. law.

Based on existing U.S. policy and practice regarding free association, as well as Congressionally determined principles which constitute precedent in these matters, establishment of full and effective separate nationality is a necessary element of separate sovereignty and nationhood itself. Once separate Puerto Rican nationality and citizenship is established, the eligibility of Puerto Rican citizens for U.S. nationality and citizenship status will be determined and controlled by U.S. law.

Similarly, U.S. citizens born in a state of the union with 14th Amendment protection who are eligible under Puerto Rican law to acquire Puerto Rican citizenship will not lose their status as U.S. nationals by acquiring Puerto Rican nationality, unless they also renounce U.S. nationality with that intention. But persons born in Puerto Rico with statutory U.S. citizenship under 8 U.S.C. 1402 will lose their statutory U.S. citizenship if they do not elect to keep it, or if they acquire or have Puerto Rican nationality and citizenship once separate sovereignty is established. This is because the U.S. has a legitimate interest in limiting statutory U.S. citizenship conferred during the territorial era once separate sovereignty is established.

This must be reflected in any decolonization measure approved by Congress, especially because given the size of the Puerto Rican population in the U.S. and in Pueno Rico—creation of automatic mass dual citizenship at the time of establishing separate nationality would undermine both U.S. and Puerto Rican sovereignty.

Summary of Governing Principles of Citizenship for Associated Republic Status (FREE ASSOCIATION)

There are many other important points that I could make about the decolonization process for U.S. administered trust territory in the Pacific, and this really has been the bare minimum necessary to set the record straight on a very complex historical and political process. Again, in my judgment this was necessary

given the liberties that have been taken with the truth by some of the proponents of free association for Puerto Rico.

Free association may be a solution for Puerto Rico's status, but the people there will never be given a chance to make that decision for themselves unless it first is defined accurately and honestly.

Ironically, the hardest thing about decolonization seems to be that there are always people who do not trust the people to determine their own destiny. So there often is an attempt to stack the deck by defining the choices based on political and economics gimmicks that favor one political group over another, instead of using straightforward definitions based on the basic structure of the actual status options.

This actually results in delay of self-determination and decolonization, because those who think the people are not wise enough to choose between accurate and realistic options try to manipulate the ballot language. In the case of Palau, for example, the attempt to promote the anti-nuclear agenda that was part of the "politics of the moment" back in 1982 delayed Palau's Compact of Free Association for years. This forced the U.S. to terminate the trusteeship for the Marshall Islands, the Federated States of Micronesia and the Commonwealth of the Nonhern Mariana Islands and leave Palau behind as a U.N. trust territory.

That was a difficult and unwelcome political and diplomatic task for the U.S. during the last years of the Cold War era—but it was a challenge the U.S. faced up to and overcame out of our commitment to self-determination and decolonization for the people of those two new sovereign nations who had decided to take a stand as allies of America. In the case of the Marshall Islands, the decision to implement the Compact and thereby ensure U.S. access to Kwajalein was an important element of the strategic defense initiative which contributed to the end of the Cold War.

As for Palau, its Compact of Free Association eventually entered into force, but by then the Cold War was over. Ironically, while pursuing a short-sighted anti-nuclear agenda largely at the urging of non-Palauans with an anti-U.S. agenda, Palau missed its chance to participate more fully in the success of President Reagan's strategy to end of the uncontrolled superpower nuclear arm's race.

To help Congress avoid the same kind of mischief in the final stage of the decolonization process for Puerto Rico, perhaps it would be useful for me to try to state the clear citizenship implications of free association for Puerto Rico in the most succinct and plain language possible:

For Puerto Rico to be a nation in the legal and political sense, it must separate from the U.S. legally and politically. Separation of sovereignty, nationality and citizenship is necessary if the relationship between the U.S. and Puerto Rico is to be governed by a bilateral pact under which Puerto Rico has the status of independence or free association. The very term "bilateral pact" in this context means two separate nations exercising separate sovereignty to create a pact of association.

The current "commonwealth" status of Puerto Rico, though it is translated into Spanish as something akin to "Free Associated State," is not free association as recognized by the U.S. or the international community. Free association based on a bilateral pact requires separate sovereignty, nationality and citizenship.

The Congress of the United States has the constitutional power to terminate the current statutory citizenship of persons born in Puerto Rico if separation of sovereignty occurs. That which Congress creates by statute it can end by statute, as long as due process and equal protection rights of those affected are respected.

The irrevocable citizenship which U.S. citizens born or naturalized in the states have under the 14th Amendment does not extend to persons who have statutory U.S. citizenship based on birth in Puerto Rico as an unincorporated territory. The statutory U.S. citizenship which Congress conferred on people born in Puerto Rico in 1917 is not full, equal, guaranteed, or irrevocable constitutional citizenship.

That means that except as Congress in its discretion may provide the "dual citizenship" rules that apply to a person with full U.S. citizenship who acquires another nationality do not apply to person with statutory citizenship based on birth in Puerto Rico. If the people of Puerto Rico exercise self-determination in favor of separate sovereignty and nationality they must expect their U.S. citizenship will come to an end.

So in the most simple terms, there is a choice to be made between U.S. nationality and Puerto Rican nationality. Upon recognition of a separate sovereign nation of Puerto Rico, in order to give effect to that new status the Congress will require an election between retention of statutory U.S. citizenship and the new Puerto Rican nationality and citizenship. Mass dual citizenship would frustrate the succession of state process and undermine the national sovereignty of both nations.

In order for a bilateral pact to establish a free association status and relationship to the U.S. based on international law, the pact would have to replace common nationality and citizenship with separate nationality and citizenship, in which the citi-

zens of each nation will be aliens when present in the sovereign territory of the other.

While special residence, travel and employment exceptions can be made to the immigration laws, citizens of Puerto Rico will have the status of non-immigrant aliens for purposes of U.S. law under a free association treaty. Even such limited special rights or privileges, like the overall relationship of free association, will be terminable at will by either of the governments concerned acting unilaterally in the exercise of its sovereignty.

Birth in Puerto Rico or relationship to a person with U.S. citizenship due to birth in Puerto Rico will not provide a basis for acquisition or continuation of U.S. citizenship by naturalization.

These are not arbitrary requirements. For without adherence to these principles free association consistent with the U.S. political system would become merely another form of colonialism in which persons with common citizenship but residing in different jurisdictions have less than equal rights.

In addition, based on the precedents established by the U.S. in its relations with the associated republics of the Pacific, it is clear the U.S. Congress will never approve an arrangement in which virtually 100% of the population of a foreign nation has U.S. citizenship.

This would usurp and undermine U.S. sovereignty, as well as make a mockery of Puerto Rican nationality and a fraud of Puerto Rican sovereignty. As clever as some may try to be in arguing that such mass dual citizenship is possible, the Congress quite properly will be even more determined and resourceful in protecting U.S. sovereignty by preventing mass dual citizenship.

If Puerto Rico is to make free association the vehicle of full self-government, it must face reality and not simply try to transform the ambiguity of the last fogy years into a new false doctrine or poetical status myth. Those who truly believe in separate Puerto Rican sovereignty will realize that dual citizenship is not compatible with the goal of separate nationhood for Puerto Rico.

Like independence, free association means leaving the U.S. political union to become a member of the international community. Even if you have a special close relationship under a free association treaty it is temporary and can be terminated at any time.

In order to support this summary I am attaching hereto a brief background paper describing free association in a more generic way as it relates to the self-determination process in Puerto Rico.

This letter and the attachments are due, again, to my concern that in Puerto Rico and the record before Congress there is accurate information available about true legal nature and political effects of the decolonization process which the U.S. successfully implemented with respect to the former Trust Territory of the Pacific Islands.

In closing, I wish you every success in your attempt to reverse the effects of decades of anachronistic territorial administration in Puerto Rico in a way that enables the people to redeem their dignity by making a determined choice between real options that can be implemented free of perverse ambiguities. Only in that way will the citizenry of the island, in the same manner as all the citizens in this nation, be enabled to realize their human and cultural potential, and protect their God-given liberty.

Whether that is accomplished through integration leading to statehood, independence, or independence with free association (associated republic status), history calls on the Congress and the people of Puerto Rico to end the current temporary status and achieve full self-government as the new century begins.

UNDERSTANDING FREE ASSOCIATION AS A FORM OF SEPARATE SOVEREIGNTY AND POLITICAL INDEPENDENCE IN THE CASE OF DECOLONIZATION OF PUERTO RICO

BY AMBASSADOR FRED M. ZEDER, II

Consistent with relevant resolutions of the U.N. General Assembly, Puerto Rico's options for full self-government are: Independence (Example: Philippines); Free Association (Example: Republic of the Marshall Islands); Integration (Example: Hawaii). See, G.A. Resolution 1514 (1960); G.A. Resolution 1541 (1960); G.A. Resolution 2625 (1970).

For purposes of international law including the relevant U.N. resolutions international conventions to which the U.S. is a party, the current status of Puerto Rico

is best described as substantial but incomplete integration. This means that the decolonization process that commenced in 1952 has not been fulfilled.

As a matter of U.S. domestic constitutional law, a territory within U.S. sovereignty which has internal constitutional self-government but is not fully integrated into the national system of political union on the basis of equality remains an unincorporated territory, and can be referred to as a "commonwealth." (Example: Puerto Rico and the Northern Mariana Islands).

For purposes of U.S. constitutional law, independence and free association are status options which are created and exist on the international plane. Thus, instead of the sovereign primacy of Congress under the territorial clause, the sources of constitutional authority with respect to nations with separate sovereignty include the article II, section 2 treaty-making power and the applicable article I, section 8 powers of Congress such as that relating to nationality and immigration law.

Relations between the U.S. and a nation which is independent or in free association are conducted on the basis of international law. Thus, independence and free association are status options which would remove Puerto Rico from its present existence within the sphere of sovereignty of the United States and establish a separate Puerto Rican sovereignty outside the political union and federal constitutional system of the United States.

Instead of completing the integration process through full incorporation and statehood, either independence or free association would "dis-integrate" Puerto Rico from the United States. This would terminate U.S. sovereignty, nationality and citizenship and end application of the U.S. Constitution in Puerto Rico. In other words, the process of gradual integration which began in 1898, and which was advanced by statutory U.S. citizenship in 1917 and establishment of constitutional arrangements approved by the people in 1952, would be terminated in favor of either independence or free association.

Under either independence or free association the U.S. and Puerto Rico could enter into treaties to define relations on a sovereign-to-sovereign basis. Free association as practiced by the U.S. is simply a form of independence in which two sovereign nations agree to a special close relationship that involves delegations of the sovereign powers of the associated to the United States in such areas as defense and other governmental functions to the extent both parties to the treaty-based relationship agree to continue such arrangements.

The specific features of free association and balance between autonomy and interdependence can vary within well-defined limits based on negotiated terms to which both parties to the arrangement have agreed, but all such features must be consistent with the structure of the agreement as a treaty-based sovereign-to-sovereign relationship. In U.S. experience and practice, even where free association has many features of a dependent territorial status the sources and allocation of constitutional authority triggered by the underlying separation of sovereignty, nationality and citizenship causes the relationship to evolve in the direction of full independence rather than functional re-integration.

Free association is essentially a transitional status for peoples who do not seek full integration, but rather seek to maintain close political, economic and security relations with another nation during the period after separate sovereignty is achieved. Again, this could be accomplished by treaty between independent nations as well. Thus, free association is a form of separate sovereignty that usually arises from the relationship between a colonial power and a people formerly in a colonial status who at least temporarily want close ties with the former colonial power for so long as both parties agree to the arrangements.

Free association is recognized as a distinct form of separate sovereignty, even though legally it also is consistent with independence. Specifically, free association is consistent with independence because, as explained below, the special and close bilateral relationship created by a free association treaty or pact can be terminated in favor of conventional independence at any time by either party.

In addition, the U.S. and the international community have recognized that a separate nation can be a party to a bilateral pact of free association and be an independent nation in the conventional sense at the same time. For example, the Republic of the Marshall Islands is party to the Compact of Free Association with the United States, but has been admitted to the United Nations as an independent nation.

Thus, the international practice regarding free association actually is best understood as a method of facilitating the decolonization process leading to simple and absolute independence. Essentially, it allows new nations not prepared economically, socially or strategically for emergence into conventional independence to achieve separate nationhood in cooperation with a former colonial power or another existing nation.

Under international law and practice including the relevant U.N. resolutions and existing free association precedents, free association must be terminable at will by either party in order to establish that the relationship is consistent with separate sovereignty and the right of self-determination is preserved. This international standard, also recognized by the U.S., is based on the requirement that free association not be allowed to become merely a new form of internationally accepted colonialism.

Specifically, free association is not intended to create a new form of territorial status or quasi-sovereignty. It is not a "nation-within-a-nation" relationship or a form of irrevocable permanent union, but is, again, a sovereign-to-sovereign treaty-based relationship which is either of limited duration or terminable at will by either party acting unilaterally.

In other words, both parties have a sovereign right to terminate the relationship at any time. The free association treaty may provide for the terms and measures which will apply in the event of unilateral termination, but the ability of either party to do so can not be conditioned or encumbered in such a manner that the exercise of the right to terminate the relationship effectively is impaired or precluded.

For that reason, the territory and population of each nation involved must be within the sovereignty, nationality and citizenship of that nation, and the elements and mechanisms of the free association relationship must be defined consistent with that requirement. Separate and distinct sovereignty and nationality must be established at the time of decolonization and preserved under the relationship or the ability of either party to terminate will be impaired.

Thus, the major power may grant to people of the free associated nation special rights normally associated with the major power's own citizenship classifications, such as open immigration and residence rights.

However, these arrangements are subject to the same terminability as the overall relationship, and thus may be either for a limited duration or subject to unilateral termination by either party at any time.

Consequently, there can be no permanent mass dual nationality because this would be inconsistent with the preservation of the underlying separate sovereignty. Any special rights or classifications of the major power extended to the people of a free associated nation are more in the nature of residency rights and do not prevent either nation from exercising separate sovereignty with respect to the nationality its own population.

Upon termination of the free association relationship by either party, any such classifications or special residency rights will be subject to unilateral termination as well. Both during and after any period of free association, the people of each of the two nations will owe their allegiance to and have the separate nationality of their own country. Any attempt to deviate from these norms of international law and practice would undermine the sovereignty of both nations, as would impair the right of self-determination which must be preserved to ensure the relationship is based on consent rather than coercion.

In summary, the United States recognizes each of the three U.N. accepted status options for Puerto Rico to achieve full self-government. One of those options, integration, is within U.S. sovereignty and the federal political union, the other two, independence and free association, exist without U.S. sovereignty, nationality and citizenship.

Obviously, Puerto Rico can not act unilaterally to establish a new status. This is so not only because of U.S. sovereignty and the authority of Congress under the territorial clause, but also because Puerto Rico seeks the agreement of the U.S. to the terms under which any of these options would be implemented. This means Congress must agree to the terms under which a new status is defined and implemented.

There is no right on the part of Puerto Rico unilaterally to define its relationship with the United States. Nor would it be consistent with U.S. commitments to respect the right of self-determination for non-self-governing people under U.S. administration to dispose of the territory of Puerto Rico in a manner which does not take into account the freely expressed wishes of the residents.

Thus, as the two parties which must define and carry out a future relationship based on consent and the right of self-determination which each must exercise, Congress, on behalf of the United States, and the people of Puerto Rico, acting through their constitutional process, must decide whether decolonization will be completed through completion of the process for integration into union or separation and nationhood apart from the U.S. for Puerto Rico.

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105TH CONGRESS
1ST SESSION

H. R. 856

To provide a process leading to full self-government for Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1997

Mr. YOUNG of Alaska (for himself, Mr. GINGRICH, Mr. ROMERO-BARCELÓ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. CALVERT, Mr. GILMAN, Mr. RAHALL, Mr. TAUZIN, Mr. GREEN, Mr. MCCOLLUM, Mr. DEUTSCH, Mr. POMBO, Mr. PAYNE, Mr. GILCHREST, Mr. JONES, Mr. STUMP, Mr. SAWYER, Mr. FAZIO of California, Mr. SKEEN, Mr. DOOLEY of California, Mr. KILDEE, Ms. NORTON, Mr. UNDERWOOD, Mr. KLINK, Mr. HINCHEY, Mr. FARR of California, Mr. WYNN, Mr. DAVIS of Virginia, Mr. HALL of Ohio, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mrs. MEEK of Florida, Mr. KUCINICH, Mr. BARCIA, Mr. PASTOR, Mr. TORRES, Mr. PALLONE, Mr. PASCRELL, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. CHRISTIAN-GREEN, Mr. VENTO, Mrs. MINK of Hawaii, Mr. PICKETT, Mr. KIM, Mr. ROTHMAN, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. THOMPSON, Mr. HINOJOSA, Mr. ACKERMAN, Mr. OXLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. BISHOP, Mr. SAXTON, Mr. MILLER of California, Mr. SMITH of Washington, Mr. ENGEL, Mr. JOHN, Mr. DELAY, Ms. SLAUGHTER, and Ms. SANCHEZ) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide a process leading to full self-government for Puerto Rico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Puerto Rico Political Status Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Puerto Rico was ceded to the United States and came under this Nation's sovereignty pursuant to the Treaty of Paris ending the Spanish-American War in 1898. Article IX of the Treaty of Paris expressly recognizes the authority of Congress to provide for the political status of the inhabitants of the territory.

(2) Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris, Congress has exercised its powers under the Territorial Clause of the Constitution (article IV, section 3, clause 2) to provide

by statute for the citizenship status of persons born in Puerto Rico, including extension of special statutory United States citizenship from 1917 to the present.

(3) Consistent with the Territorial Clause and rulings of the United States Supreme Court, partial application of the United States Constitution has been established in the unincorporated territories of the United States including Puerto Rico.

(4) In 1950 Congress prescribed a procedure for instituting internal self-government for Puerto Rico pursuant to statutory authorization for a local constitution. A local constitution was approved by the people, amended and conditionally approved by Congress, and thereupon given effect in 1952 after acceptance of congressional conditions by the Puerto Rico Constitutional Convention and an appropriate proclamation by the Governor. The approved constitution established the structure for constitutional government in respect of internal affairs without altering Puerto Rico's fundamental political, social, and economic relationship with the United States and without restricting the authority of Congress under the Territorial Clause to determine the application of Federal law to Puerto Rico, resulting in

the present "Commonwealth" structure for local self-government. The Commonwealth remains an unincorporated territory and does not have the status of "free association" with the United States as that status is defined under United States law or international practice.

(5) In 1953 the United States transmitted to the Secretary-General of the United Nations for circulation to its Members a formal notification that the United States no longer would transmit information regarding Puerto Rico to the United Nations pursuant to Article 73(e) of its Charter. The formal United States notification document informed the United Nations that the cessation of information on Puerto Rico was based on the "new constitutional arrangements" in the territory, and the United States expressly defined the scope of the "full measure" of local self-government in Puerto Rico as extending to matters of "internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision.".

Thereafter, the General Assembly of the United Nations, based upon consent of the inhabitants of the territory and the United States explanation of the new status as approved by Congress, adopted Resolution 748 (VIII) by a vote of 22 to 18 with 19 abstentions, thereby accepting the United States determination to cease reporting to the United Nations on the status of Puerto Rico.

(6) In 1960 the United Nations General Assembly approved Resolution 1541 (XV), clarifying that under United Nations standards regarding the political status options available to the people of territories yet to complete the process for achieving full self-government, the three established forms of full self-government are national independence, free association based on separate sovereignty, or full integration with another nation on the basis of equality.

