

74TH CONGRESS
2D SESSION

S. 4529

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24 (calendar day, April 23), 1936

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on Territories and Insular Affairs

A BILL

to provide for a referendum in Puerto Rico on the question of independence, to provide for carrying it into effect, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I

4 REFERENDUM IN PUERTO RICO ON INDEPENDENCE

5 SECTION. 1. There shall be submitted to the people of
6 Puerto Rico at a special election to be held on the first
7 Tuesday following the first Monday in November 1937 the
8 following question to be voted on by secret written ballot:

ANNOUNCEMENT OF RESULT: EFFECT

1
 2 SEC. 4. After said election shall have been held and
 3 the results thereof duly ascertained, the Governor of Puerto
 4 Rico shall certify to the President of the United States the
 5 result of the vote in said referendum. If a majority of the
 6 votes cast in said referendum are in the affirmative, then
 7 the President shall so proclaim, and title II of this Act
 8 shall become operative upon such proclamation. If a ma-
 9 jority of the votes cast in said referendum are in the nega-
 10 tive, then the President shall so proclaim, and title II of
 11 this Act shall not go into effect.

TITLE II

CONVENTION TO FRAME CONSTITUTION FOR PUERTO RICO

12
 13 SECTION 101. The Legislature of Puerto Rico is hereby
 14 authorized to provide for the election of delegates to a
 15 constitutional convention which shall meet in the Capitol
 16 Building at San Juan, at such time as the Legislature of
 17 Puerto Rico may fix but not later than June 1, 1937, to
 18 formulate and draft a constitution for the Government of
 19 the Commonwealth of Puerto Rico, subject to the conditions
 20 and qualifications prescribed in this title, which shall exer-
 21 cise jurisdiction over all the territory in the West Indies
 22 ceded to the United States by article II of the treaty of
 23

1 peace concluded between the United States and Spain on
 2 the 10th day of December 1898, except for the island
 3 Cuba and the islands and keys adjacent thereto. The
 4 Legislature of Puerto Rico shall provide for the necessary
 5 expenses of such convention.

6 CHARACTER OF CONSTITUTION: PROVISORIAL PROVISIONS

7 SEC. 102. (a) The constitution hereinafter set forth and
 8 shall be republican in form, shall contain no provision
 9 shall, either as a part thereof or as an ordinance appended
 10 thereto, contain provision to the effect that, pending the
 11 final and complete withdrawal of the sovereignty of the
 12 United States over Puerto Rico—

13 (1) All citizens of Puerto Rico shall owe allegiance to
 14 the United States,

15 (2) Every officer of the Government of the Common-
 16 wealth of Puerto Rico shall, before entering upon the dis-
 17 charge of his duties, take and subscribe an oath of office,
 18 declaring, among other things, that he recognizes and accepts
 19 the supreme authority of God and will maintain true faith and
 20 allegiance to the United States,

21 (3) Absolute toleration of religious sentiment shall be
 22 secured and no inhabitant or religious organization shall be
 23 molested in person or property on account of religious belief
 24 or mode of worship.

(4) Property owned by the United States; cemeteries; churches, and parsonages or convents appurtenant thereto; and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between Puerto Rico and the United States shall be upon the basis prescribed in section 111.

(6) The public debt of Puerto Rico and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Government of Puerto Rico, its municipalities and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new Government.

(8) Provision shall be made for the establishment and maintenance of an adequate system of public schools.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

1 (11) All Acts passed by the Legislature of the Com-
2 monwealth of Puerto Rico shall be reported to the Congress
3 of the United States.

4 (12) Puerto Rico recognizes the right of the United
5 States to expropriate property for public uses, to maintain
6 military and other reservations and armed forces in Puerto
7 Rico, and, upon order of the President, to call into the
8 service of such armed forces all military forces organized
9 by the Puerto Rican Government.

10 (13) The decisions of the courts of the Common-
11 wealth of Puerto Rico shall be subject to review by the
12 courts of the United States as now provided by law.

13 (14) The United States may, by Presidential procla-
14 mation, exercise the right to intervene for the preservation
15 of the Government of the Commonwealth of Puerto Rico
16 and for the maintenance of the Government as provided
17 in the constitution thereof, and for the protection of lib-
18 property, and individual liberty and for the discharge of
19 Government obligations under and in accordance with the
20 provisions of the constitution.

21 (15) The authority of the United States High Com-
22 missioner to the Government of the Commonwealth of
23 Puerto Rico, as provided in this title, shall be recognized.

