



Congressman Pedro R. Pierluisi
Statement For The Record
Senate Committee on Energy and Natural Resources
Hearing on H.R. 2499, the Puerto Rico Democracy Act
May 19, 2010

Chairman Bingaman, Ranking Member Murkowski, and Members of the Committee:

Thank you for giving me the opportunity to speak in support of my bill, H.R. 2499, *the Puerto Rico Democracy Act*.

This legislation, which was approved by the House in a strong bipartisan vote, would authorize a fair and non-binding plebiscite process in Puerto Rico regarding the Island's political status. That is *all* the bill would do—no less and no more.

Puerto Rico is a U.S. territory. Whatever its merits, territorial status has severe and inherent shortcomings. The U.S. citizens of Puerto Rico, four million proud, serve in the U.S. military and their lives are governed by federal law. Yet they cannot vote for their president and commander-in-chief, are not represented in the Senate, and send a single non-voting member to the House.

The sad truth is that, since joining the American family 112 years ago, my people have never had a meaningful voice in their national government. Laws enacted by Congress often treat residents of Puerto Rico worse than their fellow citizens in the states. These laws are upheld by the courts if there is any rational basis for the disparate treatment, the lowest level of constitutional scrutiny. Our Founding Fathers, and generations of American patriots who followed them, established the greatest democracy the world has known. I cannot believe they could have contemplated that the undemocratic governing arrangement that exists between the United States and Puerto Rico would last for more than a century, or that it might effectively be transformed into the Island's permanent status.

The Constitution vests Congress with almost absolute power over the territories. The fundamental premise of 2499 is that Congress, in the responsible exercise of its authority, should ask the people of Puerto Rico whether they consent to the current status or prefer a different status. The first-stage plebiscite authorized by the bill would pose this threshold question to voters.

If a majority expresses a desire for a different status, the legislation would authorize a second-stage plebiscite where voters would state their preference among four options: the current territorial status and the three possible alternatives—independence, free association, and statehood. By adopting an amendment during floor debate to add the current status as a ballot option in this plebiscite, the House has put to rest the argument that the bill “stacks the deck” in favor of statehood or any other status option. That charge, to the extent it was ever colorable, no longer has the slightest merit.

H.R. 2499 does not require any federal action if a majority chooses a different status in the first vote and a particular non-territorial option in the second vote. Congress and the President should decide which steps to take—if any—after seeing the results.

I hope that the Senate will follow the House’s lead and pass this bill. But I am the first to say that inaction by this chamber is not the real obstacle to a fair process of self-determination. Rather, the greatest barrier to meaningful self-determination is that politicians affiliated with the Island’s minority Popular Democratic Party have not been honest with the people of Puerto Rico.

In addition to denying the self-evident fact that Puerto Rico is a territory, these politicians continue to proclaim the feasibility of a pie-in-the-sky proposal under which Puerto Rico would receive more federal benefits than it does now, while also having the power to decide which federal laws apply to the Island, all pursuant to a bilateral pact from which the U.S. could not withdraw absent Puerto Rico’s consent.

As the House counterpart to this Committee stated in its report on 2499, this impossible proposal has been “consistently opposed by federal authorities . . . on both constitutional and policy grounds.” Naturally, those who champion this scheme do not talk about it in Washington, because they know it is a non-starter. But they talk about it incessantly in San Juan. This has caused substantial confusion in Puerto Rico about the Island’s true status options, and has resulted in misinformed and inconclusive local status referenda in 1967, 1993, and 1998.

In passing 2499 by a large margin, the House accomplished several important things. It clarified that there are only three possible alternatives to the current status. It delivered a devastating blow to those who deceive the people of Puerto Rico for political gain. And it helped ensure that the forthcoming plebiscite process in Puerto Rico will be a meaningful exercise in self-determination, where voters will finally have the opportunity to express their preference among the valid—and *only* the valid—status options. I hope this Committee, like the House before it, will show respect for the people of Puerto Rico by leveling with them about their real choices.

Thank you.