(7) The ruling of the United States Supreme Court in the 1980 case Harris v. Rosario (446 U.S. 651) confirmed that Congress continues to exercise authority over Puerto Rico as territory "belonging to the United States" pursuant to the Territorial Clause found at Article IV, section 3, clause 2 of the United States Constitution, a judicial interpretation of Puerto Rico's status which is in accordance with

the clear intent of Congress that establishment of local constitutional government in 1952 did not alter Puerto Rico's status as an unincorporated United States territory.

(8) In a joint letter dated January 17, 1989, cosigned by the Governor of Puerto Rico in his capacity as president of one of Puerto Rico's principal political parties and the presidents of the two other principal political parties of Puerto Rico, the United States was formally advised that ". . . the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status", and the joint letter stated ". . . that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status".

(9) In the 1989 State of the Union Message, President George Bush urged the Congress to take the necessary steps to authorize a federally recognized process allowing the people of Puerto Rico, for the first time since the Treaty of Paris entered into force, to freely express their wishes regarding their future political status in a congressionally recognized

referendum, a step in the process of self-determination which the Congress has yet to authorize.

(10) In November of 1993, the Government of Puerto Rico conducted a plebiscite initiated under local law on Puerto Rico's political status. In that vote none of the three status propositions received a majority of the votes cast. The results of that vote were: 48.6 percent commonwealth, 46.3 percent statehood, and 4.4 percent independence.

(11) In 1994, President William Jefferson Clinton established the Executive Branch Interagency Working Group on Puerto Rico to coordinate the review, development, and implementation of executive branch policy concerning issues affecting Puerto Rico, including the November 1993 plebiscite.

(12) There have been inconsistent and conflicting interpretations of the 1993 plebiscite results, and under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine Federal policy and clarify status issues in order to advance the self-determination process in Puerto Rico.

(13) On December 14, 1994, the Puerto Rico Legislature enacted Concurrent Resolution 62, which

requested the 104th Congress to respond to the results of the 1993 Puerto Rico Status Plebiscite and to indicate the next steps in resolving Puerto Rico's political status.

(14) Nearly 4,000,000 United States citizens live in the islands of Puerto Rico, which have been under United States sovereignty and within the United States customs territory for almost 100 years, making Puerto Rico the oldest, largest, and most populous United States island territory at the southeastern-most boundary of our Nation, located astride the strategic shipping lanes of the Atlantic Ocean and Caribbean Sea.

(15) Full self-government for Puerto Rico is attainable only through establishment of a political status which is based on either separate Puerto Rican sovereignty and nationality or full and equal United States nationality and citizenship through membership in the Union and under which Puerto Rico is no longer an unincorporated territory subject to the plenary authority of Congress arising from the Territorial Clause.

SEC. 3. POLICY.

(a) CONGRESSIONAL COMMITMENT.—In recognition of the significant level of local self-government which has

been attained by Puerto Rico, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, this Act is adopted with a commitment to encourage the development and implementation of procedures through which the permanent political status of the people of Puerto Rico can be determined.

(b) OFFICIAL LANGUAGE.—It is the policy of the Congress that English shall be the common language of mutual understanding in the United States, and that this policy shall apply in all of the States duly and freely admitted to the Union. The Congress recognizes that at the present time, Spanish and English are the joint official languages of Puerto Rico, and have been for nearly 100 years; that English is the official language of Federal courts in Puerto Rico; that the ability to speak English is a requirement for Federal jury services; yet Spanish rather than English is currently the predominant language used by the majority of the people of Puerto Rico; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico. In the event that the referenda held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English

would become the official language of the Federal Government in Puerto Rico to the same extent as Federal law then requires throughout the United States. Congress also recognizes the significant advantage that proficiency in Spanish as well as English has bestowed on the people of Puerto Rico, and further that this will serve the best interests of both Puerto Rico and the rest of the United States in our mutual dealings in the Caribbean, Latin America, and throughout the Spanish-speaking world.

SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERNMENT, INCLUDING THE INITIAL DECISION STAGE, TRANSITION STAGE, AND IMPLEMENTATION STAGE.

(a) INITIAL DECISION STAGE.—A referendum on Puerto Rico's political status shall be held not later than December 31, 1998. The referendum shall be held pursuant to this Act and in accordance with the applicable provisions of Puerto Rico's electoral law and other relevant statutes consistent with this Act. Approval of a status option must be by a majority of the valid votes cast. The referendum shall be on the approval of 1 of the 3 options presented on the ballot as follows:

"Instructions: Mark the status option you choose as each is defined below. Ballot with more than 1 option marked will not be counted.

"A. COMMONWEALTH.—If you agree, mark here _____

"Puerto Rico should retain Commonwealth, in which—

"(1) Puerto Rico continues the present Commonwealth structure for self government with respect to internal affairs and administration;

"(2) provisions of the Constitution and laws of the United States apply to Puerto Rico as determined by Congress;

"(3) Puerto Rico remains a locally self-governing unincorporated territory of the United States;

"(4) continuation or modification of current Federal law and policy applicable to Puerto Rico remains within the discretion of Congress; and

"(5) the ultimate status of Puerto Rico will be determined through a process authorized by Congress which includes self determination by the people of Puerto Rico in periodic referenda.

"B. SEPARATE SOVEREIGNTY.—If you agree, mark here _____

"Puerto Rico should become fully self governing through separate sovereignty leading to independence or free association, in which—

"(1) Puerto Rico is a sovereign nation with full authority and responsibility for its internal and external affairs and has the capacity to exercise in its own name and right the powers of government with respect to its territory and population;

"(2) a negotiated treaty of friendship and cooperation, or an international bilateral pact of free association terminable at will by either Puerto Rico or the United States, defines future relations between Puerto Rico and the United States, providing for cooperation and assistance in matters of shared interest as agreed and approved by Puerto Rico and the United States pursuant to this Act and their respective constitutional processes;

"(3) a constitution democratically instituted by the people of Puerto Rico, establishing a republican form of full self-government and securing the rights of citizens of the Puerto Rican nation, is the supreme law, and the Constitution and laws of the United States no longer apply in Puerto Rico;

"(4) The people of Puerto Rico owe allegiance to the sovereign nation of Puerto Rico and have the nationality, and citizenship thereof; United States sovereignty, nationality, and citizenship in Puerto Rico is ended; birth in Puerto Rico and relationship

to persons with statutory United States citizenship by birth in the former territory are not bases for United States nationality or citizenship, except that persons who had such United States citizenship have a statutory right to retain United States nationality and citizenship for life, by entitlement or election as provided by the United States Congress, based on continued allegiance to the United States: *Provided,* That such persons will not have this statutory United States nationality and citizenship status upon having or maintaining allegiance, nationality, and citizenship rights in any sovereign nation other than the United States;

"(5) upon recognition of Puerto Rico by the United States as a sovereign nation and establishment of government-to-government relations on the basis of comity and reciprocity, Puerto Rico's representation to the United States is accorded full diplomatic status;

"(6) Puerto Rico is eligible for United States assistance provided on a government-to-government basis, including foreign aid or programmatic assistance, at levels subject to agreement by the United States and Puerto Rico;

"(7) property rights and previously acquired rights vested by employment under laws of Puerto Rico or the United States are honored, and where determined necessary such rights are promptly adjusted and settled consistent with government-to-government agreements implementing the separation of sovereignty; and

"(8) Puerto Rico is outside the customs territory of the United States, and trade between the United States and Puerto Rico is based on a treaty.

"C. STATEHOOD.—If you agree, mark here _____

"Puerto Rico should become fully self governing through United States sovereignty leading to Statehood, in which—

"(1) the people of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which is the supreme law and has the same force and effect as in the other States of the Union;

"(2) the sovereign State of Puerto Rico is in permanent union with the United States, and powers not delegated to the Federal Government or prohibited to the States by the United States Constitution are reserved to the people of Puerto Rico or the State Government;

"(3) United States citizenship of those born in Puerto Rico is guaranteed, protected and secured in the same way it is for all United States citizens born in the other States;

"(4) residents of Puerto Rico have equal rights and benefits as well as equal duties and responsibilities of citizenship, including payment of Federal taxes, as those in the several States;

"(5) Puerto Rico is represented by two members in the United States Senate and is represented in the House of Representatives proportionate to the population;

"(6) United States citizens in Puerto Rico are enfranchised to vote in elections for the President and Vice President of the United States; and

"(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies.".

(b) TRANSITION STAGE.—

(1) PLAN.—(A) Within 180 days of the receipt of the results of the referendum from the Government of Puerto Rico certifying approval of a ballot choice of full self-government in a referendum held pursuant to subsection (a), the President shall develop and submit to Congress legislation for a transition plan of 10 years minimum which leads to full self-government for Puerto Rico consistent with the terms of this Act and in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate.

(B) Additionally, in the event of a vote in favor of separate sovereignty, the Legislature of Puerto Rico, if deemed appropriate, may provide by law for the calling of a constituent convention to formulate, in accordance with procedures prescribed by law, Puerto Rico's proposals and recommendations to implement the referendum results. If a convention is called for this purpose, any proposals and recommendations formally adopted by such convention within time limits of this Act shall be transmitted to Congress by the President with the transition plan required by this section, along with the views of the

President regarding the compatibility of such proposals and recommendations with the United States Constitution and this Act, and identifying which, if any, of such proposals and recommendations have been addressed in the President's proposed transition plan.

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to Statehood, the President shall include in the transition plan provided for in this Act, proposals and incentives to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English fully, including but not limited to, the teaching of English in public schools, fellowships, and scholarships. The transition plan should promote the usage of English by the United States citizens of Puerto Rico, in order to best allow for—

(i) the enhancement of the century old practice of English as an official language of Puerto Rico, consistent with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines;

(ii) the use of language skills necessary to contribute most effectively to the Nation in all

aspects, including but not limited to Hemispheric trade, and for citizens to enjoy the full rights and benefits of their citizenship;

(iii) the promotion of efficiency and fairness to all people in the conduct of the Federal and State government's official business; and

(iv) the ability of all citizens to take full advantage of the economical, educational, and occupational opportunities through full integration with the United States.

(2) CONGRESSIONAL CONSIDERATION.—The plan shall be considered by the Congress in accordance with section 6.

(3) PUERTO RICAN APPROVAL.—

(A) Not later than 180 days after enactment of an Act pursuant to paragraph (1) providing for the transition to full self-government for Puerto Rico as approved in the initial decision referendum held under subsection (a), a referendum shall be held under the applicable provisions of Puerto Rico's electoral law on the question of approval of the transition plan.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum

shall be certified to the President of the United States.

(4) EFFECTIVE DATE FOR TRANSITION PLAN.—The President of the United States shall issue a proclamation announcing the effective date of the transition plan to full self-government for Puerto Rico.

(c) IMPLEMENTATION STAGE.—

(1) PRESIDENTIAL RECOMMENDATION.—Not less than two years prior to the end of the period of the transition provided for in the transition plan approved under subsection (b), the President shall submit to Congress legislation with a recommendation for the implementation of full self-government for Puerto Rico consistent with the ballot choice approved under subsection (a).

(2) CONGRESSIONAL CONSIDERATION.—The plan shall be considered by the Congress in accordance with section 6.

(3) PUERTO RICAN APPROVAL.—

(A) Within 180 days after enactment of the terms of implementation for full self-government for Puerto Rico, a referendum shall be held under the applicable provisions of Puerto

Rico's electoral laws on the question of the approval of the terms of implementation for full self-government for Puerto Rico.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

(4) EFFECTIVE DATE OF FULL SELF-GOVERNMENT.—The President of the United States shall issue a proclamation announcing the date of implementation of full self-government for Puerto Rico.

SEC. 5. REQUIREMENTS RELATING TO REFERENDA, INCLUDING INCONCLUSIVE REFERENDUM AND APPLICABLE LAWS.

(a) APPLICABLE LAWS.—

(1) REFERENDA UNDER PUERTO RICAN LAWS.—The referenda held under this Act shall be conducted in accordance with the applicable laws of Puerto Rico, including laws of Puerto Rico under which voter eligibility is determined and which require United States citizenship and establish other statutory requirements for voter eligibility of residents and nonresidents.

(2) FEDERAL LAWS.—The Federal laws applicable to the election of the Resident Commissioner

of Puerto Rico shall, as appropriate and consistent with this Act, also apply to the referenda. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the referenda, unless it would frustrate the purposes of this Act.

(b) CERTIFICATION OF REFERENDA RESULTS.—The results of each referendum held under this Act shall be certified to the President of the United States and the Senate and House of Representatives of the United States by the Government of Puerto Rico.

(c) CONSULTATION AND RECOMMENDATIONS FOR INCONCLUSIVE REFERENDUM.—

(1) IN GENERAL.—If a referendum provided in section 4(b) or (c) of this Act does not result in approval of a fully self-governing status, the President, in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate, shall make recommendations to the Congress within 180 days of receipt of the results of the referendum.

(2) EXISTING STRUCTURE TO REMAIN IN EFFECT.—If the inhabitants of the territory do not

achieve full self-governance through either integration into the Union or separate sovereignty in the form of independence or free association, Puerto Rico will remain an unincorporated territory of the United States, subject to the authority of Congress under Article IV, Section 3, Clause 2 of the United States Constitution. In that event, the existing Commonwealth of Puerto Rico structure for local self-government will remain in effect, subject to such other measures as may be adopted by Congress in the exercise of it's Territorial Clause powers to determine the disposition of the territory and status of it's inhabitants.

(3) AUTHORITY OF CONGRESS TO DETERMINE STATUS.—Since current unincorporated territory status of the Commonwealth of Puerto Rico is not a permanent, unalterable or guaranteed status under the Constitution of the United States, Congress retains plenary authority and responsibility to determine a permanent status for Puerto Rico consistent with the national interest. The Congress historically has recognized a commitment to take into consideration the freely expressed wishes of the people of Puerto Rico regarding their future political status. This policy is consistent with respect for the right of

self-determination in areas which are not fully self-governing, but does not constitute a legal restriction or binding limitation on the Territorial Clause powers of Congress to determine a permanent status of Puerto Rico. Nor does any such restriction or limitation arise from the Puerto Rico Federal Relations Act (48 U.S.C. 731 et seq.).

(4) ADDITIONAL REFERENDA.—To ensure that the Congress is able on a continuing basis to exercise its Territorial Clause powers with due regard for the wishes of the people of Puerto Rico respecting resolution of Puerto Rico's permanent future political status, in the event that a referendum conducted under section four is inconclusive as provided in this subsection, or a majority vote to continue the Commonwealth structure as a territory, there shall be another referendum in accordance with this Act prior to the expiration of a period of four years from the date such inconclusive results are certified or determined. This procedure shall be repeated every four years, but not in a general election year, until Puerto Rico's unincorporated territory status is terminated in favor of a recognized form of full self-government in accordance with this Act.

SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—The majority leader of the House of Representatives (or his designee) and the majority leader of the Senate (or his designee) shall each introduce legislation (by request) providing for the transition plan under section 4(b) and the implementation recommendation under section 4(c) not later than 5 legislative days after the date of receipt by Congress of the submission by the President under that section, as the case may be.

(b) REFERRAL.—The legislation shall be referred on the date of introduction to the appropriate committee or committees in accordance with rules of the respective Houses. The legislation shall be reported not later than the 120th calendar day after the date of its introduction. If any such committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the legislation, and the legislation shall be placed on the appropriate calendar.

(c) CONSIDERATION.—

(1) After the 14th legislative day after the date on which the last committee of the House of Representatives or the Senate, as the case may be, has reported or been discharged from further consideration of such legislation, it is in order after the legislation has been on the calendar for 14 legislative

days for any Member of that House in favor of the legislation to move to proceed to the consideration of the legislation (after consultation with the presiding officer of that House as to scheduling) to move to proceed to its consideration at any time after the third legislative day on which the Member announces to the respective House concerned the Member's intention to do so. All points of order against the motion to proceed and against consideration of that motion are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the legislation is agreed to, the respective House shall immediately proceed to consideration of the legislation without intervening motion (exception one motion to adjourn), order, or other business.

(2)(A) In the House of Representatives, during consideration of the legislation in the Committee of the Whole, the first reading of the legislation shall be dispensed with. General debate shall be confined

to the legislation, and shall not exceed 4 hours equally divided and controlled by a proponent and an opponent of the legislation. After general debate, the legislation shall be considered as read for amendment under the five-minute rule. Consideration of the legislation for amendment shall not exceed 4 hours excluding time for recorded votes and quorum calls. At the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions. A motion to reconsider the vote on passage of the legislation shall not be in order.

(B) In the Senate, debate on the legislation, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 25 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees. No amendment that is not germane to the provisions of such legislation shall be received. A motion to further limit debate is not debatable.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the legislation described in subsection (a) shall be decided without debate.

(d) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of the legislation described in subsection (a) that was introduced in that House, that House receives from the other House the legislation described in subsection (a)—

(A) the legislation of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under subparagraph (B)(ii) or (iii); and

(B)(i) the procedure in the House that receives such legislation with respect to such legislation that was introduced in that House shall be the same as if no legislation had been received from the other House; but

(ii) in the case of legislation received from the other House that is identical to the legislation as engrossed by the receiving House, the vote on final passage shall be on the legislation of the other House; or

(iii) after passage of the legislation, the legislation of the other House shall be considered as amended with the text of the legislation just passed and shall be considered as passed, and that House shall be considered to have insisted on its amendment and requested a conference with the other House.

(2) Upon disposition of the legislation described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such legislation that was introduced in the receiving House.

(e) Upon receiving from the other House a message in which that House insists upon its amendment to the legislation and requests a conference with the House of Representatives or the Senate, as the case may be, on the disagreeing votes thereon, the House receiving the request shall be considered to have disagreed to the amendment of the other House and agreed to the conference requested by that House.

(f) DEFINITION.—For the purposes of this section, the term "legislative day" means a day on which the House of Representatives or the Senate, as appropriate, is in session.

(g) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives and, as such, shall be considered as part of the rules of each House and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.

(a) IN GENERAL.—

(1) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning October 1, 1997, and ending on the date the President determines that all referenda required by this Act have been held, from the amounts covered into the treasury of Puerto Rico under section 7652(e)(1) of the Internal Revenue Code of 1986, the Secretary of the Treasury—

(A) upon request and in the amounts identified from time to time by the President, shall make the amounts so identified available to the treasury of Puerto Rico for the purposes specified in subsection (b); and

(B) shall transfer all remaining amounts to the treasury of Puerto Rico, as under current law.

(2) REPORT OF REFERENDA EXPENDITURES.—Within 180 days after each referendum required by this Act, and after the end of the period specified in paragraph (1), the President, in consultation with the Government of Puerto Rico, shall submit a report to the United States Senate and United States House of Representatives on the amounts made available under paragraph (1)(A) and all other amounts expended by the State Elections Commission of Puerto Rico for referenda pursuant to this Act.

(b) GRANTS FOR CONDUCTING REFERENDA AND VOTER EDUCATION.—From amounts made available under subsection (a)(1), the Government of Puerto Rico shall make grants to the State Elections Commission of Puerto Rico for referenda held pursuant to the terms of this Act, as follows:

(1) 50 percent shall be available only for costs of conducting the referenda.

(2) 50 percent shall be available only for voter education funds for the central ruling body of the political party, parties, or other qualifying entities

advocating a particular ballot choice. The amount allocated for advocating a ballot choice under this paragraph shall be apportioned equally among the parties advocating that choice.

(c) ADDITIONAL RESOURCES.—In addition to amounts made available by this Act, the Puerto Rico Legislature may allocate additional resources for administrative and voter education costs to each party so long as the distribution of funds is consistent with the apportionment requirements of subsection (b).