24 (16) Citizens and corporations of the United States
25 shall enjoy in the Commonwealth of Puerto Rico all the

1 civil rights of the citizens and corporations, respectively,
2 thereof.

3 (17) The jurisdiction of the United States District
4 Court for the District of Puerto Rico shall be as now pro-
5 vided by law.

6 (b) The constitution shall also contain the following
7 provisions, effective as of the date of the proclamation of
8 the President recognizing the independence of Puerto Rico,
9 as hereinafter provided:

10 (1) That the property rights of the United States
11 and Puerto Rico shall be promptly adjusted and settled, and
12 that all existing property rights of citizens or corporations
13 of the United States shall be acknowledged, respected, and
14 safeguarded to the same extent as property rights of citizens
15 of Puerto Rico.

16 (2) That the officials elected and serving under the
17 constitution adopted pursuant to the provisions of this Act
18 shall be constitutional officers of the free and independent
19 Government of Puerto Rico and qualified to function in all
20 respects as if elected directly under such Government, and
21 shall serve their full terms of office as prescribed in the
22 constitution.

23 (3) That the debts and liabilities of Puerto Rico, its
24 municipalities and instrumentalities, which shall be valid
25 and subsisting at the time of the final and complete with-

1 drawal of the sovereignty of the United States, shall be
 2 assumed by the free and independent Government of
 3 Puerto Rico; and that where bonds have been issued under
 4 authority of an Act of Congress of the United States by
 5 Puerto Rico, or any municipality or instrumentality therein,
 6 the Puerto Rican Government will make adequate provi-
 7 sion for the necessary funds for the payment of interest
 8 and principal, and such obligations shall be a first lien on
 9 the taxes collected in Puerto Rico.

10 (4) That the Government of Puerto Rico, on be-
 11 coming independent of the United States, will assume all
 12 continuing obligations assumed by the United States under
 13 the treaty of peace with Spain ceding Puerto Rico to the
 14 United States except insofar as such obligations apply to
 15 the island of Culebra and the islands and keys adjacent
 16 thereto.

17 (5) That by way of farther assurance the Govern-
 18 ment of Puerto Rico will embody the foregoing provisions
 19 (except paragraph (2)) in a treaty with the United States.

20 SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF

21 THE UNITED STATES

22 SEC. 103. Upon the drafting and approval of the con-
 23 stitution by the constitutional convention in Puerto Rico,
 24 the constitution shall be submitted within one year after
 25 the taking effect of this title to the President of the United

1 States, who shall determine whether or not it conforms with
2 the provisions of this title. If the President finds that the
3 proposed constitution conforms substantially with the pro-
4 visions of this title he shall so certify to the Governor of
5 Puerto Rico, who shall so advise the constitutional conven-
6 tion. If the President finds that the constitution does not
7 conform with the provisions of this title he shall so advise
8 the Governor of Puerto Rico, stating wherein in his judg-
9 ment the constitution does not so conform and submitting
10 provisions which will in his judgment make the constitution
11 so conform. The Governor shall in turn submit such mes-
12 sage to the constitutional convention for further action by
13 them pursuant to the same procedure hereinbefore defined
14 until the President and the constitutional convention are in
15 agreement.

16 SUBMISSION OF CONSTITUTION TO PEOPLE OF PUERTO RICO

17 SEC. 104. After the President of the United States
18 has certified that the constitution conforms with the pro-
19 visions of this title, it shall be submitted to the people of
20 Puerto Rico for their ratification or rejection at an election
21 to be held within four months after the date of such certifi-
22 cation, on a date to be fixed by the Legislature of Puerto
23 Rico, at which election the qualified voters of Puerto Rico
24 shall have an opportunity to vote directly for or against the
25 proposed constitution and ordinances appended thereto.

1 Such election shall be held in such manner as may be
2 prescribed by the Legislature of Puerto Rico, to which the
3 return of the election shall be made. The Legislature of
4 Puerto Rico shall by law provide for the canvassing of the
5 return and shall certify the result to the Governor of Puerto
6 Rico, together with a statement of the votes cast and a copy
7 of said constitution and ordinances. If a majority of the
8 votes cast shall be for the constitution, the Governor of
9 Puerto Rico shall, within thirty days after receipt of the
10 certification from the Legislature of Puerto Rico, issue a
11 proclamation for the election of officers of the Government
12 of the Commonwealth of Puerto Rico provided for in the
13 constitution. The election shall take place not earlier than
14 three months nor later than six months after the proclama-
15 tion by the Governor ordering such election. When the
16 election of the officers provided for under the constitution
17 has been held and the results determined, the Governor of
18 Puerto Rico shall certify the results of the election to the
19 President of the United States, who shall thereupon issue
20 a proclamation announcing the results of the election, and
21 upon the issuance of such proclamation by the President the
22 existing Puerto Rico Government shall terminate and the
23 new Government shall enter upon its rights, privileges,
24 powers, and duties, as provided under the constitution. The
25 present Government of Puerto Rico shall provide for the
26 orderly transfer of the functions of government.

