

The original documents are located in Box 27, folder “Puerto Rico (4)” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

[81175]

PACTO DE UNION PERMANENTE
ENTRE PUERTO RICO
Y LOS ESTADOS UNIDOS



COMPACT OF PERMANENT UNION
BETWEEN PUERTO RICO
AND THE UNITED STATES



PACTO DE UNION PERMANENTE ENTRE PUERTO RICO Y LOS ESTADOS UNIDOS

Aprobado por el Comité Ad Hoc Sobre el
Desarrollo del Estado Libre Asociado
de Puerto Rico en Washington, D.C.,
como una recomendación al Presidente
de los Estados Unidos y al Gobernador
de Puerto Rico — 1ro. de agosto de 1975

INDICE

1. EL ESTADO LIBRE ASOCIADO DE PUERTO RICO	1
2. JURISDICCION Y AUTORIDAD DEL ESTADO LIBRE ASOCIADO DE PUERTO RICO	1
3. TITULO DE PROPIEDAD SOBRE TIERRAS DE LA CORONA Y SOBRE AGUAS NAVEGABLES	3
4. RENTAS INTERNAS	4
5. DISPOSICIONES DE RECIPROCIDAD	4
6. CIUDADANIA COMUN - SUS DERECHOS Y SUS DEBERES	5
7. SEGURIDAD Y DEFENSA COMUN	6
8. MONEDA	6
9. MERCADO COMUN	6
10. INGRESO A PUERTO RICO DE EXTRANJEROS	8
11. REPRESENTACION DE PUERTO RICO	9
12. APLICABILIDAD DE LEYES FEDERALES	10
13. ENCOMIENDAS DE FUNCIONES FEDERALES AL ESTADO LIBRE ASOCIADO	11
14. COMISION CONJUNTA	12
15. REVISION JUDICIAL	14
16. CORTE DE DISTRITO DE ESTADOS UNIDOS	15
17. TRABAJO	15
18. ECOLOGIA	16
19. VIGENCIA	16
20. TRANSICION	17
21. ENMIENDAS	17

INDEX

1. THE FREE ASSOCIATED STATE OF PUERTO RICO ...	21
2. JURISDICTION AND AUTHORITY OF THE FREE ASSOCIATED STATE OF PUERTO RICO	21
3. LEGAL TITLE TO CROWN LANDS AND NAVIGABLE WATERS	23
4. INTERNAL REVENUE	24
5. RECIPROCITY PROVISIONS	24
6. COMMON CITIZENSHIP — ITS RIGHTS AND DUTIES ..	25
7. SECURITY AND COMMON DEFENSE	25
8. CURRENCY	26
9. COMMON MARKET	26
10. ENTRY OF ALIENS INTO PUERTO RICO	28
11. REPRESENTATION OF PUERTO RICO	28
12. APPLICABILITY OF FEDERAL LAWS	29
13. ASSIGNMENT OF FEDERAL FUNCTIONS TO THE FREE ASSOCIATED STATE	31
14. JOINT COMMISSION	31
15. JUDICIAL REVIEW	33
16. UNITED STATES DISTRICT COURT	34
17. LABOR	35
18. ECOLOGY	35
19. EFFECTIVE DATE	35
20. TRANSITION	36
21. AMENDMENTS	36

1. El Estado Libre Asociado de Puerto Rico

El pueblo de Puerto Rico constituye un cuerpo político autónomo organizado por su propia, libre y soberana voluntad y de común acuerdo con los Estados Unidos, bajo la estructura jurídica y la designación oficial de Estado Libre Asociado de Puerto Rico.

Integrado por una comunidad cultural de lengua y de tradición hispánicas de ciudadanos de Estados Unidos que son a la vez ciudadanos de Puerto Rico, el pueblo de Puerto Rico ha decidido y expresado repetidas veces—en su Convención Constituyente, en referenda y en un plebiscito específicamente celebrado al efecto—su propósito de vivir en asociación permanente con Estados Unidos sobre bases mutuamente satisfactorias y justas.

En cumplimiento de los términos de ese plebiscito y sujeto a la aprobación del Congreso de Estados Unidos y a la ratificación en referéndum por el pueblo de Puerto Rico, se acuerda reafirmar, consolidar y mejorar la relación ya establecida, mediante este *Pacto de Unión Permanente entre Puerto Rico y Estados Unidos*.

2. Jurisdicción y Autoridad del Estado Libre Asociado de Puerto Rico

a. El Estado Libre Asociado tiene jurisdicción sobre la población y la isla de Puerto Rico, sus mares territoriales, y la población, islas y mares territoriales adyacentes a Puerto Rico.

b. Por la presente se reconoce la autoridad del Estado Libre Asociado de Puerto Rico para gobernarse a sí mismo, para ejercer todos los poderes y facultades necesarios y propios para regir al pueblo de Puerto Rico con arreglo a su propia Constitución y leyes, para representarlo y para pactar con Estados Unidos sobre la naturaleza de sus relaciones políticas presentes y futuras.

c. En el ejercicio de su poder sobre sí mismo, el pueblo de Puerto Rico ahora propone:

1. Acordar con Estados Unidos las normas, disposiciones y procedimientos dispuestos en este Pacto;

2. Acordar con Estados Unidos lo tocante al ejercicio por éste de los poderes y atribuciones que este Pacto especifica;

3. Reservar los demás poderes y atribuciones de la vida política para el Estado Libre Asociado de Puerto Rico o para el pueblo de Puerto Rico;

4. Reconocer al Tribunal Supremo de Estados Unidos como árbitro final sobre el significado y la aplicabilidad de la Constitución y las leyes de Estados Unidos, así como de este Pacto, inclusive la determinación de si las leyes de Estados Unidos o de Puerto Rico se ajustan a las disposiciones de este Pacto y a las de la Constitución y las leyes de Estados Unidos aplicables a Puerto Rico.

d. Estados Unidos tendrá responsabilidad y autoridad respecto a las relaciones internacionales y de defensa que afecten al Estado Libre Asociado de Puerto Rico. El Estado Libre Asociado podrá participar en organizaciones internacionales, y concertar con otros países acuerdos consistentes con las funciones de los Estados Unidos, según lo determinen el Presidente de Estados Unidos y el Gobernador de Puerto Rico en cada caso.

3. Título de Propiedad Sobre Tierras de la Corona y Sobre Aguas Navegables

a. Tierras

Toda propiedad que hubiere sido adquirida en Puerto Rico por los Estados Unidos en virtud de la cesión hecha por España en el tratado de paz celebrado el día 10 de diciembre de 1898, y sobre la cual Estados Unidos tiene título de propiedad, pasará a ser propiedad del Estado Libre Asociado; disponiéndose, que Estados Unidos podrá continuar usando para fines públicos aquella propiedad que en la actualidad esté destinada a tales fines; disponiéndose, además, que el Presidente podrá, de tiempo en tiempo, traspasar al Estado Libre Asociado de Puerto Rico aquellos terrenos u otras propiedades que Estados Unidos esté usando en la actualidad que a su juicio no se necesiten ya para propósitos de los Estados Unidos. El Presidente de Estados Unidos podrá, de tiempo en tiempo, aceptar de Puerto Rico, mediante concesión, cualesquiera terrenos, edificios u otros intereses o propiedades que fueren necesarios a los Estados Unidos para fines públicos.

b. Aguas Navegables

La superficie de los puertos y los cursos y extensiones de aguas navegables y los terrenos sumergidos bajo ellos dentro y alrededor de la Isla de Puerto Rico y de las islas y aguas adyacentes que no estén reservados por los Estados Unidos para fines públicos ni enajenados de ninguna otra forma, pasan a ser y continuarán siendo propiedad del Estado Libre Asociado; disponiéndose, que las leyes de los Estados Unidos para la protección y mejoramiento de las aguas navegables de los Estados Unidos y para la conservación de los intereses de la navegación y del comercio, continuarán en vigor como al presente, a menos que se

acuerde lo contrario; disponiéndose, además, que nada de lo contenido en esta ley se interpretará en el sentido de afectar o menoscabar de ningún modo los términos o condiciones de cualesquiera autorizaciones, permisos u otras facultades concedidos o ejercidos legalmente hasta ahora en o en relación con dichas aguas y terrenos sumergidos en y alrededor de dicha isla y de sus islas adyacentes por el Secretario de la Defensa u otro funcionario o agente autorizado de los Estados Unidos.

4. Rentas Internas

a. Salvo lo dispuesto en el párrafo b de este artículo y en el Artículo 9 de este Pacto, las leyes de rentas internas de Estados Unidos no tendrán vigor en el Estado Libre Asociado de Puerto Rico.

b. La leyes de contribución sobre ingresos de los Estados Unidos podrán tener vigor en Puerto Rico solamente sobre los ingresos de residentes de Puerto Rico que se deriven de fuentes de Estados Unidos o del extranjero, pero el pago de contribución sobre ingresos que se haga al Estado Libre Asociado de Puerto Rico por concepto de ingresos que se deriven de fuentes de Estados Unidos o del extranjero se reconocerá como un crédito al pagar la contribución sobre ingresos federal.

5. Disposiciones de Reciprocidad

a. Existirá plena reciprocidad entre el Estado Libre Asociado de Puerto Rico y los Estados Unidos, los estados de la Unión y todo otro cuerpo político de Estados Unidos en cuanto concierne a lo siguiente:

1. Otorgar completo crédito y reconocimiento a certificaciones oficiales, documentos y procedimientos judiciales;

2. Reconocer y honrar derechos de remoción y entrega de fugitivos;

3. Eximir mutuamente de impuestos las obligaciones oficiales emitidas bajo la autoridad de cualquiera de las jurisdicciones arriba aludidas.

b. A los fines de cooperación y eficiencia, y cuando sea compatible con sus responsabilidades legales y su autoridad, se ordena a los funcionarios de los departamentos y agencias del Estado Libre Asociado y a los funcionarios de los departamentos y agencias de los Estados Unidos que se ayuden unos a otros en la ejecución de sus funciones respectivas.

6. Ciudadanía Común — Sus Derechos y Sus Deberes

Todas las personas nacidas en Puerto Rico son ciudadanos de Estados Unidos y tienen todos los derechos, privilegios e inmunidades inherentes en dicha ciudadanía, así como los deberes que ella conlleva. Mientras residan en Puerto Rico, disfrutarán, además, de todos los derechos, privilegios e inmunidades y tendrán todos los deberes que confieren e imponen a sus ciudadanos la Constitución y las leyes de Puerto Rico. En caso de cambiar su residencia a cualquier estado o u otra jurisdicción de Estados Unidos, los ciudadanos del Estado Libre Asociado de Puerto Rico tendrán, en adición a sus derechos y deberes como ciudadanos de Estados Unidos, todos los derechos, privilegios e inmunidades, así como los deberes de ciudadanía establecidos por la Constitución y las leyes de ese estado o jurisdicción. De igual manera, cualquier ciudadano de Estados Unidos que cambie su residencia a Puerto Rico, además de sus derechos y deberes como ciudadano de Estados Unidos, adquirirá todos los derechos, privilegios e inmunidades, así como los deberes establecidos por la Constitución y las leyes de Puerto Rico.

7. Seguridad y Defensa Común

Las leyes de Estados Unidos referentes a la defensa y a la seguridad nacional se aplicarán al Estado Libre Asociado con arreglo a sus propios términos. El Presidente y el Gobernador mantendrán las consultas y la cooperación necesarias para facilitar los objetivos de la defensa y la seguridad nacional.

8. Moneda

La moneda de los Estados Unidos será la moneda exclusiva de Puerto Rico. Las leyes de los Estados Unidos relativas a la moneda, acuñación, el oro y la plata serán aplicables a Puerto Rico según sus propios términos.

9. Mercado Común

a. Las relaciones económicas, comerciales y mercantiles entre Estados Unidos y Puerto Rico se conducirán dentro del marco del mercado común que ha existido hasta el presente y continuará existiendo entre Estados Unidos y Puerto Rico. Puerto Rico no impondrá restricción, arancel, ni impuesto de clase alguna a artículos que se importen a Puerto Rico de Estados Unidos, ni Estados Unidos impondrá restricción, arancel, ni impuesto de clase alguna a artículos que se importen a Estados Unidos de Puerto Rico.

b. Salvo en lo que más adelante se dispone, las leyes y medidas arancelarias de Estados Unidos sobre artículos importados de países extranjeros serán aplicables en Puerto Rico.

c. Los ingresos por derechos de aduana, licencia sobre importaciones, aranceles e impuestos que se cobren en Puerto Rico, así como las contribuciones

de rentas internas que pudieran cobrarse sobre artículos transportados de Puerto Rico a los Estados Unidos, se pagarán al Tesoro de Puerto Rico, luego de deducirse los gastos correspondientes a tales recaudaciones. Los términos "ingresos" y "contribuciones" a que se refiere la oración anterior no se entenderán en forma limitativa alguna y se extienden a toda clase de rentas públicas, directas o indirectas, de cualquier naturaleza.

d. Puerto Rico conservará el derecho de imponer aranceles o en cualquier forma restringir la importación de café proveniente de países extranjeros o de Estados Unidos; y en forma consistente con las obligaciones internacionales de Estados Unidos, y previa consulta y coordinación con las autoridades federales correspondientes, Puerto Rico podrá imponer, aumentar, reducir o eliminar los aranceles sobre artículos importados directamente de países extranjeros o transbordados a través de Estados Unidos, siempre y cuando se establezcan procedimientos mutuamente aceptables para: (1) garantizar concordancia con obligaciones internacionales; (2) garantizar qué artículos que contengan materiales provenientes de fuentes extranjeras que se embarquen o transbor-den de Puerto Rico a cualquier otro lugar del territorio arancelario de Estados Unidos, o de otro lugar del territorio arancelario a Puerto Rico cumplirán en cada caso con las leyes correspondientes y (3) garantizar continuada comunicación y coordinación entre la rama ejecutiva de Estados Unidos y Puerto Rico en la formulación de la política económica y mercantil y en su implementación.

e. No obstante cualquier otra disposición de ley, Puerto Rico podrá importar libre de impuestos y aranceles, materiales y artículos para embarque y venta posterior a otras partes del territorio arancelario de Estados Unidos, siempre y cuando que no menos

del 35% del precio de exportación al momento de embarque (precio FAS) lo constituya el valor añadido en Puerto Rico.

f. Será el propósito de Estados Unidos y de Puerto Rico adoptar normas encaminadas a la ampliación y liberalización del comercio extranjero en formas compatibles con la continuada expansión del comercio y el tráfico dentro de su mercado común. En sus negociaciones comerciales internacionales, Estados Unidos tomará en consideración la etapa de desarrollo económico del Estado Libre Asociado y, de común acuerdo con el Estado Libre Asociado, protegerá y promoverá los intereses económicos de éste, gestionando las condiciones más favorables para las exportaciones de Puerto Rico al extranjero, y sus ventas en el mercado de los Estados Unidos. Se otorgará a Puerto Rico el status de observador dentro de la delegación negociadora de Estados Unidos, se le mantendrá plenamente informado y se le consultará sobre posiciones de negociación y sobre decisiones. A petición del Estado Libre Asociado, y previa consulta y acuerdo, Estados Unidos gestionará que se acepte a Puerto Rico como un estado asociado en proceso de desarrollo, del tipo que los países desarrollados reconocen como plenamente calificados para participar de todos los beneficios de todo sistema regional o mundial de preferencias para países en proceso de desarrollo.

