

76TH CONGRESS
1ST SESSION

H. R. 7117

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 1939

MR. IGLESIAS introduced the following bill; which was referred to the Committee on Insular Affairs

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,*

1 That section 3 of the Act entitled "An Act to provide a
2 civil government for Puerto Rico, and for other purposes",
3 be, and is hereby, amended to read as follows:

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

1 or of any political or municipal subdivision thereof, or by
2 any State, Territory, or possession, or by any county, municipi-
3 pality, or other municipal subdivision of any State, Territory,
4 or possession of the United States, or by the District of
5 Columbia. In computing the indebtedness of the people of
6 Puerto Rico, municipal bonds for the payment of interest
7 and principal of which the good faith of the people of Puerto
8 Rico has heretofore been pledged and bonds issued by the
9 people of Puerto Rico secured by bonds to an equivalent
10 amount of bonds of municipal corporations or school boards
11 of Puerto Rico shall not be counted, but all bonds hereafter
12 issued by any municipality or subdivision within the 7 per
13 centum hereby authorized for which the good faith of the
14 people of Puerto Rico is pledged shall be counted.

15 That the internal-revenue taxes levied by the Legis-
16 lature of Puerto Rico in pursuance of the authority granted
17 by this Act on articles, goods, wares, or merchandise may
18 be levied and collected as such legislature may direct, on
19 the articles subject to said tax, as soon as the same are
20 manufactured, sold, used, or brought into the island: *Pro-*
21 *vided*, That no discrimination be made between the articles
22 imported from the United States or foreign countries and
23 similar articles produced or manufactured in Puerto Rico.
24 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 Sec. 12. That the supreme executive power shall be
7 vested in an executive officer, whose official title shall be the
8 Governor of Puerto Rico. He shall be appointed by the
9 President, by and with the advice and consent of the Senate,
10 and hold his office at the pleasure of the President and until
11 his successor is chosen and qualified. He shall have general
12 supervision and control of all the departments and bureaus
13 of the government in Puerto Rico, so far as is not incon-
14 sistent with the provisions of this Act, and shall be comman-
15 der in chief of the militia. He may grant pardons and re-
16 prieves and remit fines for offenses against the laws of Puerto
17 Rico, and respites for all offenses against the laws of the
18 United States until the decision of the President can be ascer-
19 tained, and may veto any legislation enacted as hereinafter
20 provided. He shall commission all officers that he may be
21 authorized to appoint. He shall be responsible for the faith-
22 ful execution of the laws of Puerto Rico and of the United
23 States applicable in Puerto Rico, and whenever it becomes
24 necessary he may call upon the commanders of the military
25 and naval forces of the United States in the island, summon

1 the posse comitatus, or call on the militia, to prevent or
2 suppress lawless violence, invasion, insurrection, or rebellion,
3 or imminent danger thereof, when the public safety requires it,
4 suspend the privilege of the writ of habeas corpus, or place
5 the island or any part thereof, under martial law until com-
6 munication can be had with the President and the President's
7 decision therein made known. He shall annually, and at
8 such other times as he may be required, make official report
9 of the transactions of the government of Puerto Rico to the
10 executive department of the Government of the United States
11 to be designated by the President as herein provided, and his
12 said annual report shall be transmitted to Congress, and he
13 shall perform such additional duties and functions as may,
14 in pursuance of law, be delegated to him by the President.

15 "At the general elections to be held in Puerto Rico
16 the first Tuesday after the first Monday in November, and
17 thereafter at each general election the qualified electors of
18 Puerto Rico shall elect the Governor, who shall qualify as
19 such on the first Monday of January of the succeeding year,
20 and upon such qualification, the office of the appointed Gov-
21 ernor shall cease and terminate. A Lieutenant or Vice
22 Governor shall also, at such time, be elected for a term of
23 four years, under like conditions. He shall act as Governor
24 in case of a vacancy, the temporary absence or removal,
25 resignation, or disability of the Governor, and shall exercise

1 all the powers and perform all the duties of the Governor,
2 during such vacancy, disability, or absence. The Lieutenant
3 or Vice Governor shall be the ex officio President of the
4 Senate and shall receive such salary as the Legislature of
5 Puerto Rico may determine. The Governor and the Lieuten-
6 ant or Vice Governor thus elected shall hold their offices for a
7 term of four years and until their successors have been
8 elected and shall have qualified.