1 If a majority of the votes cast are against the constitu-
2 tion, then the constitutional convention shall frame a new
3 constitution, which shall be submitted to the President, as
4 provided in section 103 of this title, and to the people of
5 Puerto Rico, as provided in this section, until a constitution
6 framed in accordance with this title is adopted by the people.

7 TRANSFER OF PROPERTY AND RIGHTS TO COMMONWEALTH
8 OF PUERTO RICO

9 SEC. 105. All the property and rights which may have
10 been acquired in Puerto Rico by the United States under the
11 treaty mentioned in section 101 of this title, except such land
12 or other property as has heretofore been designated by the
13 President of the United States for military and other reser-
14 vations of the Government of the United States, and except
15 such land or other property or rights or interests therein as
16 may have been sold or otherwise disposed of in accordance
17 with law, and always excepting the island of Culebra and
18 the islands and keys adjacent thereto, are hereby granted
19 to the Government of the Commonwealth of Puerto Rico
20 when constituted.

21 RELATIONS WITH THE UNITED STATES PENDING COMPLETE
22 INDEPENDENCE

23 SEC. 106. Until the final and complete withdrawal of
24 American sovereignty over Puerto Rico---

1 (1) Every duly adopted amendment to the constitu-
2 tion of the Government of the Commonwealth of Puerto
3 Rico shall be submitted to the President of the United
4 States for approval. If the President approves the amend-
5 ment or if the President fails to disapprove such amend-
6 ment within six months from the time of its submission, the
7 amendment shall take effect as a part of such constitution.

8 (2) The President of the United States shall have
9 authority to suspend the taking effect of or the operation
10 of any law, contract, or executive order of the Government
11 of the Commonwealth of Puerto Rico, which in his judg-
12 ment will result in a failure of the Government of the
13 Commonwealth of Puerto Rico to fulfill its contracts, or
14 to meet its bonded indebtedness and interest thereon or
15 to provide for its sinking funds, or which in his judgment
16 will violate international obligations of the United States.

17 (3) The Chief Executive of the Commonwealth of
18 Puerto Rico shall make an annual report to the President
19 and Congress of the United States of the proceedings and
20 operations of the Government of the Commonwealth of
21 Puerto Rico and shall make such other reports as the
22 President or Congress may request.

23 (4) The President shall appoint, by and with the
24 advice and consent of the Senate, a United States High
25 Commissioner to the Government of the Commonwealth

1 of Puerto Rico who shall hold office at the pleasure of
2 the President and until his successor is appointed and
3 qualified. He shall be known as the United States High
4 Commissioner to Puerto Rico. He shall be the repre-
5 sentative of the President of the United States in Puerto
6 Rico and shall be recognized as such by the Government
7 of the Commonwealth of Puerto Rico, by the commanding
8 officers of the military forces of the United States, and
9 by all civil officials of the United States in Puerto Rico.
10 He shall have access to all records of the Government or
11 any subdivision thereof and shall be furnished by the Chief
12 Executive of the Commonwealth of Puerto Rico with such
13 information as he shall request.

14 If the Government of the Commonwealth of Puerto
15 Rico fails to pay any of its bonded or other indebtedness or
16 the interest thereon when due, or to fulfill any of its contracts,
17 the United States High Commissioner shall immediately
18 report the facts to the President, who may thereupon direct
19 the High Commissioner to take over the customs offices
20 and administration of the same, administer the same, and
21 apply such part of the revenue received therefrom as may
22 be necessary for the payment of such overdue indebtedness
23 or for the fulfillment of such contracts. The United States
24 High Commissioner shall annually, and at such other times
25 as the President may require, render an official report to

1 the President and Congress of the United States. He shall
2 perform such additional duties and functions as may be
3 delegated to him from time to time by the President under
4 the provisions of this Act.

