

97TH CONGRESS
1ST SESSION

H. J. RES. 215

Transfer of powers to Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 1981

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

JOINT RESOLUTION

Transfer of powers to 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 followed by 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 sev-
 15 eral resolutions and decisions concerning decolonization spe-
 16 cifically relating to Puerto Rico.

1 It is further declared hereby that the United States of
2 America recognizes that Puerto Rico constitutes a full-
3 fledged Latin American nation, that in accordance with the
4 American heritage of respect to the integrity and full sover-
5 eignty of all nations, the process of decolonization of Puerto
6 Rico should follow the principles developed by the United
7 Nations after the approval, twenty years ago, of the historic
8 declaration on the granting of independence to colonial coun-
9 tries and peoples.

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

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

1 all military, naval, and other reservations of the Government
2 of the United States in Puerto Rico; said withdrawal and
3 surrender to take effect upon the convening of a constituent
4 assembly of the people of Puerto Rico.

5 TITLE II—THE CONSTITUENT ASSEMBLY

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

18 SEC. 5. The organizing committee shall prescribe all
19 matters pertaining to the composition and election of said
20 constituent assembly and it must guarantee the proportional
21 representation of all the political parties and other groups
22 and/or independent slates that present candidates to said
23 constituent assembly. It shall administer the election of said
24 constituent assembly. Only Puerto Rico nationals shall vote
25 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 rep-
5 resent the Puerto Rican people to form a negotiating com-
6 mission in order to negotiate any specific conditions and
7 terms of relations between the Puerto Rican people and the
8 United States of America, including all the questions relating
9 to citizenship, property rights of United States citizens and/
10 or indemnities to the people of Puerto Rico, and any and all
11 other such questions in the event the Constituent Assembly
12 of Puerto Rico decides to organize an independent body poli-
13 tic; and all the terms of relations between the two peoples
14 and governments in the event the constituent assembly de-
15 cides to propose any form of free association of Puerto Rico
16 with the United States. The Puerto Rican part of the negoti-
17 ating commission shall reflect the co-relation of political
18 forces that 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
21 United States is made by the Constituent Assembly of Puerto
22 Rico and said proposal is not accepted in its essence or fun-
23 damental structure by the United States members of the ne-
24 gotiating commission, or, if accepted, is then rejected by the
25 President or the Congress of the United States, or if the

1 United States Congress and President do not act on it within
2 a twelve-month period after submitted, the Puerto Rican
3 members of the negotiating commission shall report back to
4 the Constituent Assembly of Puerto Rico and said assembly
5 shall take 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
15 People by the United States Government in the World Bank
16 for reconstruction and development or in any other interna-
17 tional banking organization mutually agreed, to be utilized in
18 the manner directed by the Constituent Assembly of Puerto
19 Rico in consultation and accord with the government of the
20 Commonwealth 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 Secu-
4 rity Administration, shall be fully maintained and respected
5 by the Government of the United States regardless of what-
6 ever political status the people of Puerto Rico adopt. These
7 rights and benefits are considered vested rights and are
8 deemed to be protected as compensation due for services ren-
9 dered to the Government of the United States in the cases of
10 war veterans and Federal employees, and protected as pay-
11 ments under valid contracts of insurance, as in the cases of
12 social security beneficiaries.

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