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UNITED NATIONS

RESOLUTIONS

adopted by the General Assembly

at its

EIGHTH SESSION

during the period

from 15 September to 9 December 1953

GENERAL ASSEMBLY

OFFICIAL RECORDS : EIGHTH SESSION
SUPPLEMENT No. 17 (A/2630)

New York

qualifications in the functional fields studied by the Committee,

Considering that this is a practice which might be extended with advantage to the work of the Committee, in that the pooling and exchange of knowledge and experience thus achieved will enable it more efficaciously to assess the economic, social and educational problems of Non-Self-Governing Territories in the light of the solutions being found to those problems elsewhere in the world,

1. *Commends* the action of those Members which have included specialist advisers in their delegations to the Committee;

2. *Expresses the hope* that those Members which have not hitherto found it possible to do so, will find it appropriate to associate with their delegations persons specially qualified in the functional fields within the Committee's purview.

459th plenary meeting,
27 November 1953.

746 (VIII). Employment of international staff from Non-Self-Governing and Trust Territories

The General Assembly,

Considering that the paragraph 3 of Article 101 of the Charter of the United Nations, regarding the employment of the staff of the United Nations, states that, in addition to the necessity of securing the highest standards of efficiency, competence and integrity in employment of Secretariat staff, due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible,

Having regard to the objectives set forth in Chapters XI and XII of the Charter in respect of the advancement of the inhabitants of Non-Self-Governing and Trust Territories,

Considering that the services of individuals from Non-Self-Governing and Trust Territories in the Secretariat of the United Nations will contribute to a wider geographical coverage in the recruitment of staff,

Considering the statement [4] made by the Secretary-General that he has already taken note of the wishes expressed in the Fourth Committee on this matter,

1. *Recommends* that the Secretary-General consider the desirability of continuing and increasing the recruitment of suitably qualified inhabitants of Non-Self-Governing and Trust Territories for the Secretariat of the United Nations;

2. *Invites* the Secretary-General to draw the attention of the specialized agencies to the present resolution with a view to a similar policy being followed as far as possible in the secretariats of those agencies.

459th plenary meeting,
27 November 1953.

747 (VIII). Cessation of the transmission of information under Article 73 e of the Charter in respect of the Netherlands Antilles and Surinam

The General Assembly,

Recalling that in its resolution 650 (VII) of 20 December 1952 it invited the Committee set up to study the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government to examine carefully the documents submitted by the Netherlands Government relating to the Netherlands Antilles and Surinam in the light of resolution 648 (VII) of 10 December 1952,

Having received and considered the report [5] of the *Ad Hoc* Committee on Factors (Non-Self-Governing Territories) established by resolution 648 (VII),

Having taken note of the statement [6] of the representative of the Netherlands that the negotiations between representatives of the Netherlands, the Netherlands Antilles and Surinam, which were adjourned in the year 1952, will shortly be resumed,

1. *Notes with satisfaction* the progress made by the Netherlands Antilles and Surinam towards self-government;

2. *Considers* that the new status of the Netherlands Antilles and Surinam can only be rightly appraised after the said negotiations have led to a final result and this has been embodied in constitutional provisions;

3. *Expresses* to the Netherlands Government its confidence that, as a result of the negotiations, a new status will be attained by the Netherlands Antilles and Surinam representing a full measure of self-government in fulfilment of the objectives set forth in Chapter XI of the Charter;

4. *Invites* the Government of the Netherlands to communicate to the Secretary-General the result of these negotiations as well as the provisions mentioned in paragraph 2 above;

5. *Invites* the Committee on Information from Non-Self-Governing Territories to examine these communications in connexion with the information already transmitted and to report thereon to the General Assembly;

6. *Requests* the Government of the Netherlands to transmit regularly to the Secretary-General the information specified in Article 73 e of the Charter in regard to the Netherlands Antilles and Surinam until such time as the General Assembly takes a decision that the transmission of information in regard to these Territories should be discontinued.

459th plenary meeting,
27 November 1953.

748 (VIII). Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico

The General Assembly,

Considering that, in resolution 222 (III) of 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers it essential that the United Nations be informed of any change in the constitutional status of any such Territory as a result of which the government responsible for the transmission, under Article 73 e of the Charter, of information in respect of that Territory thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications [7] dated 19 January and 20 March 1953 informing the United Nations

[4] See *Official Records of the General Assembly, Eighth Session, Fourth Committee*, 342nd meeting.

[5] See document A/2428.

[6] See *Official Records of the General Assembly, Eighth Session, Fourth Committee*, 343rd meeting, para. 70.

[7] See document A/AC.35/L.121.

of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73 e of the Charter,

Having studied the report [8] prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950,

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity,

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1. *Takes note favourably* of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution; [9]

2. *Recognizes* that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3. *Expresses the opinion* that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United States of America has been established as a mutually agreed association;

4. *Recognizes* that, when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. *Recognizes* that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;

6. *Considers* that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7. *Takes note* of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico;

8. *Considers it appropriate* that the transmission of this information should cease;

9. *Expresses its assurance* that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

459th plenary meeting,
27 November 1953.

[8] See *Official Records of the General Assembly, Eighth Session, Supplement No. 15,* part I, section VII.
[9] *Ibid.*, page 6.

749. (VIII). Question of South West Africa

A

The General Assembly,

Having accepted, by resolution 449 A (V) of 13 December 1950 and by resolution 570 (VI) of 19 January 1952, the advisory opinion of the International Court of Justice with respect to South West Africa,

Recalling that the advisory opinion [10] of the International Court of Justice with respect to the Territory of South West Africa sets forth, *inter alia,* that:

(*a*) The Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

(*b*) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

(*c*) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations to which the annual reports and the petitions are to be submitted,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,

Having reconstituted the *Ad Hoc* Committee on South West Africa, consisting of the representatives of Norway, Syria, Thailand, the United States of America and Uruguay, by General Assembly resolution 570 A (VI) of 19 January 1952 and, by General Assembly resolution 651 (VII) of 20 December 1952, having continued it on the same basis as before,

Having considered the reports of the aforesaid *Ad Hoc* Committee, i.e., document A/2261 submitted on 21 November 1952 and documents A/2475 and Adds.1 and 2 submitted on 16 September, 8 October and 9 November 1953,

[10] See *International Status of South West Africa, Advisory Opinion:* I.C.J. Reports 1950, [illegible]

and constructive disarmament negotiations. We hope for positive and tangible response from the Soviet Government when the Disarmament Commission resumes its work.

The resolution as adopted by the Political Committee does not in any way preclude the submission by the Soviet Government in the Disarmament Commission of any proposals the Soviet Government, or any other member for that matter, desires to put forward. For our part, we pledge ourselves to continue to work constructively for a genuinely safeguarded system of disarmament and at the same time to give sympathetic and honest consideration to any concrete and practical proposals which the Soviet Government may make toward this end.

Text of Resolution

U.N. doc. A/L. 149
Adopted April 8, 1953

The General Assembly,
RECOGNIZING that

Under the Charter of the United Nations all States are bound to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

The aim of a system of world-wide disarmament is to prevent war and release the world's human and economic resources for the purposes of peace,

1. *Takes note* of the report of the Disarmament Commission [and commends the Commission for its efforts to carry out the instructions laid down by the General Assembly at its sixth regular session];[1]

2. *Reaffirms* General Assembly resolution 502 (VI) and requests the Disarmament Commission to continue its work for the development by the United Nations of comprehensive and co-ordinated plans providing for:

(a) the regulation, limitation and balanced reduction of all armed forces and armaments;

(b) the elimination and prohibition of all major weapons, including bacteriological, adaptable to mass destruction;

(c) the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only.

The whole programme to be carried out under effective international control in such a way that no State would have cause to fear that its security was endangered;

3. *Requests* the Commission to report to the General Assembly and to the Security Council no later than 1 September 1953, and hopes that all the members of the Commission will co-operate in efforts to produce constructive proposals likely to facilitate its task.

[1] The clause in brackets was deleted from the Committee I text of the resolution, on a Soviet motion.

Puerto Rico's New Self-governing Status

U.S./U.N. press release dated March 21

Ambassador Henry Cabot Lodge, Jr., U.S. representative to the United Nations, announced on March 23 the transmittal to Secretary-General Trygve Lie of the new Constitution of the Commonwealth of Puerto Rico and other documents pertaining to the Commonwealth's new self-governing status. Following is the transmittal letter:

I have the honor to refer to the U.S. representative's note UN–1727/89 dated January 19, 1953,[1] notifying you that as a result of the entry into force on July 25, 1952, of the new Constitution establishing the Commonwealth of Puerto Rico, the U.S. Government has decided to cease to transmit information on Puerto Rico under article 73 (e) of the Charter.

The attainment by the people of Puerto Rico of their new Commonwealth status is a most significant step. This is the kind of progress to self-government contemplated by the U.N. Charter. This is the democratic pattern of the free world—of goals set and hopes realized. The people of Puerto Rico expressed their view by resolution at their Constitutional Convention in the following words:

Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization.

I invite your attention in particular to the enclosed letter of Governor Muñoz Marin of the Commonwealth of Puerto Rico in which, after requesting the termination of the transmittal of information under article 73 (e) with respect to Puerto Rico, and after recounting the development of the Island's political progress, he says:

The people of Puerto Rico are firm supporters of the United Nations and this great organization may confidently rely upon us for a continuation of that good will.

Let me add that the people of Puerto Rico at this moment are proudly cooperating to the utmost in the U.N. effort to repel aggression in Korea. The men of Puerto Rico who are bearing the hardships of battle with other U.N. troops have, by their courage and determination, demonstrated their strong love for freedom.

[1] BULLETIN of Feb. 9, 1953, p. 229.

There are enclosed for the information of the members of the United Nations the following documents in compliance with the terms of Resolution 222 (III) of the General Assembly:

(1) Text of the Constitution of the Commonwealth of Puerto Rico.[2]

(2) *Memorandum by the Government of the United States of America Concerning the Cessation of Transmission of Information Under Article 73 (e) of the Charter With Regard to the Commonwealth of Puerto Rico,*

(3) Copy of the letter dated January 17, 1953, from the Governor of Puerto Rico to the President of the United States.

MEMORANDUM BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE CESSATION OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 (e) OF THE CHARTER WITH REGARD TO THE COMMONWEALTH OF PUERTO RICO

Introduction

1. The United States Government, in pursuance of Article 73 (e) of the Charter of the United Nations, has, in accordance with Resolution 66 (I) adopted by the General Assembly of the United Nations on December 14, 1946, transmitted annually to the Secretary General since 1946 information on Puerto Rico. During this period successive advances have been made in the growth and development of self-governing institutions in Puerto Rico and in the vesting of powers of government in the Puerto Rican people and their elected representatives. This process has reached its culmination with the establishment of the Commonwealth of Puerto Rico and the promulgation of the Constitution of this Commonwealth on July 25, 1952.

2. With the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government. Accordingly, the Government of the United States has decided that it is no longer appropriate for it to submit information on Puerto Rico pursuant to Article 73 (e) of the Charter.

3. Resolution 222 (III), adopted by the General Assembly on November 3, 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of any change in the constitutional position and status of any non-self-governing territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 (e) of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the government of the metropolitan country.

4. As a result of the change in the constitutional position and status of Puerto Rico as described in this memorandum, the Government of the United States considers it unnecessary to transmit further information under Article 73 (e) of the Charter concerning the Commonwealth of Puerto Rico. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in pursuance of Resolution 222 (III), this memorandum has been prepared and, together with a copy of the Constitution of the Commonwealth of Puerto Rico and a letter from the Governor of Puerto Rico is transmitted to the Secretary General for circulation to the Members of the United Nations for their information.

Constitutional Development of Puerto Rico Under United States Administration

5. Puerto Rico has been administered by the United States since 1898 when Spain ceded its sovereignty to the island under terms of the Treaty of Paris. Puerto Rico had a military government until 1900 when the United States Congress enacted the first organic law providing for a civil form of government. The establishment of the Commonwealth in July 1952 marks the culmination of a steady progression in the exercise of self-government initiated by the first organic law.

6. The first organic law, known as the Foraker Act, provided for a Governor appointed by the President of the United States, with the advice and consent of the Senate of the United States, a legislative assembly in which the lower house was elected but the upper house was composed of the heads of executive departments of the government and five other persons, all appointed by the President with the advice and consent of the Senate; and a supreme court, the members of which were also appointed by the President with the advice and consent of the Senate, justices of the lower courts being appointed by the Governor with advice and consent of the upper house of the legislature. The act provided for Puerto Rico's representation before all departments of the Federal Government by a popularly elected Resident Commissioner. The Resident Commissioner has a seat in the House of Representatives of the Congress of the United States.

7. In 1917, the scope of self-government was increased with enactment by the Congress of a second organic law known as the Jones Act. Under it, the people of Puerto Rico elected both houses of their legislature, and the popularly elected upper house advised and consented to the Governor's appointment of justices of the lower courts. The President retained authority to appoint the Governor, the justices of the supreme court, the heads of the departments of justice and education, and the auditor, but all other heads of executive departments were appointed by the Governor. The people of Puerto Rico became citizens of the United States. The protection of a bill of rights patterned on the bill of rights of the United States Constitution was extended to Puerto Rico. Provision for representation before the various departments of the Federal Government remained. The legislature could repass a bill over the Governor's veto, but if the Governor did not then approve it, it did not become law unless it received the approval of the President.

8. In 1946, the President appointed as Governor, with the advice and consent of the Senate, a Puerto Rican who had formerly been Resident Commissioner from Puerto Rico. This was the first time that a Puerto Rican had been appointed Governor.

9. In 1947, the Congress authorized the people of Puerto Rico to elect their Governor, beginning with the general election in 1948, and provided a line of succession in the event of a vacancy in the position of Governor or of the Governor's temporary absence or disability. The elected Governor was authorized to appoint all the members of his cabinet, the heads of the executive departments, including the attorney general and commissioner of education. No change was made at that time in the provisions respecting appointment of the auditor and justices of the supreme court.

[2] H. doc. 435, 82d Cong., 2d sess.

Development and Adoption of the Constitution of the Commonwealth of Puerto Rico

10. In 1948, the candidates for Governor and Resident Commissioner from Puerto Rico, who were elected by very substantial majorities, ran on a platform calling for the adoption by the people of Puerto Rico of a constitution of their own drafting, within the framework of a continuing relationship with the United States to which the people of Puerto Rico would consent. In that election, the candidates who advocated statehood for Puerto Rico and independence for Puerto Rico were defeated. An overwhelming number of candidates for the legislature who ran on the same program as the successful candidates for Governor and Resident Commissioner were also elected. In accordance with the expressed wishes of the people of Puerto Rico, there was introduced in the Congress a bill to provide for the organization of a constitutional government by the people of Puerto Rico. It was enacted on July 3, 1950 as Public Law 600, 81st Cong. (64 Stat. 319).

11. That law expressly recognized the principle of government by consent, and declaring that it was "adopted in the nature of a compact", required that it be submitted to the voters of Puerto Rico in an island-wide referendum for acceptance or rejection. If the act were approved by a majority of participating voters, the Legislature of Puerto Rico was authorized to call a constitutional convention to formulate a constitution, which would become effective upon its adoption by the people if approved by the Congress after a finding by the President that it conformed with the applicable provisions of the act and of the Constitution of the United States. Those provisions of the Organic Act which related to matters of local government would thereupon be repealed, while the remaining provisions of the Organic Act, relating to such matters as Puerto Rico's economic relationship to the United States, the force and effect of applicable Federal laws, and continued representation in Washington, would thenceforth be known as the Puerto Rican Federal Relations Act. The Congress made only two stipulations with respect to the content of the constitution to be adopted; that it provide a republican form of government and that it include a bill of rights.

12. Four political parties participated in the campaign preceding the referendum: two advocated approval of Public Law 600, 81st Congress, one opposed it, and one was divided in its position. On June 4, 1951, 506,185 persons, 65.08 percent of the 777,675 qualified voters of Puerto Rico, participated in the referendum, and 76.5 percent of those voting approved the act. On August 27, 1951, ninety-two delegates were elected to a constitutional convention, representing the Popular Democratic, the Statehood and the Socialist parties. The convention met in September 1951, and concluded its painstaking work in February 1952. An official English and an official Spanish version of the constitution were adopted, and the text was published in the four daily newspapers of Puerto Rico in both languages. Copies of the document were distributed throughout the Island.

13. On March 3, 1952, the constitution was submitted for adoption or rejection. Of the 783,610 qualified voters, 456,471 participated in the referendum. Of these, 373,594 or 81.84 percent of those voting supported adoption of the constitution; only 82,877 or 18.16 percent of those voting disapproved it. All of the elections and referenda held in Puerto Rico in connection with the development of the constitution were on the basis of universal adult suffrage without property or literacy requirements. Puerto Rico has had universal adult suffrage since 1929. There have been no property requirements since 1906 and the last literacy requirements were removed in 1935.

14. On April 22, 1952, the President transmitted the Constitution to the Congress with his recommendation for approval, and by Public Law 447, 82nd Cong. (66 Stat. 327), signed by the President on July 3, 1952, the Congress approved the Constitution subject to certain conditions which were to be submitted for approval to the Puerto Rican Constitutional Convention. Public Law 447, in its preambular provisions, recalled that the Act of July 3, 1950 "was adopted by the Congress as a compact with the people of Puerto Rico, to become operative upon its approval by the people of Puerto Rico"; that the people of Puerto Rico had overwhelmingly approved this Act and that the Constitution of Puerto Rico had been drafted by a Constitutional Convention; that the Constitution was adopted by the people of Puerto Rico in a referendum; that the President of the United States had declared that the Constitution conformed fully with the applicable provisions of the Act of July 3, 1950 and the Constitution of the United States, that it contained a Bill of Rights, and provided for a republican form of government; and that the Congress of the United States had considered the Constitution and found that it conformed with the stipulated requirements. The operative part of Public Law 447 recorded the approval by the Congress of the United States of the Constitution of the Commonwealth of Puerto Rico subject to certain conditions, among which was that the following new sentence be added to Article VII: "Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, 81st Cong., adopted in the nature of a compact." The Puerto Rican Constitutional Convention considered and approved these conditions. On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its Constitution.

Principal Features of the Constitution of the Commonwealth

15. The Constitution of the Commonwealth, as it became effective with the approval of the Congress, provides that "Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America" (Art. I, Section 1). The Constitution of the Commonwealth is similar to that of a State of the Federal Union. It establishes a tri-partite form of government, with a popularly elected Governor, a popularly elected bi-cameral legislature and a judicial branch. The heads of all executive departments are appointed by the Governor, with the advice and consent of the Puerto Rican Senate; appointment of the Secretary of State also requires the consent of the House of Representatives. It should be noted that with the establishment of the Commonwealth neither the President nor the United States Senate participates in any way in the appointment of any official of the government of the Commonwealth.

16. The Legislative Assembly, which is elected by free, universal and secret suffrage of the people of Puerto Rico, has full legislative authority in respect to local matters. The Commonwealth has the power to impose and collect taxes, and to contract debts. Acts of the Legislative Assembly become law upon approval of the Governor, or, in the event that an act is vetoed by the Governor, upon its reenactment by two-thirds of the total number of members of which each house is composed. The President may no longer prevent a bill repassed over the Governor's veto from becoming law by disapproving it. The protection of a bill of rights is extended to persons in Puerto Rico. All public officials must take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth. Amendments to the Constitution may be proposed by the Legislative Assembly, and will be voted on at a referendum, becoming effective if ratified by a majority of the electors voting thereon. The Constitution does not restrict the substance of future amendments, except to provide that

they shall be consistent with the act approving the Constitution, with the applicable provisions of the Federal Constitution, with the Puerto Rican Federal Relations Act, and with the act of Congress authorizing the drafting and adoption of a constitution.

