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Puerto Rico: Political Status and Background

Introduction

Puerto Rico is the most populous and in many ways most prominent of five major U.S. territories. (The other four are the U.S. Virgin Islands, located east of Puerto Rico in the Atlantic Ocean; and American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam in the Pacific.) Puerto Rico is both deeply integrated into American society and insulated from it. On one hand, the American flag has flown over San Juan, the capital, for more than 100 years. Those born in Puerto Rico are U.S. citizens. Many live and work on the mainland and serve in the military. On the other hand, residents of Puerto Rico lack full voting representation in Congress, do not pay federal income taxes on income earned on the island, do not have the same eligibility for some federal programs as those in the states, do not vote in presidential elections (although they may do so in party primaries), and enjoy a culture and predominant Spanish language that some argue more closely resembles Latin America than most of the 50 states.

Figure 1. Puerto Rico and Surrounding Area



Source: Congressional Research Service.

Political status—a term of art referring to the relationship between the federal government and a territorial government—has been the defining issue in Puerto Rican politics for at least 50 years. Throughout that time, debate over whether Puerto Rico should continue to be a territory, or should seek statehood or independence, has provided the backdrop for most major political and policy discussions concerning the island, both in San Juan and Washington, D.C.

As U.S. appellate judge José Cabranes wrote in a 2001 scholarly volume, “Nowadays the subject of Puerto Rico’s political status is obscure and difficult to understand.” The same might have been written decades earlier. This CRS “In Focus” product addresses key concepts for congressional background, but does not attempt to fully explore the island’s rich and politically complex situation.

It also does not address the contentious topic of whether changing status could help address various social and economic challenges or whether the status debate hinders progress on those topics.

General History and Background

Puerto Rico has been the subject of strategic and political attention for more than 500 years. Spain was the first colonial power to inhabit the island. Spanish rule lasted for almost 400 years between approximately 1500 and 1900. When the United States defeated Spain in the Spanish-American War (1898), the U.S. acquired Puerto Rico, Guam, and the Philippines via the Treaty of Paris. Puerto Rico has a long tradition of military service. The Coast Guard and other Department of Homeland Security entities, among other federal agencies, maintain an active presence on the island.

Puerto Rico enjoys close economic and social ties with the mainland United States. American Community Survey data show that almost 750,000 people born in Puerto Rico reported living in New York City between 2009 and 2013, when the data were collected. Other major cities such as Chicago and Philadelphia also house large numbers of those born on the island, but so do smaller cities such as Milwaukee and Tampa. A bilingual workforce, modern transportation system, direct access to U.S. markets, and other factors, historically have made the island attractive to corporations and other investors. However, recent government deficits and other economic challenges have been the focus of major attention since the mid-2000s. In August 2014, the Pew Research Center reported that “Puerto Ricans have left the financially troubled island for the U.S. mainland this decade in their largest numbers since the Great Migration after World War II, citing job-related reasons above all others.”

Political Status

Puerto Rico is a U.S. territory subject to congressional authority under the U.S. Constitution, which grants Congress “[p]ower to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States” (Art. IV, Sec. 3 cl. 2). Congress established a civilian government in Puerto Rico in 1900. The island was the first territory to elect its Governors, beginning in 1948. Congress recognized island authority over matters of internal governance in 1950 through the Federal Relations Act (FRA; also known as “Public Law 600”) and when it approved the island’s constitution in 1952. Congress has not changed Puerto Rico’s political status since.

Use of the word *commonwealth* to describe Puerto Rico, and whether the term carries particular legal or political significance, is a topic of substantial historical and

scholarly debate. Some contend that the local constitution, the FRA, and other federal action afford Puerto Rico a unique status embodied in the “commonwealth” concept. It remains nonetheless clear that action by Congress would be necessary to alter Puerto Rico’s political status. As with any other statutory change, doing so would require passage of legislation by Congress and approval by the President.