10. Ingreso a Puerto Rico de Extranjeros

a. Las leyes, reglas, reglamentos y procedimientos de inmigración de Estados Unidos serán aplicables a Puerto Rico según sus propios términos; disponiéndose que, salvo cuando lo prohíba expresamente un estatuto federal, el Presidente de Estados Unidos y el Gobernador de Puerto Rico podrán acordar de

cuando en cuando, a la luz de consideraciones económicas y demográficas aplicables al Estado Libre Asociado, limitar el número de extranjeros a ser admitidos a Puerto Rico, o aumentar la cuota de extranjeros a ser admitidos a Puerto Rico como extranjeros residentes, para llenar las necesidades del Estado Libre Asociado para fines científicos, profesionales, políticos, técnicos, deportivos, culturales, industriales, agrícola y educativos.

b. Nada de lo contenido en ninguna de las disposiciones de este artículo afectará en forma alguna el derecho de los ciudadanos de Estados Unidos a libre tránsito entre Estados Unidos y Puerto Rico.

11. Representación de Puerto Rico

a. El Estado Libre Asociado estará representado en el Senado y en la Cámara de Representantes de Estados Unidos por un representante en cada uno de estos cuerpos, los cuales serán electos para tales cargos de acuerdo con las leyes de Puerto Rico. Tendrán asiento en el Senado y en la Cámara de Representantes de los Estados Unidos y recibirán reconocimiento oficial de todos los departamentos del Gobierno de Estados Unidos, previa presentación, por conducto del Departamento de Estado, de un certificado de elección extendido por el Gobernador de Puerto Rico. Dichos representantes deberán reunir los requisitos que se exigen a los miembros del Senado y de la Cámara de Representantes, respectivamente, y disfrutarán de todos los derechos y prerrogativas de tales miembros que sean compatibles con la Constitución de Estados Unidos.

b. En caso de vacante en cualquiera de estas plazas, tal vacante se llenará para la parte del término que falte por expirar, de acuerdo con las leyes de Puerto Rico.

12. Aplicabilidad de Leyes Federales

a. Las leyes de Estados Unidos aplicables al Estado Libre Asociado a la fecha de aprobación de este Pacto continuarán en vigor a menos que sean derogadas o modificadas por este Pacto o sean incompatibles con el mismo, y hasta el punto que lo sean, salvo en cuanto sean subsiguientemente modificadas, suspendidas o derogadas de conformidad con la ley.

b. Salvo en lo que este Pacto disponga lo contrario, las leyes que en adelante apruebe el Congreso no se aplicarán al Estado Libre Asociado a menos que se refieran específicamente al Estado Libre Asociado, excepción hecha de lo que disponen las Secciones c. y d. de este Artículo 12.

c. Las leyes de Estados Unidos que se aprueben después de la fecha de vigencia de este Pacto y que sean aplicables al Estado Libre Asociado en virtud de los poderes y funciones que en él se acuerda que Estados Unidos pueda ejercitar, se aplicarán al Estado Libre Asociado salvo que sean incompatibles con este Pacto, en la medida en que sean incompatibles, excepción hecha de lo que dispone la Sección d. de este Artículo 12 y a lo que pueda disponerse por orden de un tribunal competente.

d. Con anterioridad a la aprobación final de cualquier legislación aplicable al Estado Libre Asociado, el Gobernador o Comisionado Residente de Puerto Rico tendrá derecho a someter al Congreso objeciones a la aplicabilidad de dicha legislación a Puerto Rico. Cuando ésto ocurra, el Congreso deberá actuar específicamente con relación a tales objeciones a los fines de determinar si la proyectada ley es o no esencial a los intereses de Estados Unidos y si es compatible con las disposiciones y propósitos de este Pacto. Si el comité o los comités respectivos concordasen con las objeciones planteadas, Puerto Rico será exceptuado

de las disposiciones correspondientes de la propuesta ley, en caso de que finalmente se apruebe. Disponiéndose, que este párrafo no se aplicará a leyes propuestas que afecten directamente los derechos y deberes de los ciudadanos, la seguridad y defensa común, las relaciones exteriores y la moneda.

e. Las reglas, reglamentos y órdenes emitidas por los departamentos y agencias de Estados Unidos después de la fecha de vigencia de este Pacto, se aplicarán al Estado Libre Asociado salvo las que fueren incompatibles con este Pacto y en la medida en que lo fueren. En caso de que el Estado Libre Asociado notifique a un departamento o agencia de los Estados Unidos que objeta a la aplicación al Estado Libre Asociado de dicha regla, reglamento u orden, dicha regla, reglamento u orden no se aplicará al Estado Libre Asociado a menos y hasta que el departamento o agencia decida, y así lo declare, que su aplicación al Estado Libre Asociado es esencial a los intereses de los Estados Unidos, y que es compatible con este Pacto. Determinaciones de esta naturaleza estarán sujetas a revisión judicial de conformidad con la ley.

13. Encomiendas de Funciones Federales al Estado Libre Asociado

a. El Gobierno de Estados Unidos podrá, transferir al Estado Libre Asociado, de cuando en cuando, la ejecución, parcial o total, de funciones que con arreglo a este Pacto corresponden a Estados Unidos, siempre y cuando el Gobierno de Puerto Rico acepte desempeñarlas.

En tales casos, salvo acuerdo en contrario, el Gobierno de Puerto Rico, sus agencias y dependencias asumirán los gastos y las responsabilidades inherentes a las encomiendas recibidas.

Los funcionarios y empleados del Gobierno de Estados Unidos a cargo de estas funciones a la fecha de su transferencia retendrán los derechos previamente adquiridos por razón de su empleo.

b. En cuanto a asignaciones legislativas aplicables al Estado Libre Asociado, el Congreso dispondrá la mayor flexibilidad posible en el uso de los fondos provistos, de conformidad con los propósitos y objetivos de las asignaciones, de tal manera que el uso de esos fondos pueda adaptarse a las circunstancias y condiciones especiales pertinentes a la administración del programa en el Estado Libre Asociado.

14. Comisión Conjunta

a. Por la presente se crea una Comisión Conjunta, compuesta por seis (6) miembros, tres (3) miembros y sus sucesores nombrados por el Presidente de Estados Unidos y tres (3) miembros y sus sucesores nombrados por el Gobernador de Puerto Rico. Tales nombramientos se harán por un plazo inicial de 5 años, al término del cual la Comisión quedará sujeta a reexamen por el Presidente y el Gobernador en lo tocante a su continuación y al número de sus miembros. La Comisión adoptará su propio reglamento interno.

b. Esta Comisión Conjunta tiene como su principal asignación el ayudar al perfeccionamiento de las relaciones entre Estados Unidos y Puerto Rico, inclusive las relaciones legales y administrativas, con arreglo a los objetivos fundamentales expresados en este Pacto. A esos fines, tendrá las siguientes encomiendas específicas:

1. La Comisión estudiará la deseabilidad de retener, modificar o eliminar la aplicación a Puerto Rico de determinadas leyes federales, y dará prioridad en tal estudio a las leyes relacionadas con las comunicaciones, el cabotaje y la adminis-

tración del servicio selectivo. La Comisión someterá sus informes al Presidente y al Gobernador. Cuando el informe recomiende el cese de la aplicabilidad al Estado Libre Asociado de determinada ley, o parte de ley, y el Presidente de Estados Unidos y el Gobierno de Puerto Rico concuerden con dicha recomendación, ésta se someterá al Congreso de Estados Unidos. Si transcurrieran noventa días, contados desde la fecha en que el Congreso reciba la recomendación, sin que cualquiera de las Cámaras tome acción rechazándola, la ley (o parte de ley) en cuestión dejará de regir en Puerto Rico.

2. La Comisión estudiará, asimismo, las posibles transferencias de funciones federales a agencias del Estado Libre Asociado, de acuerdo con lo que dispone el Artículo 13-a, y hará las recomendaciones pertinentes. Cuando las recomendaciones supongan el traslado de determinadas funciones federales al Estado Libre Asociado, dichas recomendaciones se remitirán al Presidente de Estados Unidos y al Gobernador de Puerto Rico. Si ambos estuvieren de acuerdo con las recomendaciones, el Presidente, mediante Orden Ejecutiva, dispondrá que se haga el traslado y transmitirá dicha Orden Ejecutiva al Congreso. Si transcurrieren noventa días desde su recibo en el Congreso sin que cualquiera de las Cámaras objete a ella, dicha Orden Ejecutiva entrará en vigor en la fecha que la misma especifique.

3. La Comisión estudiará también, otorgándole la más alta prioridad, la deseabilidad de recomendar un sistema de aportaciones económicas del gobierno del Estado Libre Asociado al Tesoro de Estados Unidos, que habría de iniciarse en el momento oportuno, a efectuarse en formas graduales que no impidan sustancialmente el desa-

rollo económico y social de Puerto Rico, y a base de asignaciones que hará la Legislatura de Puerto Rico del fondo general o de cualesquiera otras fuentes sujetas a acción legislativa por Puerto Rico.

c. La Comisión dispondrá de un secretariado profesional y técnico y podrá utilizar los servicios de las instituciones de investigación que estime convenientes; y queda facultada por la presente para solicitar y recibir la cooperación de toda agencia, departamento o negociado de Estados Unidos o de Puerto Rico.

d. La Comisión dispondrá de un presupuesto anual a sufragarse por partes iguales por el gobierno de Estados Unidos y el gobierno de Puerto Rico. La Comisión formulará su propia propuesta de presupuesto anualmente. Los gobiernos respectivos asignarán las sumas que resulten necesarias para atender las funciones y operaciones de la Comisión durante los primeros dos años.

15. Revisión Judicial

a. Los tribunales de los Estados Unidos y del Estado Libre Asociado tendrán jurisdicción concurrente sobre las cuestiones litigiosas que surjan bajo este Pacto, y las acciones que se instituyan en los tribunales del Estado Libre Asociado no serán trasladables a tribunales federales cuando el único fundamento de traslado consista en una controversia sobre disposiciones de este Pacto.

b. Nada de lo dispuesto en este articulado prohibirá al Estado Libre Asociado o a individuo alguno instituir o sostener acción o procedimiento alguno para hacer una reclamación o para ejercitar una causa de acción bajo este Pacto en cualquier tribunal de jurisdicción competente.

c. Las sentencias y decretos finales expedidos por el tribunal de última instancia del Estado Libre Asociado podrán ser revisados por la Corte Suprema de los Estados Unidos en forma semejante a como son revisadas las sentencias y decretos expedidos por los tribunales de última instancia de un Estado.

16. Corte de Distrito de Estados Unidos

a. Existirá una Corte de Distrito de Estados Unidos para el Estado Libre Asociado, cuya jurisdicción corresponderá a la que tienen las demás Cortes de Distrito de Estados Unidos, inclusive la jurisdicción para la naturalización de extranjeros calificados y residentes en el Estado Libre Asociado.

b. Los procedimientos, trámites y expedientes se llevarán a cabo en español, salvo cuando la Corte disponga otra cosa en atención a los mejores intereses de la justicia.

c. La selección de jurados se llevará a cabo y sus requisitos se regirán con arreglo a las leyes de Estados Unidos, siempre y cuando dicha selección y requisitos resulten consistentes con el apartado b de este artículo.

d. La Corte de Distrito de Estados Unidos no intervendrá para impedir el que se fije o cobre contribución alguna establecida con arreglo a las leyes del Estado Libre Asociado.

17. Trabajo

a. Se declara que es la política pública de Estados Unidos y del Estado Libre Asociado que el salario mínimo en Puerto Rico se equipare al salario mínimo en Estados Unidos cuando las condiciones económicas prevalecientes en Puerto Rico así lo permitan.

El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relativo a salario mínimo y horas de trabajo, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

b. El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relativo a las relaciones obreropatronales, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

c. El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relacionado con las leyes y reglamentaciones de seguridad y salud ocupacional, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

18. Ecología

La autoridad primaria para reglamentar la ecología y la calidad ambiental en Puerto Rico residirá en el Estado Libre Asociado de Puerto Rico.

19. Vigencia

A los fines de su vigencia, este Pacto requerirá:

a. Su aprobación por el Congreso de Estados Unidos.

b. Su aprobación por el electorado del Estado Libre Asociado, en referéndum especial convocado al efecto por la Asamblea Legislativa de Puerto Rico.

c. La proclamación oficial de su aprobación por el electorado del Estado Libre Asociado y la determinación de su fecha de vigencia, que será acordada por el Presidente de Estados Unidos y el Gobernador de Puerto Rico, para tener efecto dentro de un plazo no mayor de un año, a partir de su aprobación por el electorado.

20. Transición

Nada de lo dispuesto en este Pacto se entenderá como que interrumpe o afecta la jurisdicción de los Tribunales u organismos cuasi judiciales sobre asuntos pendientes ante ellos a la fecha de su vigencia, ni afectará, hasta su normal terminación, las franquicias, permisos y otras concesiones otorgados con antelación a dicha fecha. Los actos de Estados Unidos o del Estado Libre Asociado anteriores a este Pacto que fueran lícitos a la fecha de su vigencia no serán afectados en modo alguno por su aprobación.

21. Enmiendas

A los fines de respetar el derecho al gobierno propio que este Pacto garantiza, Estados Unidos conviene en que sus disposiciones sólo podrán modificarse mediante acuerdo mutuo entre el gobierno de los Estados Unidos y el gobierno de Puerto Rico. En lo que toca a las disposiciones que rigen las relaciones fundamentales entre Estados Unidos y Puerto Rico, a saber:

- (1) El Estado Libre Asociado de Puerto Rico
- (2) Jurisdicción y Autoridad del Estado Libre Asociado de Puerto Rico
- (3) Título de Propiedad Sobre Tierras de la Corona y Sobre Aguas Navegables
- (5) Disposiciones de Reciprocidad

- (6) Ciudadanía Común—Sus Derechos y Sus Deberes
- (7) Seguridad y Defensa Común
- (8) Moneda
- (9a) Mercado Común
- (10b) Libre Tránsito
- (11) Representación de Puerto Rico
- (12) Aplicabilidad de Leyes Federales
- (21) Enmiendas

cualquier modificación requerirá la aprobación del electorado de Puerto Rico.



