Testimony of the Hon. José L. Dalmau-Santiago, Minority Leader of the Popular Democratic Party at the Senate of Puerto Rico regarding HR 2499, before the Committee on Natural Resources of the U. S. House of Representatives

June 24, 2009

Mr. Chairman and Honorable Members of the Committee on Natural Resources:

I was invited as Senate Minority Leader of the Popular Democratic Party to testify before this Committee regarding H.R. 2499.

The principal language spoken in Puerto Rico is Spanish. Therefore, I will present my testimony in Spanish.

Before providing my comments regarding HR 2499, I deem necessary to address a serious concern. Puerto Rico has had a relationship with the United States for more than a century; the last 57 of which under the Commonwealth status, as recognized under the pact contained in Public Law 600. During this relationship there have been various plebiscites to consult the status preferences of the People of Puerto Rico. The results of those electoral events, have demonstrated a firm rejection of the independence and statehood options.

There have been other Congressional initiatives for a self-determination process, including the one promoted by congressman J. Bennet Johnston's in the 1980's, HR 856, known as the Young Bill in 1998 -which was also considered by this Committee, HR 900 two years ago and now HR 2499.

At the core of a self-determination process is the will of the Members of Congress to respect and fulfill the will of the People of Puerto Rico, since it is up to the People of Puerto Rico to finally decide their status preference. Are you ready to accept the will of the People of Puerto Rico which could include modifications under a new Commonwealth model or to grant statehood or independence? That is a question you have to answer.

Now, as a firm believer in the Commonwealth status option, which has served the People of Puerto Rico well for over half a century, I hereby submit to this Committee my statement in opposition of HR 2499.

HR 2499 is the offspring of the failed HR 900, which was, in turn, the product of the Bush-Cheney task force on Puerto Rico. It reflects the same distorted democratic values

that became prominent during the previous Administration. The Bush-Cheney task force report adopts the flawed conclusion that the U.S. Constitution somehow prohibits a relationship with Puerto Rico based on mutual consent, anchored in the sovereignty of the People of Puerto Rico and our U.S. citizenship.

HR 2499 promotes a sui-generis two-round election process, which is totally biased in favor of the statehood option, as it proposes a Commonwealth yes or no vote, with a run-off round between various status options which have not been the historical preference of the People of Puerto Rico. This is clearly not a democratic self-determination process but a heavy biased plebiscite from the start.

President Obama laid out the framework for resolving the Puerto Rico status question in his February 12, 2008, letter to Gov. Acevedo Vilá, copy of which is included for the record. The process, the President said, has to be "genuine and transparent", "true to the best traditions of democracy". It has to be "deliberative, open and unbiased" and must "recognize all valid options... including commonwealth, statehood, and independence." On that same spirit, the platform of the 2008 Democratic Party Convention states that "[t]he White House and Congress will work with all groups in Puerto Rico to enable the question of Puerto Rico's status to be resolved during the next four years. HR 2499 is not on the same track as the President or the Democratic National Committee which received the endorsement of the People of the United States A just and democratic self-determination process requires that all valid options receive equal treatment. That is what International Law requires and what is fair in a democracy.

I recommend a self-determination process which will provide the People of Puerto Rico with an alternative to reach a consensus regarding the acceptable status options. I am referring to the Constitutional Assembly method. This alternative provides for an ample dialogue and a frank discussion between proponents of the different status options as well as facilitates a viable consensus for the status solution in the Island.

The Constitutional Assembly is not a new or novel process for the United States or Puerto Rico. The Constitution of the United States was adopted by a Constitutional Assembly convened in Philadelphia, in 1787. The Constitution of the Commonwealth of Puerto Rico was adopted by a Constitutional Assembly convened from September 1951 to July of 1952. Both *Magna Cartas* are important documents that have served as model for other democratic societies. Many Puerto Ricans have given their lives to defend the principles therein contained.

The Constitutional Assembly has been also amply used as the method of choice by the different territories in their quest to petition for statehood. The Constitutional Assembly should be considered by this Committee as a viable alternative to finally resolve the status question. HR 2499 does not include this alternative. I totally agree with the petition from various factions in the sense that we have to express our preferences on the status issue. However, the method proposed by HR 2499 is incorrect, anti-democratic and unjust to the People of Puerto Rico. HR 2499 does not provide for a fair process.

Nevertheless, our current relationship with the United States requires modifications to facilitate our insertion in the global economy and benefit from it.

There are other issues that should be part of the status discussion. For example, the restrictions imposed by the Maritime Cabotage Laws. Puerto Rico is currently required to exclusively use U.S. merchant vessels for maritime transportation. This situation results in the imposition of a significant additional cost to the Island's cargo operations that depends almost 100 % on maritime transportation for the importation and exportation of goods. This restriction imposes on Puerto Rico a serious competitive limitation in the Island's ability to market its products internationally. The Commonwealth should have the flexibility to choose maritime providers based on competitive principles which would benefit the Island's consumers, would provide investors with an additional incentive to invest in our economy and would promote the economic development of our country.

Exclusion from the applicability of the Maritime Cabotage Laws is nothing new to Congress because the Virgin Islands, Marianas, Guam, American Samoa, Wake and Midway are currently exempted from this restriction. The proposed exclusion is an indispensable component for the development of strategic projects in our country, such as the Port of the Americas, a major transshipment with value added and domestic cargo port. Hawaii and Alaska are other Untied States jurisdictions that are exploring alternatives to become excluded from this restriction, to further the development of their economies.

For the reasons described above, we oppose HR 2499 and submit the Constitutional Assembly alternative as the most democratic and viable option to allow the People of Puerto Rico to express its will.

Thank you.

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Annex: Letter of Barack Obama to the Hon. Aníbal Acevedo-Vilá, Governor of Puerto Rico, February 12, 2008