

CELEBRATING THE 50TH ANNIVERSARY OF THE CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

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JUNE 11, 2002.—Referred to the House Calendar and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H. Con. Res. 395]

The Committee on Resources, to whom was referred the concurrent resolution (H. Con. Res. 395) celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico, having considered the same, report favorably thereon with amendments and recommend that the concurrent resolution as amended be agreed to.

The amendments are as follows:

Amend the preamble to read as follows:

Whereas on July 3, 1952, the President signed Public Law 82-447 (66 Stat. 327), approving the Constitution of the Commonwealth of Puerto Rico;

Whereas on July 10, 1952, the Constitutional Convention of Puerto Rico reconvened and approved the conditions established by Public Law 82-447;

Whereas on July 25, 1952, Governor Luis Muñoz Marín proclaimed that the constitution was in effect;

Whereas the United States citizens of Puerto Rico have proudly fulfilled their duties to this great Nation, and some have made the ultimate sacrifice in defense of democracy, freedom, and the United States Constitution since World War I; and

Whereas the cultural diversity of the United States has been enriched by the people of Puerto Rico who have preserved and promoted their culture, language, and identity: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That the Congress celebrates the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.

Amend the title so as to read:

Concurrent resolution celebrating the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.

## PURPOSE OF THE BILL

The purpose of H. Con. Res. 395 is to celebrate the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.

## BACKGROUND AND NEED FOR LEGISLATION

On July 3, 1952, President Harry S. Truman signed Public Law 82-447 (66 Stat. 327), approving the Constitution of the Commonwealth of Puerto Rico. On July 10, 1952, the Constitutional Convention of Puerto Rico reconvened to approve of amendments established by Congress in Public Law 82-447. Once the Constitutional Convention accepted the amendments, Governor Luis Muñoz Marín declared that the Constitution was in effect on July 25, 1952.

The year 2002 marks the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico. United States citizens of Puerto Rico have proudly fulfilled their duties to this great Nation and sacrificed to defend democracy, freedom, and the United States Constitution. The Constitution of Puerto Rico has enabled the people to preserve and promote their culture, language, and identity. H. Con. Res. 395 celebrates this important anniversary.

## COMMITTEE ACTION

H. Con. Res. 395 was introduced on May 2, 2002, by Resident Commissioner Aníbal Acevedo-Vilá (D-PR). The bill was referred to the Committee on Resources. On May 22, 2002, the Full Resources Committee met to consider the bill. Resident Commissioner Acevedo-Vilá offered two amendments to capitalize the word “Constitution” three times in the resolution. They were adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee has determined that this House Concurrent Resolution entails no costs to the federal government.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. The Committee has determined that H. Con. Res. 395 entails no cost to the federal government and therefore, no cost estimate was requested from the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## ADDITIONAL VIEWS

I thank Chairman Hansen and Ranking Member Rahall for their strong support this Concurrent Resolution celebrating the 50th anniversary of the Constitution of the Commonwealth of Puerto Rico.

To fully understand and appreciate the historical significance of the Constitution of the Commonwealth, I find it useful to revisit some relevant historical facts. Below are some pertinent developments for the Commonwealth and the relationship with the United States.

In 1917 Congress approved the Jones Act, conferring the U.S. citizenship to all Puerto Ricans. This act, however, was not accompanied by increased local rule or by a democratic process through which the people of Puerto Rico could exercise their right to self-determination.

While the Jones Act included a bill of rights, the central principle of a democratic system—consent by the governed—was non-existent in Puerto Rico. Puerto Rico was treated as a colony at this time. For decades, the Puerto Rican people struggled to achieve self-determination, and democratic rule. After World War II, the colonial regime of the Jones Act became difficult to sustain in Puerto Rico and in Washington. In 1947 Congress responded to Puerto Rico's claim for democracy, by enacting the Elective Governor Act. This statute provided for the election, every 4 years, of the governor of Puerto Rico by the people of Puerto Rico.

Three years later, with Public Law 600 of 1950, Congress began a process through which the people of Puerto Rico would exercise their right to self-determination by drafting their own constitution. It is important to note that Congress did not impose this law upon the people of Puerto Rico. This law represented an offer from Congress to accept or reject the proposed constitutional make-up for Puerto Rico. Section 2 of the Act provides: "This Act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this Act by a majority of the voters participating in such referendum, the Legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico."

Puerto Rico accepted the offer and a constitutional convention drafted the new constitution and in March 1952, the people of Puerto Rico ratified it. Months later, President Harry S. Truman signed Public Law 447, approving the Constitution of the Commonwealth. In that Joint Resolution, Congress expressed that Public Law 600 had been approved "as a compact with the people of Puerto Rico." Finally, in July 25, 1952, Governor Luis Muñoz Marín proclaimed the Constitution of the Commonwealth.

This Constitution established a republican form of government, provided for a broad Bill of Rights that followed not only the U.S. Constitution but also the Universal Declaration of the Rights of Man. This Constitution also provided for the election of all members of the legislature by the people.

As in the United States, democratic rule helped pave the way for cultural growth and economic development in Puerto Rico. After 1952, under the Commonwealth status, Puerto Rican culture flourished, and a stronger sense of identity grew. Our symbols were brought back to our public landscape, our flag, our anthem, etc. Commonwealth status has allowed Puerto Ricans to fully and freely express their identity and their pride. Moreover, under Commonwealth, our economic foundations have grown stronger and the relationship has been very beneficial for both Puerto Rico and the United States. Today Puerto Rico is today the #1 per capita consumer of U.S. products in the world, and the 9th largest market for U.S. goods worldwide. In 1999, Puerto Rico purchased \$16 billion worth of U.S. products, which translates into over 320,000 jobs in the mainland U.S. Puerto Rico purchases more U.S. products than much larger countries such as China, Italy, Russia and Brazil.

While the Commonwealth alternative has won every referendum held on the Island since 1952, clearly Puerto Rico's status is not settled. It is actually a highly divisive issue. As the representative of Puerto Rico in Congress, I feel compelled to ensure that the will of the people of Puerto Rico is heard and respected in Washington, and to provide any petition to improve the Commonwealth proper consideration.

Notwithstanding the current debate of status in Puerto Rico, there is no doubt that the Constitution of the Commonwealth of Puerto Rico represents the greatest democratic achievement of the Puerto Rican people, in the 20th century. This year we celebrate the 50th anniversary of this historical achievement.

The creation of the Commonwealth was the result of the pragmatic genius and the progressive spirit of a great generation of leaders in Puerto Rico and in the United States. Let me quote the words of President Harry Truman, regarding the approval by Congress of the Puerto Rico Constitution: "The Commonwealth of Puerto Rico will be a government which is truly by consent of the governed. No government can be invested with higher dignity and greater worth than one based upon the principle of consent. The people of the United States and the people of Puerto Rico are entering into a new relationship that will serve as an inspiration to all who love freedom and hate tyranny. We are giving new substance to man's hope for a world with liberty and equality under law. Those who truly love freedom know that the right relationship between a government and its people is based on mutual consent and esteem. The Constitution of the Commonwealth of Puerto Rico is a proud document that embodies the best of our democratic heritage. I recommend its early approval by the Congress." This quote is from President Harry S. Truman on April 22, 1952.

Today, some 50 years later, I ask Congress to support this resolution to celebrate the constitution of my people, upon the same principles that Congress approved it in 1952. Congress and all Americans ought to celebrate the Commonwealth constitution be-

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cause it represents our continued commitment to democracy, liberty, progress and self-determination.

I urge you to support this Concurrent Resolution.

ANÍBAL ACEVEDO-VILÁ.

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