5 The United States High Commissioner shall receive
6 compensation at the rate of \$15,000 per annum and shall
7 have such staff and assistants as the President may deem
8 advisable and as may be appropriated for by Congress,
9 including a financial expert, who shall receive, for submis-
10 sion to the High Commissioner, a duplicate copy of the
11 reports of the insular auditor. Appeals from decisions of
12 the insular auditor may be taken to the President of the
13 United States. The salaries and expenses of the High
14 Commissioner and his staff and assistants shall be paid by
15 the United States.

16 The first United States High Commissioner appointed
17 under this Act shall take office upon the inauguration of the
18 new Government of the Commonwealth of Puerto Rico.

19 (5) The Government of the Commonwealth of Puerto
20 Rico shall provide for the selection of a Resident Commis-
21 sioner to the United States and shall fix his term of office.
22 He shall be the representative of the Government of the
23 Commonwealth of Puerto Rico and shall be entitled to
24 official recognition as such by all departments upon presen-
25 tation to the President of credentials signed by the Chief

1 Executive of said Government. He shall have a seat in
2 the House of Representatives of the United States, with the
3 right of debate but without the right of voting. His salary
4 and expenses shall be fixed and paid by the Government of
5 Puerto Rico. Until a Resident Commissioner is selected
6 and qualified under this section, existing law governing the
7 election of a Resident Commissioner from Puerto Rico shall
8 continue in effect. —

9 (6) Review by the courts of the United States of cases
10 from Puerto Rico shall be as now provided by law, and such
11 review shall also extend to all cases involving the constitu-
12 tion of the Commonwealth of Puerto Rico.

13 (7) The jurisdiction of the United States District
14 Court for the District of Puerto Rico shall be as now pro-
15 vided by law.

16 SEC. 107. Upon the taking effect of this title—

17 (a) No funds now or hereafter made available under
18 the provisions of the Act of March 31, 1933 (48 Stat. 22) ;
19 the Federal Emergency Relief Act of May 12, 1933 (48
20 Stat. 55) ; the National Industrial Recovery Act of June
21 16, 1933 (48 Stat. 195) ; the Fourth Deficiency Act of
22 June 16, 1933 (48 Stat. 274) ; the Act of February 15,
23 1934 (48 Stat. 351) ; the Emergency Appropriation Act
24 of June 19, 1934 (48 Stat. 1021, 1055) ; and the Emer-
25 gency Relief Appropriation Act of April 8, 1935 (49 Stat.

1 115), may be spent in, or loaned in respect of any project
2 situated in, Puerto Rico, except such parts thereof as may
3 have been obligated prior to the taking effect of this title.

4 (b) No loans may be made to any persons resident
5 in Puerto Rico or to any corporations or other juridical
6 entities doing business therein, or in respect of any property
7 there located, by any of the following instrumentalities or
8 wholly owned corporations of the United States: Recon-
9 struction Finance Corporation, Export-Import Bank of
10 Washington, Second Export-Import Bank of Washington,
11 District of Columbia, Farm Credit Administration or any
12 branches or subsidiaries thereof, Federal Farm Mortgage
13 Corporation, Commodity Credit Corporation, Home Owners'
14 Loan Corporation, Federal Housing Administration, or any
15 of the agencies created or existing under authority of the
16 Federal Home Loan Bank Act.

17 (c) The Act of February 11, 1936 (Public, Num-
18 bered 442, Seventy-fourth Congress), shall stand repealed.

19 SEC. 108. Upon the inauguration of the Government of
20 the Commonwealth of Puerto Rico—

21 (a) No farther appropriations from Federal funds shall
22 be made for Puerto Rico, nor shall any further allotments
23 be made from Federal funds for Puerto Rico, nor shall
24 unobligated Federal appropriations or allotments be further
25 obligated for any of the following purposes:

1 (1) The activities of the Department of Agriculture
2 or any of its bureaus, including the Soil Conservation Service
3 and the Agricultural Experiment Station, except that funds
4 will continue to be available for the custody and protection
5 of the Caribbean National Forest until the same is trans-
6 ferred pursuant to section 109 of this title.

7 (2) The activities of the National Park Service of the
8 Geological Survey and of the Office of Education, including
9 the Federal Board for Vocational Education.

10 (3) The activities of the Organized Reserves, of the
11 Reserve Officers' Training Corps, and of the Citizens' Mil-
12 itary Training Camps; and the Secretary of War is directed
13 to disband, at the earliest opportunity, all units of the
14 Organized Reserves or of the Reserve Officers' Training
15 Corps now established in Puerto Rico.

