

ADDITIONAL VIEWS

While the amended version of H.R. 900 was passed by the Committee on voice vote, I had at that time, and still have, serious reservations about the bill in its current form. Should the bill move forward for additional consideration, we will need further opportunity to address concerns expressed during both the Subcommittee hearings and the Committee mark up. While I believe the amendment to the bill adopted by the Committee improved the bill, I still feel that the bill, as reported, is unfair and falls short of what this Congress is capable of producing to help Puerto Ricans chart a better future for their political status with the United States.

The amendment did however accomplish two important objectives. First, the Task Force on Puerto Rico's Status will not have any role in the process after the first vote in Puerto Rico. The work of the Task Force was the subject of much criticism in Puerto Rico and in the Congress and its continued involvement in this process, as originally contemplated by H.R. 900, would not have been positive. Second, the amendment recognizes the inherent authority of the people of Puerto Rico to call a Constitutional Convention, or to conduct a plebiscite, that will present self-determination options to the voters in Puerto Rico and, if approved, to the Congress. As the plain language of the amendment states, the Constitutional Convention will be free to consider any self-determination option. The language is clear, and should not be subject to any other interpretation.

I believe it is necessary to reaffirm the intent of the amendment that a Constitutional Convention may consider any self determination option, both because it is the fair and right thing to do, but also because the bill may be prone to confusion and manipulation as a result of the way the first vote is currently structured. That vote essentially asks whether the people of Puerto Rico want to "continue to have its present form of territorial status and relationship with the United States" or "pursue a constitutionally-viable permanent non-territorial status." These are all terms that are not easily defined, and the bill, as reported, does not even attempt to define them.

It is clear that many of the terms in the bill, H.R. 900, are offensive to Commonwealth supporters among others. The language authorizing the initial vote presented to the people of Puerto Rico under H.R. 900, as approved by the Committee on Natural Resources, is confusing and susceptible to manipulation. More seriously, however, it would seem to pit all options against Commonwealth—the one option that has received at least a plurality in all previous votes. In large part because of the inherent confusion and unfairness of the vote offered in H.R. 900, I believe it would be preferable to simply let the people of Puerto Rico to begin the process of resolving their political status by calling a Constitutional

Convention to draft a proposal for both the people of Puerto Rico and the Congress to consider. The Constitutional Convention, however, should not operate in a vacuum, and I would expect the Convention to consult with the Committees of jurisdiction, as well as with the Administration, in terms of whether any particular proposal is feasible before submitting it to the people of Puerto Rico and the Congress for further action.

I continue to believe we should have a free and fair process, allowing the people of Puerto Rico to choose between Commonwealth status, statehood, or independence, as in the past. And the election should not be unfairly tilted toward any one of these three choices.

JOHN J. DUNCAN, Jr.

