

Congress of the United States
House of Representatives
Washington, DC 20515-5401

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State Elections Commission of Puerto Rico
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Dear President González and Commissioners Dávila, Ortiz and Dalmau:

As you are aware, in response to the November 6, 2012 plebiscite, the results of which were certified by the State Elections Commission of Puerto Rico, President Obama proposed—and Congress approved—the *Consolidated Appropriations Act, 2014* (P.L. 113-76, January 17, 2014). Division B, Title II of this legislation, which appropriates funding to the U.S. Department of Justice, states:

\$2,500,000 is for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico's future political status, which shall be provided to the State Elections Commission of Puerto Rico.

The Joint Statement of Managers accompanying this legislation adopts by reference the following language from House Report 113-171, which provides additional details about the appropriation for a plebiscite in Puerto Rico.

The funds provided for the plebiscite shall not be obligated until 45 days after the Department [of Justice] notifies the Committees on Appropriations that it

approves of an expenditure plan from the Puerto Rico State Elections Commission for voter education and plebiscite administration, including approval of the plebiscite ballot. This notification shall include a finding that the voter education materials, plebiscite ballot, and related materials are not incompatible with the Constitution and laws and policies of the United States.

It is difficult to overstate the significance of this law for Puerto Rico and its future. As I wrote in a letter to President Obama dated January 23, 2014, the law is—without a doubt—“the most significant step that the federal government has ever taken to resolve Puerto Rico’s political status.”

Most fundamentally, the law lays the groundwork for the first federally-sponsored status vote in the 116 years that Puerto Rico has been a territory of the United States. Moreover, Congress and the President expressly state in the law that the purpose of the vote is to “resolve” Puerto Rico’s ultimate status. Furthermore, the law is structured as a “no-year” appropriation, meaning the \$2.5 million will remain available until it is expended, rather than reverting to the U.S. Treasury if it is not used by a particular date. Finally, the law directs the U.S. Department of Justice to review the proposed ballot and educational materials to ensure that the status options—and the explanation of those options provided to the Puerto Rico public—are “not incompatible with the Constitution and laws and policies of the United States.” This language makes certain that impossible status proposals cannot, under any circumstances, be included on the ballot. The law is therefore faithful to the principle that self-determination is a choice among real options that can be implemented, not an exercise in wishful thinking.

It is now appropriate for the Elections Commission to submit a proposed plebiscite ballot to the U.S. Department of Justice, and I ask that you do so without delay. In particular, I urge you to submit a proposal to structure the federally-sponsored plebiscite as a vote on Puerto Rico’s admission as a state, with the ballot written—in Spanish and English—as follows:

Proposed Ballot

As a State:

- (A) Puerto Rico would be permanently united to the other States of the Union.
- (B) All provisions of the Constitution of the United States that apply to the States would apply to Puerto Rico.
- (C) Individuals born in Puerto Rico would be United States citizens by virtue of the Constitution of the United States, instead of by virtue of laws of the United States.
- (D) Puerto Rico would be treated equally with the other States in all Federal laws of general application.
- (E) There would be a period of transition to statehood, during which equal treatment of Puerto Rico in program and tax laws would be phased in.
- (F) Puerto Rico would be represented in the United States Senate by two Senators, in the United States House of Representatives by a number of Representatives in proportion to its share of the national population (and the number of Members of the House of Representatives would be increased by the same number), and for the election of the President and the Vice President of the United States by a number of votes in the Electoral College equal to the number of its Senators and Representatives.
- (G) The Government of Puerto Rico, like the governments of the other States, would have permanent authority over all matters not delegated to the Federal Government or the people by the Constitution of the United States.

Do you want Puerto Rico to be admitted as a State of the United States?

Yes__ No__.

This is the optimal way to proceed for at least seven reasons.

- First, this approach enjoys widespread congressional support, as evidenced by the fact that my bill proposing precisely this approach—H.R. 2000, the *Puerto Rico Status Resolution Act*—has 130 bipartisan cosponsors and an identical companion bill has been introduced in the Senate. There is no bill pending in Congress that proposes any other approach.
- Second, this approach is the most logical and appropriate in light of the results of the November 2012 plebiscite, because statehood obtained more votes—834,191, according the results certified by the Elections Commission—than any other option in that plebiscite, including the current territory status.

- Third, this approach is fair. Those who support statehood can vote “Yes” and those who oppose statehood can just as easily vote “No.” A binary vote, by definition, is not exclusionary.
- Fourth, this approach would undoubtedly be approved by the U.S. Department of Justice because it is consistent with the language of the federal law enacted in January.
 - This approach satisfies the law’s requirement that the funding be used for a plebiscite—that is, a popular vote—as opposed to any other procedural mechanism.
 - This approach satisfies the law’s requirement that the federally-sponsored vote be held among one or more options that would “resolve” Puerto Rico’s status. Statehood would resolve the status issue because it is permanent and final. By contrast, as long as Puerto Rico remains a territory, it still has the potential to become either a state or a sovereign nation.
 - This approach satisfies the law’s requirement that the ballot not contain any option that is “incompatible with the Constitution and laws and policies of the United States.” Statehood—as the 50 current examples prove—comports with federal law and policy.
- Fifth, this approach is simple, straightforward, free of confusion or ambiguity, and would yield a definitive result.
- Sixth, this approach was essentially endorsed by the leaders of the Popular Democratic Party when they testified before Congress in 2009 and 2010. Hector Ferrer, the party’s president and leader in the Puerto Rico House of Representatives at the time, said this to a U.S. Senate committee on June 24, 2009: “I propose only one simple plebiscite. Let the people of Puerto Rico decide, statehood, yes or no.” Mr. Ferrer made the same argument at a hearing before a U.S. House committee on May 19, 2010. Likewise, José Dalmau, the then-PDP leader in the Puerto Rico Senate, testified before the U.S. Senate committee as follows: “To solve the problem easy in these next four years, present to the people of Puerto Rico and the Congress, statehood, yes or no.”
- Finally, this approach is consistent with the federally-sanctioned procedures that were employed in Alaska and Hawaii. On August 26, 1958, a vote was held in Alaska on the yes-or-no question: “Shall Alaska immediately be admitted into the Union as a State?” Similarly, on June 27, 1959, a vote was held in Hawaii on the yes-or-no question: “Shall Hawaii immediately be admitted into the Union as a State?”

For all the foregoing reasons, I ask the Elections Commission to exercise the authority granted to the Commission under federal law by submitting a proposal to the U.S. Department of Justice to use the \$2.5 million in funding to conduct a federally-sponsored vote on Puerto Rico's admission as a state.

Sincerely,



Pedro R. Pierluisi
Member of Congress

cc: The Hon. Eric H. Holder, Jr., United States Attorney General
The Hon. Tony West, Co-Chair, President's Task Force on Puerto Rico's Status
The Hon. David Agnew, Co-Chair, President's Task Force on Puerto Rico's Status
The Hon. Alejandro García Padilla, Governor of Puerto Rico
The Hon. Eduardo Bhatia, President, Puerto Rico Senate
The Hon. Larry Seilhamer, Minority Leader, Puerto Rico Senate
The Hon. Jaime Perelló, Speaker, Puerto Rico House of Representatives
The Hon. Jenniffer González, Minority Leader, Puerto Rico House of Representatives