

100TH CONGRESS  
1ST SESSION

# H. J. RES. 218

Entitled: "Self-Determination for Puerto Rico".

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1987

Mr. DELLUMS (for himself, Mr. SAVAGE, Mr. HAYES of Illinois, and Mrs. COLLINS) introduced the following joint resolution; which was referred to the Committee on Interior and Insular Affairs

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# JOINT RESOLUTION

Entitled: "Self-Determination for Puerto Rico".

Whereas the move toward the elimination of colonialism and all vestiges of colonialism in all parts of the world is now irreversible; and

Whereas this is in full accord with the commitment of the people of the United States in the Declaration of Independence of 1776 to the principle that all colonial peoples have the inalienable right to self-determination and the right to assume their place as sovereign states among the nations of the world, as well as the mandate of the thirteenth amendment of the Constitution of the United States that the status of inferiority for any people be forthwith abolished; and

Whereas the practices of the United States with respect to Puerto Rico have been developed in open contradiction to the principles upon which this Nation was founded, as was

stated by Mr. Justice Harlan in his dissenting opinion in the Insular Cases, *Downes versus Bidwell* (1901), "The idea that this country may acquire territories anywhere upon the Earth, by conquest or treaty, and hold them as mere colonies or provinces—the people inhabiting them to enjoy only such rights as Congress chooses to accord to them—is wholly inconsistent with the spirit and genius, as well as with the words of the Constitution": Now therefore, be it

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*

3                                   **TITLE I—TRANSFER OF POWERS**

4           SECTION 1. It is hereby declared to be the policy of the  
5 Congress of the United States to comply with the sovereign  
-6 rights of the people of Puerto Rico and its adjacent islands,  
7 as defined in the Treaty of Paris of December 1898, and  
8 therefore the sovereign rights of the people of Puerto Rico to  
9 freely decide their political status without any intervention  
10 whatsoever of any government and/or force foreign to said  
11 people of Puerto Rico. It is hereby further declared to be the  
12 policy of the Congress of the United States that this process  
13 of self-determination should comply with the requirements  
14 adopted by the United Nations in its charter and in the sever-  
15 al resolutions and decisions concerning decolonization specifi-  
16 cally relating to Puerto Rico.

17           It is further declared hereby that the United States of  
18 America recognizes that Puerto Rico constitutes a full-  
19 fledged Latin American nation, that in accordance with the

1 American heritage of respect to the integrity and full sover-  
2 eignty of all nations, the process of decolonization of Puerto  
3 Rico should follow the principles developed by the United  
4 Nations after the approval, twenty years ago, of the historic  
5 declaration on the granting of independence to colonial  
6 countries and peoples.

7       SEC. 2. All powers and authority presently exercised by  
8 the three branches of Government of the United States, legis-  
9 lative, judicial, and executive, and all its agencies and instru-  
10 mentalities, including the Armed Forces of the United States,  
11 over the territory of Puerto Rico, should be relinquished and  
12 transferred unconditionally and without reservation to the  
13 people of Puerto Rico, in order to allow them to fully exer-  
14 cise their inalienable right to self-determination and inde-  
15 pendence, in accordance with their freely expressed will and  
16 desire.

17       SEC. 3. Ninety days after the approval of this resolu-  
18 tion, the President of the United States shall, by proclama-  
19 tion, announce the intention to withdraw and surrender all  
20 rights of possession, supervision, jurisdiction, control of sov-  
21 ereignty then existing and exercised by the United States in  
22 and over the territory and people of Puerto Rico, including  
23 all military, naval, and other reservations of the Government  
24 of the United States in Puerto Rico; said withdrawal and

1 surrender to take effect upon the convening of a constituent  
2 assembly of the people of Puerto Rico.

3           **TITLE II—THE CONSTITUENT ASSEMBLY**

4           **SEC. 4.** An organizing committee with equal representa-  
5 tion of all the Puerto Rican political parties is hereby author-  
6 ized to convene a sovereign constituent assembly of the  
7 people of Puerto Rico, and transfer to it all the powers, not  
8 only those that are presently entrusted to the Puerto Rican  
9 government by the constitution of the Commonwealth of  
10 Puerto Rico and prevailing Federal statutes and regulations,  
11 but all other powers now kept and exercised by the United  
12 States, its three branches of Government and all of its agen-  
13 cies and instrumentalities, and all laws, resolutions, and reg-  
14 ulations to the contrary shall be deemed superseded at the  
15 moment at which the constituent assembly convenes.

16           **SEC. 5.** The organizing committee shall prescribe all  
17 matters pertaining to the composition and election of said  
18 constituent assembly and it must guarantee the proportional  
19 representation of all the political parties and other groups  
20 and/or independent slates that present candidates to said  
21 constituent assembly. It shall administer the election of said  
22 constituent assembly. Only Puerto Rico nationals shall vote  
23 for the election of the constituent assembly.