16 (4) The activities of the War Department in respect
17 of rivers and harbors improvements.

18 (5) The activities of the Children's Bureau.

19 (6) The activities of the Bureau of Fisheries, of the
20 Bureau of Air Commerce, and of the Coast and Geodetic
21 Survey.

22 (b) No appointments shall be made to either the
23 United States Military Academy or the United States
24 Naval Academy in respect of any territorial quota now
25 allotted by law to Puerto Rico: *Provided*, That American

1 citizens otherwise eligible under any other quota provisions
2 shall not be debarred from appointment by reasons of their
3 residence in Puerto Rico.

4 (c) The coastwise shipping laws shall no longer
5 apply to Puerto Rico.

6 (d) No deposits in any banks in Puerto Rico other
7 than national banks shall be guaranteed by the Federal
8 Deposit Insurance Corporation, and all payments made to
9 said Corporation or to any fund held by it or by its authority
10 in respect to Puerto Rican deposits now made noninsurable,
11 together with any interest actually earned by said payments,
12 shall be returned to the persons who made such payments
13 or to their legal successors.

14 SEC. 109. (a) Within six months after the inaugura-
15 tion of the Government of the Commonwealth of Puerto
16 Rico, said Government shall make adequate provision for
17 the defense of Puerto Rico, and upon certification by the
18 Chief Executive of said Government to the President that
19 such provision has been made, Federal recognition as de-
20 fined in the National Defense Act, as amended, shall be
21 withdrawn from the National Guard of Puerto Rico: *Pro-*
22 *vided.* That if no certification is made as aforesaid, said
23 National Guard shall in any event be disbanded six months
24 after said inauguration. The arms, equipment, and mate-
25 rial heretofore furnished said National Guard by the United

1 States shall upon such withdrawal of Federal recognition
2 or upon such disbanding, as the case may be, be transferred
3 to the Government of the Commonwealth of Puerto Rico.

4 (b) The following services of the Federal Government
5 in Puerto Rico shall continue to operate and function after
6 the inauguration of the Government of the Commonwealth
7 of Puerto Rico, and the respective officers and employees of
8 such services shall continue in their present status until such
9 time as the Chief Executive of said Government shall certify
10 to the President that said Government has made provision
11 to operate such services or any of them, to wit: Postal
12 Service, Forest Service, Lighthouse Service, Public Health
13 Service, Immigration and Naturalization Service, Customs
14 Service, and life-saving activities of the Coast Guard. There-
15 upon, and pursuant to the terms of whatever convention may
16 be agreed upon by the United States High Commissioner
17 and said Chief Executive, any and all property of the United
18 States used in connection with said services, including land,
19 shall be transferred to the Government of the Commonwealth
20 of Puerto Rico, and the respective officers and employees
21 of said services shall cease to be officers and employees of
22 the United States: *Provided*, That no convention respecting
23 the Postal Service shall take effect until it shall first have
24 been approved by the Postmaster General of the United
25 States. In the event that transfers as aforesaid are not made

1 during the existence of said Commonwealth Government,
2 then such transfers shall be made upon final and complete
3 withdrawal of American sovereignty from Puerto Rico, not-
4 withstanding that suitable conventions for transfer have not
5 been made; and the officers and employees as aforesaid shall
6 nevertheless cease to be officers and employees of the United
7 States.

8 (c) Patents and copyrights granted by the United
9 States shall continue to be recognized by the Government
10 of the Commonwealth of Puerto Rico, but said Government
11 shall provide, at the earliest practicable date, for the establish-
12 ment of a patent office and a registry of copyrights in Puerto
13 Rico. Pending such establishment, and until the fact thereof
14 shall have been certified by the Chief Executive of said
15 Government to the United States High Commissioner, the
16 United States shall continue to grant patents and copyrights
17 for Puerto Rico, but in no event after the final and com-
18 plete withdrawal of American sovereignty from Puerto Rico.

19 Patents and copyrights issued by the United States
20 during the period of American sovereignty over Puerto Rico
21 shall be protected in Puerto Rico as though such patents and
22 copyrights had been granted there, and shall be deemed
23 property rights within section 102 (b) (1) of this title.