17. The judiciary of the Commonwealth is independent under the Constitution. The justices of the Supreme Court are no longer appointed by the President but are appointed by the Governor with the advice and consent of the Senate of Puerto Rico. Justices hold office during good behavior and may be removed, after impeachment, for causes specified in the Constitution. The number of justices may be increased only by law at the request of the court itself. No judge may make a direct or indirect financial contribution to any political organization or party, or hold any elective office therein, or participate in any political campaign or be a candidate for elective office unless he has resigned his judicial office at least six months prior to his nomination. Although judgments of the Supreme Court of Puerto Rico may be appealed to the United States Court of Appeals, decisions of the United States Supreme Court have established that the Supreme Court of Puerto Rico is the final authority on the meaning of a Puerto Rican law and that its decision interpreting such a law may not be reversed unless the interpretation is "inescapably wrong" and the decision "patently erroneous"; it is not sufficient to justify reversal that the Federal Court merely disagree with the Puerto Rican Supreme Court's interpretation. There continues to be a Federal District Court in Puerto Rico, but its jurisdiction does not differ from the jurisdiction of Federal District Courts functioning within the boundaries of States.

18. Under the Constitution, there is full and effective participation of the population of Puerto Rico in the Government of Puerto Rico. Article II, section 1, provides that no discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas and requires the laws to embody these principles. Puerto Rico is divided by the Constitution into senatorial and representative districts for purposes of electing members of the Legislative Assembly, and provision is also made for election of senators and representatives elected at large. By a special procedure established by Article III of the Constitution, minority parties are assured of representation which recognizes their island-wide voting strength. Elections will be held every four years.

19. Article II, section 2, requires that the laws shall guarantee the expression of the will of the people by means of equal, direct, and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise. Article VI, section 4, provides that every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law and prohibits depriving a person of the right to vote because he does not know how to read or write or does not own property.

Present Status of Puerto Rico

20. The people of Puerto Rico continue to be citizens of the United States as well as of Puerto Rico and the fundamental provisions of the Constitution of the United States continue to be applicable to Puerto Rico. Puerto Rico will continue to be represented in Washington by a Resident Commissioner whose functions are not altered by the establishment of the Commonwealth. Matters of foreign relations and national defence will continue to be conducted by the United States, as is the case with the States of the Union.

21. At the request of the people of Puerto Rico and with the approval of the Government of the United States, Puerto Rico has voluntarily entered into the relationship with the United States which it has chosen to describe as a "commonwealth" relationship. The term "commonwealth" was adopted by Puerto Rico as the official English designation of the body politic created by the Constitution (the official Spanish title is "estado libre asociado"), to define the status of that body as "a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its Federal structure", and which "does not have an independent and separate existence" (Resolution No. 22 of the Constitutional Convention). By the various actions taken by the Congress and the people of Puerto Rico, Congress has agreed that Puerto Rico shall have, under that Constitution, freedom from control or interference by the Congress in respect of internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision. Those laws which directed or authorized interference with matters of local government by the Federal Government have been repealed.

22. In Hawaii, Alaska, Guam and the Virgin Islands of the United States the chief executive is appointed by the President with the advice and consent of the Senate, not popularly elected by the people; the executive officer immediately subordinate to the Governor is appointed by the President, either alone or with the advice and consent of the Senate, but not by the Governor; and judges of the highest courts exercising local jurisdiction are appointed by the President with the advice and consent of the Senate, not by the Governor. This is so provided by their respective organic acts as enacted by the Congress. This is not the case with respect to Puerto Rico. The people of Puerto Rico will participate effectively in their government through universal, secret and equal suffrage, in free and periodic elections in which differing political parties offer candidates, and which are assured freedom from undemocratic practices by the Constitution itself. These elections will be conducted in the future, as they have been in the past, without interference by the United States. The people of Puerto Rico have complete autonomy in internal economic matters and in cultural and social affairs under a Constitution adopted by them and approved by the Congress.

23. Under the Puerto Rican Federal Relations Act, there will still be free trade with the United States, only United States coins and currency will be legal tender in Puerto Rico, and the statutory laws of the United States not locally inapplicable will, with some exceptions, have the same force and effect in Puerto Rico as in the United States. United States internal revenue laws do not apply in Puerto Rico, and the people of Puerto Rico will continue to be exempt from Federal income taxes on the income they derive from sources within Puerto Rico. The proceeds of United States excise taxes collected on articles produced in Puerto Rico and shipped to the United States and the proceeds of customs collected on foreign merchandise entering Puerto Rico are covered into the Treasury of Puerto Rico for appropriation and expenditure as the legislature of the Commonwealth may decide.

24. The final declaration of the Constitutional Convention of Puerto Rico (Resolution No. 23), expresses the views of the people of Puerto Rico as to the status they have now achieved.

"When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized into a commonwealth established within the terms of the compact entered into by mutual consent, which is the basis of our union with the United States of America.

. . . . . .

"Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization."

Conclusion

25. The United States Government, therefore, has decided that, with the entry into force on July 25, 1952, of the new constitutional arrangements establishing the Commonwealth of Puerto Rico, it is no longer appropriate for the United States to continue to transmit information to the United Nations on Puerto Rico under Article 73 (e) of the Charter. This conclusion constitutes a recognition of the full measure of self-government which has been achieved by the people of Puerto Rico.

THE GOVERNOR OF PUERTO RICO TO THE PRESIDENT OF THE UNITED STATES

JANUARY 17, 1953

THE PRESIDENT OF THE UNITED STATES,
WASHINGTON, D.C.

MY DEAR MR. PRESIDENT:

On July 25, 1952, the Commonwealth of Puerto Rico was formally installed in response to the wish of an overwhelming majority of the people of Puerto Rico pursuant to a compact between them and the Government of the United States. Puerto Rico became a Commonwealth in free and voluntary association with the United States, and its people have now attained a full measure of self-government. Accordingly, I respectfully suggest on behalf of the Commonwealth of Puerto Rico that the Government of the United States take steps to notify the United Nations of the status of Puerto Rico, that it is no longer a non-self-governing area, and that reports concerning it are no longer appropriate under Article 73 (e) of the Charter.

This development has climaxed fifty-four years of growth in mutual understanding and mutual good will. Democratic rights in Puerto Rico have been progressively recognized as self-government has increased. Since 1917, the people of Puerto Rico elected all members of their legislature which had comprehensive powers to enact laws for Puerto Rico. Since 1948, the people of Puerto Rico also elected their own governor, and all other officials of Puerto Rico were locally elected or appointed by elected officials except the Auditor of Puerto Rico and the Justices of the Supreme Court. Until the Commonwealth of Puerto Rico began to function, the latter officials were appointed by the President of the United States with the advice and consent of the United States Senate. The Congress of the United States, however, retained full jurisdiction to legislate with respect to Puerto Rico without the consent of its people, to override its laws, to change its form of government and to alter its relations to the United States.

These reservations have been to a large extent formal. In the entire fifty-four years history of United States administration of Puerto Rico, Congress did not in any instance exercise its power to annul or amend an Act of the Puerto Rico legislature, nor did it modify the relations of Puerto Rico to the United States except progressively to extend self-government to its people in response to their wishes. Even before 1948, the appointed Governor of Puerto Rico was a Puerto Rican whose selection was recommended by the majority political party of the island. After 1948, the appointed Auditor and Justices of the Supreme Court were Puerto Ricans, also appointed with the recommendation and approval of the majority party.

This political history has been accompanied by a mutually beneficial economic relationship. The people of Puerto Rico have received many services from the Government of the United States and have benefited by grants-in-aid. Puerto Ricans have not been subject to the payment of taxes and have been entirely free of imposts, duties or any form of exactions for the support of the Federal Government. At all times since the turn of the century we have enjoyed free trade with the United States, and since 1917 we have had the benefit of common citizenship. Despite the fact that our population has grown from 953,000 inhabitants in 1900 to 2,219,000 in 1950, our standard of living has substantially increased. For example, the average per capita income in 1930 was $122.00 as compared with $319.00 in 1950.

The people of Puerto Rico have been keenly aware of our basic economic problems due to the density of population and the poverty of natural resources. We are proud of the progress that we have made and are continuing to make by the utilization of our own talents and our democratic institutions. This progress would have been impossible, however, if it had not been for the sympathetic cooperation of the United States, manifested in a wide variety of ways, material and political. We have been helped in building sounder social and educational bases for the exercise of our political rights and for our own economic advancement. Our joint efforts in combatting illiteracy and improving health conditions have produced remarkable results. In 1900 the literacy rate in Puerto Rico was 20 percent as compared to 75 percent in 1950; and in the same period the death rate has dropped from 25.3 per thousand to 10 per thousand.

Although the relationship was one of freedom and justice in practice, the people of Puerto Rico were not satisfied to remain in a status which appeared to reflect the imposition upon a people of the will of another community. We are proud of our culture and background, and we cherish our individual dignity and our common heritage. We profoundly believe that our government should be solidly based upon our own will and our own free choice. Accordingly, for some years, as our democratic institutions developed and became firmly established, the people considered and debated the matter of their status.

Specifically, the people of Puerto Rico discussed three choices: independence, statehood within the Federal Union, or association with the United States as a free Commonwealth. At no time did we consider that our choice was restricted, or that any alternative was foreclosed to us or could not be achieved by peaceful means; and it should be said that at no time did the United States attempt, directly or indirectly, to interfere with our choice. On the contrary, President Truman said in a message to the Congress as long ago as October 1945:

"It is the settled policy of this Government to promote the political, social, and economic development of people who have not yet attained full self-government and eventually to make it possible for them to determine their own form of government * * *. It is now time, in my opinion, to ascertain from the people of Puerto Rico their wishes as to the ultimate status which they prefer, and, within such limits as may be determined by the Congress, to grant to them the kind of government which they desire."

And in his message to the Congress in January 1946, he said,

"This Government is committed to the democratic principle that it is for the dependent peoples themselves to decide what their status shall be."

Each of the alternatives of independence, statehood, and association has been represented in Puerto Rico by a political party which favored it, and which actively campaigned for the support of the electorate and nominated candidates for the legislature and the governorship. In the 1948 elections the three alternatives were fully presented to the electorate by the three main political parties. The preference of the people, expressed in an election which was as democratic as any in the world, was unmistakably expressed in favor of the third alternative: a free Commonwealth associated with the United States on the basis of mutual consent. Their choice is aptly summed up in the Spanish name of the new body politic, "Estado Libre Asociado."

It was at the request of the officials of the Puerto Rican

government acting pursuant to the mandate of the people that the Congress of the United States initiated the series of actions which resulted in the creation of the Commonwealth. On July 3, 1950, the 81st Congress enacted Public Law 600. This was, in effect, an offer by the Congress to the people of Puerto Rico, which we might accept or reject, to enter into a compact defining the status of Puerto Rico and the relationships between the respective communities. The compact offered the people of Puerto Rico an opportunity to establish our own government and to remain in association with the United States on defined terms. It was the precise formula that the people, through their elected representatives, had requested.

According to its terms, Public Law 600 was submitted to the qualified voters of Puerto Rico in a referendum held on June 4, 1951 after months of intensive debate. The Law was accepted by the people of Puerto Rico by a vote of 387,016 to 119,169. Sixty-five percent of the eligible voters participated in the referendum. In this as in all elections in Puerto Rico, all citizens of at least 21 years of age, male or female, without property or literacy requirements, were entitled to vote.

After acceptance of Law 600, a Constitutional Convention was elected on August 27, 1951 in an election where all the qualified voters had the right to participate. The Convention met at San Juan on September 17, 1951 and proceeded to draft a Constitution. On February 6, 1952 it approved the Constitution of the Commonwealth of Puerto Rico which it had drafted, by a vote of 88 to 3. On March 3, 1952 the qualified voters of Puerto Rico again went to the polls to express approval or disapproval of the Constitution drafted by the Convention. The Constitution was ratified in this referendum by a vote of 373,594 in favor of approval and 82,877 against approval.

Pursuant to the provisions of the Compact, the Congress of the United States on July 3, 1952, approved the Constitution of the Commonwealth of Puerto Rico.[1] On July 11, 1952, the Constitutional Convention of Puerto Rico by resolution accepted amendments proposed by the Congress and took the final step in ratifying the Constitution of the Commonwealth. The Commonwealth was duly installed on July 25, 1952, and the flag of Puerto Rico was raised beside the flag of the United States.

The Commonwealth of Puerto Rico, therefore, represents the government that the people of Puerto Rico have freely adopted. It reflects our own decision as to the type of institutions and the kind of relationship to the United States which we desire. There can be no doubt that in the full sense of the term, in form as well as in fact, the people of Puerto Rico are now self-governing. We have chosen our institutions and relationship with the United States. We have determined the nature and distribution of the powers of government. We have created our own Constitution under which we established our own government, the nature of which is described in Article I, Section 2 of the Constitution as follows:

"The government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial and executive branches as established by this Constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico."

Under this Constitution, of course, all of our officials are either elected by the people or are appointed by officials whom we elect. The legislative power of the Commonwealth under the compact and the Constitution essentially parallels that of the state governments. The laws enacted by the Government of the Commonwealth pursuant to the compact cannot be repealed or modified by external authority, and their effect and validity are subject to adjudication by the courts. Our status and the terms of our association with the United States cannot be changed without our full consent.

The people of Puerto Rico are firm supporters of the United Nations, and this great organization may confidently rely upon us for a continuation of that good will. The Government of the Commonwealth of Puerto Rico will be ready at all times to cooperate with the United States in seeking to advance the purposes and principles of the United Nations.

Sincerely yours,

LUIS MUÑOZ MARIN
Governor
Commonwealth of Puerto Rico

[1] For President Truman's message to the Congress requesting approval of the Constitution, see BULLETIN of May 5, 1952, p. 721. For his statement on signing the joint resolution of approval, see *ibid.*, July 21, 1952, p. 91.

U. S. Delegations to International Conferences

U.N. Economic Commission for Latin America

The Department of State announced on April 9 (press release 179), that Merwin L. Bohan, U.S. representative on the Inter-American Economic and Social Council, had been designated acting U.S. representative for the fifth session of the U.N. Economic Commission for Latin America, which is to open on that date at the Hotel Quitandinha in Petropolis, Brazil.

The acting U.S. representative will be assisted by the following advisers:

Robert E. Asher, Office of Assistant Secretary for Economic Affairs, Department of State

James C. Carliss, Office of Regional Inter-American Affairs, Department of State

Edmund H. Kellogg, Office of U.N. Economic and Social Affairs, Department of State

Fred Burton Smith, Office of the General Counsel, Department of the Treasury

Mrs. Kathryn H. Wylie, agricultural economist, Latin American Division, Department of Agriculture

George Wythe, Office of International Trade, Department of Commerce

At its forthcoming session, the Commission will make an extensive survey of the current economic situation in Latin America. Among the subjects which will be considered in this connection are: trends in production and the rate of development; inflationary tendencies; trends in exports and imports; price movements of export commodities; payments problems—in particular, changes in the pattern of payments with reference to Europe; and problems of intra-regional trade. Of the several important background documents which will be used by the Commission in its consideration of these subjects, one relates to the possibility of effecting multilateral compensation agreements between Latin American and European countries through the facilities of the European Payments Union; another is the Resolution of the U.N. General Assembly on "Financing of Economic Development through the establishment of fair and equitable international prices for primary commodities and through the execution of national programmes of integrated economic development."

Congressional Record
United States of America
PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

House of Representatives

THE INTRODUCTION OF THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT -- HON. DON YOUNG (Extension of Remarks - February 27, 1997)

Mr. YOUNG of Alaska. Mr. Speaker, today, I'm pleased to introduce the United States-Puerto Rico Political Status Act (H.R. 856). This landmark legislation will end 100 years of uncertainty for the people of Puerto Rico and allow them to determine the political status for themselves and future generations.

The text of the legislation is identical to the updated version of the bill introduced as H.R.4281 in the 104th Congress on September 28, 1996. This bill reflects the efforts of many of my colleagues during the last 2 years to formulate a fair, clear, and complete process that will once and for all, provide for the final resolution of Puerto Rico's political status. This is the starting point in the process which is long overdue and the people of Puerto Rico deserve.

The Legislature of Puerto Rico has once again asked the Congress to take action to resolve Puerto Rico's political status. Two weeks ago, a bipartisan delegation from Puerto Rico personally delivered copies of the resolution, asking the 105th Congress--and I quote:

to respond to the Democratic aspirations of the American citizens of Puerto Rico in order to attain a process which will guarantee the prompt decolonization of Puerto Rico, through a plebiscite sponsored by the Federal Government, which shall be held no later than 1998.

This bill answers the Legislature's request by providing for a vote on Puerto Rico's political status before December 31, 1998.

As the only Representative from Alaska--a State that made the transition from territorial status to full self-government--I know first hand that the process does work. This bill provides the process by which Congress and the residents of Puerto Rico define and approve politically acceptable options through a multi-staged Democratic process. This allows for the political will of the United States and Puerto Rico to be determined freely and democratically.

The U.S. Congress and the President have a moral obligation to act so the people of Puerto Rico can finally resolve their status. We are taking action today by re-introducing the United States-Puerto Rico Political Status Act. Today marks the beginning of a historic effort by the Congress to actually solve Puerto Rico's political status.

I appreciate the strong bipartisan support for this legislation by such a large number of Members of Congress during the 104th Congress, and now in the 105th Congress. I particularly want to thank Speaker **Gingrich** for his involvement and support of this measure since its inception. Puerto Rico's delegate, Resident Commissioner **Carlos Romero-Barcelo,** has been working side-by-side with the sponsors of this bill, and his cooperation and leadership has been critical to this endeavor. My colleague from New York, **Jose Serrano,** has also been particularly supportive and helpful in this process. I also want to thank Chairman **Gallegly,** Chairman **Gilman,** Chairman **Burton,** Chairman **Pombo,** and Mr. **Kennedy** from Rhode Island for their outstanding efforts to address Puerto Rico throughout the 104th Congress; Chairman **Solomon** of the Rules Committee for his excellent work on the fast track procedures, as well as all the other distinguished co-sponsors for both political parties.

Resolving Puerto Rico's political status is a top priority of the Committee on Resources Oversight Plan for the 105th Congress. The leadership of the House also recognizes this as a matter of the highest priority.

To demonstrate the commitments of this Congress to act quickly on this matter, three hearings have been scheduled on this legislation. The first will be held in Washington, DC, on Wednesday, March 19, 1997 to enable the leaders of the Government of Puerto Rico and the political parties to express their views regarding their preferred status. I will also ask the Clinton administration to present their formal position regarding the legislation at this hearing. In addition, two hearings will be conducted in Puerto Rico , the first in San Juan on April 19 and the second in Mayaguez on April 21.

(House Concurrent Resolution 2)
CONCURRENT RESOLUTION

To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a process that guarantees the prompt decolonization of Puerto Rico by means of a plebiscite sponsored by the Federal Government, which must be held no later than 1998.

STATEMENT OF MOTIVES

As the present century draws to a close and a new millennium full of hope is about to begin, men of good will must act affirmatively to leave any colonial vestige behind them.

The United States of America has contributed to fundamental changes towards democracy and full participation in political processes in other countries, thus asserting the universal principles of human rights.

Just as the United States has successfully promoted democratic values in the international sphere, it is now appropriate for that nation to attend to the claims for full political participation of the 3.75 million American citizens of Puerto Rico.