1       **TITLE III—THE NEGOTIATING COMMISSION**

2       **SEC. 6.** The President of the United States shall appoint  
3 a member to represent the United States and the Constituent  
4 Assembly of Puerto Rico shall appoint five members to repre-  
5 sent the Puerto Rican people to form a negotiating commis-  
6 sion in order to negotiate any specific conditions and terms of  
7 relations between the Puerto Rican people and the United  
8 States of America, including all the questions relating to citi-  
9 zenship, property rights of United States citizens and/or in-  
10 demnities to the people of Puerto Rico, and any and all other  
11 such questions in the event the Constituent Assembly of  
12 Puerto Rico decides to organize an independent body politic;  
13 and all the terms of relations between the two peoples and  
14 governments in the event the constituent assembly decides to  
15 propose any form of free association of Puerto Rico with the  
16 United States. The Puerto Rican part of the negotiating com-  
17 mission shall reflect the corelation of political forces that  
18 compose the constituent assembly.

19       **SEC. 7.** In the event that a proposal for any form of free  
20 association between the people of Puerto Rico and the United  
21 States is made by the Constituent Assembly of Puerto Rico  
22 and said proposal is not accepted in its essence or fundamen-  
23 tal structure by the United States members of the negotiating  
24 commission, or, if accepted, is then rejected by the President  
25 or the Congress of the United States, or if the United States

1 Congress and President do not act on it within a twelve-  
2 month period after submitted, the Puerto Rican members of  
3 the negotiating commission shall report back to the Constitu-  
4 ent Assembly of Puerto Rico and said assembly shall take  
5 whatever action it deems appropriate.

6       SEC. 8. In the event the constituent assembly decides to  
7 organize an independent body politic in Puerto Rico and the  
8 negotiating commission cannot reach an accord as to any or  
9 all of the terms of reciprocal rights and relations between  
10 such an independent body politic and the United States, in-  
11 cluding property rights of American citizens and corporations  
12 in Puerto Rico, military establishments of the United States  
13 in Puerto Rican territory, aid and/or indemnities from the  
14 United States to Puerto Rico, or any other matter which  
15 could be decided under the terms of international law, both  
16 parties should submit the controversy and/or all points in  
17 litigation for final decision by the International Court of Jus-  
18 tice of the United Nations, acting as an Ad Hoc Arbitration  
19 Commission.

#### 20                                   TITLE IV—TRANSITION

21       SEC. 9. During the period of election and deliberations  
22 of the constituent assembly, including the period of negotia-  
23 tions within the negotiating commission and up until the  
24 moment that a permanent body politic is proclaimed and put  
25 in effect, the functions of government of the Commonwealth

1 of Puerto Rico and the Federal Government of the United  
2 States in Puerto Rico shall continue to be administered as  
3 customary except in those areas that the constituent assem-  
4 bly shall consider are crucial for the protection of the right of  
5 self-determination of the Puerto Rican people, in which cases  
6 the constituent assembly shall approve and put in practice  
7 the transitory measures that it deems necessary.

8       SEC. 10. All United States Federal funds and aids to  
9 the Commonwealth of Puerto Rico or to the people of Puerto  
10 Rico individually already appropriated by Federal laws or  
11 regulations, as well as the corresponding appropriations  
12 during the transitory period not exceeding five years, which  
13 shall be at least in the amount of the present appropriations,  
14 shall be put in trust for the benefit of the Puerto Rican people  
15 by the United States Government in the World Bank for re-  
16 construction and development or in any other international  
17 banking organization mutually agreed, to be utilized in the  
18 manner directed by the Constituent Assembly of Puerto Rico  
19 in consultation and accord with the government of the Com-  
20 monwealth of Puerto Rico.

21       SEC. 11. All rights and benefits acknowledged to Puerto  
22 Rican citizens under the laws of the United States by virtue  
23 of their status as veterans of war or by virtue of their status  
24 as retired employees of the Federal Government, or by virtue  
25 of their status as beneficiaries of pensions with the Social

1 Security Administration, and all rights and benefits acknowl-  
2 edged under the laws of Congress to families and relatives of  
3 Puerto Rican beneficiaries of pensions with the Social Securi-  
4 ty Administration, shall be fully maintained and respected by  
5 the Government of the United States regardless of whatever  
6 political status the people of Puerto Rico adopt. These rights  
7 and benefits are considered vested rights and are deemed to  
8 be protected as compensation due for services rendered to the  
9 Government of the United States in the case of war veterans  
10 and Federal employees, and protected as payments under  
11 valid contracts of insurance, as in the cases of social security  
12 beneficiaries.

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