24 (d) All debts of any persons residing in Puerto Rico,
25 or of any corporations or other juridical entities doing business

1 therein, or secured by any property in Puerto Rico, which
2 are owing to any of the agencies named in section 107 (c)
3 hereof or to the Puerto Rico Hurricane Relief Commission
4 or its successor, shall, if possible, be liquidated during the
5 existence of the Government of the Commonwealth of Puerto
6 Rico, and the several creditor organizations are authorized to
7 maintain the necessary offices and personnel to assist in such
8 liquidation. Any such debts not liquidated at the time of
9 the final and complete withdrawal of American sovereignty
10 from Puerto Rico, which are then owed by citizens of Puerto
11 Rico (as defined in section 112 hereof) or by corporations
12 or other juridical entities created by or existing under the
13 laws of Puerto Rico, shall be assumed by the Government
14 of Puerto Rico and shall constitute a property right of the
15 United States within section 102 (b) (1) of this title. The
16 right of the several creditor organizations to institute fore-
17 closure proceedings in respect of debts owed by other than
18 citizens of Puerto Rico and corporations or other juridical
19 entities created by or existing under the laws of Puerto
20 Rico, which debts are secured by property in Puerto Rico,
21 shall likewise be protected by section 102 (b) (1) of this
22 title.

23 (e) Within the two months immediately preceding the
24 final and complete withdrawal of American sovereignty over
25 Puerto Rico, all persons held in confinement under authority

1 of the United States as punishment for any offenses com-
2 mitted in Puerto Rico against Federal laws shall be remanded
3 to the custody of the Government of the Commonwealth of
4 Puerto Rico for such disposition as said Government or its
5 successor shall make.

6 Sec. 110. The United States will pay to Puerto Rico,
7 notwithstanding the provisions of sections 107 (a) and
8 108 (a) (1) hereof, the aggregate sum of all processing
9 taxes collected in Puerto Rico by virtue of the Act of May
10 9, 1934 (48 Stat. 670), and not refunded to processors or
11 heretofore expended or obligated for expenditure in Puerto
12 Rico for the benefit of agriculture. Such sum shall be
13 ascertained by the Secretary of the Treasury of the United
14 States and shall be set off against any sums which may be
15 due by Puerto Rico to the United States, the payment of
16 which must be secured under section 102 (b) (1) hereof.

17 Sec. 111. After the date of the inauguration of the
18 Government of the Commonwealth of Puerto Rico, trade
19 relations between the United States and Puerto Rico shall
20 be as now provided by law, subject to the following
21 exceptions:

22 (a) During the second year after the inauguration of
23 the new Government there shall be levied by the United
24 States on all articles imported from Puerto Rico duty at the

1 rate of 25 per centum of the rates of duty which are re-
2 quired by the laws of the United States to be levied, col-
3 lected, and paid on like articles imported from foreign
4 countries.

5 (b) During the third year after the inauguration of
6 the new Government there shall be levied by the United
7 States on all articles imported from Puerto Rico duty at
8 the rate of 50 per centum of the rates of duty which are
9 required by the laws of the United States to be levied,
10 collected, and paid on like articles imported from foreign
11 countries.

12 (c) During the fourth year after the inauguration of
13 the new Government there shall be levied by the United
14 States on all articles imported from Puerto Rico duty at
15 the rate of 75 per centum of the rates of duty which are
16 required by the laws of the United States to be levied,
17 collected, and paid on like articles imported from foreign
18 countries.

19 (d) The Government of the Commonwealth of
20 Puerto Rico may impose upon all articles imported from
21 the United States a duty not in excess of the duty imposed
22 by the United States upon like articles imported from
23 Puerto Rico.

24 When used in this section in a geographical sense, the
25 term "United States" includes all Territories and posses-

1 sions of the United States except the Commonwealth of
2 the Philippine Islands.

3 SEC. 112. (a) Within six months after the inaugura-
4 tion of the Government of the Commonwealth of Puerto
5 Rico, all citizens resident in Puerto Rico, and all citizens
6 born in Puerto Rico but residing in the United States, must
7 elect whether they will remain American citizens or whether
8 they will become citizens of Puerto Rico.

9 (b) Any citizen residing in Puerto Rico who desires
10 to remain an American citizen must file with the United
11 States High Commissioner, under rules and regulations to
12 be prescribed by said High Commissioner, a declaration
13 duly acknowledged that he intends to retain his American
14 citizenship. Such declaration shall be made in quadrupli-
15 cate, one copy to remain among the records of said High
16 Commissioner, one copy to be by him forwarded to the
17 Secretary of State of the United States, one copy to be by
18 him transmitted to the Government of the Commonwealth
19 of Puerto Rico, and one copy to be retained by the
20 declarant.