COMPACT OF PERMANENT UNION BETWEEN PUERTO RICO AND THE UNITED STATES

Approved by the Ad Hoc Advisory Group on
Puerto Rico in Washington, D.C., to be
recommended to the President of the United
States and the Governor of Puerto Rico,
August 1, 1975

1. The Free Associated State of Puerto Rico

The people of Puerto Rico constitute an autonomous body politic organized by their own, free and sovereign will and in common agreement with the United States under the juridical structure and official name of the Free Associated State of Puerto Rico.

The people of Puerto Rico, a cultural community of hispanic language and tradition, citizens of the United States as well as citizens of Puerto Rico, have repeatedly decided and have expressed—in their Constitutional Convention, in referendums and in a plebiscite specifically held to that effect—their purpose to live in permanent union with the United States upon mutually satisfactory and just basis.

In fulfillment of the terms of that plebiscite and subject to the approval of the Congress of the United States and the ratification in referendum by the people of Puerto Rico, it is hereby agreed to reaffirm, to consolidate and to improve the relationship already established, by means of this *Compact of Permanent Union Between Puerto Rico and the United States*.

2. Jurisdiction and authority of the Free Associated State of Puerto Rico

a. The Free Associated State of Puerto Rico has jurisdiction over the population and island of Puerto Rico, its territorial seas, and the population, islands and territorial seas adjacent to Puerto Rico.

b. The right of the Free Associated State of Puerto Rico to govern itself is hereby recognized, as well as the right to exercise all the necessary powers and authority to govern the people of Puerto Rico according to its own Constitution and laws, to represent them, and to make a compact with the United States as to the nature of its present and future political relations.

c. In the exercise of their power of self-government, the people of Puerto Rico now propose:

1. To agree with the United States upon the norms, provisions, and procedures set forth in this Compact;

2. To agree upon the exercise by the United States of the powers and attributes specified in this Compact;

3. To reserve all other powers and attributes of their political life to the Free Associated State of Puerto Rico or to the people of Puerto Rico;

4. To recognize the Supreme Court as the final judge of the meaning and application of the Constitution and laws of the United States as well as of this Compact, including the decision whether the laws of the United States or of Puerto Rico conform to this Compact and the Constitution and applicable laws of the United States.

d. The United States will have responsibility for and authority with respect to international relations and defense affecting the Free Associated State of Puerto Rico.

The Free Associated State may participate in international organizations and make agreements with other countries consistent with the functions of the United States as determined by the President of the United States and the Governor of Puerto Rico on a case-by-case basis.

3. Legal Title to Crown Lands and Navigable Waters

a. Lands

All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on December 10, 1898, and to which the United States holds title, shall become the property of the Free Associated States; provided, that the United States may continue to use for public purposes that property which is now being used for such purposes; provided, further, that the President may, from time to time, convey to the Free Associated State of Puerto Rico those lands, buildings or interests in lands or other property now utilized by the United States which in his judgment are no longer necessary for the purposes of the United States. The President of the United States may, from time to time, accept by grant from Puerto Rico, any lands, buildings or other interests or property which may be needed for public purposes by the United States.

b. Navigable Waters

The harbor areas and navigable streams and bodies of water and submerged land underlying the same and around the Island of Puerto Rico and the adjacent islands and waters not reserved by the United States for public purposes nor alienated in any other way, shall become and shall continue to be the property of the Free Associated State; provided, that the laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, shall continue in force as at present, unless contrary agreed to; provided, further, that nothing contained in this Act shall be construed so as to affect or impair in any manner the terms

or conditions of any authorizations, permits, or other powers heretofor lawfully granted or exercised in or in respect of said waters and submerged land in and surrounding said Island and its adjacent islands by the Secretary of Defense or other authorized officer or agent of the United States.

4. Internal Revenue

a. Except as provided in paragraph b of this article and in article 9 of this Compact, the internal revenue laws of the United States shall not have effect in the Free Associated State of Puerto Rico.

b. The income tax laws of the United States may have effect in Puerto Rico only upon the income of residents of Puerto Rico derived from United States or foreign sources, but income tax payments to the Free Associated State of Puerto Rico upon income derived from United States or foreign sources shall be credited against federal income tax.

5. Reciprocity Provisions

a. There shall exist full reciprocity between the Free Associated State of Puerto Rico and the United States, the States of the Union and any other body politic of the United States, concerning the following:

1. Giving full faith and credit to official certifications, documents and judicial proceedings;
2. Accepting and honoring rights of removal and surrender of fugitives;
3. Mutually exempting from taxation the official obligations issued under the authority of any of the jurisdictions referred to above.

b. In the interests of cooperation and efficiency, and when compatible with their legal responsibilities and authority, officials of the departments and agencies of the Free Associated State and officials of the departments and agencies of the United States are directed to assist one another in the execution of their respective functions.

6. Common Citizenship — Its Rights and Duties

All persons born in Puerto Rico are citizens of the United States and have all the rights, privileges and immunities inherent in that citizenship as well as duties pertinent thereto. While residing in Puerto Rico, they shall also enjoy all the rights, privileges and immunities and shall have all the duties which the Constitution and the laws of Puerto Rico confer and impose on its citizens. In case of a change of residence to any state or other jurisdiction of the United States, the citizens of the Free Associated State of Puerto Rico shall have in addition to their rights and duties as citizens of the United States, all the rights, privileges and immunities, as well as the duties of citizenship established by the Constitution and the laws of that state or jurisdiction. Likewise, any citizen of the United States who changes his residence to Puerto Rico shall, in addition to his rights and duties as citizen of the United States, acquire all the rights, privileges and immunities as well as the duties established by the Constitution and laws of Puerto Rico.

7. Security and Common Defense

Laws of the United States relating to defense and national security shall apply to the Free Associated State in accordance with their terms. The President

and the Governor will consult and cooperate to facilitate objectives of defense and national security.

8. Currency

The currency of the United States shall be the exclusive currency of Puerto Rico. The laws of the United States relative to currency, coinage, gold and silver shall apply to Puerto Rico, in accordance with their terms.

9. Common Market

a. Economic, trade and commercial relations between the United States and Puerto Rico shall be conducted within the framework of the common market heretofore and hereafter established between the United States and Puerto Rico. Puerto Rico shall not impose restrictions, tariffs, or taxes of any kind on articles imported into Puerto Rico from the United States, nor shall the United States impose restrictions, tariffs, or taxes of any kind on articles imported into the United States from Puerto Rico.

b. Except as hereinafter provided, laws and tariff provisions of the United States on articles imported from foreign countries shall be applicable in Puerto Rico.

c. The income from customs duties, licenses for imports, tariffs and taxes collected in Puerto Rico, as well as internal revenue taxes which may be collected on articles transported from Puerto Rico to the United States, shall be paid into the Treasury of Puerto Rico, after deducting the expenses of such collections. The terms "income" and "taxes" referred to in the preceding sentence shall not be understood in any limited way and they extend to every kind of revenue, direct or indirect, of any nature.

d. Puerto Rico shall continue to enjoy the right to levy tariffs upon or otherwise to restrict the import of coffee from foreign countries or the United States; and in a manner consistent with the international obligations of the United States and after prior consultation and coordination with the federal authorities concerned, Puerto Rico may levy, increase, reduce or eliminate tariffs and quotas on articles imported directly from foreign countries or transshipped through the United States; provided, that mutually agreeable procedures shall be established to: (1) assure conformity with international obligations; (2) assure that articles containing foreign components shipped or transshipped from Puerto Rico to the rest of the U.S. customs territory or from there to Puerto Rico conform respectively to the laws; and (3) assure continuous communication and coordination between the United States Executive Branch and Puerto Rico on economic and trade policy and implementation.

e. Notwithstanding any other provision of law, Puerto Rico may import materials and articles duty free for subsequent shipment and sale to other parts of the U.S. customs territory providing that the F.A.S. (free at side) shipping price contains at least 35% value added in Puerto Rico.

f. It shall be the purpose of the United States and Puerto Rico to pursue policies of foreign trade expansion and liberalization in a manner compatible with the continued expansion of trade and commerce within their common market. In international trade negotiations the United States will take into account the Free Associated State's stage of economic development, and in agreement with the Free Associated State, shall protect and promote its economic interest by seeking the most favorable conditions for Puerto Rico's exports abroad and sales to the U.S. market.

Puerto Rico shall be accorded observer status within the United State negotiating delegation, shall be kept fully informed and shall be consulted concerning negotiating positions and decisions. On request and after consultation and agreement, the United States shall seek to have Puerto Rico accepted as an associated developing state which developed countries recognize as qualifying fully to participate in all benefits from any regional or worldwide system of preferences for developing countries.

10. Entry of Aliens into Puerto Rico

a. Immigration laws, rules, regulations and procedures of the United States shall apply to Puerto Rico in accordance with their terms, provided that unless expressly prohibited by federal laws, the President of the United States and the Governor of the Free Associated State may from time to time agree, in the light of economic and demographic considerations applicable to the Free Associated State, to limit the number of aliens who may be admitted to Puerto Rico or to increase the quota of aliens who may be admitted to Puerto Rico as resident aliens to meet the needs of the Free Associated State for scientific, professional, political, technical, sporting, cultural, industrial, agricultural, and educational purposes.

b. Nothing included in any of the provisions of this article shall affect in any way the right to unimpeded transit between the United States and Puerto Rico of citizens of the United States.

11. Representation of Puerto Rico

A. The Free Associated State shall be represented in the Senate and the House of Representatives of the

United States by one representative in each House, who shall be elected for that position according to the laws of Puerto Rico. They shall have a seat in the Senate and in the House of Representatives of the United States and shall receive official acknowledgement from all the departments of the Government of the United States upon presentation by the Department of State of a certificate of election issued by the Governor of Puerto Rico. Such representatives shall have the qualifications established for members of the Senate and the House of Representatives, respectively, and shall have all the rights and privileges of such members as are compatible with the Constitution of the United States.

12. Applicability of Federal Laws

a. The laws of the United States applicable to the Free Associated State on the date of approval of this Compact shall continue in effect except and to the extent repealed or modified by this Compact, or incompatible with it, and except as hereafter modified, suspended or repealed in accordance with law.

b. Laws hereafter enacted by the Congress, unless otherwise provided by this Compact, shall no be applicable to the Free Associated State unless such laws explicitly refer to the Free Associated State and except as provided in sections c and d of this Article 12.

c. Laws of the United States enacted after the effective date of this Compact which are applicable to the Free Associated State pursuant to the powers and functions expressly delegated to the United States in this Compact, shall apply to the Free Associated State unless and except to the extent that they are incompatible with this Compact except as otherwise provided in section d of this Article 12, and except as

may otherwise be provided by order of a court of competent jurisdiction.

d. Prior to final passage of any legislation applicable to the Free Associated State, the Governor or Resident Commissioner of Puerto Rico shall be entitled to submit to Congress objections as to the applicability of said legislation to Puerto Rico, whereupon the Congress shall specifically act upon those objections so as to determine whether the proposed law is essential to the interests of the United States and is compatible with the provisions and purposes of this Compact. If the respective Committee or Committees express agreement with the objections, Puerto Rico will be held exempt from those affected provisions of the proposed law in the event of its final passage. Provided; that this paragraph shall no apply to proposed laws which directly affect the rights and duties of citizens, security and common defense, foreign affairs, or currency.

e. Rules, regulations and orders issued by the departments and agencies of the United States after the effective date of this Compact shall apply to the Free Associated State unless and except to the extent that they are incompatible with this Compact. In the event that the Free Associated State shall notify a department or agency of the United States that it objects to the application of any such rule, regulation or order to the Free Associated State, such rule, regulation or order shall not be applicable to the Free Associated State unless and until the department or agency shall find and declare that the application thereof to the Free Associated State is essential to the interests of the United States and is compatible with this Compact. Any such determination shall be subject to judicial review in accordance with law.

13. Assignment of Federal Functions to the Free Associated State

a. The Government of the United States may from time to time transfer to the Free Associated State the total or partial performance of functions vested in the United States by this Compact, provided that the Government of Puerto Rico agrees to perform them.

Except as otherwise agreed to, the Government of Puerto Rico, its agencies and dependencies shall assume the expenses and responsibilities inherent in the assignment received.

The officials and employees of the Government of the United States in charge of the functions on the date of their transfer shall retain the rights previously acquired by reason of their employment.

b. The Congress of the United States, in appropriations legislation applicable to the Free Associated State, shall provide maximum flexibility for the use of such funds, consonant with the purposes and objects of the appropriations, so that the use of such funds may be adapted to the special circumstances and conditions relevant to the administration of the program in the Free Associated State.

14. Joint Commission

a. There is hereby created a Joint Commission composed of six (6) members, three (3) members and their successors appointed by the President of the United States and three (3) members and their successors appointed by the Governor of Puerto Rico. The Commission shall adopt its own internal regulations. Said appointment shall be for an initial period of five years, at the expiration of which, the Commission

shall be subject to review by the President of the United States and the Governor of Puerto Rico as to duration and membership.

b. This Joint Commission has as its principal assignment to help in the perfection of relations, including legal and administrative, between the United States and Puerto Rico in agreement with the fundamental objectives expressed in this Compact and, to that effect, shall have the following specific assignment:

1. The Commission shall study the desirability of retaining, modifying or eliminating the application of specific Federal laws to the Free Associated State and shall give priority in such study to the laws pertaining to communications, coastal shipping and administration of selective service. The Commission shall submit its reports to the President and to the Governor. When the report recommends the discontinuance of the applicability of a particular law or part of law to the Free Associated State, and the President of the United States and the Government of Puerto Rico concur with the recommendation, it shall be submitted to the Congress of the United States. If ninety days, counted from the date when Congress receives the recommendation, shall elapse without either House rejecting it, said law shall cease to have effect in Puerto Rico.

2. The Commission shall also study the possible transfer of federal functions to agencies of the Free Associated State, in accordance with the provision of Article 13-a and shall make the pertinent recommendations. When they involve the transfer of particular federal functions to the Free Associated State, such recommendations shall be submitted to the President of the United States and the Governor of the Free Associated State. If

both agree with the recommendations, the President shall by Executive Order provide for such transfer and shall transmit such Executive Order to the Congress. Any such Executive Order shall become effective at such time as it shall specify, unless either House of Congress, within ninety days from receipt of the Executive Order, shall object.

3. The Commission shall also study, with the highest priority, the desirability of recommending a system of contributory payments from the government of Puerto Rico to the Treasury of the United States, to be initiated at the appropriate time, in gradual ways which will not substantially impede the economic and social development of Puerto Rico based upon disbursements which shall be made by the Legislature of Puerto Rico from the general fund or any other sources subject to the legislative action of Puerto Rico.

- c. The Commission shall have a professional and technical staff and may use the services of the research institutions which it deems convenient; and is hereby authorized to request and receive the cooperation of any agency, department, or bureau of the United States or of Puerto Rico.

