



Democratic Party of Puerto Rico / Partido Demócrata de Puerto Rico

**Testimony for the Record by Ms. Johanne Vélez-García
Vice Chair Democratic Party of Puerto Rico before the
House Committee on Natural Resources
H.R. 1522, "PUERTO RICO STATEHOOD ADMISSION ACT" AND H.R. 2070, "PUERTO
RICO SELF-DETERMINATION ACT OF 2021"
Virtual Hearing held on April 14, 2021 – 1:00 p.m.**

I am pleased to today to join the Governor of Puerto Rico and so many distinguished witnesses today to discuss my views on the two pending bills today before the House Natural Resources Committee on Puerto Rico's political status.

For over 25 years now, I have been an advocate for equality. My activism has primarily addressed women's and LGBTQ rights. In 2014, two years after getting married in New York City, my wife and I joined five other couples in a federal court suit to end the discriminatory marriage ban for same-sex couples in Puerto Rico. In 2016, halfway through a tough at-large primary, I realized I had become the first openly lesbian woman to run for an elected position in Puerto Rico. And although I did not prevail in that run, history has its interesting turn of events, and in 2017, became the president of the first ever Governor's Advisory Council on LGBTQ Affairs in Puerto Rico and Vice Chair of the Democratic Party of Puerto Rico. So, you see, the defense of equality is activism, advocacy, public policy, legislation, and more than anything, a commitment to further the full rights of every person in our democracy.

Testifying in this first panel before you today, are four American citizens of which two are your equals, and two are not. The Governor of Puerto Rico, and myself, like our fellow Puerto Ricans in the island, are second-class citizens since we do not live in a State. Whereas the other two panelists who live in the mainland have their full-fledged U.S. citizens' rights. The shameful colonial status under which the residents of the island are not recognized as equals, must end.

During the last few months, the need to resolve Puerto Rico's unequal and undemocratic status as a territory has gotten increased attention with the introduction of Puerto Rico Statehood Admission Act and the Puerto Rico Self-Determination Act. Given the many ways that Puerto Rico's territory has become unsustainable for both the island residents

and the Federal Government, all efforts to end the dysfunctional territorial status are worth considering.

The first bill sponsored by Congressman Darren Soto (H.R. 1522) is based on a response to several referendums in which Puerto Rican voters went to the polls to express their views on the preferred political status. This bill is straightforward, and it clearly defines the terms for Puerto Rico to become a state. The Soto bill offers the island a federal sanctioned Yes or No vote on statehood and if a majority chose "YES" then Puerto Rico becomes a state after a brief transition, without the need for further congressional action. If voters chose "NO" then the island remains a territory and can then choose to pursue independence or sovereignty with free association at any point in the future.

I think it is important for the members of the Committee to understand how we got to this point and real reasons we are discussing two bills today. In 2012, 2017 and 2020, Puerto Rico voters supported statehood over the other status options. In the 2012 and 2017 referendums, the supporters of Commonwealth and Independence protested the structure of the ballot and opposed how these options were defined. These two plebiscites were based on the status options approved by various congressional committees and successive Administrations of both parties which said were valid Constitutional options. The anti-statehood parties urged their supporters to boycott the referendum since they could not define their preferred options anyway they wanted. But as Congressman Soto said after the 2017 plebiscite, choosing to boycott a vote on Puerto Rico's political status is a choice in itself.

In 2020, this was not the case. Due to largely to the complaints of the anti-statehood parties of the previous two plebiscites, the Governor and Legislature of Puerto Rico decided to offer the voters of Puerto Rico a clear and simple choice, "Statehood Yes or No." Virtually as many people voted in the plebiscite as voted for any local office. Many of the political leaders of Puerto Rico might disagree how to define Commonwealth or the current territorial status but generally everyone agrees what Statehood for Puerto Rico means. The Statehood Yes or No referendum was also based on similar votes that dozens previous territories held in petitioning Congress for statehood. The participation percentage on this vote was greater than similar votes in many territories.

Unlike the 2012 and 2017 referendums, the anti-statehood parties did not boycott the 2020 referendum. They officially registered in Puerto Rico to represent the "No" option. The Commonwealth and Independence parties as well as other anti-statehood parties

actively campaigned and urged their supporters to vote No. Congresswoman Velasquez who is the main sponsor of the other bill which I will soon discuss came to Puerto Rico and urged voters to reject statehood.

Despite a well- run and well-funded campaign by the opposition, Statehood won nearly 53% of the vote. The statehood option received a greater percentage of the vote than even our distinguished Governor and Resident Commissioner who are with us today. For the third consecutive time, the voters clearly chose statehood as the preferred status option.