21 (c) Any citizen born in Puerto Rico but residing in
22 the United States may similarly subscribe to such declara-
23 tion of intention before any official authorized to administer
24 oaths in naturalization proceedings. Such official shall
25 thereupon forward such declarations to the United States

1 High Commissioner, under rules and regulations to be pre-
2 scribed by said High Commissioner.

3 (d) Minor children or persons under legal disability,
4 who would otherwise fall within the classes comprised in
5 paragraphs (a), (b), and (c) hereof, may similarly sub-
6 scribe such declarations within six months after attaining
7 their majority, or after the removal of disability, as the
8 case may be. Appropriate provision shall be made for the
9 filing of such declarations in case such event does not occur
10 until after the final and complete withdrawal of American
11 sovereignty from Puerto Rico.

12 (e) Any citizens resident in Puerto Rico, or any
13 citizens born in Puerto Rico but residing in the United
14 States, who fail to file such declarations of intention within
15 the times specified in this section, shall be deemed citizens
16 of Puerto Rico.

17 (f) After the expiration of the time for filing declara-
18 tions as aforesaid, no citizen of Puerto Rico shall regain
19 American citizenship except under the provisions of the
20 naturalization laws.

21 (g) As used in this section, the term "United States"
22 includes all Territories and possessions and the Common-
23 wealth of the Philippine Islands, and the term "Puerto Rico"
24 excludes the island of Culebra and the islands and keys
25 adjacent thereto.

1 SEC. 113. (a) After the expiration of the time for
2 filing or executing declarations of intention prescribed in
3 section 112 of this title—

4 (1) For the purposes of the Immigration Act of 1917,
5 the Immigration Act of 1924, this section, and all other laws
6 of the United States relating to the immigration, exclusion,
7 or expulsion of aliens, citizens of Puerto Rico, as defined in
8 section 112 hereof, shall be considered as if they were aliens.
9 For such purposes Puerto Rico shall be considered as a
10 separate country and shall have for each fiscal year a quota
11 of five hundred.

12 (2) Any Foreign Service officer may be assigned to
13 duty in Puerto Rico, under a commission as a consular officer,
14 for such period as may be necessary and under such regula-
15 tions as the Secretary of State may prescribe, during which
16 assignment such officer shall be considered as stationed in a
17 foreign country; but his powers and duties shall be confined
18 to the performance of such of the official acts and notarial
19 and other services which such officer might properly perform
20 in respect of the administration of the immigration laws if
21 assigned to a foreign country as a consular officer, as may
22 be authorized by the Secretary of State.

23 (3) For the purposes of sections 18 and 20 of the
24 Immigration Act of 1917, as amended, Puerto Rico shall
25 be considered to be a foreign country.

1 (b) The provisions of this section are in addition to
2 the provisions of the immigration laws now in force and
3 shall be enforced as a part of such laws, and all the penal
4 or other provisions of such laws, not inapplicable, shall
5 apply to and be enforced in connection with the provisions
6 of this section. An alien, although admissible under the
7 provisions of this section, shall not be admitted to the United
8 States if he is excluded by any provision of the immigration
9 laws other than this section, and an alien, although admis-
10 sible under the provisions of the immigration laws other than
11 this section, shall not be admitted to the United States if
12 he is excluded by any provision of this section.

13 (c) Terms defined in the Immigration Act of 1924
14 shall, when used in this section, have the meaning assigned
15 to such terms in that Act.

16 Sec. 114. There shall be no obligation on the part
17 of the United States to meet the interest or principal of
18 bonds and other obligations of the Government of Puerto
19 Rico, or of the municipalities or instrumentalities thereof,
20 hereafter issued during the continuance of United States
21 sovereignty in Puerto Rico: *Provided*, That such bonds and
22 obligations hereafter issued shall not be exempt from tax-
23 ation in the United States or by authority of the United
24 States.

1 RECOGNITION OF PUERTO RICAN INDEPENDENCE AND
2 WITHDRAWAL OF AMERICAN SOVEREIGNTY

3 SEC. 115. (a) On the 4th day of July immediately
4 following the expiration of a period of four years from the
5 date of the inauguration of the new Government under the
6 constitution provided for in this Act, the President of the
7 United States shall by proclamation withdraw and surrender
8 all right of possession, supervision, jurisdiction, control, or
9 sovereignty then existing and exercised by the United States
10 in and over the Territory and people of Puerto Rico, includ-
11 ing all military and other reservations of the Government
12 of the United States in Puerto Rico (except the Culebra
13 Naval Reservation and such other naval reservations and
14 fueling stations as are reserved under section 105), and, on
15 behalf of the United States, shall recognize the independence
16 of Puerto Rico as a separate and self-governing nation and
17 acknowledge the authority and control over the same of the
18 government instituted by the people thereof, under the con-
19 stitution then in force.