- d. The Commission shall have an annual budget, to be shared in equal parts by the Government of the United States and the Government of Puerto Rico. The Commission shall formulate its own budget proposal annually. Such sums as are necessary for the functions and operations of the Commission for the first two years are authorized.

15. Judicial Review

- a. The courts of the United States and of the Free Associated State shall have concurrent jurisdiction

with respect to justiciable questions arising under this Compact, and actions instituted in the courts of the Free Associated State may not be removable to a federal court on the sole grounds that provisions of this Compact are in issue.

b. Nothing contained in this section shall prohibit the Free Associated State or any individual from instituting and maintaining any action or proceeding in the assertion of a claim or cause of action under this Compact in any court with competent jurisdiction.

c. Final judgements and decrees entered by the highest court of the Free Associated State in which decision could be had may be reviewed by the Supreme Court in like manner as final judgments and decrees rendered by the highest court of a State in which decision could be had.

16. United States District Court

a. There shall exist a United States District Court for the Free Associated State whose jurisdiction shall be the same as that of other District Courts of the United States, including the jurisdiction over the naturalization of qualified aliens and residents in the Free Associated State.

b. All the procedures, pleadings, and records shall be conducted in Spanish, unless the Court, in the interest of justice, shall otherwise determine.

c. The selection of the jurors shall be conducted and their requisites shall be guided in accordance with the laws of the United States, provided that such selection and requisites are consistent with Section b of this article.

d. The United States District Court shall not intervene to prevent the establishing or collecting of any tax imposed by the laws of the Free Associated State.

17. Labor

a. The public policy of the United States and of the Free Associated State is declared to be that the minimum wage in Puerto Rico be equivalent to the minimum wage in the United States as soon as economic conditions in Puerto Rico so permit.

The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to minimum wages and working hours, except for the shipping and aviation industries which shall be covered by the appropriate federal laws which shall be determined by the Congress of the United States.

b. The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to labor-management relations, except for the shipping and aviation industries, which shall be covered by the appropriate federal laws, as may be determined by the Congress of the United States.

c. The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to laws and regulations on occupational health and safety, except for the shipping and aviation industries, which shall be covered by the appropriate federal laws, as may be determined by the Congress of the United States.

18. Ecology

The primary authority to regulate the ecology and environmental quality in Puerto Rico shall reside in the Free Associated State of Puerto Rico.

19. Effective Date

In order to become effective, this Compact shall require:

a. Its approval by the Congress of the United States.

b. Its approval by the electorate of the Free Associated State in a special referendum called to that effect by the Legislative Assembly of Puerto Rico.

c. The official proclamation of its approval by the electorate of the Free Associated State and the determination of its effective date, which shall be determined by agreement between the President of the United States and the Governor of Puerto Rico, to have effect within a period not longer than one year following its approval by the electorate.

20. Transition

Nothing in this Compact shall be deemed to interrupt or impair the jurisdiction of the courts or quasi-judicial agencies over matters pending before them at its effective date nor to affect, until their normal expiration, any franchises, permits and other grants issued prior to such effective date. Actions by either the United States or the Free Associated State prior to this Compact which would be lawful at its effective date, shall not be affected in any way by its approval.

21. Amendments

In order to respect the right of self-government guaranteed by this Compact, the United States agrees that the provisions of this Compact may be modified only by mutual agreement between the Government of the United States and the Government of the Free Associated State of Puerto Rico, and with respect to the provisions that regulate the fundamental relations between the United States and the Free Associated State, namely:

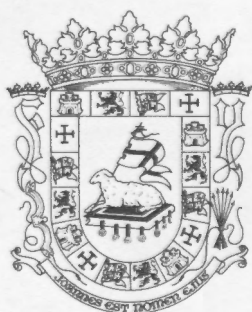
- (1) Preamble
- (2) Jurisdiction and Authority
- (3) Legal Title to Lands
- (5) Reciprocity Provisions
- (6) Common Citizenship
- (7) Security and Common Defense
- (8) Currency
- (9a) Common Market
- (10b) Unimpeded Transit
- (11) Representation of Puerto Rico
- (12) Applicability of Federal Laws
- (21) Amendments

with the approval of the electorate of the Free Associated State of Puerto Rico.



[8/1/75]

PACTO DE UNION PERMANENTE
ENTRE PUERTO RICO
Y LOS ESTADOS UNIDOS



COMPACT OF PERMANENT UNION
BETWEEN PUERTO RICO
AND THE UNITED STATES



PACTO DE UNION PERMANENTE ENTRE PUERTO RICO Y LOS ESTADOS UNIDOS

Aprobado por el Comité Ad Hoc Sobre el
Desarrollo del Estado Libre Asociado
de Puerto Rico en Washington, D.C.,
como una recomendación al Presidente
de los Estados Unidos y al Gobernador
de Puerto Rico — 1ro. de agosto de 1975



FACTO DE UNION PERMANENTE
ENTRE PUERTO RICO
Y LOS ESTADOS UNIDOS

Aprobado por el Comité Ad Hoc sobre el
Desarrollo del Estado Libre Asociado
de Puerto Rico en Washington, D.C.,
como una recomendación al Presidente
de los Estados Unidos y al Gobernador
de Puerto Rico -- por el agosto de 1975

INDICE

1. EL ESTADO LIBRE ASOCIADO DE PUERTO RICO	1
2. JURISDICCION Y AUTORIDAD DEL ESTADO LIBRE ASOCIADO DE PUERTO RICO	1
3. TITULO DE PROPIEDAD SOBRE TIERRAS DE LA CO- RONA Y SOBRE AGUAS NAVEGABLES	3
4. RENTAS INTERNAS	4
5. DISPOSICIONES DE RECIPROCIDAD	4
6. CIUDADANIA COMUN — SUS DERECHOS Y SUS DE- BERES	5
7. SEGURIDAD Y DEFENSA COMUN	6
8. MONEDA	6
9. MERCADO COMUN	6
10. INGRESO A PUERTO RICO DE EXTRANJEROS	8
11. REPRESENTACION DE PUERTO RICO	9
12. APLICABILIDAD DE LEYES FEDERALES	10
13. ENCOMIENDAS DE FUNCIONES FEDERALES AL ES- TADO LIBRE ASOCIADO	11
14. COMISION CONJUNTA	12
15. REVISION JUDICIAL	14
16. CORTE DE DISTRITO DE ESTADOS UNIDOS	15
17. TRABAJO	15
18. ECOLOGIA	16
19. VIGENCIA	16
20. TRANSICION	17
21. ENMIENDAS	17

INDEX

1. THE FREE ASSOCIATED STATE OF PUERTO RICO ...	21
2. JURISDICTION AND AUTHORITY OF THE FREE ASSOCIATED STATE OF PUERTO RICO	21
3. LEGAL TITLE TO CROWN LANDS AND NAVIGABLE WATERS	23
4. INTERNAL REVENUE	24
5. RECIPROCITY PROVISIONS	24
6. COMMON CITIZENSHIP — ITS RIGHTS AND DUTIES ..	25
7. SECURITY AND COMMON DEFENSE	25
8. CURRENCY	26
9. COMMON MARKET	26
10. ENTRY OF ALIENS INTO PUERTO RICO	28
11. REPRESENTATION OF PUERTO RICO	28
12. APPLICABILITY OF FEDERAL LAWS	29
13. ASSIGNMENT OF FEDERAL FUNCTIONS TO THE FREE ASSOCIATED STATE	31
14. JOINT COMMISSION	31
15. JUDICIAL REVIEW	33
16. UNITED STATES DISTRICT COURT	34
17. LABOR	35
18. ECOLOGY	35
19. EFFECTIVE DATE	35
20. TRANSITION	36
21. AMENDMENTS	36

1. El Estado Libre Asociado de Puerto Rico

El pueblo de Puerto Rico constituye un cuerpo político autónomo organizado por su propia, libre y soberana voluntad y de común acuerdo con los Estados Unidos, bajo la estructura jurídica y la designación oficial de Estado Libre Asociado de Puerto Rico.

Integrado por una comunidad cultural de lengua y de tradición hispánicas de ciudadanos de Estados Unidos que son a la vez ciudadanos de Puerto Rico, el pueblo de Puerto Rico ha decidido y expresado repetidas veces—en su Convención Constituyente, en referenda y en un plebiscito específicamente celebrado al efecto—su propósito de vivir en asociación permanente con Estados Unidos sobre bases mutuamente satisfactorias y justas.

En cumplimiento de los términos de ese plebiscito y sujeto a la aprobación del Congreso de Estados Unidos y a la ratificación en referéndum por el pueblo de Puerto Rico, se acuerda reafirmar, consolidar y mejorar la relación ya establecida, mediante este *Pacto de Unión Permanente entre Puerto Rico y Estados Unidos*.

2. Jurisdicción y Autoridad del Estado Libre Asociado de Puerto Rico

a. El Estado Libre Asociado tiene jurisdicción sobre la población y la isla de Puerto Rico, sus mares territoriales, y la población, islas y mares territoriales adyacentes a Puerto Rico.

b. Por la presente se reconoce la autoridad del Estado Libre Asociado de Puerto Rico para gobernarse a sí mismo, para ejercer todos los poderes y facultades necesarios y propios para regir al pueblo de Puerto Rico con arreglo a su propia Constitución y leyes, para representarlo y para pactar con Estados Unidos sobre la naturaleza de sus relaciones políticas presentes y futuras.

c. En el ejercicio de su poder sobre sí mismo, el pueblo de Puerto Rico ahora propone:

1. Acordar con Estados Unidos las normas, disposiciones y procedimientos dispuestos en este Pacto;

2. Acordar con Estados Unidos lo tocante al ejercicio por éste de los poderes y atribuciones que este Pacto especifica;

3. Reservar los demás poderes y atribuciones de la vida política para el Estado Libre Asociado de Puerto Rico o para el pueblo de Puerto Rico;

4. Reconocer al Tribunal Supremo de Estados Unidos como árbitro final sobre el significado y la aplicabilidad de la Constitución y las leyes de Estados Unidos, así como de este Pacto, inclusive la determinación de si las leyes de Estados Unidos o de Puerto Rico se ajustan a las disposiciones de este Pacto y a las de la Constitución y las leyes de Estados Unidos aplicables a Puerto Rico.

d. Estados Unidos tendrá responsabilidad y autoridad respecto a las relaciones internacionales y de defensa que afecten al Estado Libre Asociado de Puerto Rico. El Estado Libre Asociado podrá participar en organizaciones internacionales, y concertar con otros países acuerdos consistentes con las funciones de los Estados Unidos, según lo determinen el Presidente de Estados Unidos y el Gobernador de Puerto Rico en cada caso.

3. Título de Propiedad Sobre Tierras de la Corona y Sobre Aguas Navegables

a. Tierras

Toda propiedad que hubiere sido adquirida en Puerto Rico por los Estados Unidos en virtud de la cesión hecha por España en el tratado de paz celebrado el día 10 de diciembre de 1898, y sobre la cual Estados Unidos tiene título de propiedad, pasará a ser propiedad del Estado Libre Asociado; disponiéndose, que Estados Unidos podrá continuar usando para fines públicos aquella propiedad que en la actualidad esté destinada a tales fines; disponiéndose, además, que el Presidente podrá, de tiempo en tiempo, traspasar al Estado Libre Asociado de Puerto Rico aquellos terrenos u otras propiedades que Estados Unidos esté usando en la actualidad que a su juicio no se necesiten ya para propósitos de los Estados Unidos. El Presidente de Estados Unidos podrá, de tiempo en tiempo, aceptar de Puerto Rico, mediante concesión, cualesquiera terrenos, edificios u otros intereses o propiedades que fueren necesarios a los Estados Unidos para fines públicos.

b. Aguas Navegables

La superficie de los puertos y los cursos y extensiones de aguas navegables y los terrenos sumergidos bajo ellos dentro y alrededor de la Isla de Puerto Rico y de las islas y aguas adyacentes que no estén reservados por los Estados Unidos para fines públicos ni enajenados de ninguna otra forma, pasan a ser y continuarán siendo propiedad del Estado Libre Asociado; disponiéndose, que las leyes de los Estados Unidos para la protección y mejoramiento de las aguas navegables de los Estados Unidos y para la conservación de los intereses de la navegación y del comercio, continuarán en vigor como al presente, a menos que se

acuerde lo contrario; disponiéndose, además, que nada de lo contenido en esta ley se interpretará en el sentido de afectar o menoscabar de ningún modo los términos o condiciones de cualesquiera autorizaciones, permisos u otras facultades concedidos o ejercidos legalmente hasta ahora en o en relación con dichas aguas y terrenos sumergidos en y alrededor de dicha isla y de sus islas adyacentes por el Secretario de la Defensa u otro funcionario o agente autorizado de los Estados Unidos.

4. Rentas Internas

a. Salvo lo dispuesto en el párrafo b de este artículo y en el Artículo 9 de este Pacto, las leyes de rentas internas de Estados Unidos no tendrán vigor en el Estado Libre Asociado de Puerto Rico.

b. La leyes de contribución sobre ingresos de los Estados Unidos podrán tener vigor en Puerto Rico solamente sobre los ingresos de residentes de Puerto Rico que se deriven de fuentes de Estados Unidos o del extranjero, pero el pago de contribución sobre ingresos que se haga al Estado Libre Asociado de Puerto Rico por concepto de ingresos que se deriven de fuentes de Estados Unidos o del extranjero se reconocerá como un crédito al pagar la contribución sobre ingresos federal.

5. Disposiciones de Reciprocidad

a. Existirá plena reciprocidad entre el Estado Libre Asociado de Puerto Rico y los Estados Unidos, los estados de la Unión y todo otro cuerpo político de Estados Unidos en cuanto concierne a lo siguiente:

1. Otorgar completo crédito y reconocimiento a certificaciones oficiales, documentos y procedimientos judiciales;

2. Reconocer y honrar derechos de remoción y entrega de fugitivos;

3. Eximir mutuamente de impuestos las obligaciones oficiales emitidas bajo la autoridad de cualquiera de las jurisdicciones arriba aludidas.

b. A los fines de cooperación y eficiencia, y cuando sea compatible con sus responsabilidades legales y su autoridad, se ordena a los funcionarios de los departamentos y agencias del Estado Libre Asociado y a los funcionarios de los departamentos y agencias de los Estados Unidos que se ayuden unos a otros en la ejecución de sus funciones respectivas.

