

74th CONGRESS
1st Session

H. R. 1393

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1935

Mr. IGLESIAS introduced the following bill; which was referred to the Committee on Insular Affairs and ordered to be printed

A BILL

To amend an Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917.

Whereas the people of the Territory of Puerto Rico have requested from Congress that Puerto Rico become a State, and be admitted to the Union of the United States of America, and that legislation be enacted authorizing the people of Puerto Rico to frame their own constitution; and

Whereas the Legislature of the Territory of Puerto Rico has requested from Congress, on April 15, 1934, that pending the admission of said Territory of Puerto Rico as a State of the Union, the Act providing for a civil government for Puerto Rico, approved March 2, 1917, be amended to improve the general conditions of their internal life:
Therefore

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That section 3 of the Act entitled "An Act to provide a
 4 civil government for Puerto Rico, and for other purposes",
 5 be, and is hereby, amended to read as follows:

6 "SEC. 3. That no export duties shall be levied or col-
 7 lected on exports from Puerto Rico, but taxes and assessments
 8 on property, income taxes, internal revenue, and license fees,
 9 and royalties for franchises, privileges, and concessions may
 10 be imposed for the purposes of the insular and municipal
 11 governments, respectively, as may be provided and defined
 12 by the Legislature of Puerto Rico; and when necessary to
 13 anticipate taxes and revenues, bonds and other obligations
 14 may be issued by Puerto Rico or any municipal govern-
 15 ment therein as may be provided by law, and to protect the
 16 public credit: *Provided, however,* That no public indebted-
 17 ness of Puerto Rico and the municipalities of San Juan and
 18 Ponce shall be allowed in excess of 10 per centum of the
 19 aggregate tax valuation of its property, and no public
 20 indebtedness of any other subdivision or municipality of
 21 Puerto Rico shall hereafter be allowed in excess of 5 per
 22 centum of the aggregate tax valuation of the property in
 23 any such subdivision or municipality, and all bonds issued
 24 by the government of Puerto Rico or by its authority shall
 25 be exempt from taxation by the Government of the

1 United States or by the government of Puerto Rico,
 2 or of any political or municipal subdivision thereof, or by
 3 any State, Territory, or possession, or by any county,
 4 municipality, or other municipal subdivision of any State,
 5 Territory, or possession of the United States, or by the
 6 District of Columbia. In computing the indebtedness of
 7 the people of Puerto Rico, municipal bonds for the payment
 8 of interest and principal of which the good faith of the people
 9 of Puerto Rico has heretofore been pledged and bonds issued
 10 by the people of Puerto Rico secured by bonds to an equiva-
 11 lent amount of bonds of municipal corporations or school
 12 boards of Puerto Rico shall not be counted, but all bonds
 13 hereafter issued by any municipality or subdivision within
 14 the 5 per centum hereby authorized for which the good
 15 faith of the people of Puerto Rico is pledged shall be counted.
 16 "That the internal-revenue taxes levied by the Legis-
 17 lature of Puerto Rico in pursuance of the authority granted
 18 by this Act on articles, goods, wares, or merchandise may
 19 be levied and collected as such legislature may direct, on the
 20 articles subject to said tax, as soon as the same are manu-
 21 factured, sold, used, or brought into the Island: *Provided,*
 22 That no discrimination be made between the articles im-
 23 ported from the United States or foreign countries and
 24 similar articles produced or manufactured in Puerto Rico.
 25 The officials of the Customs and Postal Services of the

1 United States are hereby directed to assist the appropriate
2 officials of the Puerto Rican Government in the collections
3 of these taxes."

4 SEC. 2: Section 12 of the aforesaid Act is amended to
5 read as follows:

6 "That the supreme executive power shall be vested in
7 an executive officer whose official title shall be 'Governor
8 of Puerto Rico.' He shall be elected by the qualified
9 electors of Puerto Rico at the time and places of voting for
10 members of the legislature in general election, and shall hold
11 his office for a term of four years beginning on the first
12 Monday in March next after his election.

13 "The Governor shall reside in Puerto Rico during
14 his official incumbency and maintain his office at the seat
15 of government. He shall have general supervision and
16 control of all departments and bureaus of the government
17 in Puerto Rico, so far as is not inconsistent with the pro-
18 visions of this Act, and shall be commander in chief of
19 the militia. He may grant pardons and reprieves and
20 remit fines and forfeitures for offenses against the laws of
21 Puerto Rico, and respites for all offences against the laws
22 of the United States until the decision of the President can
23 be ascertained, and may veto any legislation enacted as
24 hereinafter provided. He shall commission all officers that
25 he may be authorized to appoint. He shall be responsible