On November 14, 1993, the Government of Puerto Rico supported a plebiscite on Puerto Rico's status. Three different political options were submitted to the People: Statehood, represented by the New Progressive Party; Independence, represented by the Puerto Rican Independence Party; and Commonwealth, represented by the Popular Democratic Party. This last option, redefined by its advocates, is based on a bilateral pact that cannot be revoked or amended unilaterally by Congress. It had the following essential elements: first, parity of founding with the states in federal assistance programs; second, tax exemption within the scope of the former Section 936 of the United States Internal Revenue Code, since repealed; and third, the power of the Commonwealth to impose tariffs on agricultural products imported into Puerto Rico. The Commonwealth option obtained 48.2% of the votes cast in the 1993 plebiscite, while Statehood obtained 46% and Independence, 4%. In a prior plebiscite, convoked by the Government of Puerto Rico in 1967, Commonwealth had obtained 60% of the votes, while Statehood obtained 37.8%.

On December 14, 1994, the Legislative Assembly of Puerto Rico approved Concurrent Resolution No. 62. By means of this Resolution, Congress was asked to state its opinion on the redefinition of Commonwealth mentioned above. If the elements of that redefinition were deemed not to be viable, Congress was requested to inform the people of Puerto Rico about which status options it would be willing to consider in order to resolve our colonial problem, and what procedural steps should be taken to this effect.

On February 29, 1996, the leaders of the United States House of Representatives Committee on Resources of the One Hundred Fourth Congress and its Subcommittee on Insular and Native American Affairs, together with the House Committee on International Relations and its Subcommittee on the Western Hemisphere, answered the People and the Legislative Assembly of Puerto Rico by means of a Statement of Principles, indicating the unfeasibility of accepting the redefinition of Commonwealth submitted in the 1993 plebiscite. These same Congressional leaders also expressed their interest in promoting Federal legislation so that the One Hundred Fourth Congress could expedite the steps to be followed in resolving the status problem of Puerto Rico. They fulfilled their pledge by submitting H.R. 3024 and S.R. 2019 with bipartisan support, for the purpose of responding to Concurrent Resolution No. 62, approved in 1994 by the Legislative Assembly of Puerto Rico.

On June 28, 1996 four Congressmen who are members of the Minority Delegation of the House of Representatives of the United States also responded to Concurrent Resolution No. 62, through a letter in which they stated that "it is clear that Puerto Rico remains a non-incorporated territory that is subject to the authority of Congress under the Territorial Clause. . .", thus upholding the conclusions set forth in the February 29, 1996 letter, mentioned above.

Barely a month later, on July 11, 1996, eleven Congressmen belonging to the Minority Delegation of the House of Representatives of the United States sent a letter to the Minority Leader of the House, stating their total support of H.R. 3024, which had been presented to that body in response to Concurrent Resolution No. 62.

The Subcommittee on Insular and Native American Affairs of the United States House of Representatives, exercised primary jurisdiction over the matters set forth in Concurrent Resolution No. 62. While studying and approving H.R. 3024 on June 12, 1996, the Subcommittee considered proposals-----rejected until then-------for the adoption of the redefinition of Commonwealth, either as included in the 1993 plebiscite ballot or, as an alternative, the non binding and never-adopted definition presented in a 1990 legislative report to the United States House of Representatives on the status of Puerto Rico. Both proposals on Commonwealth were overwhelmingly defeated in votes of ten to one for the first, and eight to one, for the second.

On June 26, 1996, the House Committee on Rules adopted House Report 104-713, Part 2, which endorsed well-founded provisions for the purpose of facilitating congressional consideration of the measures that responded to the results of the self-determination process, as contemplated in H. R. 3024, which set forth a 3-stage decision-making process, with periodic referenda in the event of an inconclusive result in any of the stages.

We recognize that substantial progress was achieved during the One Hundred Fourth Congress in establishing a federal policy to promote the decolonization of Puerto Rico. But today, at the commencement of the work of the One Hundred Fifth Congress, the reality of the situation is that after almost a century during which Puerto Rico has been under the sovereignty of the United States, the Federal Government has never approved or implemented specific measures geared to promoting a process in a conclusive, binding manner, by which the American citizens of Puerto Rico may democratically express their wishes regarding their final political status.

We also recognize that even though important votes on the political status in Puerto Rico were carried out in 1967 and 1993 under the auspices of the Government of Puerto Rico, other voting events will be required in order to resolve the status question once and for all; and that Congress has still not defined the interests and responsibilities of the Federal Government regarding that process.

The need to resolve Puerto Rico's political status persists. It must be carried out by means of an effective and enlightened process, whose legitimacy is acceptable to Congress, acting in the exercise of the sovereignty of the United States over Puerto Rico, pursuant to the full powers granted under the Territorial Clause of the Constitution of the United States, Article IV, Section 3, Clause 2 and which enables the People of Puerto Rico to achieve a sovereign political status through realistic and decolonizing alternatives.

Following the plebiscites carried out by local initiative in 1967 and 1993 and the corresponding results, the Congress of the United States has refused to accept and implement as permanent and binding the definition of Commonwealth that was presented to the voters in 1993. As a result, we must establish a process based on options defined in such a way that both Congress and the American citizens of Puerto Rico recognize that a choice based upon perpetuating the lack of political suffrage and the subordination to the plenary powers of Congress under the Territorial Clause does not represent the best interests of the residents of Puerto Rico nor the rest of the United States.

The final, permanent status of Puerto Rico should be consistent with the democratic principles of freedom, human rights and the goals of political, economic and social development that constitute the legacy of a century in which the political status of Puerto Rico has evolved within the flexibility allowed under the American constitutional framework. Although historical forces have caused the ongoing evolution of Puerto Rico towards self-determination to be delayed at sometimes and accelerated at others, now is the time to take the final step. This historic moment requires the adoption of measures that are carefully pondered yet decisive, in order to solve the political status of Puerto Rico by the beginning of a new century and a new millennium.

In 1998 Puerto Rico must not complete one hundred years of colonialism under the American flag without at least being in an irreversible, inevitable process of decolonization.

BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.-To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a means of guaranteeing the prompt decolonization of Puerto Rico through a plebiscite sponsored by the Federal Government, to be held no later than 1998.

Section 2.-It is hereby ordered that this Concurrent Resolution be delivered to all members of the Congress of the United States of America, to the President, the Hon. William J. Clinton, and to the Secretary General of the United Nations.

Section 3.-The Speaker of the House of Representatives and the President of the Senate of Puerto Rico are hereby authorized to designate a Special Joint Committee made up of legislators from the three political parties of Puerto Rico, for the sole purpose of personally delivering the text of this Concurrent Resolution to the Speaker of the House Representatives and the President Pro-Tempore and the Majority Leader of the Senate, and to the leaders of the Minority delegations of the Congress.

Section 4.-This Concurrent Resolution shall take effect immediately after its approval.

President of the Senate
Charlie Rodriguez

Speaker of the House
Edison Misla-Aldarondo

(Approved January 23, 1997)

PRESS RELEASE

Committee on Resources
Don Young, Chairman

U.S. House of Representatives, Washington, D.C. 20515 • (202) 225-7749 or 225-2761 • Fax (202) 226-4631

Contact: Steve Hansen, Communications Director
Internet: SHANSEN@HR.HOUSE.GOV

To: National Desk/International Affairs Reporter
March 14, 1997

Governor, Party Leaders & Clinton Administration To Testify At "United States-Puerto Rico Political Status Act" Hearing

Washington, D.C. - The Governor of Puerto Rico, leaders of the island's three main political parties, and a Clinton Administration official will testify at next Wednesday's Congressional hearing on the *"United States-Puerto Rico Political Status Act."*

The House Committee on Resources hearing is scheduled to begin at **11 a.m. Wednesday, March 19th, in 1324 Longworth HOB**.

The bipartisan legislation (H.R. 856) will provide the framework for a three-stage process for the resolution of the political status of the Commonwealth of Puerto Rico.

Under the new legislation, the three alternatives for Puerto Rico would be:

1) Commonwealth
2) Separate Sovereignty
3) Statehood

Witness List

- ***The Honorable Pedro Roselló***, Governor of Puerto Rico
- ***The Honorable Ruben Berrios-Martinez***, President of the Puerto Rican Independence Party
- ***The Honorable Anibal Acevedo Vilá***, President of the Popular Democratic Party
- ***The Honorable Luis A. Ferré***, President of the New Progressive Party
- ***Mr. Jeffrey Farrow***, Co-Chairman of the Interagency Working Group on Puerto Rico, U.S. Department of Commerce

H.R. 856 Responds To Legislative Request

H.R. 856 responds to the passage of House Concurrent Resolution 2 by the Puerto Rico Legislature on January 23, 1997 requesting that Congress authorize "a plebiscite sponsored by the

Federal Government, to be held no later than 1998." The Puerto Rico Resolution was officially presented to Congressional leaders in February by a delegation of Puerto Rico House and Senate Members.

The prime sponsors of the legislation are:
- **U.S. Rep. Don Young (R-Alaska)**, Chairman of the House Committee on Resources
- **House Speaker Newt Gingrich (R-GA)**
- Puerto Rico's Democrat Resident Commissioner **Carlos Romero-Barceló**
- **Rep. Elton Gallegly (R-CA)**
- **Rep. Dan Burton (R-IN)**
- **Rep. Ben Gilman (R-NY)**
- **Rep. Bill McCollum (R-FL)**
- **Rep. José E. Serrano (D-NY)**
- **Rep. Patrick Kennedy (D-RI)**
- and about 70 other Members.

Committee To Hold Two Hearings In Puerto Rico

Chairman Young said two hearings on the legislation will be held in Puerto Rico in April.

- **April 19th** **San Juan**
- **April 21st** **Mayaguez**

The time and location of the two Puerto Rico hearings will be announced in early April.

For more information, please check the House Committee on Resources Home Page at http://www.house.gov/resources/

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PRESS RELEASE

Committee on Resources
Don Young, Chairman
U.S. House of Representatives, Washington, D.C. 20515 • (202) 225-7749 or 225-2761 • Fax (202) 226-4631

Contact: Steve Hansen, Communications Director
Internet: SHANSEN@HR.HOUSE.GOV

To: National Desk/International Affairs Reporter
March 7, 1997

Young Announces Witness Procedure For Puerto Rico Political Status Act Hearings In San Juan & Mayaguez

Washington, D.C. - U.S. Rep. Don Young (R-Alaska) today announced the procedure by which people seeking to testify at the hearings on the *United States-Puerto Rico Political Status Act* (H.R.856) in Puerto Rico in April should follow.

Young said witness requests for the hearings in San Juan on April 19 or Mayaguez on April 21 must be received by March 31, 1997, and include the following information:

1) The person's political status preference among the following:
- Commonwealth (Estado Libre Associado);
- Separate Sovereignty; or
- Statehood

2) Name of requestor and organization;

3) Number of people they represent; and

4) Location of the hearing they wish to participate - San Juan or Mayaguez.

Witness requests must be received in Washington, D.C. by March 31, 1997, and may be submitted in the following manner:

By FAX: **(202) 225-7094**

By e-mail: **RESOURCES.COMMITTEE@MAIL.HOUSE.GOV**

By mail: **Committee on Resources**
1324 Longworth House Office Building
Washington, D.C. 20515

Those invited to appear will be notified regarding the submission of their formal statements. All

other requestors will still be able to submit their statement for inclusion in the official Committee hearing file.

The text of the *United States-Puerto Rico Political Status Act*, H.R.856, and related background information is available at the Committee on Resources Home Page at:

www.house.gov/resources/

For more information, please check the House Committee on Resources Home Page at http://www.house.gov/resources/

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PRESS RELEASE

Committee on Resources
Don Young, Chairman
U.S. House of Representatives, Washington, D.C. 20515 • (202) 225-7749 or 225-2761 • Fax (202) 226-4631

Contact: Steve Hansen, Communications Director
Internet: SHANSEN@HR.HOUSE.GOV

To: National Desk/International Affairs Reporter
March 3, 1997

Puerto Rico's Party Leaders Asked To Submit Political Status Definition Language To Congress;

Commonwealth, Independence & Statehood Parties Officially Contacted By Congress

Washington, D.C. - The leaders of Puerto Rico's three political parties were officially requested today to submit legislative language for their political status options which will be considered during future committee deliberations of the bi-partisan "United States-Puerto Rico Political Status Act" (H.R. 856).

U.S. Rep. Don Young (R-Alaska), the prime sponsor of the H.R. 856, and **U.S. Rep. George Miller (D-CA)**, a co-sponsor of the legislation requested the political status definitions in letters to the party leaders *(See Page 2)*.

Young is the Chairman of the U.S. House Committee on Resources, which has jurisdiction over territorial issues, and Miller is the Committee's Ranking Democrat Member.

Young and Miller requested that the party leaders submit their status definitions by March 31, 1997.

The letters were sent to:
* ***Puerto Rico Governor, Dr. Pedro Rosselló, the President of the New Progressive Party***
* ***Puerto Rico Senator Ruben Berrios-Martinez, President of the Puerto Rican Independence Party***
* ***Mr. Anibal Acevedo Vilá, President of the Popular Democratic Party***

Legislation Seeks Resolution To 100-Year-Old Issue

Last week, Young's bi-partisan legislation which will begin the process for a final decision on the political status of the Commonwealth of Puerto Rico, was introduced in the U.S. House. "The United States-Puerto Rico Political Status Act" will allow the people of Puerto Rico to decide the future of their island among 1) Commonwealth, 2) Separate Sovereignty, or 3) Statehood.

Young said that under the U.S. Constitution and applicable principles of international law, the

recognized options for full self-government in H.R. 856 are:

1) Independence;
2) Separate sovereignty in free association with the United States; and
3) Full integration into the United States leading to statehood.

Text Of Letter To Puerto Rico's Leaders

The following is the text of the letter which was sent to the respective party leaders:

On February 27, 1997, the "United States-Puerto Rico Political Status Act" was introduced in the House of Representatives, the text being identical to H.R. 4281, as introduced on September 28, 1996. During the next several weeks, the House Committee on Resources will hold hearings to solicit comments and testimony on the provisions of the bill from interested parties.

A critical aspect of this legislation are the definitions of the status options to be placed on the ballot and Congress is ultimately responsible for crafting the definition which will be contained in the bill. There is no purpose in presenting to the people of Puerto Rico a status definition which does not represent an option that the Congress will be willing to ratify should it be approved in a plebiscite.

As the president of one of the three major political parties in Puerto Rico, we request that you submit to the Committee on Resources the definition which you believe would be most appropriate for the status option you support. We assure you that your specific definition regarding your status preference will be presented to all of the Committee Members for consideration at the time of mark-up, and will include a vote by the Committee if that is your desire. In order for the Committee deliberations to proceed in a timely manner, all definitions must be received by the Committee by Monday, March 31, 1997.

During this same period, the three political parties will be invited to appear before the Committee at the first hearing of the Committee in Washington, on March 19, 1997, to present their views on all sections of the bill, including the various procedural and operational aspects of the proposed referendum and status preference. However, as stated above, your specific legislative status definition for the subsequent markup may be submitted up to the end of March.

You will receive a separate letter regarding the hearing and the submission of a statement. As also announced, subsequent hearings in San Juan and Mayaguez in April will permit others in Puerto Rico to express their views regarding their preferred relationship with the United States.

If you have any questions regarding this invitation, please do not hesitate to contact us personally or T.E. Manase Mansur of the Majority staff at (202) 226-7400 or Marie Howard Fabrizio of the Democratic staff at (202) 226-2311. We look forward to your participation and to enactment of a fair and definitive bill concerning Puerto Rico's future status this year.

Sincerely,

DON YOUNG
Chairman

GEORGE MILLER
Senior Democratic Member

 Page 3

Three Hearings Already Scheduled

Young said Congressional hearings are proceeding toward the following dates:
* **March 19th in Washington, D.C.**
* **April 19th in San Juan, Puerto Rico**
* **April 21st in Mayaguez, Puerto Rico**

Among the 60 co-sponsors of Young's legislation are:
* ***House Speaker Newt Gingrich (R-GA)***
* ***Puerto Rico's Democrat Resident Commissioner Carlos Romero-Barceló***
* ***Majority Whip Tom DeLay (R-TX)***
* ***Rep. Benjamin Gilman (R-NY)*, Chairman, International Relations Committee**
* ***Rep. Elton Gallegly (R-CA)*, Chairman, Subcommittee on Western Hemisphere**
* ***Rep. Dan Burton (R-IN)*, Chairman, Government Reform and Oversight**
* ***Rep. John Lewis (D-GA), Chief Deputy Democrat Whip***
* ***Rep. George Miller (D-CA), Ranking Democrat, House Resources Committee***
* ***Rep. José E. Serrano (D-NY)***
* ***Rep. Patrick Kennedy (D-RI)***

For more information, please check the House Committee on Resources Home Page at http://www.house.gov/resources/

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PRESS RELEASE

Committee on Resources
Don Young, Chairman
U.S. House of Representatives, Washington, D.C. 20515 • (202) 225-7749 or 225-2761 • Fax (202) 226-4631

Contact: Steve Hansen, Communications Director
Internet: SHANSEN@HR.HOUSE.GOV

To: National Desk/International Affairs Reporter
February 26, 1997

Puerto Rico Political Status Act Introduced In U.S. House;
Statehood, Commonwealth Or Separate Sovereignty Options To Be Determined

Washington, D.C. - Bi-partisan legislation which will begin the process for a final decision on the political status of the Commonwealth of Puerto Rico was introduced in the U.S. House of Representatives this afternoon.

"The United States-Puerto Rico Political Status Act" will allow the people of Puerto Rico to decide the future of their nation. The Puerto Rican people will decide upon 1) Statehood, 2) Commonwealth, or 3) Separate Sovereignty **(see Page 3)**.

"This landmark legislation will end 100 years of uncertainty for the people of Puerto Rico and allow then to determine the political status for themselves and future generations," **U.S. Rep. Don Young (R-Alaska)** said at today's press conference announcing the introduction of the legislation.

"This legislation is the starting point in the process which is long overdue - and the people of Puerto Rico deserve," Young said.

Legislation Has Bipartisan Support

Young is the prime sponsor of the legislation and the Chairman of the U.S. House Committee on Resources, which has jurisdiction over U.S. territories.

Among the 60 co-sponsors of the legislation are:
* ***House Speaker Newt Gingrich (R-GA)***
* ***Puerto Rico's Democrat Resident Commissioner Carlos Romero-Barceló***
* ***Rep. Benjamin Gilman (R-NY)*, Chairman, International Relations Committee**
* ***Rep. Elton Gallegly (R-CA)*, Chairman, Subcommittee on Western Hemisphere**
* ***Rep. Dan Burton (R-IN)*, Chairman, Government Reform and Oversight**
* ***Rep. José E. Serrano (D-NY)***
* ***Rep. Patrick Kennedy (D-RI)***

Similar legislation was unanimously approved by Resources Committee last year.

Page 2

Historic Process Begins For Puerto Rico & United States

"Today, we begin the historic process by which the people of Puerto Rico will finally be allowed to decide the political status of their island," Young said. "After 100 years of uncertainty and being treated as second-class people, the Congressional process has begun which will determine the political status of Puerto Rico.

"This legislation will create, for the first time in a century of U.S. administration, a Congressionally recognized framework for the people of Puerto Rico to freely express their wishes regarding the options for full self-government."

Puerto Rico Legislature Requested Congressional Action

Young noted that the Legislature of Puerto Rico has once again asked the Congress to take action to resolve Puerto Rico's political status. Two weeks ago, a bipartisan delegation from Puerto Rico personally delivered copies of the Resolution to Congressional leaders, asking the 105th Congress:

"to respond to the democratic aspirations of the American citizens of Puerto Rico in order to attain a process which will guarantee the prompt decolonization of Puerto Rico, through a plebiscite sponsored by the Federal Government, which shall be held no later than 1998."

Young said the new legislation answers the Legislature's request by providing for a vote on Puerto Rico's political status before December 31, 1998.