6. Ciudadanía Común — Sus Derechos y Sus Deberes

Todas las personas nacidas en Puerto Rico son ciudadanos de Estados Unidos y tienen todos los derechos, privilegios e inmunidades inherentes en dicha ciudadanía, así como los deberes que ella conlleva. Mientras residan en Puerto Rico, disfrutarán, además, de todos los derechos, privilegios e inmunidades y tendrán todos los deberes que confieren e imponen a sus ciudadanos la Constitución y las leyes de Puerto Rico. En caso de cambiar su residencia a cualquier estado o u otra jurisdicción de Estados Unidos, los ciudadanos del Estado Libre Asociado de Puerto Rico tendrán, en adición a sus derechos y deberes como ciudadanos de Estados Unidos, todos los derechos, privilegios e inmunidades, así como los deberes de ciudadanía establecidos por la Constitución y las leyes de ese estado o jurisdicción. De igual manera, cualquier ciudadano de Estados Unidos que cambie su residencia a Puerto Rico, además de sus derechos y deberes como ciudadano de Estados Unidos, adquirirá todos los derechos, privilegios e inmunidades, así como los deberes establecidos por la Constitución y las leyes de Puerto Rico.

7. Seguridad y Defensa Común

Las leyes de Estados Unidos referentes a la defensa y a la seguridad nacional se aplicarán al Estado Libre Asociado con arreglo a sus propios términos. El Presidente y el Gobernador mantendrán las consultas y la cooperación necesarias para facilitar los objetivos de la defensa y la seguridad nacional.

8. Moneda

La moneda de los Estados Unidos será la moneda exclusiva de Puerto Rico. Las leyes de los Estados Unidos relativas a la moneda, acuñación, el oro y la plata serán aplicables a Puerto Rico según sus propios términos.

9. Mercado Común

a. Las relaciones económicas, comerciales y mercantiles entre Estados Unidos y Puerto Rico se conducirán dentro del marco del mercado común que ha existido hasta el presente y continuará existiendo entre Estados Unidos y Puerto Rico. Puerto Rico no impondrá restricción, arancel, ni impuesto de clase alguna a artículos que se importen a Puerto Rico de Estados Unidos, ni Estados Unidos impondrá restricción, arancel, ni impuesto de clase alguna a artículos que se importen a Estados Unidos de Puerto Rico.

b. Salvo en lo que más adelante se dispone, las leyes y medidas arancelarias de Estados Unidos sobre artículos importados de países extranjeros serán aplicables en Puerto Rico.

c. Los ingresos por derechos de aduana, licencia sobre importaciones, aranceles e impuestos que se cobren en Puerto Rico, así como las contribuciones

de rentas internas que pudieran cobrarse sobre artículos transportados de Puerto Rico a los Estados Unidos, se pagarán al Tesoro de Puerto Rico, luego de deducirse los gastos correspondientes a tales recaudaciones. Los términos "ingresos" y "contribuciones" a que se refiere la oración anterior no se entenderán en forma limitativa alguna y se extienden a toda clase de rentas públicas, directas o indirectas, de cualquier naturaleza.

d. Puerto Rico conservará el derecho de imponer aranceles o en cualquier forma restringir la importación de café proveniente de países extranjeros o de Estados Unidos; y en forma consistente con las obligaciones internacionales de Estados Unidos, y previa consulta y coordinación con las autoridades federales correspondientes, Puerto Rico podrá imponer, aumentar, reducir o eliminar los aranceles sobre artículos importados directamente de países extranjeros o transbordados a través de Estados Unidos, siempre y cuando se establezcan procedimientos mutuamente aceptables para: (1) garantizar concordancia con obligaciones internacionales; (2) garantizar qué artículos que contengan materiales provenientes de fuentes extranjeras que se embarquen o transbordeen de Puerto Rico a cualquier otro lugar del territorio arancelario de Estados Unidos, o de otro lugar del territorio arancelario a Puerto Rico cumplirán en cada caso con las leyes correspondientes y (3) garantizar continuada comunicación y coordinación entre la rama ejecutiva de Estados Unidos y Puerto Rico en la formulación de la política económica y mercantil y en su implementación.

e. No obstante cualquier otra disposición de ley, Puerto Rico podrá importar libre de impuestos y aranceles, materiales y artículos para embarque y venta posterior a otras partes del territorio arancelario de Estados Unidos, siempre y cuando que no menos

del 35% del precio de exportación al momento de embarque (precio FAS) lo constituya el valor añadido en Puerto Rico.

f. Será el propósito de Estados Unidos y de Puerto Rico adoptar normas encaminadas a la ampliación y liberalización del comercio extranjero en formas compatibles con la continuada expansión del comercio y el tráfico dentro de su mercado común. En sus negociaciones comerciales internacionales, Estados Unidos tomará en consideración la etapa de desarrollo económico del Estado Libre Asociado y, de común acuerdo con el Estado Libre Asociado, protegerá y promoverá los intereses económicos de éste, gestionando las condiciones más favorables para las exportaciones de Puerto Rico al extranjero, y sus ventas en el mercado de los Estados Unidos. Se otorgará a Puerto Rico el status de observador dentro de la delegación negociadora de Estados Unidos, se le mantendrá plenamente informado y se le consultará sobre posiciones de negociación y sobre decisiones. A petición del Estado Libre Asociado, y previa consulta y acuerdo, Estados Unidos gestionará que se acepte a Puerto Rico como un estado asociado en proceso de desarrollo, del tipo que los países desarrollados reconocen como plenamente calificados para participar de todos los beneficios de todo sistema regional o mundial de preferencias para países en proceso de desarrollo.

10. Ingreso a Puerto Rico de Extranjeros

a. Las leyes, reglas, reglamentos y procedimientos de inmigración de Estados Unidos serán aplicables a Puerto Rico según sus propios términos; disponiéndose que, salvo cuando lo prohíba expresamente un estatuto federal, el Presidente de Estados Unidos y el Gobernador de Puerto Rico podrán acordar de

cuando en cuando, a la luz de consideraciones económicas y demográficas aplicables al Estado Libre Asociado, limitar el número de extranjeros a ser admitidos a Puerto Rico, o aumentar la cuota de extranjeros a ser admitidos a Puerto Rico como extranjeros residentes, para llenar las necesidades del Estado Libre Asociado para fines científicos, profesionales, políticos, técnicos, deportivos, culturales, industriales, agrícola y educativos.

b. Nada de lo contenido en ninguna de las disposiciones de este artículo afectará en forma alguna el derecho de los ciudadanos de Estados Unidos a libre tránsito entre Estados Unidos y Puerto Rico.

11. Representación de Puerto Rico

a. El Estado Libre Asociado estará representado en el Senado y en la Cámara de Representantes de Estados Unidos por un representante en cada uno de estos cuerpos, los cuales serán electos para tales cargos de acuerdo con las leyes de Puerto Rico. Tendrán asiento en el Senado y en la Cámara de Representantes de los Estados Unidos y recibirán reconocimiento oficial de todos los departamentos del Gobierno de Estados Unidos, previa presentación, por conducto del Departamento de Estado, de un certificado de elección extendido por el Gobernador de Puerto Rico. Dichos representantes deberán reunir los requisitos que se exigen a los miembros del Senado y de la Cámara de Representantes, respectivamente, y disfrutarán de todos los derechos y prerrogativas de tales miembros que sean compatibles con la Constitución de Estados Unidos.

b. En caso de vacante en cualquiera de estas plazas, tal vacante se llenará para la parte del término que falte por expirar, de acuerdo con las leyes de Puerto Rico.

12. Aplicabilidad de Leyes Federales

a. Las leyes de Estados Unidos aplicables al Estado Libre Asociado a la fecha de aprobación de este Pacto continuarán en vigor a menos que sean derogadas o modificadas por este Pacto o sean incompatibles con el mismo, y hasta el punto que lo sean, salvo en cuanto sean subsiguientemente modificadas, suspendidas o derogadas de conformidad con la ley.

b. Salvo en lo que este Pacto disponga lo contrario, las leyes que en adelante apruebe el Congreso no se aplicarán al Estado Libre Asociado a menos que se refieran específicamente al Estado Libre Asociado, excepción hecha de lo que disponen las Secciones c. y d. de este Artículo 12.

c. Las leyes de Estados Unidos que se aprueben después de la fecha de vigencia de este Pacto y que sean aplicables al Estado Libre Asociado en virtud de los poderes y funciones que en él se acuerda que Estados Unidos pueda ejercitar, se aplicarán al Estado Libre Asociado salvo que sean incompatibles con este Pacto, en la medida en que sean incompatibles, excepción hecha de lo que dispone la Sección d. de este Artículo 12 y a lo que pueda disponerse por orden de un tribunal competente.

d. Con anterioridad a la aprobación final de cualquier legislación aplicable al Estado Libre Asociado, el Gobernador o Comisionado Residente de Puerto Rico tendrá derecho a someter al Congreso objeciones a la aplicabilidad de dicha legislación a Puerto Rico. Cuando ésto ocurra, el Congreso deberá actuar específicamente con relación a tales objeciones a los fines de determinar si la proyectada ley es o no esencial a los intereses de Estados Unidos y si es compatible con las disposiciones y propósitos de este Pacto. Si el comité o los comités respectivos concordasen con las objeciones planteadas, Puerto Rico será exceptuado

de las disposiciones correspondientes de la propuesta ley, en caso de que finalmente se apruebe. Disponiéndose, que este párrafo no se aplicará a leyes propuestas que afecten directamente los derechos y deberes de los ciudadanos, la seguridad y defensa común, las relaciones exteriores y la moneda.

e. Las reglas, reglamentos y órdenes emitidas por los departamentos y agencias de Estados Unidos después de la fecha de vigencia de este Pacto, se aplicarán al Estado Libre Asociado salvo las que fueren incompatibles con este Pacto y en la medida en que lo fueren. En caso de que el Estado Libre Asociado notifique a un departamento o agencia de los Estados Unidos que objeta a la aplicación al Estado Libre Asociado de dicha regla, reglamento u orden, dicha regla, reglamento u orden no se aplicará al Estado Libre Asociado a menos y hasta que el departamento o agencia decida, y así lo declare, que su aplicación al Estado Libre Asociado es esencial a los intereses de los Estados Unidos, y que es compatible con este Pacto. Determinaciones de esta naturaleza estarán sujetas a revisión judicial de conformidad con la ley.

13. Encomiendas de Funciones Federales al Estado Libre Asociado

a. El Gobierno de Estados Unidos podrá, transferir al Estado Libre Asociado, de cuando en cuando, la ejecución, parcial o total, de funciones que con arreglo a este Pacto corresponden a Estados Unidos, siempre y cuando el Gobierno de Puerto Rico acepte desempeñarlas.

En tales casos, salvo acuerdo en contrario, el Gobierno de Puerto Rico, sus agencias y dependencias asumirán los gastos y las responsabilidades inherentes a las encomiendas recibidas.

Los funcionarios y empleados del Gobierno de Estados Unidos a cargo de estas funciones a la fecha de su transferencia retendrán los derechos previamente adquiridos por razón de su empleo.

b. En cuanto a asignaciones legislativas aplicables al Estado Libre Asociado, el Congreso dispondrá la mayor flexibilidad posible en el uso de los fondos provistos, de conformidad con los propósitos y objetivos de las asignaciones, de tal manera que el uso de esos fondos pueda adaptarse a las circunstancias y condiciones especiales pertinentes a la administración del programa en el Estado Libre Asociado.

14. Comisión Conjunta

a. Por la presente se crea una Comisión Conjunta, compuesta por seis (6) miembros, tres (3) miembros y sus sucesores nombrados por el Presidente de Estados Unidos y tres (3) miembros y sus sucesores nombrados por el Gobernador de Puerto Rico. Tales nombramientos se harán por un plazo inicial de 5 años, al término del cual la Comisión quedará sujeta a reexamen por el Presidente y el Gobernador en lo tocante a su continuación y al número de sus miembros. La Comisión adoptará su propio reglamento interno.

b. Esta Comisión Conjunta tiene como su principal asignación el ayudar al perfeccionamiento de las relaciones entre Estados Unidos y Puerto Rico, inclusive las relaciones legales y administrativas, con arreglo a los objetivos fundamentales expresados en este Pacto. A esos fines, tendrá las siguientes encomiendas específicas:

1. La Comisión estudiará la deseabilidad de retener, modificar o eliminar la aplicación a Puerto Rico de determinadas leyes federales, y dará prioridad en tal estudio a las leyes relacionadas con las comunicaciones, el cabotaje y la adminis-

tración del servicio selectivo. La Comisión someterá sus informes al Presidente y al Gobernador. Cuando el informe recomiende el cese de la aplicabilidad al Estado Libre Asociado de determinada ley, o parte de ley, y el Presidente de Estados Unidos y el Gobierno de Puerto Rico concuerden con dicha recomendación, ésta se someterá al Congreso de Estados Unidos. Si transcurrieran noventa días, contados desde la fecha en que el Congreso reciba la recomendación, sin que cualquiera de las Cámaras tome acción rechazándola, la ley (o parte de ley) en cuestión dejará de regir en Puerto Rico.

2. La Comisión estudiará, asimismo, las posibles transferencias de funciones federales a agencias del Estado Libre Asociado, de acuerdo con lo que dispone el Artículo 13-a, y hará las recomendaciones pertinentes. Cuando las recomendaciones supongan el traslado de determinadas funciones federales al Estado Libre Asociado, dichas recomendaciones se remitirán al Presidente de Estados Unidos y al Gobernador de Puerto Rico. Si ambos estuvieren de acuerdo con las recomendaciones, el Presidente, mediante Orden Ejecutiva, dispondrá que se haga el traslado y transmitirá dicha Orden Ejecutiva al Congreso. Si transcurrieren noventa días desde su recibo en el Congreso sin que cualquiera de las Cámaras objete a ella, dicha Orden Ejecutiva entrará en vigor en la fecha que la misma especifique.

3. La Comisión estudiará también, otorgándole la más alta prioridad, la deseabilidad de recomendar un sistema de aportaciones económicas del gobierno del Estado Libre Asociado al Tesoro de Estados Unidos, que habría de iniciarse en el momento oportuno, a efectuarse en formas graduales que no impidan sustancialmente el desa-

rollo económico y social de Puerto Rico, y a base de asignaciones que hará la Legislatura de Puerto Rico del fondo general o de cualesquiera otras fuentes sujetas a acción legislativa por Puerto Rico.

c. La Comisión dispondrá de un secretariado profesional y técnico y podrá utilizar los servicios de las instituciones de investigación que estime convenientes; y queda facultada por la presente para solicitar y recibir la cooperación de toda agencia, departamento o negociado de Estados Unidos o de Puerto Rico.

d. La Comisión dispondrá de un presupuesto anual a sufragarse por partes iguales por el gobierno de Estados Unidos y el gobierno de Puerto Rico. La Comisión formulará su propia propuesta de presupuesto anualmente. Los gobiernos respectivos asignarán las sumas que resulten necesarias para atender las funciones y operaciones de la Comisión durante los primeros dos años.

