

**Testimony of Governor Aníbal Acevedo-Vilá before the Committee on
Natural Resources on H.R. 1522, “Puerto Rico Statehood Admission Act” and
H.R. 2070, “Puerto Rico Self-Determination Act of 2021**

April 14, 2021

I am grateful to Chairman Raúl Grijalva and the House Natural Resources Committee for holding this important hearing and for this opportunity to testify. I come to you in my personal capacity as a former Member of the House of Representative and this Committee and as former Governor of Puerto Rico. I have also directly or indirectly participated in every political status process that has been held over the last 30 years regarding the relationship between Puerto Rico and the United States. Recently I began working collectively with a group of puertorriqueños, from diverse backgrounds and political views, and help to establish a new non-partisan political advocacy group, *Frente Puertorriqueñista*,¹ to advocate and educate the public regarding the urgent need for the U.S. Congress to enact and adopt a fair and inclusive process of self-determination to decolonize Puerto Rico, and to defend the national and cultural identity of the Island. One of the core positions of the *Frente Puertorriqueñista* is to support H.R. 2070, The Puerto Rico Self-Determination Act, introduced by Chairwoman Nydia Velázquez and Congresswoman Alexandria Ocasio-Cortez.

I want to start with what I believe is the question at the forefront in the minds of the Members of this Committee and more broadly in the House and Senate - should Puerto Rico enter the Union as the 51st or 52nd state? Let me be clear - I strongly oppose statehood for Puerto Rico, a position shared by the members of the *Frente*. Like many of you, we recognize that statehood is not a good option for Puerto Rico, nor would it be good for the United States. Our opposition to statehood is based on historical, cultural, national identity and economic realities. But this is not the reason I'm here today. Let's examine a more appropriate question today - : **Is there a mandate to grant statehood to Puerto Rico?**

The answer is NO.

Yes, the people of Puerto Rico voted 52.5% to 47.5% in favor of statehood in a non-binding referendum held on Election Day 2020. But that was a referendum rejected by the U.S. Department of Justice, and by 4 of the 5 political parties in Puerto Rico, because all the other options for the future political relationship between Puerto Rico and the U.S. were excluded from the ballot. The referendum's result has to be analyzed within the following context:

1. The pro-statehood candidate for Governor won with only 33% of the votes, while the other 67% voted for a candidate for governor who did not promote making Puerto Rico the 51st state.
2. On Election Day, Puerto Ricans elected new anti-statehood majorities in both the Puerto Rico House of Representatives and the Senate. A majority of mayors elected in Puerto Rico also oppose statehood.

¹ A new group to address political status, El Nuevo Día, March 30, 2021, <https://www.elnuevodia.com/english/news/story/a-new-group-to-address-political-status/>. See attachment 1.

3. The referendum was held even after the U.S. Department of Justice refused to sanction the referendum and formally rejected using federal funding to conduct the vote. DOJ ruled that the statehood party-designed plebiscite did not comply with the Constitution, federal law, or standing public policy. The DOJ, in 2017, rejected another statehood party designed referendum for similar reasons.
4. Only the pro-statehood movement was actively campaigning and spending money for a yes vote. That means it was basically a one-sided campaign with only statehood on the ballot, therefore excluding pro-independence, pro-Commonwealth, and pro-free association voters from the ballot.

Any objective look at Puerto Rican reality and the facts on the ground lead to one conclusion: Puerto Ricans remain deeply divided on the statehood question. And any attempt to move forward with a petition to make Puerto Rico the 51st or 52nd state will further divide our people without solving the underlying problem of our colonial relationship with the U.S.

This division raises another important question that needs to be answered: **Do Puerto Ricans support other options or is statehood the only option?**

I am here to tell you that Puerto Ricans certainly do support other options – and statehood is not the only option for Puerto Rico, or for the United States.

I'm sharing with the Committee the results of a poll conducted during the period of July 20th to August 9th, 2020 by the prestigious D.C. based firm Hart Research.² Their results were extremely accurate regarding the final outcome in November, and included very relevant questions related to the statehood referendum.

The Hart Research poll had statehood winning by a close margin, 48% to 45%, in early August. This was nearly the exact result in November. Interestingly, 54% of those polled thought the referendum was not a serious proposal, even though they were willing to participate.

The most interesting data from the Hart poll was when the real political status questions were asked. In Puerto Rico, the issue about our relationship with the USA, the “status” issue as we call it, is not only regarding “statehood” (it is really annexation.) There is complete agreement there are other options, like a new non-colonial, non-territorial Estado Libre Asociado, some form of Free Association with the USA, and Independence. One of the complaints of the local political parties was that those of us who believe in those other options were not afforded (some might say silenced from) real participation in the referendum.

The Hart Research poll did ask that question. When all the options are given, annexation (“statehood”) support goes down to 41%, Commonwealth gets 38%, Free Association 8% and Independence 6% (with 7% undecided).

Beyond the fact that the support for statehood in that poll goes from 48% when it is a yes or no question, to 41% when the other options are included, it is more interesting that the options of a

² See attachment 2.

relationship with the USA other than statehood are the majority (Commonwealth + Free Association = 46%).

