

## **H.R.9246, PUERTO RICO DEMOCRATIC SELF-DETERMINATION ACT: A Non-Binding Exercise in Wishful Thinking**

Puerto Rico's Resident Commissioner, Pablo Jose Hernández, recently introduced the *Puerto Rico Democratic Self-Determination Act* (PRDSDA), [H.R.9246](#), to address the island's political status question. Unfortunately, the Resident Commissioner has taken the language of the previously negotiated and bipartisan *Puerto Rico Status Act* (PRSA), [H.R.8393/H.R.2757/S.3231](#), and added a "Commonwealth" option that fails to define the current territorial status of the island, promises undefined potential reforms to the current status, but fails to provide an implementation mechanism for any of the potential reforms to the "Commonwealth" option. Therefore, **PRSC does not support this iteration of the bill.**

### **FAILS TO DEFINE THE CURRENT TERRITORIAL STATUS OF PUERTO RICO**

- Puerto Rico is an unincorporated territory of the U.S. under Article IV, Section 3 of the Constitution. According to DOJ guidance, Puerto Rico's only real options are:
  - Remain a U.S. territory (incorporated or unincorporated);
  - Become a U.S. state; or
  - Become an independent nation (with or without a compact of free association).
- "Commonwealth" is not a political status. Four U.S. states (Kentucky, Massachusetts, Pennsylvania, and Virginia) and another territory (Northern Mariana Islands) use "Commonwealth" in their official names.
- The PRDSDA would offer a "Commonwealth" option on the ballot that fails to define it as the current unincorporated territorial status of Puerto Rico. Voters deserve to know whether they are choosing to remain as an unincorporated territory — not a vague "Commonwealth."

### **LACK OF INFORMED CONSENT**

- A valid plebiscite requires that voters understand what they are voting for. By using "Commonwealth" as a status label without defining the current status of the island as a U.S. territory, the bill denies Puerto Rican voters the information needed to make a genuine, informed choice. If we cannot define the problem (the current territorial status), then we cannot credibly offer a solution.

### **NO IMPLEMENTATION MECHANISM**

- Unlike the status options in the bipartisan PRSA, the PRDSDA's inclusion of a "Commonwealth" option would mean that not all options on the ballot provide self-executing and otherwise enforceable actions.
- The PRDSDA would only create a commission to propose reforms, which voters could approve or reject, but fails to provide constitutional mechanisms to require Congress to act on that vote. Because a current Congress cannot bind a future Congress, especially when the proposed legislation is undefined, any votes for the "Commonwealth" would be aspirational at best.