1 for the faithful execution of the laws of Puerto Rico and
2 of the United States applicable to Puerto Rico, and when-
3 ever it becomes necessary he may call upon the commanders
4 of the military and naval forces of the United States in the
5 island, or summon the posse comitatus, or call out the
6 militia to prevent or suppress lawless violence, invasion,
7 insurrection, or rebellion, and he may, in case of rebellion
8 or invasion, or imminent danger thereof, when the public
9 safety requires it, suspend the privilege of the writ of
10 habeas corpus, or place the island or any part thereof
11 under martial law until communication can be had with
12 the President and the President's decision therein made
13 known. He shall annually, and at such other times as he
14 may be required, make official report of the transactions
15 of the government of Puerto Rico to the executive depart-
16 ment of the Government of the United States to be desig-
17 nated by the President as herein provided, and his said
18 annual report shall be transmitted to Congress, and he
19 shall perform such additional duties and functions as may
20 in pursuance of law be delegated to him by the President.
21 No person shall be eligible to the office of governor who
22 is not a qualified elector, a citizen of the United States
23 and a resident of Puerto Rico, who has not attained the age
24 of thirty years, and who does not read and write the
25 Spanish and English languages.

1 "There shall be elected at the same time, for the same
 2 term, and with like qualification as the governor, a lieutenant
 3 governor who shall be ex officio president of the senate,
 4 but shall have no vote except in cases of a tie, and during
 5 the session of the legislature he shall receive such compensa-
 6 tion as shall be allowed to a senator of Puerto Rico.

7 "The returns of every election for governor and
 8 lieutenant governor shall be sealed up and transmitted to
 9 the seat of government, directed to the speaker of the house
 10 of representatives, who shall during the first week of the
 11 session next after their election, open and publish them in
 12 the presence of both houses of the legislature; and the person
 13 having the highest number of votes for the respective offices
 14 shall be governor and lieutenant governor; but if two or
 15 more shall be equal and highest in votes for the office of
 16 governor, one of them shall be chosen governor by the joint
 17 vote of the two houses, a majority determining; and, in
 18 like manner, if two or more shall be equal and highest in
 19 votes for the office of lieutenant governor, one of them
 20 shall be chosen lieutenant governor, by the joint vote of
 21 the two houses, a majority determining. And contested
 22 elections for governor and lieutenant governor shall be
 23 determined by both houses of the legislature in such manner
 24 as shall be prescribed by law.

1 "In case of the impeachment of the governor, his
 2 removal from office, death, refusal to qualify, resignation,
 3 or absence from the Island, the lieutenant governor shall
 4 exercise all the power and authority appertaining to the
 5 office of governor, until the governor, absent or impeached,
 6 shall return, or be acquitted, or until the governor next
 7 regularly elected shall be duly qualified as the case may be;
 8 and for the time the lieutenant governor shall occupy the
 9 office of governor he shall receive the same compensation
 10 as shall be allowed by law to the regularly elected governor.

11 "In case of the impeachment of both the governor
 12 and the lieutenant governor, their removal from office, death,
 13 refusal to qualify, resignation, or absence from the island
 14 the speaker of the house of representatives shall in like man-
 15 ner administer the government, unless the legislature shall
 16 otherwise provide; and for the time he shall occupy the
 17 office of governor he shall receive the same compensation
 18 as shall be allowed to the governor."

19 SEC. 3. That section 13 of said Act to provide a civil
 20 government for Puerto Rico is hereby amended to read as
 21 follows:

22 "SEC. 13. That the following executive departments
 23 are hereby created: A Department of Justice, the head of
 24 which shall be designated as the Attorney General; a
 25 Department of Finance, the head of which shall be desig-

1 nated as Treasurer; a Department of the Interior, the head
 2 of which shall be designated as the Commissioner of the
 3 Interior; a Department of Education, the head of which shall
 4 be designated as the Commissioner of Education; a Depart-
 5 ment of Agriculture, the head of which shall be designated
 6 as the Commissioner of Agriculture; a Department of Labor,
 7 the head of which shall be designated as the Commissioner
 8 of Labor; and a Department of Health, the head of which
 9 shall be designated as the Commissioner of Health. The
 10 heads of these departments shall be appointed by the gov-
 11 ernor, by and with the advice and consent of the senate of
 12 Puerto Rico, and shall hold office for the term of four years
 13 and until their successors are appointed and qualified, unless
 14 sooner removed by the governor.

15 "The heads of departments shall reside in Puerto Rico
 16 during their official incumbency and for at least one year
 17 prior to their appointment.