15. Revisión Judicial

a. Los tribunales de los Estados Unidos y del Estado Libre Asociado tendrán jurisdicción concurrente sobre las cuestiones litigiosas que surjan bajo este Pacto, y las acciones que se instituyan en los tribunales del Estado Libre Asociado no serán trasladables a tribunales federales cuando el único fundamento de traslado consista en una controversia sobre disposiciones de este Pacto.

b. Nada de lo dispuesto en este articulado prohibirá al Estado Libre Asociado o a individuo alguno instituir o sostener acción o procedimiento alguno para hacer una reclamación o para ejercitar una causa de acción bajo este Pacto en cualquier tribunal de jurisdicción competente.

c. Las sentencias y decretos finales expedidos por el tribunal de última instancia del Estado Libre Asociado podrán ser revisados por la Corte Suprema de los Estados Unidos en forma semejante a como son revisadas las sentencias y decretos expedidos por los tribunales de última instancia de un Estado.

16. Corte de Distrito de Estados Unidos

a. Existirá una Corte de Distrito de Estados Unidos para el Estado Libre Asociado, cuya jurisdicción corresponderá a la que tienen las demás Cortes de Distrito de Estados Unidos, inclusive la jurisdicción para la naturalización de extranjeros calificados y residentes en el Estado Libre Asociado.

b. Los procedimientos, trámites y expedientes se llevarán a cabo en español, salvo cuando la Corte disponga otra cosa en atención a los mejores intereses de la justicia.

c. La selección de jurados se llevará a cabo y sus requisitos se regirán con arreglo a las leyes de Estados Unidos, siempre y cuando dichos selección y requisitos resulten consistentes con el apartado b de este artículo.

d. La Corte de Distrito de Estados Unidos no intervendrá para impedir el que se fije o cobre contribución alguna establecida con arreglo a las leyes del Estado Libre Asociado.

17. Trabajo

a. Se declara que es la política pública de Estados Unidos y del Estado Libre Asociado que el salario mínimo en Puerto Rico se equipare al salario mínimo en Estados Unidos cuando las condiciones económicas prevalecientes en Puerto Rico así lo permitan.

El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relativo a salario mínimo y horas de trabajo, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

b. El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relativo a las relaciones obreropatronales, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

c. El Estado Libre Asociado de Puerto Rico tendrá jurisdicción exclusiva sobre todo lo relacionado con las leyes y reglamentaciones de seguridad y salud ocupacional, excepción hecha de las industrias navieras y las dedicadas a la aviación, en las cuales regirán las leyes federales correspondientes, según lo determine el Congreso de los Estados Unidos.

18. Ecología

La autoridad primaria para reglamentar la ecología y la calidad ambiental en Puerto Rico residirá en el Estado Libre Asociado de Puerto Rico.

19. Vigencia

A los fines de su vigencia, este Pacto requerirá:

a. Su aprobación por el Congreso de Estados Unidos.

b. Su aprobación por el electorado del Estado Libre Asociado, en referéndum especial convocado al efecto por la Asamblea Legislativa de Puerto Rico.

c. La proclamación oficial de su aprobación por el electorado del Estado Libre Asociado y la determinación de su fecha de vigencia, que será acordada por el Presidente de Estados Unidos y el Gobernador de Puerto Rico, para tener efecto dentro de un plazo no mayor de un año, a partir de su aprobación por el electorado.

20. Transición

Nada de lo dispuesto en este Pacto se entenderá como que interrumpe o afecta la jurisdicción de los Tribunales u organismos cuasi judiciales sobre asuntos pendientes ante ellos a la fecha de su vigencia, ni afectará, hasta su normal terminación, las franquicias, permisos y otras concesiones otorgados con antelación a dicha fecha. Los actos de Estados Unidos o del Estado Libre Asociado anteriores a este Pacto que fueran lícitos a la fecha de su vigencia no serán afectados en modo alguno por su aprobación.

21. Enmiendas

A los fines de respetar el derecho al gobierno propio que este Pacto garantiza, Estados Unidos conviene en que sus disposiciones sólo podrán modificarse mediante acuerdo mutuo entre el gobierno de los Estados Unidos y el gobierno de Puerto Rico. En lo que toca a las disposiciones que rigen las relaciones fundamentales entre Estados Unidos y Puerto Rico, a saber:

- (1) El Estado Libre Asociado de Puerto Rico
- (2) Jurisdicción y Autoridad del Estado Libre Asociado de Puerto Rico
- (3) Título de Propiedad Sobre Tierras de la Corona y Sobre Aguas Navegables
- (5) Disposiciones de Reciprocidad

- (6) Ciudadanía Común—Sus Derechos y Sus Deberes
- (7) Seguridad y Defensa Común
- (8) Moneda
- (9a) Mercado Común
- (10b) Libre Tránsito
- (11) Representación de Puerto Rico
- (12) Aplicabilidad de Leyes Federales
- (21) Enmiendas

cualquier modificación requerirá la aprobación del electorado de Puerto Rico.



COMPACT OF PERMANENT UNION BETWEEN PUERTO RICO AND THE UNITED STATES

Approved by the Ad Hoc Advisory Group on
Puerto Rico in Washington, D.C., to be
recommended to the President of the United
States and the Governor of Puerto Rico,
August 1, 1975

1. The Free Associated State of Puerto Rico

The people of Puerto Rico constitute an autonomous body politic organized by their own, free and sovereign will and in common agreement with the United States under the juridical structure and official name of the Free Associated State of Puerto Rico.

The people of Puerto Rico, a cultural community of hispanic language and tradition, citizens of the United States as well as citizens of Puerto Rico, have repeatedly decided and have expressed—in their Constitutional Convention, in referendums and in a plebiscite specifically held to that effect—their purpose to live in permanent union with the United States upon mutually satisfactory and just basis.

In fulfillment of the terms of that plebiscite and subject to the approval of the Congress of the United States and the ratification in referendum by the people of Puerto Rico, it is hereby agreed to reaffirm, to consolidate and to improve the relationship already established, by means of this *Compact of Permanent Union Between Puerto Rico and the United States*.

2. Jurisdiction and authority of the Free Associated State of Puerto Rico

a. The Free Associated State of Puerto Rico has jurisdiction over the population and island of Puerto Rico, its territorial seas, and the population, islands and territorial seas adjacent to Puerto Rico.

b. The right of the Free Associated State of Puerto Rico to govern itself is hereby recognized, as well as the right to exercise all the necessary powers and authority to govern the people of Puerto Rico according to its own Constitution and laws, to represent them, and to make a compact with the United States as to the nature of its present and future political relations.

c. In the exercise of their power of self-government, the people of Puerto Rico now propose:

1. To agree with the United States upon the norms, provisions, and procedures set forth in this Compact;

2. To agree upon the exercise by the United States of the powers and attributes specified in this Compact;

3. To reserve all other powers and attributes of their political life to the Free Associated State of Puerto Rico or to the people of Puerto Rico;

4. To recognize the Supreme Court as the final judge of the meaning and application of the Constitution and laws of the United States as well as of this Compact, including the decision whether the laws of the United States or of Puerto Rico conform to this Compact and the Constitution and applicable laws of the United States.

d. The United States will have responsibility for and authority with respect to international relations and defense affecting the Free Associated State of Puerto Rico.

The Free Associated State may participate in international organizations and make agreements with other countries consistent with the functions of the United States as determined by the President of the United States and the Governor of Puerto Rico on a case-by-case basis.

3. Legal Title to Crown Lands and Navigable Waters

a. *Lands*

All property which may have been acquired in Puerto Rico by the United States under the cession of Spain in the treaty of peace entered into on December 10, 1898, and to which the United States holds title, shall become the property of the Free Associated States; provided, that the United States may continue to use for public purposes that property which is now being used for such purposes; provided, further, that the President may, from time to time, convey to the Free Associated State of Puerto Rico those lands, buildings or interests in lands or other property now utilized by the United States which in his judgment are no longer necessary for the purposes of the United States. The President of the United States may, from time to time, accept by grant from Puerto Rico, any lands, buildings or other interests or property which may be needed for public purposes by the United States.

b. *Navigable Waters*

The harbor areas and navigable streams and bodies of water and submerged land underlying the same and around the Island of Puerto Rico and the adjacent islands and waters not reserved by the United States for public purposes nor alienated in any other way, shall become and shall continue to be the property of the Free Associated State; provided, that the laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, shall continue in force as at present, unless contrary agreed to; provided, further, that nothing contained in this Act shall be construed so as to affect or impair in any manner the terms

or conditions of any authorizations, permits, or other powers heretofor lawfully granted or exercised in or in respect of said waters and submerged land in and surrounding said Island and its adjacent islands by the Secretary of Defense or other authorized officer or agent of the United States.

4. Internal Revenue

a. Except as provided in paragraph b of this article and in article 9 of this Compact, the internal revenue laws of the United States shall not have effect in the Free Associated State of Puerto Rico.

b. The income tax laws of the United States may have effect in Puerto Rico only upon the income of residents of Puerto Rico derived from United States or foreign sources, but income tax payments to the Free Associated State of Puerto Rico upon income derived from United States or foreign sources shall be credited against federal income tax.

5. Reciprocity Provisions

a. There shall exist full reciprocity between the Free Associated State of Puerto Rico and the United States, the States of the Union and any other body politic of the United States, concerning the following:

1. Giving full faith and credit to official certifications, documents and judicial proceedings;
2. Accepting and honoring rights of removal and surrender of fugitives;
3. Mutually exempting from taxation the official obligations issued under the authority of any of the jurisdictions referred to above.

b. In the interests of cooperation and efficiency, and when compatible with their legal responsibilities and authority, officials of the departments and agencies of the Free Associated State and officials of the departments and agencies of the United States are directed to assist one another in the execution of their respective functions.

6. Common Citizenship — Its Rights and Duties

All persons born in Puerto Rico are citizens of the United States and have all the rights, privileges and immunities inherent in that citizenship as well as duties pertinent thereto. While residing in Puerto Rico, they shall also enjoy all the rights, privileges and immunities and shall have all the duties which the Constitution and the laws of Puerto Rico confer and impose on its citizens. In case of a change of residence to any state or other jurisdiction of the United States, the citizens of the Free Associated State of Puerto Rico shall have in addition to their rights and duties as citizens of the United States, all the rights, privileges and immunities, as well as the duties of citizenship established by the Constitution and the laws of that state or jurisdiction. Likewise, any citizen of the United States who changes his residence to Puerto Rico shall, in addition to his rights and duties as citizen of the United States, acquire all the rights, privileges and immunities as well as the duties established by the Constitution and laws of Puerto Rico.

7. Security and Common Defense

Laws of the United States relating to defense and national security shall apply to the Free Associated State in accordance with their terms. The President

and the Governor will consult and cooperate to facilitate objectives of defense and national security.

8. Currency

The currency of the United States shall be the exclusive currency of Puerto Rico. The laws of the United States relative to currency, coinage, gold and silver shall apply to Puerto Rico, in accordance with their terms.

9. Common Market

a. Economic, trade and commercial relations between the United States and Puerto Rico shall be conducted within the framework of the common market heretofore and hereafter established between the United States and Puerto Rico. Puerto Rico shall not impose restrictions, tariffs, or taxes of any kind on articles imported into Puerto Rico from the United States, nor shall the United States impose restrictions, tariffs, or taxes of any kind on articles imported into the United States from Puerto Rico.

b. Except as hereinafter provided, laws and tariff provisions of the United States on articles imported from foreign countries shall be applicable in Puerto Rico.

c. The income from customs duties, licenses for imports, tariffs and taxes collected in Puerto Rico, as well as internal revenue taxes which may be collected on articles transported from Puerto Rico to the United States, shall be paid into the Treasury of Puerto Rico, after deducting the expenses of such collections. The terms "income" and "taxes" referred to in the preceding sentence shall not be understood in any limited way and they extend to every kind of revenue, direct or indirect, of any nature.

d. Puerto Rico shall continue to enjoy the right to levy tariffs upon or otherwise to restrict the import of coffee from foreign countries or the United States; and in a manner consistent with the international obligations of the United States and after prior consultation and coordination with the federal authorities concerned, Puerto Rico may levy, increase, reduce or eliminate tariffs and quotas on articles imported directly from foreign countries or transshipped through the United States; provided, that mutually agreeable procedures shall be established to: (1) assure conformity with international obligations; (2) assure that articles containing foreign components shipped or transshipped from Puerto Rico to the rest of the U.S. customs territory or from there to Puerto Rico conform respectively to the laws; and (3) assure continuous communication and coordination between the United States Executive Branch and Puerto Rico on economic and trade policy and implementation.

e. Notwithstanding any other provision of law, Puerto Rico may import materials and articles duty free for subsequent shipment and sale to other parts of the U.S. customs territory providing that the F.A.S. (free at side) shipping price contains at least 35% value added in Puerto Rico.

f. It shall be the purpose of the United States and Puerto Rico to pursue policies of foreign trade expansion and liberalization in a manner compatible with the continued expansion of trade and commerce within their common market. In international trade negotiations the United States will take into account the Free Associated State's stage of economic development, and in agreement with the Free Associated State, shall protect and promote its economic interest by seeking the most favorable conditions for Puerto Rico's exports abroad and sales to the U.S. market.

Puerto Rico shall be accorded observer status within the United State negotiating delegation, shall be kept fully informed and shall be consulted concerning negotiating positions and decisions. On request and after consultation and agreement, the United States shall seek to have Puerto Rico accepted as an associated developing state which developed countries recognize as qualifying fully to participate in all benefits from any regional or worldwide system of preferences for developing countries.

10. Entry of Aliens into Puerto Rico

a. Immigration laws, rules, regulations and procedures of the United States shall apply to Puerto Rico in accordance with their terms, provided that unless expressly prohibited by federal laws, the President of the United States and the Governor of the Free Associated State may from time to time agree, in the light of economic and demographic considerations applicable to the Free Associated State, to limit the number of aliens who may be admitted to Puerto Rico or to increase the quota of aliens who may be admitted to Puerto Rico as resident aliens to meet the needs of the Free Associated State for scientific, professional, political, technical, sporting, cultural, industrial, agricultural, and educational purposes.

b. Nothing included in any of the provisions of this article shall affect in any way the right to unimpeded transit between the United States and Puerto Rico of citizens of the United States.

11. Representation of Puerto Rico

A. The Free Associated State shall be represented in the Senate and the House of Representatives of the

United States by one representative in each House, who shall be elected for that position according to the laws of Puerto Rico. They shall have a seat in the Senate and in the House of Representatives of the United States and shall receive official acknowledgements from all the departments of the Government of the United States upon presentation by the Department of State of a certificate of election issued by the Governor of Puerto Rico. Such representatives shall have the qualifications established for members of the Senate and the House of Representatives, respectively, and shall have all the rights and privileges of such members as are compatible with the Constitution of the United States.