Two presidential executive orders suggest that Puerto Rico enjoys some form of unique status compared with other territories, at least in terms of relations with executive agencies. In July 1961, President Kennedy, citing the “unique position of the Commonwealth,” transferred responsibility for federal relations from the U.S. Interior Department’s Office of Territorial Affairs (now Insular Affairs)—which coordinates relations with other territories—to the Executive Office of the President. In December 1992, President G.H.W. Bush ordered federal departments to “treat Puerto Rico administratively as if it were a state” unless doing so would “increase or decrease federal receipts or expenditures, or ... seriously disrupt” federal programs. In practice, Puerto Rico’s eligibility for federal programs generally depends on how or whether the island is addressed in relevant authorizing legislation.

Status Options and the 2012 Plebiscite

There appears to be consensus in San Juan and Washington that Puerto Rico should determine its own status preference. The executive branch and Congress have generally maintained that constitutionally viable options include the status quo, statehood, or independence. The last option includes “free association,” a form of independence in which ongoing aid is subject to negotiation.

Before the most recent plebiscite, in 2012, voters on the island reconsidered status in 1967, 1991, 1993, and 1998. Ballot wording and options differed each time, making comparisons of limited value. On each occasion before 2012, a majority of voters maintained the status quo.

The 2012 plebiscite ballot asked voters two questions. Question 1 asked whether voters wished to retain the territorial status quo or not. Question 2 asked voters to choose between three “non-territorial options” regardless of their choice in question 1. As listed on the ballot, these options included (1) statehood, (2) independence, and (3) “sovereign free associated state.”

The plebiscite results and ballot wording were controversial. According to results certified by the Puerto Rico State Elections Commission, approximately 54.0% of those who cast ballots answered “no” to the first question. In the second question, approximately 61.2% of voters chose statehood. A concurrent resolution approved by the territorial legislature stated that the results were “inconclusive.” Governor García Padilla, who was elected on the same day as the plebiscite, endorsed the legislature’s determination. CRS Report R42765, *Puerto Rico’s Political Status and the 2012 Plebiscite: Background and Key Questions*, by R. Sam Garrett, provides additional information.

114th Congress Status Legislation

Most recently in Congress, Representative Pierluisi introduced a Puerto Rico status bill in March 2015. Citing majority support for a status change in the first question of the 2012 plebiscite, H.R. 727 would authorize the Puerto Rico State Elections Commission to “provide for a vote” on one ballot question: “Shall Puerto Rico be admitted as a State of the United States?” If a majority votes affirmatively, the bill proposes that the President “shall ... begin the transition process that will culminate in Puerto Rico’s admission into the Union as a State effective January 1, 2021.” On June 24, 2015, the House Subcommittee on Indian, Insular, and Alaska Native Affairs held a hearing on Puerto Rico’s political status and economy, at which H.R. 727 was discussed. The Obama Administration appears not to have taken a position on H.R. 727, but the FY2015 omnibus appropriations measure (P.L. 113-76) provided \$2.5 million for “objective, nonpartisan voter education about, and a plebiscite” to “resolve” Puerto Rico status. Regardless of whether through these methods or others, as noted previously, altering Puerto Rico’s political status would require a legislative change enacted by Congress and signed by the President.

Puerto Rico: Basic Politics
Major Political Parties
<i>Popular Democratic Party (PDP/PPD):</i> generally pro-commonwealth status
<i>New Progressive Party (NPP/PNP):</i> generally pro-statehood status
<i>Puerto Rican Independence Party (PIP):</i> generally pro-independence
Governor
Alejandro García Padilla PDP, elected 2012
Resident Commissioner (Delegate to Congress)
Pedro Pierluisi NPP, caucuses with House Democrats, first elected 2008
Legislature
51-seat House of Representatives and 27-seat Senate Both PDP majority, elected 2012
Judiciary
Territorial courts, U.S. District Court, U.S. Court of Appeals for the First Circuit, U.S. Supreme Court
Source: CRS summary based in part on information in the <i>CIA World Factbook</i> .

For additional information, see CRS Report R42765, *Puerto Rico’s Political Status and the 2012 Plebiscite: Background and Key Questions*, by R. Sam Garrett.

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