STATEMENT OF NESTOR DUPREY SALGADO
BEFORE THE SUBCOMMITTEE ON INSULAR AFFAIRS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
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Madame Chair, members of the Subcommittee:

My name is Nestor Duprey Salgado. I appear before this Subcommittee as spokesperson of the Movimiento Autonomista Socialdemócrata (MAS). MAS is a non-governmental organization that advocates for the development of Puerto Rico's current relationship with the United States to a Compact of Free Association, in compliance with U.S. and International law. MAS follows in the tradition of more than 20 years whereby supporters of Free Association have appeared before the Congress to advocate for this political status alternative.

As MAS has previously addressed the substantive and procedural aspects of both H.R. 900 and H.R. 1230, I should underline at this time that MAS firmly believes that **any bill passed by Congress must recognize three separate status options, presented to the Puerto Rican electors in a fair and balanced way: *statehood, independence* and *free association.*** *No more, no less.*

International Law and US constitutional practice have recognized Free Association as a valid non-colonial and non-territorial self-determination option. The Compacts of Free Association adopted since 1986 between the Federated States of Micronesia, the Marshall Islands, Palau and the United States are recognized both as international agreements and U.S. domestic law.

Free Association is based on the sovereignty of the People of Puerto Rico. In the exercise of said sovereignty, Puerto Rico would delegate or share several areas of authority with the United States. The existing Compacts of Free Association between the US and the Micronesian nations have been negotiated and executed under the Treaty Making Power of the U.S. Constitution. The Compacts are clearly outside congressional authority under the Territorial Clause of the Constitution.

Some argue that Congress has the authority to partially and permanently cede some of its plenary powers over Puerto Rico under the Territorial Clause. MAS believes that is a risky proposition that will ultimately leave the new form of association between Puerto Rico and the US in substantially the same place that it is now: at the mercy of future actions and interpretations of Congress, the Justice Department and the Federal Courts. Furthermore, the existing Compacts of Free Association are a recognized model in US constitutional practice that would accommodate all the political and economic authority desired by the majority of Puerto Ricans that do not believe in statehood or independence.

MAS understands that the best way for an association agreement to work is to forgo altogether the Territorial Clause and use the International Agreements Clause of the Constitution. Puerto Rico must become a sovereign nation, all while entering at the same time into a Compact of Free Association with the United States. This was exactly the way in which the Micronesian Compacts were established since 1986.

Contrary to what some have argued in the past, Free Association is not independence. Free Association is bilateral by nature and requires mutual consent. Contrary to independence, it is based on the concepts of association, mutual trust and understanding.

Having said this, it is proper to clarify certain important issues regarding the viability and nature of a Compact of Free Association between Puerto Rico and the United States.

Most of those who have studied the process that concluded in the signing of the existing Compacts of Free Association have agreed on some very important issues that I most highlight today:

1. U.S. citizenship possessed by Puerto Ricans by birth since 1917 cannot be unilaterally revoked by the Congress. The overwhelming weight of legal authority is that citizenship is an individual right that cannot be taken away arbitrarily by Congress without violating fundamental constitutional principles.

2. Dual U.S. and Puerto Rico citizenship is not only possible, but desirable. Dual U.S. citizens now include persons from Israel and Mexico, and the list is growing. Even the Department of Justice has concluded that in the case of Puerto Rico, there are no constitutional or legal impediments for the permanence of US citizenship in the case of sovereign free association. It is only a matter of political will.

3. Some argue that you have to become an independent nation first and then enter into an association. That is wrong. The Freely Associated States of the Pacific went directly from trust territory status to political association with the U.S. Puerto Rico and the U.S. can commence negotiations toward free association without the need to change the current relationship.

4. MAS also understand that ***economic self reliance*** must be a fundamental principle in a future relationship with the US. Economic dependence runs counter to the interests of the Puerto Rican nation and the US government. As an essential part of a model of free association, we believe that both nations must agree on a ***new economic covenant.*** As happened in the Micronesian experience, both nations would agree on an economic arrangement that includes the strategic assignment of federal funds; the creative use of trust funds, as well as other economic incentives.

Free Association is the only viable alternative that harmonizes both United States and Puerto Rico strategic interests. It would provide Puerto Rico the economic tools to deal with our problems in a dignified relationship of security and trust with the U.S. At the same time, the United States would acquire a must desired partner in Latin America and in the global community, in a democratic friendship of mutual interests and values, all while promoting self-sufficiency, economic growth with social justice.

Congress has an obligation to fulfill. It is two-fold: to provide for a fair, inclusive and effective process of self determination and, secondly, to offer the complete array of non-territorial options recognized by International Law in the simplest and clearest way possible. Thus, you must offer Free Association as a distinct alternative to all others. Free association must be able to stand on its own feet as the people of Puerto Rico make their choice in the ballot box.

After more than 109 years of U.S. rule, Puerto Rico is more than ready to take the next step forward in its process of self-determination. While some forces in Puerto Rico insist on maintaining and preserving the *status quo,* Congress should assume its responsibility and promptly enact legislation providing the People of Puerto Rico with a much awaited federally sanctioned self-determination process. The People of Puerto Rico are ready. We wait for your response and action.