12. Applicability of Federal Laws

a. The laws of the United States applicable to the Free Associated State on the date of approval of this Compact shall continue in effect except and to the extent repealed or modified by this Compact, or incompatible with it, and except as hereafter modified, suspended or repealed in accordance with law.

b. Laws hereafter enacted by the Congress, unless otherwise provided by this Compact, shall not be applicable to the Free Associated State unless such laws explicitly refer to the Free Associated State and except as provided in sections c and d of this Article 12.

c. Laws of the United States enacted after the effective date of this Compact which are applicable to the Free Associated State pursuant to the powers and functions expressly delegated to the United States in this Compact, shall apply to the Free Associated State unless and except to the extent that they are incompatible with this Compact except as otherwise provided in section d of this Article 12, and except as

may otherwise be provided by order of a court of competent jurisdiction.

d. Prior to final passage of any legislation applicable to the Free Associated State, the Governor or Resident Commissioner of Puerto Rico shall be entitled to submit to Congress objections as to the applicability of said legislation to Puerto Rico, whereupon the Congress shall specifically act upon those objections so as to determine whether the proposed law is essential to the interests of the United States and is compatible with the provisions and purposes of this Compact. If the respective Committee or Committees express agreement with the objections, Puerto Rico will be held exempt from those affected provisions of the proposed law in the event of its final passage. Provided; that this paragraph shall no apply to proposed laws which directly affect the rights and duties of citizens, security and common defense, foreign affairs, or currency.

e. Rules, regulations and orders issued by the departments and agencies of the United States after the effective date of this Compact shall apply to the Free Associated State unless and except to the extent that they are incompatible with this Compact. In the event that the Free Associated State shall notify a department or agency of the United States that it objects to the application of any such rule, regulation or order to the Free Associated State, such rule, regulation or order shall not be applicable to the Free Associated State unless and until the department or agency shall find and declare that the application thereof to the Free Associated State is essential to the interests of the United States and is compatible with this Compact. Any such determination shall be subject to judicial review in accordance with law.

13. Assignment of Federal Functions to the Free Associated State

a. The Government of the United States may from time to time transfer to the Free Associated State the total or partial performance of functions vested in the United States by this Compact, provided that the Government of Puerto Rico agrees to perform them.

Except as otherwise agreed to, the Government of Puerto Rico, its agencies and dependencies shall assume the expenses and responsibilities inherent in the assignment received.

The officials and employees of the Government of the United States in charge of the functions on the date of their transfer shall retain the rights previously acquired by reason of their employment.

b. The Congress of the United States, in appropriations legislation applicable to the Free Associated State, shall provide maximum flexibility for the use of such funds, consonant with the purposes and objects of the appropriations, so that the use of such funds may be adapted to the special circumstances and conditions relevant to the administration of the program in the Free Associated State.

14. Joint Commission

a. There is hereby created a Joint Commission composed of six (6) members, three (3) members and their successors appointed by the President of the United States and three (3) members and their successors appointed by the Governor of Puerto Rico. The Commission shall adopt its own internal regulations. Said appointment shall be for an initial period of five years, at the expiration of which, the Commission

shall be subject to review by the President of the United States and the Governor of Puerto Rico as to duration and membership.

b. This Joint Commission has as its principal assignment to help in the perfection of relations, including legal and administrative, between the United States and Puerto Rico in agreement with the fundamental objectives expressed in this Compact and, to that effect, shall have the following specific assignment:

1. The Commission shall study the desirability of retaining, modifying or eliminating the application of specific Federal laws to the Free Associated State and shall give priority in such study to the laws pertaining to communications, coastal shipping and administration of selective service. The Commission shall submit its reports to the President and to the Governor. When the report recommends the discontinuance of the applicability of a particular law or part of law to the Free Associated State, and the President of the United States and the Government of Puerto Rico concur with the recommendation, it shall be submitted to the Congress of the United States. If ninety days, counted from the date when Congress receives the recommendation, shall elapse without either House rejecting it, said law shall cease to have effect in Puerto Rico.

2. The Commission shall also study the possible transfer of federal functions to agencies of the Free Associated State, in accordance with the provision of Article 13-a and shall make the pertinent recommendations. When they involve the transfer of particular federal functions to the Free Associated State, such recommendations shall be submitted to the President of the United States and the Governor of the Free Associated State. If

both agree with the recommendations, the President shall by Executive Order provide for such transfer and shall transmit such Executive Order to the Congress. Any such Executive Order shall become effective at such time as it shall specify, unless either House of Congress, within ninety days from receipt of the Executive Order, shall object.

3. The Commission shall also study, with the highest priority, the desirability of recommending a system of contributory payments from the government of Puerto Rico to the Treasury of the United States, to be initiated at the appropriate time, in gradual ways which will not substantially impede the economic and social development of Puerto Rico based upon disbursements which shall be made by the Legislature of Puerto Rico from the general fund or any other sources subject to the legislative action of Puerto Rico.

- c. The Commission shall have a professional and technical staff and may use the services of the research institutions which it deems convenient; and is hereby authorized to request and receive the cooperation of any agency, department, or bureau of the United States or of Puerto Rico.

- d. The Commission shall have an annual budget, to be shared in equal parts by the Government of the United States and the Government of Puerto Rico. The Commission shall formulate its own budget proposal annually. Such sums as are necessary for the functions and operations of the Commission for the first two years are authorized.

15. Judicial Review

- a. The courts of the United States and of the Free Associated State shall have concurrent jurisdiction

with respect to justiciable questions arising under this Compact, and actions instituted in the courts of the Free Associated State may not be removable to a federal court on the sole grounds that provisions of this Compact are in issue.

b. Nothing contained in this section shall prohibit the Free Associated State or any individual from instituting and maintaining any action or proceeding in the assertion of a claim or cause of action under this Compact in any court with competent jurisdiction.

c. Final judgements and decrees entered by the highest court of the Free Associated State in which decision could be had may be reviewed by the Supreme Court in like manner as final judgments and decrees rendered by the highest court of a State in which decision could be had.

16. United States District Court

a. There shall exist a United States District Court for the Free Associated State whose jurisdiction shall be the same as that of other District Courts of the United States, including the jurisdiction over the naturalization of qualified aliens and residents in the Free Associated State.

b. All the procedures, pleadings, and records shall be conducted in Spanish, unless the Court, in the interest of justice, shall otherwise determine.

c. The selection of the jurors shall be conducted and their requisites shall be guided in accordance with the laws of the United States, provided that such selection and requisites are consistent with Section b of this article.

d. The United States District Court shall not intervene to prevent the establishing or collecting of any tax imposed by the laws of the Free Associated State.

17. Labor

a. The public policy of the United States and of the Free Associated State is declared to be that the minimum wage in Puerto Rico be equivalent to the minimum wage in the United States as soon as economic conditions in Puerto Rico so permit.

The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to minimum wages and working hours, except for the shipping and aviation industries which shall be covered by the appropriate federal laws which shall be determined by the Congress of the United States.

b. The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to labor-management relations, except for the shipping and aviation industries, which shall be covered by the appropriate federal laws, as may be determined by the Congress of the United States.

c. The Free Associated State of Puerto Rico shall have exclusive jurisdiction over all matters pertaining to laws and regulations on occupational health and safety, except for the shipping and aviation industries, which shall be covered by the appropriate federal laws, as may be determined by the Congress of the United States.

18. Ecology

The primary authority to regulate the ecology and environmental quality in Puerto Rico shall reside in the Free Associated State of Puerto Rico.

19. Effective Date

In order to become effective, this Compact shall require:

a. Its approval by the Congress of the United States.

b. Its approval by the electorate of the Free Associated State in a special referendum called to that effect by the Legislative Assembly of Puerto Rico.

c. The official proclamation of its approval by the electorate of the Free Associated State and the determination of its effective date, which shall be determined by agreement between the President of the United States and the Governor of Puerto Rico, to have effect within a period not longer than one year following its approval by the electorate.

20. Transition

Nothing in this Compact shall be deemed to interrupt or impair the jurisdiction of the courts or quasi-judicial agencies over matters pending before them at its effective date nor to affect, until their normal expiration, any franchises, permits and other grants issued prior to such effective date. Actions by either the United States or the Free Associated State prior to this Compact which would be lawful at its effective date, shall not be affected in any way by its approval.

21. Amendments

In order to respect the right of self-government guaranteed by this Compact, the United States agrees that the provisions of this Compact may be modified only by mutual agreement between the Government of the United States and the Government of the Free Associated State of Puerto Rico, and with respect to the provisions that regulate the fundamental relations between the United States and the Free Associated State, namely:

- (1) Preamble
- (2) Jurisdiction and Authority
- (3) Legal Title to Lands
- (5) Reciprocity Provisions
- (6) Common Citizenship
- (7) Security and Common Defense
- (8) Currency
- (9a) Common Market
- (10b) Unimpeded Transit
- (11) Representation of Puerto Rico
- (12) Applicability of Federal Laws
- (21) Amendments

with the approval of the electorate of the Free Associated State of Puerto Rico.



THE WHITE HOUSE

WASHINGTON

August 1, 1975

MEMORANDUM FOR: JIM CANNON

FROM: JIM CAVANAUGH

I talked to Sam Halper. He never saw the Ferre letter and was unaware of its release.

Attached is a copy of the package for your Puerto Rico file.

Attachment



Luis A. Ferré
San Juan, Puerto Rico

July 10, 1975

Mr. James H. Falk
Associate Director
Domestic Council
The White House Office
Washington, D. C. 20500

Dear Jim:

You have probably already received under separate cover a copy of my recent letter to Don Rumsfeld concerning the Ad Hoc Advisory Committee on Puerto Rico.

I cannot stress too much my continued objections to the manner in which the committee proceedings are being handled. It is apparent that the members of the committee appointed by the Governor of Puerto Rico insist on ramming a partisan and very objectionable plan down everybody's throat. This is in the worst interests of Puerto Rico and of the United States and I believe that the President should be well aware of what is happening.

Very sincerely yours,

Luis A. Ferré
Luis A. Ferré



Luis A. Ferré
San Juan, Puerto Rico

July 8, 1975

Mr. Donald H. Rumsfeld
Assistant to the President
Executive Office of the President
The White House Office
Washington, D. C. 20500



Dear Mr. Rumsfeld:

It has been publicly informed that The Ad Hoc Advisory Group on Puerto Rico will meet in Washington on July 10, 11 and 12 to consider the proposal of a new Federal Relations Act as submitted by the seven committee members appointed by the Governor of Puerto Rico.

I am extremely concerned with the significance that could be given to the consideration of said proposal. This is so because I understand that:

1. The document to be taken into consideration is the product of meetings held by the above mentioned seven members in apparent violation of the Federal Advisory Committee Act. Specifically, holding meetings without access to the public nor the approval of a federal officer.
2. The New Progressive Party, of which I am the Chairman, polled 44 per cent of the vote in the 1972 General Elections in Puerto Rico and the Popular Democratic Party in power 51 per cent. In spite of these facts, no representative of the NPP has been named to the Ad Hoc Advisory Group. In consequence, the above mentioned document was prepared without participation of the most powerful and influential opposition party in Puerto Rico.

July 8, 1975

3. The proposed new Federal Relations Act, which as reported, will be considered on the next meeting violates the mandate received from the People of Puerto Rico through the 1967 Plebiscite for the development of commonwealth status by strengthening the bonds of permanent union that exist between United States of America and Puerto Rico. Said proposal has been engineered with the intention of weakening those bonds, as well as the inherent rights and duties of all Puerto Ricans as American citizens.

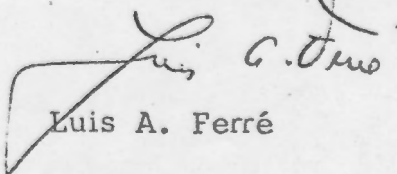
We urgently request your help in advising the President and the Domestic Council of our objections to the procedures and the substance of the actions proposed to be taken.

We feel very strong about the fact that if the President's appointees to the Ad Hoc Advisory Group give consideration to the document or proposals to be presented at this meeting the President could be deemed to be ratifying, through his appointees, violations to the law and the spirit in which the Advisory Group was appointed. Worse yet, the President could be deemed to be favoring the proposals of the Puerto Rican members of the Group which, rather than strengthening the union between Puerto Rico and the United States, weaken that union.

I enclose, for your information, copy of my objections to this proposal as I presented my objections to the Puerto Rican members of the Group last year.

I believe this is a very serious matter that should be brought to the President's attention.

Very truly yours,


Luis A. Ferré

Enclosure


bcc: Mr. James M. Cannon
Mr. James H. Falk



THE WHITE HOUSE

WASHINGTON

July 11, 1975

MEMORANDUM FOR: JIM FALK
FROM: JIM CAVANAUGH 
SUBJECT: Luis A. Ferre Letter from Puerto Rico

I see that you received a copy of Luis A. Ferre's July 8 letter to Don Rumsfeld. Would you please do a note for Jim Cannon indicating what all of this is about. Thanks.



REMARKS OF FORMER GOVERNOR LUIS A. FERRE



I come before this group to express my opposition to the latest proposals that have been offered in the quest for the so-called culmination of the Commonwealth of Puerto Rico.

Last year when I appeared before the full Committee I affirmed, as I have repeatedly done in the past, my opposition to any measure purporting to develop commonwealth status which would interfere with the inherent right of the U. S. citizens of Puerto Rico to petition Congress for statehood any time they choose to do so.

I also stated last year that the task of this Committee was very difficult. As a member of the United States/Puerto Rico Status Commission in 1967, I asked seven times for a definition of culmination but could not get an answer from its advocates. One year has gone by in the same endeavor and the difficulty of the task has been made eminently clear by the fact that the members of the Committee have been unable to come to any agreement on specific proposals and as a solution to this impasse some of the members have prepared draft proposals on which these hearings are being held.

First of all, I want to strongly protest that hearings are being held on proposals that do not reflect a consensus of the full committee. I do not believe that the dubious procedure of holding hearings on proposals that the full committee has not approved is either appropriate or consistent with the intent or



the spirit of the charter creating this committee. This is supposed to be a single committee wherein divergent points of view come together for the purpose of arriving at a consensus instead it has become a vehicle for the majority of the Puerto Rican members to present the point of view of one political party and attempt to impose it on everyone else. It would appear that the correct procedure would be to first discuss the proposals with the other members of the group and if a consensus is achieved, then hold hearings on the measures. At such time I will come before the full committee to express in detail my position on all the proposals then under consideration. As it is, these hearings are being held on proposals that have no force whatsoever and I think that it is deceiving and futile to ask the people of Puerto Rico to give their views on measures that have not been considered by all of the members of the group and some of which have actually been rejected by different federal agencies.

Nevertheless, I come here to record my opposition to the proposed bill on the grounds that it is a step that would lead Puerto Rico to separation and that it is in direct contravention to the report of the 1967 Status Commission which recommended that measures be studied by ad-hoc groups to "develop" commonwealth within the basic framework of common citizenship, common defense, common market and common currency.