20 (b) The President of the United States is hereby
21 authorized and empowered to enter into negotiations with
22 the Government of Puerto Rico, not later than two years
23 after his proclamation recognizing the independence of
24 Puerto Rico, for the adjustment and settlement of all ques-
25 tions relating to military and naval reservations and fueling

1 stations of the United States in Puerto Rico (other than the
2 island of Culebra and the islands and keys adjacent thereto,
3 which shall remain under the sovereignty of the United
4 States), and pending such adjustment and settlement the
5 matter of military and naval reservations and fueling stations
6 shall remain in its present status.

7 NOTIFICATION TO FOREIGN GOVERNMENTS

8 SEC. 116. Upon the proclamation and recognition of
9 the independence of Puerto Rico, the President shall notify
10 the governments with which the United States is in diplo-
11 matic correspondence thereof and invite said governments
12 to recognize the independence of Puerto Rico.

13 TARIFF DUTIES AFTER INDEPENDENCE

14 SEC. 117. After Puerto Rico has become a free and
15 independent nation there shall be levied, collected, and paid
16 upon all articles coming into the United States from Puerto
17 Rico the rates of duty which are required to be levied, col-
18 lected, and paid upon like articles imported from other
19 foreign countries: *Provided*, That at least one year prior
20 to the date fixed in this Act for the independence of Puerto
21 Rico there shall be held a conference of representatives of
22 the Government of the United States and the Government
23 of the Commonwealth of Puerto Rico, such representatives
24 to be appointed by the President of the United States and
25 the Chief Executive of the Commonwealth of Puerto Rico.

1 respectively, for the purpose of formulating recommenda-
2 tions as to future trade relations between the Government
3 of the United States and the independent Government of
4 Puerto Rico, the time, place, and manner of holding such
5 conference to be determined by the President of the United
6 States: but nothing in this proviso shall be construed to
7 modify or affect in any way any provision of this Act relat-
8 ing to the procedure leading up to Puerto Rican independ-
9 ence or the date upon which Puerto Rico shall become
10 independent.

11 IMMIGRATION AFTER INDEPENDENCE

12 SEC. 118. Upon the final and complete withdrawal
13 of American sovereignty over Puerto Rico the immigration
14 laws of the United States (including all the provisions
15 thereof relating to persons ineligible to citizenship) shall
16 apply to persons who were born in Puerto Rico to the same
17 extent as in the case of other foreign countries.

18 CERTAIN STATUTES CONTINUED IN FORCE

19 SEC. 119. Except as in this title otherwise provided,
20 the laws now or hereafter in force in Puerto Rico shall
21 continue in force in the Commonwealth of Puerto Rico
22 until altered, amended, or repealed by the Legislature of
23 the Commonwealth of Puerto Rico or by the Congress of
24 the United States, and all references in such laws to the
25 Government or officials of Puerto Rico shall be construed,

1 insofar as applicable, to refer to the Government and cor-
2 responding officials of the Commonwealth of Puerto Rico:
3 *Provided*, That said Legislature shall have no power to
4 alter or amend or repeal any Federal laws relating to any
5 of the armed forces of the United States, or to the national
6 banking system, or the Federal Judicial Code, or the Fed-
7 eral Criminal Code insofar as the same is applicable to the
8 change in government. The Government of the Common-
9 wealth of Puerto Rico shall be deemed successor to the
10 present Government of Puerto Rico and of all the rights and
11 obligations thereof. Except as otherwise provided in this
12 Act, all laws or parts of laws relating to the present Gov-
13 ernment of Puerto Rico and its administration are hereby
14 repealed as of the date of the inauguration of the Govern-
15 ment of the Commonwealth of Puerto Rico.

A BILL

To provide for a referendum in Puerto Rico on the question of independence, to provide for carrying it into effect, and for other purposes.

By Mr. TRUNGS

FEBRUARY 24 (calendar day, APRIL 23), 1936
Read twice and referred to the Committee on
Territories and Insular Affairs