"As the only representative from Alaska - a state that made the transition from territorial status to full self-government - I know first hand that the process does work," Young said. "This bill provides the process by which Congress and the residents of Puerto Rico define and approve politically acceptable options through a multi-staged democratic process. This allows for the political will of the United States and Puerto Rico to be determined freely and democratically.

"The United States Congress and the President have a moral obligation to act so the people of Puerto Rico can finally resolve their status. Today marks the beginning of a historic effort by the Congress to actually solve Puerto Rico's political status."

Quick Action Planned For Legislation . . .
Three Hearings Already Scheduled

Young said Speaker Gingrich and the Republican House leadership was strongly supportive of the legislation.

"To demonstrate the commitment of this Congress to act quickly on this matter, three hearings have been scheduled on this legislation," Young said. "The first will be held in Washington, D.C., on Wednesday, March 19, 1997 to enable the leaders of the Government of Puerto Rico and the political parties to express their views regarding their preferred status. I will also ask the Clinton Administration to present their formal position regarding the legislation at this hearing.

"In addition, two hearings will be conducted in Puerto Rico, the first in San Juan on April 19th and the second in Mayaguez on April 21st. These hearings will be dedicated to allow Congress to hear directly from the widest possible spectrum of views of the people of Puerto Rico. No proposal or idea

will be excluded from the process, but we intend for Congress to work its will on this question in 1997.

"This is what the people of this nation, including our fellow citizens in Puerto Rico, deserve from the 105th Congress, and in my view that is what the national interest requires us to do."

The Process For Full Self-Government For Puerto Rico

Young said that under the U.S. Constitution and applicable principles of international law, the recognized options for full self-government are:

1) Independence;
2) Separate sovereignty in free association with the United States; and
3) Full integration into the United States leading to statehood.

"After 400 years of colonial rule by Spain, it should not have taken the United States almost 100 years to define the options for full and permanent self-government for Puerto Rico," Young said.

The legislation provides three stages which would lead to full self-government:

1) The Initial Decision Stage provides for a status referendum to be conducted in Puerto Rico before the end of 1998 in which voters choose:

a) Continued Commonwealth status as a U.S. territory or

b) Separate Puerto Rican sovereignty leading to independence or free association or, U.S. sovereignty leading to statehood.

If a majority votes to continue the current "Commonwealth" structure for local self-government, there is no further action until another referendum on the same question is held in four years.

2) If a majority votes for full self-government, the **Transition Stage** begins within 180 days after the referendum with the President submitting legislation to Congress for a Transition Plan of 10 years toward the option selected by Puerto Rican voters. In the event of a majority vote for separate sovereignty, the Puerto Rico constitutional convention will be held to determine the type of separate sovereignty, independence or free association sought by the Puerto Rican people.

After expedited procedures and enactment of the Transition Plan by Congress, another referendum is conducted in Puerto Rico for approval or disapproval of the Transition Plan. If the plan is defeated, the existing Commonwealth of Puerto Rico government structure will continue. The President is then directed to consult with the leaders of Puerto Rico and submit recommendations to Congress. If the plan is approved, the transition period begins through a Presidential Executive Order.

3) The Implementation Stage begins at least two years prior to the end of the Transition Plan, with the President submitting to Congress a legislative proposal to implement the full self-government option. After expedited procedures and enactment of the Implementation Plan by Congress, a third referendum is held in Puerto Rico to approve the plan. If the plan is defeated, the then existing Commonwealth of Puerto Rico government structure will continue. The President is then directed to consult with the leaders of Puerto Rico and submit recommendations to Congress. If the plan is approved, the full self-government option would be implemented based on a Presidential proclamation.

SUMMARY OF THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT
"A Bill to provide a process leading to full self-government for Puerto Rico."

The *United States-Puerto Rico Political Status Act* resolves Puerto Rico's political status through a self-determination process for full self-government. Puerto Rico is authorized to choose between three choices:

•**Commonwealth** •**Separate Sovereignty** •**Statehood**

A Final Status is Attained in Ten or More Years in Measured Stages:

The Initial Decision Stage provides for a status referendum in Puerto Rico before the end of 1998 in which voters chose between:

A) a **Commonwealth** structure for local self-government as a U.S. territory;
B) **Separate Sovereignty** leading to independence or free association; or
C) **Statehood** leading to equal standing as a State of the Union.

The Transition Stage begins with a majority vote for one of the status choices for full self-government (separate sovereignty or statehood)*. Within 180 days of the referendum, the President submits to Congress a Transition Plan of ten years minimum for the status selected by the Puerto Rican voters.
Once the Transition Plan is approved by Congress through expedited procedures, it is submitted to the voters of Puerto Rico for ratification. If approved, the transition period begins by Presidential order. If the plan is rejected, the President is directed to consult with the leaders of Puerto Rico and submit recommendations to Congress.

The Implementation Stage begins at least two years prior to the end of the Transition Plan. The President submits to Congress an Implementation Plan to fulfill the status choice of the people of Puerto Rico at least two years before the transition period expires.
Once the Implementation Plan is approved by Congress through expedited procedures, it is submitted to the voters of Puerto Rico for ratification. If the is plan approved, the final status is implemented by Presidential proclamation. If implementation is defeated, the President submits recommendations to Congress after consultations with the leaders of Puerto Rico.

No New Federal Funds are Required by Status Process

Funding for the referenda and voter education is provided through the cover-over of existing federal excise taxes on foreign rum which go to the Puerto Rico Treasury. The necessary amounts for conducting the referenda and voter education are identified by the President and made available to Puerto Rico. The Government of Puerto Rico then makes grants in the amounts and purposes identified to the State Elections Commission of Puerto Rico.

*If a majority of the voters indicate they are not in favor of one of the options for full self-government (separate sovereignty or statehood), the same question is voted on once every four years. This allows the people of Puerto Rico to continue the existing Commonwealth structure for local self-government as an unincorporated territory, until a majority are ready and satisfied with the terms of full self-government. The periodic referenda requirement insures the integrity of the purpose of the bill, *"to provide a process leading to full self-government for Puerto Rico."*

Chronology for Implementing the *United States-Puerto Rico Political Status Act*

Action by Congress, the President, or the people of Puerto Rico	Projected Date
Congressional enactment of the United States-Puerto Rico Political Status Act before the end of	1997
Initial Decision Referendum by the people of Puerto Rico on the choice between Commonwealth, separate sovereignty, or statehood, to be held no later than	12/31/98
President submits Transition Plan legislation for full self-government to Congress within 180 days of referendum	6/30/99
Congressional enactment of Transition Act to full self-government within 180 days of receipt of President's proposal	12/31/..
Transition Act Referendum by the people of Puerto Rico on approval of Transition Act within 180 days of referendum	6/30/00
Presidential proclamation begins the Transition toward full self-government	July, 2000
President submits Implementation legislation to Congress 2 years prior to end of Transition period	July, 2008
Congressional enactment of Implementation Act for full self-government for Puerto Rico within 180 days of receipt of President's proposal	6/30/09
Implementation Act Referendum by the people of Puerto Rico on approval of Implementation Act within 180 days of enactment	12/31/09
Presidential proclamation implementing full self-government for Puerto Rico	July, 2010

Language provisions of the 1997 *United States-Puerto Rico Political Status Act*
(The same provisions in H.R. 4281 of September 28, 1996)

POLICY
3.(b) OFFICIAL LANGUAGE - It is the policy of the Congress that English shall be the common language of mutual understanding in the United States, and that this policy shall apply in all of the States duly and freely admitted to the Union. The Congress recognizes that at the present time, Spanish and English are the joint official languages of Puerto Rico, and have been for nearly 100 years; that English is the official language of Federal courts in Puerto Rico; that the ability to speak English is a requirement for Federal jury services; yet Spanish rather than English is currently the predominant language used by the majority of the people of Puerto Rico; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico. In the event that the referenda held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English would become the official language of the Federal Government in Puerto Rico to the same extent as Federal law then requires throughout the United States. Congress also recognizes the significant advantage that proficiency in Spanish as well as English has bestowed on the people of Puerto Rico, and further that this will serve the best interests of both Puerto Rico and the rest of the United States in our mutual dealing in the Caribbean, Latin America, and throughout the Spanish-speaking world.

INITIAL DECISION STAGE
STATEHOOD BALLOT DEFINITION
4(2)(C) "(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies.".

TRANSITION STAGE-
4(b)(1)(C) Additionally, in the event of a vote in favor of United States sovereignty leading to Statehood, the President shall include in the transition plan provided for in this Act, proposals and incentives to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English fully, including but not limited to, the teaching of English in public schools, fellowships, and scholarships. The transition plan should promote the usage of English by the United States citizens of Puerto Rico, in order to best allow for-

(i) the enhancement of the century old practice of English as an official language of Puerto Rico, consistent with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines;

(ii) the use of language skills necessary to contribute most effectively to the Nation in all aspects, including but not limited to Hemispheric trade, and for citizens to enjoy the full rights and benefits of their citizenship;

(iii) the promotion of efficiency and fairness to all people in the conduct of the Federal and State government's official business; and

(iv) the ability of all citizens to take full advantage of the economical, educational, and occupational opportunities through full integration with the United States.

Ballot language for the Initial Decision Stage Referendum on Puerto Rico's political status per the 1997 *United States-Puerto Rico Political Status Act* [as in H.R. 4281, Section 4(a)]:

Instructions:
Mark the status option you choose as each is defined below. Ballots with more than one option marked will not be counted.

"A. COMMONWEALTH– If you agree, mark here _____

"Puerto Rico should retain Commonwealth, in which–

"(1) Puerto Rico continues the present Commonwealth structure for self-government with respect to internal affairs and administration;

"(2) Provisions of the Constitution and laws of the United States apply to Puerto Rico as determined by Congress;

"(3) Puerto Rico remains a locally self-governing unincorporated territory of the United States;

"(4) Continuation or modification of current Federal law and policy applicable to Puerto Rico remains within the discretion of Congress, including, application of Federal tax measures and English language requirements; and

"(5) The ultimate status of Puerto Rico will be determined through a process authorized by Congress which includes self-determination by the people of Puerto Rico in periodic referenda.

"B. SEPARATE SOVEREIGNTY–If you agree, mark here_____

"Puerto Rico should become fully self-governing through separate sovereignty leading to independence or free association, in which–

(1) Puerto Rico is a sovereign nation with full authority and responsibility for its internal and external affairs and has the capacity to exercise in its own name and right the powers of government with respect to its territory and population;
(2) a negotiated treaty of friendship and cooperation, or an international bilateral pact of free association terminable at will by either Puerto Rico or the United States, defines future relations between Puerto Rico and the United States, providing for cooperation and assistance in matters of shared interest as agreed and approved by Puerto Rico and the United States pursuant to this Act and their respective constitutional processes;
(3) a constitution democratically instituted by the people of Puerto Rico, establishing a republican form of full self-government and securing the rights of citizens of the Puerto Rican nation, is the supreme law, and the Constitution and laws of the United States no longer apply in Puerto Rico;
(4)The people of Puerto Rico owe allegiance to the sovereign nation of Puerto Rico and have the nationality, and citizenship thereof, United States sovereignty, nationality, and citizenship in Puerto Rico is ended; birth in Puerto Rico and relationship to persons with statutory United States citizenship by birth in the former territory are not bases for United States nationality or citizenship, except that persons who had such United States citizenship have a statutory right to retain United States nationality and citizenship for life, by entitlement or election as provided by the United States Congress, based on continued allegiance to the United States: *Provided*, That such persons will not have this statutory United States nationality and citizenship status upon having or maintaining allegiance, nationality, and citizenship rights in any sovereign nation other than the United States;
(5) upon recognition of Puerto Rico by the United States as a sovereign nation and establishment of government-to-government relations on the basis of comity and reciprocity, Puerto Rico's representation to the United States is accorded full diplomatic status;
(6) Puerto Rico is eligible for United States assistance provided on a government-to-government basis, including foreign aid or programmatic assistance, at levels subject to agreement by the United States and Puerto Rico;
(7) property rights and previously acquired rights vested by employment under laws of Puerto Rico or the United States are honored, and where determined necessary such rights are promptly adjusted and settled consistent with government-to-government agreements implementing the separation of sovereignty; and
(8) Puerto Rico is outside the customs territory of the United States, and trade between the United States and Puerto Rico is based on a treaty.

"C. STATEHOOD–If you agree, mark here_____

"Puerto Rico should become fully self-governing through United States sovereignty leading to statehood, in which–

(1) The people of Puerto Rico are full self-governing with their rights secured under the United States Constitution, which is the supreme law and has the same force and effects as in the other States of the Union;
(2) the sovereign State of Puerto Rico is in permanent union with the United States, and powers not delegated to the Federal Government or prohibited to the States by the United States Constitution are reserved to the people of Puerto Rico or the State Government;
(3) United States citizenship of those born in Puerto Rico is guaranteed, protected and secured in the same way it is for all United States citizens born in the other States;
(4) residents of Puerto Rico have equal rights and benefits as well as equal duties and responsibilities of citizenship, including payment of Federal taxes, as those in the several States;
(5) Puerto Rico is represented by two mem. the United States Senate and is represented in t. House of Representatives proportionate to the population;
(6) United States citizens in Puerto Rico are enfranchised to vote in elections for the President and Vice President of the United States; and
(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies.

United States of America

Congressional Record

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Vol. 142 WASHINGTON, MONDAY, SEPTEMBER 30, 1996 No. 138

House of Representatives

THE UPDATED UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the updated United States-Puerto Rico Political Status Act, H.R. 4281, which contains provisions regarding the role of language in Federal and local law as developed in consultation with the Republican Policy Committee during our deliberations on H.R. 3024 regarding English.

I want to thank Members of the House Leadership, including key chairmen from various committees, for contributing their time and energy at this hectic point of the Congress in forging a consensus regarding the need for the Congress to consider this important measure affecting the people of Puerto Rico. I particularly want to commend Mr. CHRISTOPHER COX, Chairman of that Committee, for bringing to bear his considerable expertise and providing intellectual leadership in seeking the kind of compromise that could and should have been reached.

It was just yesterday, on Friday, September 27, that I introduced H.R. 4228, a version of the United States-Puerto Rico Political Status Act with proposed revisions we had hoped would provide a bcsis for final agreement on this legislation. It was expected that we then would take the revised bill to the floor of the House for a vote in the form of an amended H.R. 3024: the original bill providing for resolution of Puerto Rico's status through a Congressionally prescribed process of self-determination.

Although overwhelming approval of H.R. 3024 by the House was at hand, key sponsors of H.R. 3024 were not willing to go to the floor and ask for its approval without making a one-word change that would have brought the proposed revisions within the boundaries of limited government, rule of law and constitutionality. I had agreed to include the amendments as proposed in H.R. 4228 in order to move the process forward and try to resolve differences about the bill, and I stood by that commitment. But it became clear that unless there was a correction of one word the bill would not meet the most minimal test of constitutionality, and many of the bill's strongest supporters felt that was an unacceptable way to proceed.

To be specific, Section 4(b)(C)(7) of the amendments as proposed would impose a requirement that English be the exclusive language of instruction in public schools in Puerto Rico should it become a state. Although the Congressional Research Service had provided a written legal opinion to the author of this provision on July 31, 1996, concluding on the basis of Coyle v. Smith (221 U.S. 559) that this provision would not withstand even the lowest standard of constitutional scrutiny, its inclusion was insisted upon.

The commitment of the 104th Congress to English as our national language could have been carried out in the context of self-determination for Puerto Rico by simply changing the word "the" in the last sentence of Section 4(a)(C)(7) to the word "a," which would have been consistent with the use of the word "an" instead of "the" in the preceding sentence. This imprecision and inconsistency, coupled with the failure to address a valid constitutional question, led to inability of several Members to concur in the process that would have been required to bring the matter before the House.

The sponsors of this bill had wanted to see it approved by the House prior to the adjournment of the 104th Congress because we felt that we had a commitment to do all within our means to implement the principles set forth in a February 29, 1996, response to Legislature of Puerto Rico Resolution 62 of November 14, 1994, asking the 104th Congress to establish constitutionally valid political status definitions for Puerto Rico. However, the desire to get our work done in a timely way, out of respect for the elected legislature in Puerto Rico and commitment to resolution of the status of 3.7 million U.S. citizens, was not seen by key Members as sufficient cause to ignore a constitutional flaw in the language, especially one that so easily and reasonably could have been corrected.

I believe in limits on Federal power, and I believe in the 10th Amendment reservation of rights to the States and to the people. I took an oath of office to uphold the Constitution, to protect and defend it, and while I was willing to introduce H.R. 4228 as I agreed to do in order to move this bill forward through the process, it was not acceptable to the sponsors of the bill to knowingly ignore a constitutional infirmity.

I am as ready as anyone to vote for a law that I believe to be constitutional even though I know it will be tested and may be struck down as a result of judicial review. That is how our constitutional system works. But that is not what this problem was all about. Here we were faced with a proposal to impose of the U.S. citizens of Puerto Rico, should they choose and should Congress grant admission to the union, a requirement that Congress has never imposed on any other State.

Making clear the determination and commitment of Congress regarding English as the official language of the Federal government in Puerto Rico should it become a State, and regarding continuation of the current law in Puerto Rico making English an official language, is something we could have worked out as the legislation moved forward. Those provisions were acceptable at this stage and could have been refined. But the imposition of a Federal requirement that violates the 10th Amendment and would discriminate against U.S. citizens in a future State of Puerto Rico has an almost coercive or even punitive dimension that should not be part of a democratic self-determination process.

It is bad enough that U.S. citizens residing in Puerto Rico do not have equal rights under the current territorial clause status. To suggest that inequality would continue if Congress admits Puerto Rico as a State is something to which the sponsors of this legislation would not be a party. With statehood comes equal protection and due process rights which Congress cannot take away, and the proposal to deny a future State of those rights knowing that such denial is constitutionally impermissible can only have the effect of confusing rather than clarifying the choices before Congress and the voters in the territory.

Ironically, the provision imposing English language as the exclusive language of public instruction would be constitutionally plausible if it were imposed on the Commonwealth of Puerto Rico in an exercise of the territorial clause of Congress at the present time. Only as a State or a separate nation will Puerto Rico be constitutionally protected from the degree of Congressional discretion that exists under our Constitution with respect to unincorporated territories such as Puerto Rico. A constitutionally guaranteed status subject to the same limitations on Federal powers as other States enjoy, or a status governed by the law of nations and treaties between sovereign countries, are the options that would enable the people of Puerto Rico to protect and preserve their language and their culture.

Only the current status leaves the residents of Puerto Rico, with their current less than equal statutory citizenship rights and impermanent political status, vulnerable to the broad discretion of a future Congress, which will not be bound legally or politically by whatever status arrangement may exist today. These are the realities that need to be understood so that informed self-determination can take place.

Misinforming the people in Puerto Rico that, in the event of statehood, Congress could do something that we know it cannot do in a State would impede rather than advance the goal of free and informed self-determination. That is why one word, not even a noun or verb, was too important for the sponsors of this bill to ignore.

The bill I am introducing today, H.R. 4281, contains a new Section 3(b), a new Section (4)(a)(C)(7), and a new Section 4(b)(1)(C) that will be the referred to as we develop legislation to be introduced in the 105th Congress which will address the issue of English as an official language in a manner that supports rather than undermines the process for free and informed self-determination under the United States-Puerto Rico Political Status Act when it becomes law.