Making Puerto Rico the 51st state is an irrevocable decision that will affect future generations, well beyond that 52% of individuals that actually voted for that option. Perhaps the most important piece of information that comes from the Hart Research poll is the limited support that statehood has with the younger generation. Within the 18–34-year-old bracket, the support for statehood goes down to 35% and the support for Free Association goes up to 20% and for independence to 15%.

So why did statehood eventually get 52% in the November referendum? The Hart Research poll also gives us some explanation. When only given the yes or no to statehood option, 15% of those who vote yes, really support one of the other options not given to them (especially Commonwealth) in the question that included all the options. Having been deprived of their alternative, they voted for statehood. It is clear that it is only the lack of options and not that they really want statehood.

The answer to the two previous questions is obvious: there is no mandate from the People of Puerto Rico to make the island the 51st state and we do request a fair and inclusive process of self-determination that will finally bring decolonization. And there is where H.R. 2070 comes to play.

I, as well as the *Frente Puertorriqueñista* support H.R. 2070 because it's a serious, fair and inclusive process.

Contrary to all the other status bills introduced in Congress during the last thirty years, H.R. 2070 was not drafted nor pushed by any of the local political parties in Puerto Rico. That's a good way to start this contentious process. This new approach could also facilitate an eventual consensus here in Congress as well as in Puerto Rico. For the first time, this bill gives the opportunity for Congress to talk directly to the People of Puerto Rico, without the need to use local political parties as intermediaries. The political diversity of those from Puerto Rico testifying today in support of H.R. 2070 is a clear showing of its potential for consensus.

H.R. 2070 is not a colonial imposition by Congress on Puerto Ricans. It doesn't order anything, nor precludes any type of outcome. No one is excluded, nor favored. If enacted, the start of the process will be completely in the hands of the elected officials in the Island. It doesn't even have status definitions so as to avoid a process that could be challenged as biased and in favor or in opposition to any of the status options from the very beginning.

If the Legislative Assembly in Puerto Rico decides to call for a Status Convention, all status options will have a fair opportunity to participate and to elect delegates to the convention. Actually, if statehood is really the favorite option of the people, the majority of delegates elected will support that option.

The most important and creative component of this bill is the creation of a Negotiating Commission. If Puerto Rico calls for a Status Convention, a bipartisan commission, with Members of the House and the Senate and with representation from the Executive Branch will be created with the specific duty to have dialogue and negotiations with the delegates of the different status

alternatives. The Negotiating Commission will have to answer and clarify many of the legal, constitutional, language, cultural and economic questions that for more than a hundred years our people have attempted to answer, but Congress has failed to address. Is Congress willing to accept as a state a nation with Spanish as the official and only language in the state courts, legislature and public schools? What effect will federal income taxation have on the economy and the budget of the government of the “State of Puerto Rico? Can the state of Puerto Rico keep the triple tax exemption that the current bonds (and that are being renegotiated right now) enjoy? Under what constitutional underpinnings can a non-territorial Estado Libre Asociado be established? What agreements regarding U.S. citizenship can be established under free association? What transition agreement toward independence is Congress willing to offer? How will all the status alternatives be affected or impacted by the undergoing process established by PROMESA and the restructuring of the debt? H.R. 2070 has for the first time established a process that could finally give the people of both our countries the necessary answers we deserve.

After the negotiating process, the members of the Status Convention will deliberate and present to the people the different options for a vote. This will be the first time that we will vote on status options with clear information of what Congress is willing to offer and what are the consequences of the different options. Everything will then be in the hands of Puerto Rico. Under H.R. 2070 the people will freely vote two times, initially to elect the members to the Status Convention, and later to select their preferred status option. The only limitation imposed by H.R. 2070 is that any definition put forward by the Negotiating Commission and presented to the people for a vote must be outside of the territorial clause of the U.S. Constitution. That will guarantee that we will really put Puerto Rico on the path for decolonization.

The first time I testified before this Committee on this issue of the status of Puerto Rico was in 1997. I have lost count how many times I have walked the halls of Congress over the last 30 years to discuss different bills on this important issue. All prior attempts have failed precisely because they had no consensus in Puerto Rico and were based on the agenda of the Puerto Rico statehood party to tilt the process in their favor. During that same period, the statehood party has called for plebiscites in Puerto Rico, without any federal support, in five occasions (1993, 1998, 2012, 2017 and 2020). Those local initiatives have failed for the same reason.

Puerto Ricans deserve that this time be different. The U.S. Congress and the Biden Administration have a moral, legal and political responsibility to enact H.R. 2070. Before us today are two paths. One that will repeat the same mistakes of the last 30 years. Or we can finally try a different approach. One that is inclusive, and unbiased toward any alternative. The Puerto Rico Self Determination Act of 2021 is a creative, inclusive and fair process that avoids the mistakes of the past and offers a new way forward. The path towards decolonization is not going to be easy. But it has to start now. I urge this committee to approve H.R. 2070.