



Congressman Pedro R. Pierluisi
Statement for the Record
Hearing on H.R. 2499, the Puerto Rico Democracy Act of 2009
Committee on Natural Resources
June 24, 2009

Thank you, Chairman Rahall. I want to begin by expressing my appreciation to you. Both of us believe that, after 111 years, it is imperative that the 111th Congress finally ask the people of Puerto Rico for their views on the Island's future. Patience is a virtue, but my constituents have been patient enough.

I also want to thank former Chairman Don Young, who has done as much as any member of this body to seek self-determination for the people of Puerto Rico—and who has the scars to prove it. In addition, I want to convey my gratitude to Majority Leader Steny Hoyer and to Congressmen Dan Burton, Patrick Kennedy, Lincoln Diaz-Balart, and Alan Grayson, all of whom have been such strong champions of H.R. 2499. These gentlemen come from different political parties and different parts of the country, but they are bound together by their fierce desire to secure fair treatment for the four million U.S. citizens of Puerto Rico.

Since its introduction just over one month ago, H.R. 2499 has obtained more co-sponsors than any other Puerto Rico status bill in history. I want to thank the 150 members of Congress—106 Democrats and 44 Republicans—who have co-sponsored this legislation. This strong bipartisan

support is proof positive that Puerto Rico's status dilemma troubles men and women of conscience all along the political spectrum.

The subject of Puerto Rico's political status is fraught with history and passion. The Island's political parties are divided on the status question and the debates between them can be ferocious. As a result of these divisions, some members of Congress who support the principle of self-determination have nonetheless been reluctant to become involved. I hope that today's hearing will help convince those members that this bill represents a just solution to an unjust state of affairs.

I would now like to address my fellow Puerto Ricans in leadership positions who have expressed concerns with the bill. I know your love for Puerto Rico is as great as my own. Because the destiny of millions is at stake, we must overcome our differences, not surrender to them. I am certain we can reach a fair compromise. And I fear history will not forgive us if we don't. President Obama said it best in a letter to Governor Fortuño when he wrote: "I am fully aware of the difficulties that Puerto Rico has faced in the past when dealing with this issue, but self-determination is a basic right to be addressed no matter how difficult."

Mr. Chairman: Through H.R. 2499, Congress would formally consult the people of Puerto Rico regarding the Island's political status—something that has never been done since Puerto Rico came under the United States flag in 1898. This bill authorizes the government of Puerto Rico to conduct a plebiscite. Voters would be asked whether they wish to maintain the current political status or to have a different status. If a majority favors the current status, the government of

Puerto Rico would be authorized to ask voters this threshold question again at eight year intervals. The purpose of this provision is for Congress to regularly consult the people of Puerto Rico to obtain their continued consent to an arrangement that, whatever its merits, denies them self-government at the national level.

If, on the other hand, a majority favors a different status, the bill authorizes a second plebiscite among the three non-territorial status options recognized under U.S. and international law: independence, statehood, and national sovereignty in association with the United States. The bill does not define this last option, except to say that it would entail an agreement between two sovereigns that is not subject to the Territorial Clause.

As will be true of any bill that seeks to address an issue of such importance, there are some dissenting voices. While consensus is ideal, the most relevant question is whether the arguments against the legislation have any merit. The search for consensus cannot become a justification for inaction. Because while we wait, four million American citizens remain voiceless.

The strength of H.R. 2499 is that it sponsors an orderly referendum process based on legally-valid status options, but leaves it to the people of Puerto Rico to decide which of those options they prefer. You may hear some opponents of the bill argue that, by informing the people of Puerto Rico about their valid status options and limiting the authorized ballots to only those options, Congress is somehow “dictating” the self-determination process to my constituents. This line of reasoning is misguided. Although couched in language intended to convey respect for the Island’s residents, this argument—if allowed to prevail—would resign the people of

Puerto Rico to yet another century of voicelessness. For too long, many on the Island have been led to believe that if they bargain wisely enough, they can have U.S. citizenship and national sovereignty, receive all federal funds and have veto power over federal law. For the federal government to perpetuate this comforting but false belief would be wrong. This bill shows the highest respect for the people of Puerto Rico by refusing to mislead them.

H.R. 2499 will enable the people of Puerto Rico to choose among legally-viable status options through one or more popular votes. Some have argued that the bill should provide for a “constitutional convention” rather than a plebiscite process. But it is hard to see how this mechanism would be a better way to resolve Puerto Rico’s political status question than hearing directly from the people. The fact is that the legally-viable status choices available to Puerto Rico are crystal clear, no matter how loudly some may insist otherwise. The people of Puerto Rico do not need to elect delegates to propose status options. All the people of Puerto Rico need is the opportunity to express themselves directly at the ballot box.

Finally, H.R. 2499 does not exclude or favor any status option. Yet, today you will hear testimony from certain witnesses that this bill is intended to “stack the deck” in favor of statehood. Specifically, their theory is that voters who support statehood and voters who support independence will vote in favor of a different political status in the first plebiscite, creating a so-called “artificial majority” against the current status.

This argument is flawed. Before a single vote has been cast, critics of the bill have used their crystal ball to predict the results. The reality, of course, is that none of us has any real way to

know how most voters will respond to the options on the ballot. In any event, the bedrock principle of our system is government by consent, and the first plebiscite informs Congress whether a majority consents to the present arrangement. This is a fundamental question of democracy: if a majority of the Puerto Rican people do not wish to maintain the current status, they should have the chance to express their preference among the viable alternatives. H.R. 2499 would—at long last—provide them with this opportunity.

Let me say something in plain terms. Like Governor Fortuño, over 60% of the Island's 78 municipal mayors, and nearly 70% of the Puerto Rico Legislature, I am a strong proponent of statehood for Puerto Rico. Residents of Puerto Rico have contributed immeasurably to the life of this nation in times of peace and war. They serve as U.S. government officials, ambassadors and federal judges. For generations, our sons and daughters have served alongside their fellow citizens from the states on battlefields in Europe, Asia and the Middle East. During a late-night patrol in enemy territory, as soldiers from San Juan, Sacramento and San Antonio watch each other's backs, the differences between them mean nothing. What matters is that the flag stitched to their uniform is the same. I support statehood because I believe the people of Puerto Rico have earned the right, should they choose to exercise it, to become full and equal citizens of the United States.

But I was elected to represent all of the people of Puerto Rico, including those whose vision for the Island's future differs from my own. The intention of H.R. 2499 is to sponsor a fair, neutral and democratic process of self-determination in Puerto Rico, not to predetermine the outcome of that process.

In closing, I want to reiterate that while I do not find the arguments against the bill persuasive, I am open to any amendments that would result in a fair process of self-determination. I will not let the perfect become the enemy of the good. Opponents of this legislation should make a similar pledge. In our democracy, elections have consequences. Last November, the people of Puerto Rico—by historic margins—spoke clearly in favor of self-determination and against those who would obstruct it. We must allow their voices to be heard.

I welcome the witnesses and I thank you again, Mr. Chairman.