COMMITTEE ON RESOURCES
OVERSIGHT PLAN FOR THE 105TH CONGRESS

ADOPTED FEBRUARY 5, 1997

INSULAR AFFAIRS

Resolving Puerto Rico's Political Status: The Puerto Rico Legislature, representing 3.8 million U.S. citizens in this American territory in the Caribbean, has requested the 105th Congress authorize a process to resolve their political status problem. Puerto Rico has successfully demonstrated the ability to operate under a local constitutional government first authorized and then conditionally approved by the Congress in 1950 and 1952, respectively. However, in spite of the decades of democratic changes of a republican form of local constitutional government under the U.S. Constitution, Puerto Rico has yet to achieve a permanent form of full self-government. Puerto Rico held a referendum in 1993 with locally defined status options in which an enhanced "commonwealth" received a plurality of 48 percent, statehood 46 percent, and independence 4 percent. The Committee on Resources considered and overwhelmingly rejected on a bipartisan basis the enhanced "commonwealth" ballot definition as unconstitutional and fiscally and politically inviable. The Puerto Rico Legislature's request makes it clear that permanent disenfranchisement is unacceptable, and that the U.S. must define the political status options of a final relationship of dignity to both parties.

The *United States-Puerto Rico Political Status Act*, reported by the Committee on Resources as H.R. 3024 and subsequently updated as H.R. 4281 in the 104th Congress, provides a bipartisan and balanced framework "to provide a process leading to full self-government for Puerto Rico." The legislation would have authorized a referendum in Puerto Rico before the end of 1998, in which the people would choose between separate sovereignty, statehood, or continuing the current Commonwealth of Puerto Rico structure of local self-government as a territory. The vote would be repeated every four years until a majority of the people are ready to proceed toward complete enfranchisement under separate sovereignty or statehood. A transition plan of 10-years is required with a majority vote for separate sovereignty or statehood. Both Congress and the people of Puerto Rico would have been required to approve the transition plan. Similarly, the bill would have required a final implementation act to be approved by both Congress and the people of Puerto Rico. The legislation would have been a self-determination process, as the people of Puerto Rico have the final say in each of the three stages after Congress acts. The proposed legislation would have required English to be the official language of federal courts and federal agencies in Puerto Rico under statehood, required English language incentives in any statehood transition plan, and encouraged enhancement of the existing century old law in Puerto Rico establishing English as an official language while respecting the Tenth Amendment rights of the people and the state.

Hearings on the legislation are expected to be held by the end of April 1997 in Washington, D.C., and Puerto Rico to obtain views of the Administration, leaders of Puerto Rico, and individuals and organizations in Puerto Rico. A similar bill was introduced in the Senate in the 104th Congress and a bicameral effort is anticipated in the 105th Congress to enable the people of Puerto Rico to voice their preference in 1998 towards a final political status.

Legislative History of the *"UNITED STATES-PUERTO RICO POLITICAL STATUS ACT in the 104th Congress 1995-1996*

H.R. 3024 **Mar. 6, 1996**

MR. YOUNG OF ALASKA (FOR HIMSELF), MR. GALLEGLY, MR. GINGRICH, MR. SERRANO, MR. KENNEDY OF RHODE ISLAND, MR. RAHALL, MR. ROMERO-BARCELO, MR. GILMAN, MR. BURTON OF INDIANA, MR. UNDERWOOD, MR. CALVERT, MR. LONGLEY, MR. GENE GREEN OF TEXAS, MR. DEUTSCH, MR. KLINK, MR. BISHOP, MR. CLYBURN, MR. WILLIAMS, MR. OWENS, MS. NORTON, MR. WYNN, MR. HASTINGS OF FLORIDA, MR. FRAZER, MR. ENGEL, MR. HALL OF OHIO, MR. HINCHEY, MR. PAYNE OF NEW JERSEY, MR. ACKERMAN, MR. FILNER, MS. MCKINNEY (WITHDREW ON MAY 23, 1996), MR. ORTIZ, MR. LEWIS OF GEORGIA, MR. DAVIS, MS. WOOLSEY, MR. HYDE, MR. GIBBONS, MR. BARCIA OF MICHIGAN, MR. FARR, MR. POMBO, MR. TOWNS (WITHDREW ON APR. 25, 1996), MR. STUMP, MR. FORBES, MR. SAWYER, MR. TORRES, MS. LOFGREN, MS. SLAUGHTER, MR. GILCHREST, MR. RICHARDSON, MR. KIM, MR. PICKETT, MR. DOYLE, MR. DE LA GARZA, MR. HANSEN, MR. FATTAH, MR. LIVINGSTON, MR. SKEEN, MR. TORKILDSEN, MS. PELOSI, MR. MONTGOMERY, MR. THOMPSON, MR. FUNDERBURK, AND MR. FLANAGAN

To provide a process leading to full self-government for Puerto Rico.

"UNITED STATES-PUERTO RICO POLITICAL STATUS ACT"

(Referred to the Committee on Resources, and in addition to the Committee on Rules, for a period to be determined by the Speaker)

October 17, 1995—Joint oversight hearing held before introduction of bill by Subcommittee on Native American and Insular Affairs, and Subcommittee on Western Hemisphere of the Committee on International Relations. PRINTED HEARING 104-56.

March 11, 1996—Referred to Subcommittee on Native American and Insular Affairs.

March 23, 1996—Field hearing held in San Juan, Puerto Rico, by Subcommittee on Native American and Insular Affairs. PRINTED HEARING 104-87.

June 12, 1996—Markup held by Subcommittee on Native American and Insular Affairs. Ordered reported to Full Committee as amended by vote of 10-0.

June 26, 1996—Markup held by Full Committee. Ordered reported to House as amended by voice vote.

July 26, 1996—House Report 104-713 (Part I), by Committee on Resources.

July 26, 1996—House Committee on Rules granted an extension for further consideration ending not later than September 18, 1996.

September 17, 1996—Hearing held by Committee on Rules.

September 18, 1996—House Report 104-713 (Part II), by Committee on Rules.

September 18, 1996—Placed on Union Calendar No. 442.

September 28, 1996-Introduction of the updated *"United States-Puerto Rico Political Status Act,* H.R. 4281.

Memorandum on the Commonwealth of Puerto Rico

November 30, 1992

Memorandum for the Heads of Executive Departments and Agencies

Puerto Rico is a self-governing territory of the United States whose residents have been United States citizens since 1917 and have fought valorously in five wars in the defense of our Nation and the liberty of others.

On July 25, 1952, as a consequence of steps taken by both the United States Government and the people of Puerto Rico voting in a referendum, a new constitution was promulgated establishing the Commonwealth of Puerto Rico. The Commonwealth structure provides for self-government in respect of internal affairs and administration, subject to relevant portions of the Constitution and the laws of the United States. As long as Puerto Rico is a territory, however, the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum or specific referenda sponsored either by the United States Government or the Legislature of Puerto Rico.

Because Puerto Rico's degree of constitutional self-government, population, and size set it apart from other areas also subject to Federal jurisdiction under Article IV, section 3, clause 2 of the Constitution, I hereby direct all Federal departments, agencies, and officials, to the extent consistent with the Constitution and the laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing Federal program or activity would increase or decrease Federal receipts or expenditures, or would seriously disrupt the operation of such program or activity. With respect to a Federal program or activity for which no fiscal baseline has been established, this memorandum shall not be construed to require that such program or activity be conducted in a way that increases or decreases Federal receipts or expenditures relative to the level that would obtain if Puerto Rico were treated other than as a State.

If any matters arise involving the fundamentals of Puerto Rico's status, they shall be referred to the Office of the President.

This guidance shall remain in effect until Federal legislation is enacted altering the current status of Puerto Rico in accordance with the freely expressed wishes of the people of Puerto Rico.

The memorandum for the heads of executive departments and agencies on this subject, issued July 25, 1961, is hereby rescinded.

This memorandum shall be published in the *Federal Register*.

George Bush

Note: This memorandum was released by the Office of the Press Secretary on December 1.

THE WHITE HOUSE
WASHINGTON

January 21, 1997

Dear Mr. Chairman:

I read your letter regarding Guam's commonwealth status with great interest, and I share many of the positions you expressed in your well-reasoned analysis.

Recently I met with the Governor of Guam to discuss the pace and direction of the negotiations. We agreed on the need to move quickly to resolve several key questions involving the territory's political status. As you point out in your letter, the issues are complex and sensitive. I am aware of Guam's aspirations for self-government. At the same time, we must satisfy federal concerns at the policy, legislative and constitutional levels.

I am prepared to provide sustained attention from the Executive Branch to these negotiations. A successful outcome requires coordination among many agencies and extensive consultations with Congress. I look forward to working with you and your colleagues in the coming months as we move the Guam issue toward a conclusion that will be satisfactory to all involved.

Sincerely,

Bill Clinton

The Honorable Don Young
Chairman
Committee on Resources
House of Representatives
Washington, D.C. 20515-0201

DON YOUNG, CHAIRMAN

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

December 11, 1996

The Honorable William Jefferson Clinton
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I recently have seen press reports and reviewed public statements by local officials in the U.S. territory of Guam regarding current political status consultations between the Deputy Secret of the Interior and representatives of the territorial government's "Commission on Self-Determination." I am quite familiar with the saga of Guam's quest for a new political status. and some real concerns arise from the information we are receiving.

For most of the last decade Congress and the Executive Branch have passed the buck back-and-forth without responding to Guam's proposal for a "Commonwealth of Guam" in a manner that suggests a legally sound, politically feasible and intellectually honest alternative approach to achieving local self-government and defining options for resolving the status question. At this stage in the process, the only thing worse than further dithering would be to make commitments on behalf of the Federal government that can't be kept.

I remain optimistic that the U.S. and Guam can define and jointly implement a process to establish constitutional self-government. In addition, if Congress, the Administration and the territorial government are serious about the decolonization of Guam as contemplated by Article 73 of the U.N. Charter, 1997 can be the year that we start down that path by defining a legitimate self-determination process based on legally valid options for ultimately ending unincorporated status in favor of full self-government.

Of course, under P.L. 94-584 Guam has had the ability since 1976 to establish a "Commonwealth of Guam" structure of local constitutional self-government to replace the present territorial administration under the 1950 Organic Act. I voted in favor of P.L. 94-584 with the expectation that the institution of local constitutional self-government would provide the mechanism to address and resolve issues that have arisen such as the rights of Guam's

indigenous Chamorro people, return of excess military land, immigration policy, and, of course, Guam's ultimate political status.

Instead, Guam elected to link commencement of local constitutional self-government over its internal affairs to a proposed comprehensive government-to-government political status pact which contained Federal law and territorial policy reforms that Congress may or may not ever approve. When presented with that expansive proposal the then majority in Congress told Guam's leaders to go work out the issues with the Executive Branch. Predictably, the departments and agencies of the Federal government grudgingly agreed to review what Guam was proposing, while correctly insisting all along that Congress would have to make the difficult policy and legal determinations.

The delays, frustration and difficulty that Guam has experienced in seeking a competently formulated and constructive response from the Federal government is due in part to the fact that determination of the disposition of the unincorporated territories is an authority and responsibility expressly assigned in the first instance to Congress under the territorial clause of the Constitution (article IV, section 3, clause 2). Thus, history demonstrates that more than any other factor the degree of consultation and coordination between the Executive Branch and Congress on status measures within the scope of the territorial clause makes the difference between getting it done right, getting it done the hard way, or not getting it done at all.

For example, the last time a President of the United States transmitted to Congress a major new territorial status proposal it was the free association agreement for the Pacific islands trust territory in 1984. The primary criticism of the Reagan Administration by leaders in Congress at the time -- including me -- was inadequate consultation with Congress before commitments were made by Executive Branch negotiators on behalf of the Federal government.

After more than twenty hearings before five committees in Congress and years of truly tortuous debate, the framework political status legislation for the Pacific trust territories was approved. More than thirty five pages of statutory amendments and reservations were added by Congress to the status agreements. The entire process was gratuitously destructive in many respects, due in part to provisions agreed to by the Federal negotiators without consulting Congress. The people of the islands and the Federal government paid a high price for doing it the hard way, and it almost didn't get done at all.

On January 31, 1995 -- in the first month of the 104th Congress -- the Chairman of the Subcommittee on Native American and Insular Affairs, Mr. Gallegly, tried to send a clear signal regarding political status to the Administration, Guam, Puerto Rico, and all the unincorporated territories by candidly stating that "...until a territory gains distinct sovereignty within or without the Constitution, the Congress cannot be bound by an unalterable bilateral pact of mutual consent." Yet, there reportedly is an agreement in the works under which the political, legal and economic relationship to be defined under the proposed "Guam

Commonwealth Act" (GCA) could not be altered by a future Congress without the "mutual consent" of Guam.

Since the GCA would be a Federal statute, a future Congress can not be bound to a political status relationship with an unincorporated territory as contemplated by the GCA. The "solution" apparently arrived at in the Guam discussions is to create ambiguity about the nature of the mutual consent clause. Thus, instead of an enforceable right of consent, Guam reportedly is prepared to accept a provision which admits of unenforceability. This may have some symbolic political value, but in the end it only underscores the disenfranchisement and lack of equal participation or real consent in the Federal political process for U.S. citizens in an unincorporated territory such as Guam.

It is time for both Federal and territorial officials to stop bashing "the bureaucrats" for the lack of a political status agreement with Guam. We should be glad there are executive branch civil servants who will not bow to political pressure and sign off on status proposals that do not withstand scrutiny. An agreement that will unravel as soon as the ink dries, or another proposal that simply gathers dust, has no real value for the U.S. or Guam. Those of us elected to get results for the people we serve need to take responsibility for doing more than "coming to closure" with Guam in form but not substance. If we believe we can pretend to have a real agreement and then walk away or wash our hands of it, we are really just setting up the people of Guam for another episode of disappointment.

We may have disagreement on some issues, but the Federal government must never risk making a mockery of the decolonization process. We would do just that by attempting to make less-than-equal citizenship and permanent disenfranchisement seem more tolerable through the legal and political fiction of "mutual consent." Also, I question whether the U.S. would be fulfilling its obligations to the Chamorro people by agreeing to a provision which seems to reduce the legacy of the native inhabitants of Guam to the possibility of their participation in what appears to amount to little more than a straw poll. The people of Guam deserve better, and we can do better.

Thus, I stand ready to work with your Administration to develop a strategy for success in this matter, rather than continuing tactics of grid-lock and blame-shifting we have seen in the past. This Committee and its staff would be pleased to work with those responsible for the Administration's status consultations with Guam to ensure that this time we get it done right.

Sincerely yours,

DON YOUNG
Chairman

3/7/97

Administration Shelves Plan To Give Guam More Autonomy

By Peter Baker
Washington Post Staff Writer

The White House said yesterday that an administration proposal to grant the territory of Guam broad new autonomy was shelved following vigorous internal opposition, disputing reports that campaign money from the island apparently had swayed government policy.

Officials said the plan to allow the island more authority over immigration, taxes, trade, labor laws and federal land was deemed unacceptable during internal discussions and not endorsed by President Clinton. Instead, officials have been assigned to rework it and develop a more limited, and therefore more politically salable, plan to present to the president.

The proposal came under scrutiny because it was advanced after the island's Democratic governor, Carl T. Gutierrez, helped steer $642,000 in contributions to Clinton's reelection campaign and the Democratic National Committee following a visit to the island by first lady Hillary Rodham Clinton.

Judged against its population of 140,000, the donations made the tiny Western Pacific jurisdiction the biggest Democratic Party donor of any U.S. territory. Gutierrez appeared to boast in public speeches and interviews about the access the generosity had bought him.

"Only when we showed Washington that there were people who could write a $1,000 check, a $5,000 check, a $25,000 check, did people begin to sit up and take notice," he said in one interview.

But administration officials said the proposal by Deputy Interior Secretary John Garamendi essentially was turned down even before a report in The Washington Post last month about the intersection of campaign cash and potential policy shifts.

"Campaign contributions have no role whatsoever in determining our decision on these complicated issues," said White House special counsel Lanny J. Davis.

In late January, officials from across the administration called the plan problematic; criticism came from the Justice, State, Defense and Treasury departments. Among other things, officials worried that such a change in Guam's status would set an unwelcome precedent in dealing with Puerto Rico.

Clinton seemed to embrace such concerns in a Jan. 21 letter responding to criticism by Rep. Don Young (R-Alaska), chairman of the House Resources Committee. "I share many of the positions you expressed," Clinton wrote.

Although they publicly praised Garamendi, White House officials said he himself was the only major figure lobbying for his extensive plan.

But the issue is not resolved. Clinton met with Gutierrez at the White House in December and promised to consider his requests seriously. A task force began meeting last month to develop "supportable" alternatives to Garamendi's plan.

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Young, Clinton letters spell bad news for 'bilateral pact' believers

Letters deal mostly with Guam but contents have possible reverberations in Puerto Rico. Page 5

Letters between Clinton, Young could bode ill for 'bilateral' pact

By ROBERT FRIEDMAN
STAR Washington Bureau

WASHINGTON — An exchange of letters between President Clinton and House Resources Committee Chairman Don Young, R-Alaska, could spell bad news for believers that commonwealth includes a "bilateral pact of mutual consent."

The letters dealt mostly with Guam, and that island's efforts to obtain commonwealth status, but the matters discussed appear to have possible reverberations for Puerto Rico.

While Young's letter was dated Dec. 11 and Clinton's Jan. 21, both came to light on Monday through an inquiry to congressional sources. Young's letter was originally aired by WOSO 1030 AM radio in Puerto Rico last week.

One of the issues mentioned in the letter was Guam's attempt to get a "mutual consent agreement" with the United States in which federal laws would apply to the island only if both sides agree to their applicability.

In his letter to Clinton, Young warned of "the legal and political fiction of 'mutual consent' " in a relationship with the United States which is not preceded by full sovereignty. He quoted a 1995 message from Rep. Elton Gallegly, R-Calif., then-chairman of the Native American and Insular Affairs Subcommittee, who "tried to send a clear signal regarding political status" to the Clinton administration, Guam and Puerto Rico.

That message, Young said, was that "... until a territory gains distinct sovereignty within or without the Constitution, the Congress cannot be bound by a unilateral bilateral pact of mutual consent."

The Young letter also alluded to a 1994

Hill Panels to Probe China Influence-Buying Allegations

By Roberto Suro
Washington Post Staff Writer

Congressional investigations of political fund-raising practices will be broadened to include allegations that the Chinese government attempted to buy influence with the Clinton administration, leaders of House and Senate investigating committees said yesterday.

Rep. Dan Burton (R-Ind.), chairman of the House Government Reform and Oversight Committee, said on NBC's "Meet the Press" that Saturday night he issued 20 subpoenas for documents in addition to five already outstanding and "the investigation, unfortunately, is going to be much broader than I would like."

Burton declined to identify the targets of the subpoenas. But when asked to describe the scope of the inquiry, he said, "We're going to look into every area where there is a possibility of illegal activity as far as influence peddling, illegal contributions, possible involvement of White House personnel, and things like that."

In particular, Burton said, the committee would inquire about connections between the Chinese government or business interests and John Huang, a former Commerce Department official and Democratic fund-raiser. Huang, he said, "may very well have given information that he shouldn't have to the Chinese and others."

The Washington Post reported last week that the Justice Department was examining evidence of a possible effort by the Chinese government to win influence in the Clinton administration by directing money from foreign sources to the Democratic National Committee.

Two members of the Senate committee investigating campaign practices also said yesterday they would investigate the allegations regarding China.

Sen. Don Nickles (R-Okla.) said that "it's a very serious matter," and Sen. Carl M. Levin (D-Mich.) said, "Absolutely we'll be looking into that. If there is evidence that any foreign nation has acted in that way, we would want to see that evidence and refer it to the appropriate authorities." Nickles and Levin appeared on CBS's "Face the Nation."

Levin repeatedly insisted that congressional investigations should examine alleged fund-raising irregularities by Republicans as well as Democrats. "If our investigation is to get anywhere, it's going to be on a bipartisan basis," he said.