18 "The heads of departments shall collectively form a
 19 council to the governor, known as the executive council.
 20 They shall perform, under the general supervision of the
 21 governor, the duties hereinafter prescribed, or which may
 22 hereafter be prescribed by law, and such other duties, not
 23 inconsistent with law, as the governor may assign to them:
 24 and they shall make annual and such other reports to the
 25 governor as he may require, which shall be transmitted to

1 the executive department of the Government of the United
 2 States to be designated by the President as herein provided:
 3 *Provided*, That the duties herein imposed upon the heads
 4 of departments shall not carry with them any additional
 5 compensation."

6 SEC. 4. Paragraph 1 of section 20 of said Act to pro-
 7 vide a civil government for Puerto Rico is hereby amended
 8 to read as follows:

9 "That there shall be appointed by the Governor of
 10 Puerto Rico by and with the advice and consent of the
 11 senate of Puerto Rico, an auditor, at an annual salary of
 12 \$5,000 for a term of four years and until his successor is
 13 appointed and qualified, who shall examine, audit, and
 14 settle all accounts pertaining to the revenues and receipts,
 15 from whatever source, of the government of Puerto Rico
 16 and of municipal governments of Puerto Rico, including pub-
 17 lic and trust funds and funds derived from bond issues; and
 18 audit, in accordance with law and administrative regulations,
 19 all expenditures of funds or property pertaining to or held in
 20 trust by the government of Puerto Rico or the municipalities
 21 or independencies thereof. He shall perform a like duty with
 22 respect to all government branches."

23 SEC. 5. That paragraph 1 of section 34 of said Act to
 24 provide a civil government for Puerto Rico is hereby
 25 amended to read as follows:

1 "That the enacting clause of the laws shall be as to
 2 acts, 'Be it enacted by the Legislature of Puerto Rico',
 3 and as to joint resolutions, 'Be it resolved by the Legis-
 4 lature of Puerto Rico.' Except as hereinafter provided,
 5 bills and joint resolutions may originate in either house.
 6 The Governor shall submit at the opening of each regular
 7 session of the legislature a budget of receipts and expendi-
 8 tures, which shall be the basis of the ensuing biennial
 9 appropriations bill. No bill shall become a law until it
 10 be passed in each house by a majority of yea-and-nay
 11 vote of all members belonging to such house and entered
 12 upon the journal and be approved by the Governor within
 13 ten days thereafter. If when a bill that has been passed
 14 is presented to the Governor for his signature he approve
 15 the same, he shall sign it; or if not he shall return it with
 16 his objections to the house in which it originated, which
 17 house shall enter his objections at large on its journal and
 18 proceed to reconsider it. If, after such reconsiderations,
 19 two-thirds of all of the members of that house shall agree
 20 to pass the same it shall be sent, together with the objec-
 21 tions, to the other house, by which it shall likewise be
 22 reconsidered, and if approved by two-thirds of all the mem-
 23 bers of that house it shall become a law. If any bill pre-
 24 sented to the Governor contains several items of appro-
 25 priation of money, he may object to one or more of such

1 items, or any part or parts, portion or portions, thereof,
 2 while approving the other portion of the bill. In such
 3 case he shall append to the bill, at the time of signing it, a
 4 statement of the items, parts, or portions thereof to which
 5 he objects, and the appropriation so objected to shall not
 6 take effect. If any bill shall not be returned by the Gov-
 7 ernor within ten days (Sundays excepted) after it shall
 8 have been presented to him, it shall be a law, in like
 9 manner as if he had signed it, unless the legislature by
 10 adjournment prevents its return, in which case it shall be
 11 a law signed by the Governor within thirty days after
 12 receipt by him, otherwise it shall not be a law. All
 13 laws enacted by the Legislature of Puerto Rico shall be re-
 14 ported to the Congress of the United States as provided in
 15 section 23 of this Act. If at the termination of any fiscal
 16 year the appropriations necessary for the support of the gov-
 17 ernment for the ensuing fiscal year shall not have been made,
 18 the several sums appropriated in the last appropriation bills
 19 for the objects and purposes therein specified, so far as the
 20 same may be applicable, shall be deemed to be reappropri-
 21 ated item by item and until the legislature shall act in such
 22 behalf the treasurer may, with the advice of the Governor,
 23 make the payments necessary for the purposes aforesaid.
 24 The house of representatives shall have the sole power of
 25 impeachment; but the vote of two-thirds of all mem-

1 bers present shall be required to impeach any officer; and
 2 all impeachments shall be tried by the senate. When sit-
 3 ting for that purpose the senators shall be upon oath or
 4 affirmation, and no person shall be convicted without the
 5 concurrence of two-thirds of the senators present. The
 6 senate may adjourn to a fixed day for the trial of any im-
 7 peachment, and may sit for the purpose of such trial whether
 8 the house of representatives be in session or not, but the
 9 time fixed for such trial shall not be more than six months
 10 from the time articles of impeachment shall be preferred by
 11 the house of representatives. The chief justice shall preside
 12 at all trials by impeachment. The Governor and Lieutenant
 13 Governor shall be liable to impeachment for any misde-
 14 meanor in office, but judgment in such cases shall extend
 15 only to removal from office and disqualification to hold any
 16 office of honor, trust, or profit under the insular governments;
 17 but the party convicted or acquitted shall nevertheless be
 18 liable to indictment, trial, and punishment according to law."