I submit to you and to the people of Puerto Rico that article 10 of the proposed bill which would empower the government of Puerto Rico to determine the entry of aliens into our island is in



direct contravention of the principle of common citizenship and common market. If adopted, this measure would prevent the free entry of American citizens of Puerto Rico into the United States, in effect setting a barrier between Puerto Rico and the United States. This barrier would be one step towards ultimate separation.

I submit to you and to the people of Puerto Rico that article 12 of the proposed bill which would give the Legislative Assembly of Puerto Rico or its Resident Commissioner veto power with respect to the extension to Puerto Rico of federal legislation is inconceivable within the framework of the American Constitutional system and could be granted only if we became an independent state, or at least, an associated republic, both incompatible with common citizenship.

In the 1967 plebiscite, the people of Puerto Rico reaffirmed their endorsement of the concepts of common defense, currency, market and citizenship. The proposals contained in this bill make it clear that its proponets have no respect for the express will of the Puerto Ricans and are thinking only in terms of their own political objectives.

The relationship that this bill would create, including replacing our previous title of Commonwealth with that of Free Associated State, was not what the people of Puerto Rico were told in 1967 that a vote in favor of commonwealth meant in the plebiscite. It is clear that the Advocates of Culmination Party has been misleading and continues to mislead the people of Puerto Rico with

respect to its true position concerning political status of Puerto Rico.

The proponents of this bill should come forward, in candor and in honesty and giving due respect to the political feelings of the people of Puerto Rico tell the truth of what is real objective of this bill. It is high time we stop all this semantics. This is not a proposition for permanent union but quite to the contrary it is a proposition to weaken and gradually destroy the common bonds of true permanent union with the United States.

In 1959, Judge Calvert Magruder of the U. S. Circuit Court of Boston, and a good friend of Puerto Rico, when addressing the students at the University of Puerto Rico Law School said that: "If the purpose is that federal activities in Puerto Rico be reduced to a minimum while the citizens of Puerto Rico retain all the advantages they enjoy as American citizens, and Puerto Rico keeps all the advantages of the compact, then I would think that the Congress is going to say: Well, if that is what they want, let us cast off Puerto Rico and give them independence".^{*} It is time to tell the truth to the people of Puerto Rico and to stop playing games with their political aspirations.

Luis A. Ferré
February 22, 1975

*(authors translation)



August 2, 1975



To: James Cannon
From: Sam Halper

The final session of the Adhoc Advisory Group on Puerto Rico ended at 12:30 P.M. Friday, August 1, one day earlier than scheduled and nearly two years after the first meeting, Sept. 27, 1973 at the White House.

The last five meetings [REDACTED] (July 10-12, July 31-August 1) were devoted to [REDACTED] the proposals of April 12, 1975 advanced by the Puerto Rican delegation at the suggestion of the entire Group (that is, all members present and voting). The major proposals approved, following extensive revisions, deal with the following: environmental protection, minimum wages, court system, block grants, citizenship, reciprocity, commerce, immigration, defense, security, applicability of federal regulations, legislative representation, setting up of a joint commission.

The main provisions on which there will be separate reports are the following: legislative representation in Congress, contributions from Puerto Rico to the federal system.

Conclusion of the final meeting, says Marlow Cook, brought "all kinds of flak" i.e. phone calls and telegrams from New Progressive Party leaders Carlos Romero Barcelo and Luis Free. Their ^{main} point: the chief opposition party, the NPP which polled 44% of the vote in the last election, was not represented in the deliberations. Cook reminded Romero that the hearings were open. Sen. Rivera, [REDACTED]

[REDACTED] who is a delegation member and a leading member of the NPP as well, also spoke up: "I am not a member of the majority party. My stand is and always has been for statehood. I am not compromising my philosophy in agreeing with this document." (Words are approximate, as recalled by Sen. Cook.)

Senator Mendez, also a member of the Puerto Rican delegation, is not a member of the majority party, the PDP, either.

At the final session, Gov. Ogilvy and Sen. Buckley were present along with Sen. Cook on the US delegation; Rep. Clausen and Sen. Bennett Johnston were not. Gov. Luis Munoz Marin, co-chairman of the Group, who had^S missed the last five sessions (July 10-12, July 31-August 1) told Cook by phone [REDACTED] he was "very delighted."

Messrs. Cook and Gallagher will draft a tentative committee report to be submitted to the members. They expect a final report prior to Sept. 20, at which time two weeks will be allowed for filing dissenting and/or individual comments. Sen. Cook anticipates that the report will be in the President's hands by late September or early October.

Action Suggestions:

1. A very warm letter for Senator Cook. Watching him engineer consent was an education. More concretely, he deserves the brief appointment with the Vice President that he requests for himself and William Elmer. (Enclosing separate memo on this.)
2. The agreement, if ratified, will do little to alter the deteriorating state of affairs in Puerto Rico. Unemployment, now past 30%, [REDACTED] is mounting, most of the island is on food stamps, industrial promotion is down and it is doubtful that even such changes as flexibility in minimum wages and environmental codes will reverse the tide. Once more I would like to endorse your suggestion for a task force on Puerto Rico. Lest we find ourselves confronted by a "sudden" crisis we, here, had better take some time now to find out precisely what the troubles are, what has to be done, and what we can practicably do. Senator Cook concurs in this view.





United States
Environmental Protection Agency
Washington, D.C. 20460

AUG 12 1975

The Administrator

MEMORANDUM FOR MR. JAMES CANNON
Domestic Council

SUBJECT: Ambient Air Quality Standards in Puerto Rico

You asked for our comments on attainment of national ambient air quality standards for sulfur oxides in Puerto Rico. I asked Jerry Hansler, EPA Regional Administrator for Region II, to give me a detailed update on the SOx control strategy in the Commonwealth. I have attached his memorandum for your information.

As is noted in Mr. Hansler's memorandum, if there is in fact an "overkill," EPA will carefully and quickly reevaluate the allowable SOx emission levels for the Puerto Rico electric generating plants. However, until the Water Resources Authority (WRA) and the Environmental Quality Board have sufficient air quality data from their network of monitoring stations to support a request to burn 2% sulfur fuel, no relaxation in the sulfur content of fuel burned at the WRA South Coast Plant can be made.

I think you will agree that EPA is being very reasonable. Our requirements for the sulfur content of fuel burned in the WRA South Coast Plant, as well as other electric generating plants in Puerto Rico, are based upon the State Implementation Plan (SIP) and revisions to it which were developed by the Commonwealth and submitted to the Region II Office by the Governor.

Thank you for your interest in the efforts to meet the clean air standards in Puerto Rico. I would be pleased to provide you additional information if it is needed.


Russell E. Train

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region II

SUBJECT: Sulfur-in-Fuel Enforcement in the Commonwealth of Puerto Rico--BRIEFING MEMORANDUM
DATE: August 5, 1975

FROM: Gerald M. Hansler, P.E.
Regional Administrator

Gerry Hansler

TO: Russell E. Train (A-100)
Administrator

Attn: Steffen Plehn
Executive Assistant to the Administrator (A-100)

The purpose of this memorandum is to outline this Region's past and current involvement in the enforcement of sulfur-in-fuel requirements in the Commonwealth of Puerto Rico.

SIP History

In May, 1972 this Agency approved the implementation plan submitted by the Commonwealth of Puerto Rico to attain and maintain national ambient air quality standards. The original control strategy for the achievement of the sulfur oxide (SO_x) standards involved an island-wide phased reduction in the sulfur content of fuel. Under the requirements of the approved implementation plan, on April 1, 1975 the sulfur-in-fuel limitation applicable to all sources was reduced from 1.5% to 0.5% in the vicinity of San Juan and to 1.0% elsewhere.

During much of 1973 and 1974, this Region worked with Commonwealth environmental officials to develop a revised SO_x control strategy which would allow the Commonwealth to make sulfur-in-fuel assignments on a source-by-source basis through the application of reasonable diffusion modeling techniques. This would permit the sulfur content to be set for the source at the amount demonstrably necessary to achieve national standards. Because of the limited number of significant fuel burning sources in the Commonwealth and the recognized desire of the Commonwealth to have some flexibility in the setting of fuel sulfur limits, this source-by-source approach was deemed feasible for the Commonwealth. Such an approach would result in considerable savings to the Commonwealth generally by permitting most significant sources to burn a less expensive, higher sulfur fuel than would be permitted under the original control strategy's island-wide sulfur limitation.

After several unsuccessful efforts, on January 3, 1975, the Governor of Puerto Rico submitted, as a proposed SIP revision, a control strategy incorporating a source-by-source sulfur



content assignment. This Region recommended, on June 30, 1975, that the proposed revision be approved in substantial part. The revision, if approved, would still establish a fuel sulfur content of 1.0% for the Puerto Rico Water Resources Authority's (WRA) South Coast Plant, the same limit as exists under the original SIP control strategy for SO_x .

SIP Enforcement:

By mid-1974, some two years after the original SIP approval, it was recognized that several major fuel burning point sources were not in compliance with the sulfur-in-fuel restrictions contained in the approved implementation plan. Until then, enforcement action had not been initiated against these non-complying sources, including the WRA's South Coast Plant, because of the pendency of plan revision. During this period, several environmental groups, including the Natural Resources Defense Council (NRDC), had been carefully monitoring the Puerto Rico situation and had been seeking stricter enforcement action based on the requirements contained in the approved implementation plan.

On September 4, 1974, this Region sent Section 114 letters of inquiry to sixteen of the most significant fuel burning sources in the Commonwealth requiring the monthly submission of information on fuel sulfur content. Based on the information supplied in response to this Region's Section 114 inquiries, Notices of Violation were issued to five significant fuel burning sources on December 17, 1974, including the WRA's South Coast Plant. The five sources were selected because they had reported fuel sulfur contents in excess of those allowable under both the existing SIP requirements and those to be allowed under the proposed revision, the substance of which was known to the Region by mid-December.

WRA's South Coast Plant:

The WRA's South Coast Plant, located in Guayanilla, Puerto Rico, produces about one-half of the Commonwealth's electricity. It has a maximum rated capacity of 1085 megawatts and consumes approximately 10 million barrels of #6 fuel oil per year (1974 figure - 10.2 million barrels).

The South Coast Plant has been burning fuel with a sulfur content of 2.0% - 2.5% during the period when the implementation plan's requirements called for a sulfur content of 1.5% and then 1.0%.



After an enforcement conference held on January 15, 1975, a Section 113 Order was issued, on February 23, 1975, requiring the WRA to comply with SIP requirements at the South Coast Plant by burning 1.0% sulfur fuel after April 1, 1975.

On March 24, 1975, this Region was informed, for the first time, by the Executive Director of the Environmental Quality Board that there would be difficulties in the South Coast Plant because its fuel pumps were unable to handle the lower viscosity 1.0% sulfur fuel, and that conversion to a 1.0% sulfur fuel would be physically impossible by April 1, 1975.

On March 27, 1975, an amended Order was issued rescinding the April 1 compliance date and requiring the WRA's submission of a compliance plan by April 22, 1975 detailing how the WRA would achieve compliance with the SIP's sulfur-in-fuel requirements at the South Coast Plant. On April 22, 1975, such a plan was submitted calling for the installation of new fuel pumps, necessary piping modifications, and setting a final compliance date of March 31, 1976.

This Region has closely scrutinized the submitted compliance plan, including site visits and communications with present suppliers of fuel pumps, and has concluded that the plan is reasonable. We hope to have executed a Consent Order incorporating the compliance plan with the WRA by the end of this month. The Order will require final compliance at all units by March 31, 1976.

a. Cost of Compliance

At the January 15, 1975 enforcement conference held with the WRA, it claimed that the conversion from the 2.5% sulfur fuel currently burned to a 1.0% sulfur fuel would involve an additional annual fuel cost of \$22 million. This estimate grew to \$40 million in Governor Hernandez-Colon's testimony of April 21, 1975, before the Subcommittee on Environmental Pollution of the Senate Committee on Public Works.

Based on an annual fuel usage of 10 million barrels and an approximate differential of \$2/barrel between 2.5% sulfur fuel and 1.0% (from an estimated per barrel price of \$11.20 to \$13.50), a figure of \$20-25 million dollars per year is reasonable, given current fuel pricing.

The cost of purchasing new fuel pumps at the South Coast Plant has been estimated at \$15,000 for each pump, with a total of 10 pumps necessary. The total cost of purchase and installation of the new equipment can be estimated at \$200,000.

b. Air Quality in Guayanilla

A second major claim of the WRA is that burning of 1.0% sulfur fuel is unnecessary to assure attainment of standards. According to the WRA, the burning of 2.0%-2.5% sulfur fuel still permits SO_x primary standards to be achieved in all inhabited areas in and around Guayanilla. According to the diffusion analysis submitted with the Commonwealth's proposed SIP revision of January, the burning of 2.0% sulfur fuel will result in violations of primary SO_x standards and not more than 1.0% must be burned if primary standards are to be achieved in all areas of Guayanilla.

The WRA, in conjunction with the EQB, has established a network of seven SO_x monitoring stations in the Guayanilla area. It hopes to have, by early 1976, sufficient air quality data from this network to support a request to burn 2.0% sulfur fuel.

This Region's position has been that, if and when such air quality data is gathered and the EQB acts favorably on a proposed SIP revision, this Agency will review the proposed revision and the evidence supporting it. We will make our decisions based upon current law and regulations in light of those facts. Until that time, however, the requirements of the SIP, as they currently exist and have recently been reaffirmed by the Commonwealth's proposed SIP revision of January, 1975, must be enforced to ensure the attainment of primary standards and, thereby, the protection of the public health.

Finally, our EPA Region II Office has been quite concerned about "overkill" in the original state SIP requirements (including Puerto Rico)--"overkill" to the extent that the state regulation would require the burning of very low-sulfur fuel when it really isn't necessary to achieve primary or secondary air quality standards. We have urged the states to make revisions to their SIP's where such "overkill" has occurred. The Governor of Puerto Rico recognized this fair and reasonable approach on the part of EPA relative to their SO₂ regulations in his testimony before Congress on April 21, 1975:

"Last year, our Environmental Quality Board, working closely with EPA, developed and presented to me for signature a revision of the implementation plan. The revision was based on a new air diffusion model which appears to be more accurate and which permits more flexibility in administration, the substantial saving of money, and increased confidence that the people's health will be protected. Although the revised plan allows for significant savings in required expenditures, it nevertheless requires a continuous outlay of substantial proportions."

In summary, EPA through our Regional Office in New York, has firmly but reasonably dealt with the Puerto Rican sulfur-in-oil issue, based upon the present Federal Clean Air Act requirements. The Governor's arguments have actually been directed towards the Act itself, and not EPA implementation (from his testimony referred to above):

"Regrettably, the present Clean Air Act does not allow me to use the most economically feasible method for meeting the primary ambient air standards."