Sen. John McCain (R-Ariz.) yesterday called for the appointment of an independent counsel to investigate the allegations of illicit fund-raising. "I believe it's going to happen sooner or later," McCain said on ABC's "This Week." He said the reports on China's involvement represent "credible allegations of attempts to suborn American foreign policy."

Lanny J. Davis, a special White House counsel, denied any wrongdoing. "There's no policy affected by contributions to this president. There's no governmental actions affected by contributions to this president," he said on "Meet the Press."

Davis insisted that an important shift by the administration on its policy toward matters regarding Guam had nothing to do with some $900,000 in campaign contributions from business and political leaders on the little Pacific island of 140,000 residents that is a U.S. territory. "Cause and effect isn't established by a headline or by allegations," Davis said.

The Washington Post reported yesterday that after large contributions from Guam were received, the administration changed its policy to support legislation that would allow businesses on the island to import large numbers of low-wage workers from elsewhere in Asia.

Also yesterday, New York Post columnist Jack Newfield published a detailed account of a May 1995 meeting at which Clinton reportedly ordered White House staff members and campaign aides to launch an all-out fund-raising drive and stated his demands so intensely that aides felt obliged to skirt the law or actually break it to satisfy the president's desire for full coffers.

Davis denied that Clinton encouraged any wrongdoing. "Someone in the room who's said that is just flat-out wrong."

George Stephanopoulos, a senior adviser to the president until last month, was in the room and did not specifically deny Newfield's account. But on ABC's "This Week," where he is now a commentator, Stephanopoulos suggested there was no scandal: "There is a real big secret—that we wanted to raise a lot of money in 1996 to be competitive."

Pressed to explain what happened at the meeting, Stephanopoulos said: "I think if it's the meeting that he's talking about, the president said, we need to have, make sure we have enough money to stay competitive and to stay on the air. And yes, I think everybody in the White House would plead guilty to that."

FOR MORE INFORMATION

To review the key figures and events in the DNC campaign funds controversy, click on the above symbol on the front page of The Post's site on the World Wide Web at http://www.washingtonpost.com

THE WASHINGTON POST SUNDAY, FEBRUARY 16, 1997

Signs of Policy Shift on Status of Guam Appeared After Contributions to Democrats

By John Pomfret
Washington Post Staff Writer

GUAM—On Sept. 4, 1995, Hillary Rodham Clinton stopped for several hours on this tiny tropical outpost in the Western Pacific, capping her visit with a shrimp cocktail buffet hosted by the island's governor, Carl T. Gutierrez (D).

The first lady's pit stop—made on her way to the United Nations women's conference in Beijing—kicked off the biggest political fund-raising effort ever on this trade-wind caressed chunk of American territory 6,100 miles west of California.

Three weeks after Hillary Clinton left, a Guam Democratic Party official arrived in Washington with more than $250,000 in campaign contributions. Within six months of that, Gutierrez and a small group of Guam businessmen had ponied up more than $132,000 for the Clinton-Gore reelection campaign and $510,000 in "soft money" contributions to the Democratic National Committee, making the island, with its 140,000 residents, the biggest donor to the Democratic Party per capita of any territory in the United States. Guam government employees also gave more to President Clinton's campaign than public servants in any other state or territory.

The contributions from Guam were followed late last year by signs of a significant and controversial change in the Clinton administration's policy toward the island, which will mark its centennial as a possession of the United States next year. In 1898, Guam, Cuba, the Philippines and Puerto Rico became American spoils of the Spanish-American War. The Philippines was granted independence 50 years ago, Cuba 95. Today only Puerto Rico and Guam remain territories of the United States, the forgotten islands of the U.S. empire. Many on Guam chafe at that status.

Since 1988, Guam's politicians have been asking Washington to approve a law called the Guam Commonwealth Act, which would give the territory—not federal authorities—the right to determine who could come to the island. The law also would transfer from the federal government to Guam authorities the power to enforce labor regulations.

Until last year, successive U.S. administrations had been wary of the legislation. But in December 1996, John Garamendi, the Clinton administration's point man on island issues, circulated an internal report supporting key provisions of the bill.

Garamendi, deputy secretary of the Interior Department, also supported a provision in the bill that would allow Guam to resume control over land no longer needed by the U.S. military. More than a third of Guam was seized by the Defense Department after World War II. Previously, when the military gave up land, other federal agencies had the chance to assume control of it before it could be claimed by the Guam government.

Congress has not passed the commonwealth act, but administration support for its provisions could persuade some in Congress to back the bill, U.S. officials said.

Some officials also attribute the administration's support for the bill to the money raised for the president's reelection campaign. One senior U.S. official said "the political side" of her agency had informed her that the administration's shift was linked to campaign contributions. "We had always opposed giving Guam authority over its own immigration," the official said. "But when that $600,000 was paid, the political side switched." U.S. officials from three other agencies added that they too had been told that the policy shift was linked to money.

In a phone interview, Garamendi acknowledged that the administration's policy on Guam was changing, but he denied it was connected to donations.

"The beginning of flexibility occurred when I took over this job [in January 1996] and began representing the issues in a way that the administration found acceptable," he said. That involved convincing administration officials that the U.S. government had been treating Guam as a colony for too long.

A White House official, speaking on behalf of Hillary Clinton, said the first lady was not aware at the time of Gutierrez's fund-raising activities, but did not find it inappropriate. "The event was not a fund-raiser, but it would not be surprising if the governor used her appearance subsequently to encourage people to support her husband's candidacy," said the official, who declined to be named.

The campaign money raised in Guam is a drop in the stream of millions collected by the Democrats for the 1996 campaign. The Guam funds apparently

See GUAM, A7, Col 1

Island's Huge Fund-Raising Effort

Followed Hillary Clinton Visit

GUAM, From A6

are not the subject of a Justice Department investigation into improper campaign fund-raising. But the fact that the White House began to shift its policy on Guam after the island's governor organized a donation campaign for the president underscores concerns that the Clinton administration could be swayed by political contributions.

Garamendi's proposals on Guam policy, made in a seven-page report, are contentious because U.S. officials fear that if local authorities on the island are given the right to decide who can come there, they will import thousands of low-wage laborers from Asia and subject them to poor treatment, including an effective ban on unions and other civil rights. These officials point to Guam's northern neighbor, the U.S. Commonwealth of the Northern Marianas Islands, known in the area as Guam's "ugly sister."

Congress gave those islands control over immigration in 1976, and since the mid-1980s businessmen have shipped in more than 29,000 low-wage laborers from Asian countries to work in 18 garment factories built to take advantage of the fact that goods made in the Marianas are "Made in the USA" and not subject to U.S. customs quotas. The average worker labors for $2.90 a hour at least 60 hours a week in horrendous conditions that one U.S. Department of Labor official described as "feudal servitude." A series of cases has been brought against garment factory owners, specifically on Saipan, the biggest island, but the problem continues.

In recognition of its mistake in the Marianas, Congress has appropriated $10 million for law and labor code enforcement there over the last three years.

U.S. officials said they are concerned about Gutierrez's role in pushing the proposed legislation. The 55-year-old governor has been investigated twice by federal authorities for potential involvement in immigration scandals, but he has never been charged with a crime, according to U.S. sources. Two convicted felons also serve in his government, both having served time for bribery and corruption-related offenses. Gutierrez himself has had extensive private business dealings in the Marianas.

A look at those in Guam who contributed to the Clinton reelection effort also raises concerns, officials say. One of the donors involved in the fund-raiser attended by Hillary Clinton is being investigated for bribery connected to narcotics trafficking. Another prominent donor is Willie Tan, whose Saipan-based garment companies donated at least $17,500 to the DNC, according to records from the Federal Election Commission. In 1992, a Tan company was ordered by the federal government to pay $9 million in back pay and damages to 2,500 workers who had been denied overtime wages.

Several officials said they warned Garamendi about Gutierrez and his connections.

"His response was pretty blunt," said one official. "He just said, 'Don't you believe in democracy?' "

Gutierrez said his fund-raising was worth every penny. He has met the president twice since making the contributions: first in March 1996 after delivering $170,000 to the DNC, and most recently, he said, on Dec. 16 in the Oval Office.

"Only when we showed Washington that there were people who could write a $1,000 check, a $5,000 check, a $25,000 check, did people begin to sit up and take notice," said Gutierrez, whose daughter, Carla, also worked on Clinton's campaign in Washington.

According to Guam officials, Gutierrez raised the idea of contributing funds to Clinton during a visit to the White House in June 1995. On Aug. 19, 1995, Donald L. Fowler, chairman of the DNC, wrote Gutierrez to request $250,000 in contributions even though Guam residents cannot vote for the president.

"As a territory, Guam's contributions will be specially noted," Fowler wrote in the letter, obtained by The Washington Post. While the letter did not mention Hillary Clinton's visit, 15 days later she was in Guam and the fund-raising began.

Michael Phillips, the former chief of the Democratic Party in Guam, said Gutierrez used the first lady's stop on Guam as the first big chance to collect money.

"Gutierrez was calling people up, saying I need $10,000 for this event," said Phillips, who attended the gathering. A U.S. official added that he too was aware that Gutierrez used the event to raise funds.

Gutierrez denied fund-raising during Hillary Clinton's visit. "That would have been improper," he said. "I started after she left."

Staff writer Peter Baker and staff researcher Robert Thomason in Washington contributed to this report.

ROBERT A. UNDERWOOD
Guam

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Military Installations
Research and Development

RESOURCES COMMITTEE
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Congress of the United States
House of Representatives
Washington, DC 20515-5301

January 13, 1997

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

As you know, both Puerto Rico and Guam are in different stages of seeking a new political status with the United States. Although the respective islands were both taken as a result of the Spanish American War (and are referenced in the same provision of the Treaty of Paris), similarities and historical commonalities stop there.

We bring this to your attention because some in the White House staff continue to insist on linking our respective islands in status negotiations. This is a disservice to both Puerto Rico and Guam, and clouds the resolution of the respective paths we may take in our relationship with the United States.

Thus, after having spoken to our respective Governors, we write today to clarify, definitively, that neither Puerto Rico nor Guam has any interest in being linked to the other in political status discussions.

We urge you to take appropriate action to cease this artificial barrier to the success of each island's status negotiations. Delinking these two issues would serve the best interests of both the United States and the people of our islands.

Sincerely,

Carlos Romero Barcelo
Hon. Carlos Romero-Barcelo
Member of Congress

Robert A Underwood
Hon. Robert A. Underwood
Member of Congress

POPULAR DEMOCRATIC PARTY

COMMONWEALTH OF PUERTO RICO
P.O. Box 9065788
San Juan, P.R. 00906-5799

RESOLUTION

TO PROPOSE THE "NEW MILLENIUM CONSULTATION" IN WHICH THE PEOPLE OF PUERTO RICO MAY EFFECTIVELY EXPRESS THEIR OPINION ABOUT THE FUTURE OF THE ISLAND'S RELATIONSHIP WITH THE UNITED STATES.

I. Loyal to its historic commitment, the Popular Democratic Party proposes a "New Millenium Consultation" so that the people of Puerto Rico may effectively express their opinion about the future of the Island's relationship with the United States.

Modern tendencies show that the ideas that will prevail in the new century will be those of national reaffirmation and political and economic integration among the peoples of the world. Commonwealth as an autonomic ideal for the future is the only status alternative that harmonizes those aspirations and goals of the modern world by protecting our identity and simultaneously guaranteeing our relationship with the United States, with a common market, common citizenship, common defense and common currency. Recognizing that the tendencies that will prevail in the future respond to those basic principles of Commonwealth, the Popular Democratic Party will vigorously promote the New Millenium Consultation.

II. The Popular Democratic party requests and demands that the following guarantees and conditions be contained in the New Millenium Consultation:

1. That it be a serious, balanced and objective consultation, defining the status options of statehood, independence and commonwealth with equal dignity.

2. That in the elaboration of the enacting legislation it guarantees to the people of Puerto Rico an ample and effective participation of the political parties that promote in Puerto Rico the different status options, and that the consultation

act further guarantee a levelled playing field among the three status options (statehood, independence and commonwealth).

3. That it be a process consistent with the processes that were initiated and advanced, by initiative and consensus of the political leadership of Puerto Rico, before the Congress of the United States between 1989 and 1991.

4. That it clarify once and for all the consequences and scope of the different status options in regards to the following matters:

   a. Spanish language and the self-identity of the people of Puerto Rico.

   b. level of contributions and/or transfer payments of the federal government to Puerto Rico.

   c. impact that the tax changes would have on the productive sectors of the economy and job creation efforts in Puerto Rico.

   d. impact in the federal and Puerto Rico treasuries of the different status options.

   e. permamence of the Puerto Rico Olympic Committee and participation in international sports events.

5. That it addresses the historic claims of development and growth of Commonwealth as a non-colonial, nor territorial, status, in a bilateral compact of permanent union with U.S. citizenship.

6. That it guarantees the effective participation of Puerto Ricans living in the United States and in foreign countries.

7. That a real and binding commitment exist from the U.S. Congress that guarantees that the will of the people of Puerto Rico will be promptly considered through a mechanism making the results self-executing, or through a clear expression that the alternatives submitted to the people of Puerto Rico are acceptable to the United States, and that the U.S. Congress will give a quick and concrete response to the preference expressed by the Puerto Rican people. The Popular Democratic Party opposes any other plebisicite that, just like the proposed Young Bill in the U.S. Congress, "de facto" and "de jure" is a mere contest of popularity.

III. To foster the New Millennium Consultation the Popular Democratic Party will initiate the following actions:

1. Request from the President of the United States, the Honorable William Jefferson Clinton, a clear statement about the reach of the act of interaction between the people of Puerto Rico and the American people represented by the U.S. Congress and their President between 1950 and 1953, which culminated with the creation of the Commonwealth of Puerto Rico and the approval by the United Nations of Resolution 748, at the request of the United States, declaring that Puerto Rico had entered in a new and dignified non-colonial relationship with the United States. The President's statement has to be the starting point so that the people of Puerto Rico will trust that their future will shall be respected.

2. Request from the President of the United States, the Honorable William Jefferson Clinton, to make good his commitment repeatedly stated in writing to the elected leaders of Puerto Rico in official events, like the celebration of the anniversary of the Constitution of the Commonwealth of Puerto Rico, and in the most recent inaugural ceremony of the Governor of Puerto Rico, to actively work with the Puerto Rican leadership and the U.S. Congress to undertake a real consultation that respects the will of the people pursuant to the claims stated in this resolution.

3. To go before the U.S. Congress, its committees, and any institution or person that it deems necessary, to request the celebration of the New Millennium Consultation with the conditions and claims contained in this Resolution so that the people of Puerto Rico are offered a fair process of self determination.

IV. That this is the official position of the Popular Democratic Party from this point onwards, and that it will be submitted to a general assembly of the party for ratification so that it constitutes a clear, firm and unquestionable mandate of the party.

V. Any participation by the Popular Democratic Party in a Plebiscite or a political status consultation has to be approved in a general assembly of the party, with the standards adopted hereby as a working framework.

In Carolina, Puerto Rico
January 26, 1997

(APPROVED UNANIMOUSLY BY THE GENERAL COUNCIL)

POPULAR DEMOCRATIC PARTY

COMMONWEALTH OF PUERTO RICO
P.O. Box 9065788
San Juan, P.R. 00906-5799

RESOLUTION #2

TO ENCOURAGE THE PEOPLE OF PUERTO RICO TO REJECT THE UNITED STATES - PUERTO RICO POLITICAL STATUS ACT KNOWN AS THE "YOUNG BILL", BECAUSE IT IS DECEITFUL, ATTEMPTS AGAINST THE WELL BEING OF THE PEOPLE OF PUERTO RICO AND DOES NOT CONSTITUTE A REAL PROCESS OF POLITICAL SELF-DETERMINATION.

1. The Popular Democratic Party has historically favored that the people of Puerto Rico be consulted again in a real process of self-determination.

2. As part of that commitment by the leadership of our party, between 1989 and 1991, a serious negotiation process with the U.S. Congress was held by unanimous consent of the leaders of the polical parties in Puerto Rico, seeking a Congressionally sponsored consultation, with a commitment for its implementation.

3. As part of that process, the three political parties of Puerto Rico interacted under the same conditions with the leadership of the U.S. Congress, in an attempt to make sure that the definitions of the status options addressed their unique historic claims and that the process was fair for all involved.

4. During that process, the U.S. House of Representatives unanimously approved a bill and in the Finance Committee of the U.S. Senate there were affirmative steps taken regarding the status question of Puerto Rico, and definitions were worked out and studies undertaken by the Senate Energy Committee with jurisdiction over Puerto Rico matters. That process, in which all the status options were treated fairly and with the same dignity, could not reach its final outcome because several members of Congress objected to a commitment to offer statehood to Puerto Rico.

5. Over the last two years, Congressman Don Young attempted to approve a bill, drafted without any consultation or communication whatsoever with the leadership of the commonwealth option in Puerto Rico, to celebrate a status consultation in the Island.

6. The so called Young Bill was not approved in 1996 because the leadership of the party that supports statehood for Puerto Rico decided to abort the project when it was convinced that the bill would be amended to require English as the official language in the schools of Puerto Rico under the definition of statehood.

7. Through the media, Congressman Young has expressed that he intends to introduce soon a bill similar to last year's.

8. Until this day, Congressman Young has not made a single official approach to the leadership of the Popular Democratic Party to initiate a serious dialogue, limiting himself to state that whoever wishes may testify during public hearings.

9. After carefully examining the Young Bill and comparing it with other attempts to consult the people, especially the process undertaken between 1989 and 1991 before the U.S. Congress, the Popular Democratic Party encourages all of the people of Puerto Rico to repudiate and reject the Young Bill since it constitutes an invalid and prejudiced proposal that tries to make the people of Puerto Rico believe, in a deceitful way, that it is exercising its right to self-determination, since it:

   a. Breaks with the previous norm established by the U.S. Congress in recent years of handling the status issue of Puerto Rico through consensus and dialogue with the political parties of Puerto Rico.

   b. It is drafted in a vicious and prejudiced way to garner a majority in favor of statehood, even though it does not commit itslef to grant it, nor does it clarify the details of its reach.

   c. Does not fulfill the aspirations and historic claims of any of the three status options: statehood, independence and commonwealth.

   d. In terms of statehood, it does not clarify the consequences that this status alternative will have over our language and national identity, our olympic committee, the fiscal impact of the imposition of federal taxes over the

productive and job creating sectors of the economy of the Island, and the costs to the federal government.

e. In terms of independence, it imposes to the new republic the type of government that it will have (republican), and does not provide anything to address the historic claims of the independence advocates, such as removal of the military bases from the Island, transfer of federal funds for a determined period of time, dual citizenship, common market, and the use of the dollar as currency.

f. To divide the vote of those who support an autonomous relationship with the United States, it splits commonwealth from free association.

g. Defines free association in the same way as independence.

h. Denies the historic process of the creation of Comonwealth between 1950-53 and the official position of the U.S. Government before the United Nations between 1953 to the present time.

i. Defines Commonwealth as a classic colonial status.

j. Gives no guarantee to the people of Puerto Rico that Congres will respect and/or act over the will of the majority of the people.

k. It creates a misleading and slow process to respond to the majority vote of the people, that requires three further consultations in Puerto Rico and a transition period that could last from 15 to 20 years, and that can be stopped at any time by the U.S. Congress.

10. The Popular Democratic Party requests that the people of Puerto Rico be consulted once again and that the New Millenium Consultation be offered with the conditions that it will guarantee a real process of self determination, pursuant to the Resolution approved today by the Governing Board and the General Council of the party.

In Carolina, Puerto Rico
January 26, 1997

APPROVED BY UNANIMOUS CONSENT