19 SEC. 6. That section 40 of said Act to provide a civil
 20 government for Puerto Rico is hereby amended to read
 21 as follows:

22 "SEC. 40. That the judicial power shall be vested in
 23 the courts and tribunals of Puerto Rico now established and
 24 in operation under and by virtue of existing laws. The
 25 jurisdiction of said courts and the form of procedure in them,

1 and the various officers and attachés thereof, shall also con-
 2 tinue to be as now provided until otherwise provided by
 3 law: *Provided, however,* That the chief justice and asso-
 4 ciate justices of the supreme court shall be appointed by the
 5 Governor, by and with the advice and consent of the Senate
 6 of Puerto Rico, and the Legislature of Puerto Rico shall
 7 have authority, from time to time as it may see fit, not
 8 inconsistent with this Act, to organize, modify, or rearrange
 9 the courts and their jurisdiction, and procedure, except the
 10 District Courts of the United States of Puerto Rico. All
 11 judgments rendered by the Supreme Court of Puerto Rico
 12 shall be final, except in case of the interpretation of a con-
 13 stitutional provision or of a law enacted by the Congress
 14 of the United States."

15 SEC. 7. Section 30 of the aforesaid Act is hereby
 16 amended to read as follows:

17 "That the term of office of senators and representatives
 18 shall be four years from the 2d day of January following
 19 their election. In case of vacancy among the members of
 20 the senate or in the house of representatives, due to any
 21 cause other than expiration of term of office, a special elec-
 22 tion may be held, for the purpose of filling such vacancy,
 23 in the district where such vacancy occurs, under such regu-
 24 lations as may be prescribed by law: *Provided,* That any
 25 vacancy occurring among senators or representatives, last

1 elected to the office was accredited at the time of such
 2 election: *And provided further*, That no senator or represen-
 3 tative shall, during the time for which he shall have been
 4 elected, be appointed to any civil office under the govern-
 5 ment of Puerto Rico, nor be appointed to any office created
 6 by Act of the legislature during the time for which he shall
 7 have been elected until two years after his term of office
 8 shall have expired."

9 SEC. 8. Section 38 of the aforesaid Act is hereby
 10 amended to read as follows:

11 "That all grants or franchises, rights, privileges, and
 12 concessions of a public or quasi-public nature shall be made
 13 a public-service commission consisting of three public-service
 14 commissioners, one who shall be the president of the said
 15 commission, and two associate commissioners, all to be
 16 appointed by the Governor with the advice and consent of
 17 the senate. The president of the public-service commission
 18 shall be appointed for a term of three years and until his
 19 successor shall be appointed and shall have qualified; and
 20 one of the said associate commissioners, first appointed, shall
 21 hold for a term of two years, and the other shall hold for a
 22 term of one year; and thereafter, each of said associate
 23 commissioners shall hold for a term of three years and
 24 until their successors shall have been appointed and shall
 25 have qualified; the salary of the president of the public-

1 service commission shall be \$6,000 a year and the said
 2 president shall devote his entire time to the duties as such
 3 commissioner. The compensation of the associate members,
 4 who shall also devote their entire time to the duties as such
 5 commissioner, shall earn a salary of \$4,000 a year. The
 6 said commission is empowered and directed to discharge all
 7 the executive functions relating to public-service corporations
 8 heretofore conferred by law upon the executive council and
 9 such additional duties and functions as may be conferred
 10 upon said commission by the legislature. Franchises, rights,
 11 and privileges granted by the said commission shall not be
 12 effected until approved by the governor and shall be reported
 13 to Congress, which hereby reserves the powers to annul
 14 or to modify the same."

15 SEC. 9. The Interstate Commerce Act and the several
 16 amendments made or to be made thereto, the Safety Appli-
 17 cation Act and the several amendments made or to be made
 18 thereto, and the Act of Congress entitled "An Act to amend
 19 an Act entitled 'An Act to regulate commerce', approved
 20 February 4, 1887, and all Acts amendatory thereof, by pro-
 21 viding for a valuation of the several classes of property of
 22 carriers subject thereto and securing information concern-
 23 ing their stocks, bonds, and other securities", approved
 24 March 1, 1934, shall not apply to Puerto Rico.

25 SEC. 10. That sections 24 and 43 of said Act are hereby
 26 repealed.