Let us spend a few minutes talking about why I believe statehood won again last year. A clear majority of people in Puerto Rico understand that the current Commonwealth territorial status has failed us. Our economy has been in decline or stagnant for decades. The only way we have been able to provide basic services to its people is by selling bonds to investors on Wall Street. In 2016, it finally became apparent Puerto Rico was borrowing well-beyond its means and Congress had to pass a new law creating a federal control board of oversee Puerto Rico's finance. The following year, Puerto Rico was devastated by Hurricane Maria and the federal response led by the Trump Administration left a lot to be desired to say the least. Even before the fiscal crisis and Hurricane Maria, the trend was for hundreds of thousands of Puerto Ricans to leave the island and move to the mainland US. Obviously, most of the people leaving the island support Statehood since they voted for Statehood, as we say in Puerto Rico, with their feet. With the all the people moving the mainland US, it is amazing to me that Statehood still won by such a clear majority.

So why did statehood did win again last year. The people of Puerto Rico know that the current political status no longer works for them. In order for our economy to grow, we need a permanent political status. We will never see real economic growth and stability if we have come to Congress each year asking for more federal benefits such as help for our almost bankrupt Medicaid system. We cannot depend on Congress creating tax incentives, which often change, to encourage big US corporations to set up a plant on the island and provide a few hundred jobs. A majority of Puerto Ricans know that the only hope to rebuild our economy is become fully part of the US through statehood. Only through statehood will we have full equality as Americans and sending Senators and Congresspersons to Washington will have a chance to make sure our people to fully benefit as American citizens.

So how should the Democratic Party and its elected representatives respond to the people of Puerto Rico clearly choosing statehood once again. All the recent Democratic party platforms have clearly stated it is up to Puerto Rico to choose its own political status and once the voters choose a preferred status the Congress should respond accordingly. President Biden said during the campaign that he prefers statehood for Puerto Rico and, if voters choose this option, Congress should respond by granting Puerto Rico their preferred status option. When he gave John Lewis's eulogy last year, former President Obama said only statehood would give Puerto Rico have full equality. Senate Majority Leader Schumer said last year, "if Puerto Rico chooses statehood, I would be glad to offer it."

How can the Democrats in Congress and on this Committee ignore the will of the people of Puerto Rico? All throughout this country, we as Democrats, are fighting the efforts of former President Trump and his GOP allies to pass new voter suppression bills. I am sure every Democrat on this Committee opposes the new Georgia law and other efforts in Texas and other states to pass new state laws making it harder to vote. Would not ignoring the recent referendum vote in Puerto Rico be another form of voter suppression? All Democrats opposed President Trump's efforts after the 2020 election when he claimed there was widespread voter fraud and he tried to overturn a legitimate election. No one is claiming there was voter fraud in the 2020 referendum vote. Just like Trump did after the November vote, the opponents of statehood just cannot accept they lost so they just ask you to ignore that Statehood won. There can no purer self-determination process than the people voting on questions posed by their elected representatives.

As I see it, the Soto bill is response to the people of Puerto Rico choosing its preferred status in fair and legitimate election. As it has in the past when other territories petitioned for statehood, Congress would establish a formal process to consider statehood for Puerto Rico. If Puerto Rico again chooses statehood for the 4th time, this bill would set a process in which the President, Executive Branch and Congress would change the relevant US laws and regulations so the island would be treated fully and equally as the other 50 states. This bill is an appropriate and equitable response the people choosing statehood and respecting long held traditions of the Democratic Party.

I would like to spend the rest of my time today addressing the details of the other bill before the committee today. This legislation is sponsored by Congresswoman Nydia Velázquez and known as the Puerto Rico Self Determination Act. This bill creates such an

unprecedented process that it is so complicated and ambiguous it does not even say how many status options should be considered, what their definitions will be, or when voters will have a chance to vote on them. Despite its title, this bill has little or nothing to deal with true self-determination. If you carefully read the bill and understand the full meaning of many of its key provisions, it is a pro status quo bill, a pro territorial option bill and an anti-statehood bill.

This bill would ignore the free and fair votes of Puerto Ricans, upheld by the Federal Court as well as the insular Supreme Court. It attempts to pressure the territory into conducting a status process that the Government of Puerto Rico has declined to adopt for decades. While the bill recognizes the inherent authority of the Puerto Rico legislature to call for a status convention, it specifically ignores that Puerto Rico has already legislated three laws and carried out three plebiscites over the last 10 years. Specifically, it ignores that these votes have shown, with increasing clarity, that a majority in Puerto Rico rejects the current territorial status and favors statehood for its future.

