



STATEMENT OF

LUIS G. FORTUÑO
GOVERNOR OF PUERTO RICO

BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

MAY 19, 2010

Thank you, Mr. Chairman...and Ranking Member Murkowski...for the opportunity to appear this morning before you and fellow members of this Committee to express my support of H.R. 2499, the Puerto Rico Democracy Act of 2009. I especially appreciate the opportunity to follow Puerto Rico's sole elected representative in Congress, Resident Commissioner Pedro Pierluisi, who was my running mate in 2008.

Today, I appear before you as Governor of Puerto Rico and as President of Puerto Rico's statehood party, which includes national Republicans like myself as well as Democrats like Resident Commissioner Pierluisi.

In the elections of 2008, voters gave candidates of our party the biggest margin of any electoral victory in 44 years. We obtained over two-thirds of the seats in each house of the legislature and three-fifths of the mayorships. The candidates in the "Commonwealth" party, by contrast, received the lowest percentage of votes for their party in history.

This is particularly relevant because the process proposed by H.R. 2499 was an issue in the elections. Our party campaigned on a pledge to seek congressional sponsorship of a status choice process...in order to provide a choice among real status options to be made...directly by voters...in plebiscites.

Why does Congress need to act? Because there is a patently obvious need for the territory's real options to be clarified. Under the present status...given Congress' constitutional jurisdiction under the Territory Clause...Congress can provide the necessary clarification. Specifically, previous political status plebiscites without federal legislation...in the first two instances, at the end of the 1960s and the beginning of the 1990s...were inconclusive because of proposals

for an unconstitutional and impossible governing arrangement. The most recent plebiscite...12 years ago...was similarly confused by such a proposal.

For decades, the leaders of the “Commonwealth” party– including those of that party’s delegation here today – have refused to recognize the reality that the only possible “Commonwealth” option that exists is the one that is the island’s current territory status.

H.R. 2499 simply clarifies what the possible status options for Puerto Rico are: continuation of the current territory status that goes by the name of “Commonwealth”, independence, nationhood in free association with the United States and statehood.

What is not included in the legislation...and what is the real reason for the “Commonwealth” party’s persistent objections to the bill... is this impossible “Commonwealth” status proposal that is not the current status [*holding up copy*].

Under this proposal of theirs, Puerto Rico would be permanently empowered to nullify federal laws and court jurisdiction. The island would also be empowered to enter into international agreements and organizations requiring national sovereignty. The proposal also includes a new subsidy for the government of the island, and incentives for companies in the States to locate plants in Puerto Rico. But wait, there’s more. The proposal also further includes all current federal program assistance to individuals, and U.S. citizenship would be perpetually guaranteed.

A wise member of this Committee once called this proposal “the free beer and barbeque option.” Members of the Senate should...once again... join their counterparts in the House in clarifying that such proposals are not a possible status option.

In doing so, Mr. Chairman, you and your colleagues would do well to join Congresswoman Virginia Foxx...who in a letter to myself and Resident Commissioner Pierluisi last week did just that. Congresswoman Foxx clarified that the “Commonwealth” option contained in her amendment to H.R. 2499...which was approved by the full House...is...and I quote...”the status quo, under which Puerto Rico is subject to federal Territory Clause authority.”

As Congresswoman Foxx further made clear, her amendment’s intention was not to endorse the legal viability or practical possibility of...and I quote once again...”a new Commonwealth status’ which would grant Puerto Rico greater autonomy from federal authority with greater federal benefits.” With your permission, Mr. Chairman, I would like to submit Congresswoman Foxx’s letter for the record, along with my entire written testimony.

Mr. Chairman, what H.R. 2499 essentially does is authorize a process...at the discretion of Puerto Rico's elected representatives...that would begin with threshold votes on whether to consider status options. This responds to the "Commonwealth" Party argument that the status question should not be addressed. Only if a majority of voters no longer favors the current status...and Puerto Rico's elected representatives agree... would there be a second-stage vote on the full range of possible options. If a majority of voters in a threshold plebiscite do not want to consider Puerto Rico's status options, the issue would be put aside for eight years.

If a second-stage vote does take place, the current status would stand equally alongside the other possible status alternatives that have support in Puerto Rico: free association – which is advocated by an increasing number of members of the "Commonwealth" Party, although not the current leadership; independence; and statehood. In terms of measuring support for Puerto Rico's possible status choices, H.R. 2499 could not be any fairer.

In sum, H.R. 2499 would enable the preferences of Puerto Ricans...among the real status alternatives...to finally be ascertained. The legislation would not mandate any action in response by the federal government. If there ever is a majority of the vote for a status different than the present one, it is then that Federal officials could determine what response is appropriate. An accurate expression of status preferences by the people is the necessary first step.

Last month, members of the House took the right step. I urge you to do the same. By so doing, you will be effectively responding to the people of Puerto Rico's clear mandate for a federally sanctioned status choice process. You will also fulfill Congress' responsibility to enable a territory that lacks democracy at the national government level to determine if it wants one of the options for national government democracy.

Mr. Chairman, over the course of more than a century, millions of your fellow American citizens in the territory of Puerto Rico have made countless contributions to the Nation, both in peace and wartime. Thousands of our sons and daughters have laid down their lives...thousands more proudly serve today...in defense of American democratic values. Yet, we have never been given the chance to express our views about our political relationship with the Nation in the context of an accurate, fair and democratic process sponsored by Congress. This bill will, at long last, give us that chance. What could be more right?

Thank you very much.