As we did after the 2020 election all across the country, Democrats respect democratic election results and should respect Puerto Rico's decision on how to exercise its own self-determination.

The Velázquez bill would include status proposals that are not possible which prolong the current territorial status that the voters of Puerto Rico have already rejected three consecutive times. This bill claims that the status options which should be considered are statehood, independence, free association, and "any other non-territorial status". This committee and every Administration has always made it clear that other than the current territorial status there are only three real options: statehood, independence and free association.

This bill also calls for amending many Federal laws as unilaterally drafted by a convention in Puerto Rico without the committees of jurisdiction of either House in Congress being able to make any changes. How can this committee consider this bill which basically grants its authority to a convention of elected representatives on the island? Will the House Ways and Means Committee allow this Convention to rewrite all the tax laws to the island? The bill requires both the Senate and House to vote up or down on whatever this Convention decides without the right to make any changes. Why would any Congress seriously consider any bill which limits its own authority and granting its power to a

territory decide what status option it prefers without any real opportunity to review the decision.

Another difference in these bills is timeline. The Statehood bill sets out a flexible yet structured timeline that would allow voters in Puerto Rico to choose in a matter of months and see the results implemented in a few months thereafter. On the other hand, the so-call "Self-Determination" bill has no start or end date for the status convention. It does not say when Puerto Rican residents will be allowed to vote on the options and even if Congress ratifies the final choice by voters, it does not indicate how long any transition out of the territory status would take. So as one prominent bill supporter said, "the Velázquez and Ocasio-Cortez legislation would start a process that could take years."

To prove to how biased this bill is against statehood it also calls for a congressional commission to make recommendations to Puerto Rico on its culture, language and other matters as a State or Nation. As we all know, the language or culture of a territory or state is not within the jurisdiction of the U.S. Government under the Constitution or international law. So why did the sponsors of this bill add this provision ? It was simply included to scare the voters of the island that they could lose their identity as Puerto Ricans if they chose statehood.

The main premise of the bill is that the people of Puerto Rico should hold a status Convention of elected representatives who would serve indefinitely without ever having to run for re-election. If you understand anything about Puerto Rico politics and the disagreements of over political status, this Convention proposal is just simply ridiculous. As we saw during the 2012 and 2017 referendums, the political parties will never be able to come to an agreement on how to define the current political status. What would a Status Convention achieve? The clear answer is absolutely nothing. The Convention concept proposed sounds good in theory but is just a way to block statehood and protect the same territorial status that the voters have already rejected.

So, you might ask yourself, why cannot the political parties in Puerto Rico agree on the real status options. Despite numerous Supreme Court cases, some prominent leaders in the Commonwealth party do not even believe Puerto Rico is a territory. Some Free Association and Independence leaders claim Puerto Rico could become its own nation, but every Puerto Rican can keep their US citizenship. Under the US Constitution, only Congress under the territorial clause gets to decide these fundamental issues. These political fights and disagreements on status issues have been going on in Puerto Rico for

over 50 years since we have our first status referendum in 1967. So, what could possibly be achieved by requiring us to hold status convention ? Absolutely nothing.

I urge the members of this Committee to review both bills carefully and understand the true meaning of each bill and what process these proposed laws would establish. The Soto bill is a true response to the most recent referendum in which the voters of Puerto Rico clearly chose statehood. This bill respects the jurisdiction of Congressional committees, the previous bipartisan bills approved by this committee, and long traditions of the Democratic Party to support voting rights and the will of the majority of voters in a territory or state. The Velázquez bill does the complete opposite, and creates an unfair process that Congress has never imposed on any territory petitioning for statehood.

While there could still be room for improvement in the Statehood Admissions Act, the flaws in the Self Determination bill are numerous and self-evident. If Members of Congress are serious about ending Puerto Rico's outdated colonial territory status, they must listen to what the majority of the islands voters already said, and make the most logical and effective choice to support and approve the Puerto Rico Statehood Admissions Act.

The 3.1 million Puerto Ricans living on the island are proud Americans. Polls show that over 90% of the people in Puerto Rico cherish their U.S. citizenship. Please consider legislation which only respects us as full Americans and our right to true self determination. I passionately believe that if Congress approves the Soto bill and offers Puerto Rico a real path to statehood it would be overwhelmingly approved by the voters of Puerto Rico. Thank you for allowing me to testify today and offering my own views on the most important issue facing the people of Puerto Rico.