9 "The elected Governor herein provided for may be im-
10 peached by the Insular House of Representatives, and on
11 trial by the Insular Senate may be removed by a two-thirds
12 vote of that body for any impeachment cause. Judgment
13 in cases of impeachment shall not extend further than to
14 removal from office and disqualification to hold and enjoy
15 any office of honor, trust, or profit in Puerto Rico, but the
16 party convicted shall nevertheless be liable and subject to
17 indictment, trial, judgment, and punishment, according to
18 law."

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 are
23 hereby created: A department of justice, the head of which
24 shall be designated as the attorney general; a department
25 of finance, the head of which shall be designated as the

1 treasurer; a department of the interior, the head of which
2 shall be designated as the commissioner of the interior; a
3 department of education, the head of which shall be desig-
4 nated as the commissioner of education; a department of
5 agriculture and commerce, the head of which shall be desig-
6 nated as the commissioner of agriculture and commerce; a
7 department of labor, the head of which shall be designated
8 as the commissioner of labor; a department of health, the
9 head of which shall be designated as the commissioner of
10 health; and a department of social welfare, the head of
11 which shall be designated as the commissioner of social
12 welfare.

13 “The heads of departments shall be appointed by the
14 elected Governor, by and with the advice and consent of
15 the Senate of Puerto Rico, for the term of four years, and
16 until their successors are appointed and qualified, unless
17 sooner removed by the elected Governor.

18 “Heads of departments shall reside in Puerto Rico
19 during their official incumbency.

20 “The heads of departments shall collectively form a
21 council to the Governor, known as the executive council.
22 They shall perform under the general supervision of the
23 Governor the duties hereinafter prescribed or which may
24 hereafter be prescribed by law and such other duties not
25 inconsistent with law as the Governor, with the approval

1 of the President, may assign to them; and they shall make
2 annual and such other reports to the Governor as he may
3 require, which shall be transmitted to the executive depart-
4 ment of the Government of the United States to be desig-
5 nated by the President as herein provided: *Provided*, That
6 the duties herein imposed upon the heads of departments
7 shall not carry with them additional compensation."

8 SEC. 4. That section 29 of the Organic Act of Puerto
9 Rico be, and the same is hereby, amended to read as follows:

10 "SEC. 29. The next election in Puerto Rico shall be
11 held the first Tuesday after the first Monday of November
12 1940. At such election there shall be chosen senators,
13 representatives, two Resident Commissioners to the United
14 States, as herein provided. Thereafter the elections shall
15 be held on the first Tuesday after the first Monday in
16 November, beginning with the year 1944, and every four
17 years thereafter. The qualified voters of Puerto Rico shall
18 at the next general election and thereafter choose two Resi-
19 dent Commissioners to the United States, whose term of
20 office shall be four years from the third of January follow-
21 ing such general election, and who shall be entitled to
22 receive official recognition as such Commissioners by all
23 the departments of the Government of the United States,
24 upon presentation, through the Department of State, of a
25 certificate of election of the Governor of Puerto Rico. The

1 first candidate in the ballot line of the Resident Commission-
2 ers shall receive a salary, payable monthly by the United
3 States, of \$10,000 per annum. This first Commissioner shall
4 be allowed the sum for stationery and for the payment of
5 necessary clerk hire, as is now allowed to Members of the
6 House of Representatives of the United States; and this
7 first Commissioner shall be allowed the sum of \$500 as
8 mileage for each session of the House of Representatives and
9 the franking privilege granted to Members of Congress.
10 The second Resident Commissioner in line shall receive a
11 salary, payable monthly by the government of Puerto Rico,
12 of \$10,000 per annum, and \$5,000 more for the necessary
13 clerk hire and \$500 as mileage for each session of the
14 House of Representatives and \$250 for the stationery and
15 franking privileges as used by Members of Congress. No
16 person shall be eligible to election as Resident Commissioner
17 who is not a bona fide citizen of the United States and who
18 is not more than twenty-five years of age, and who does
19 not read and write the English language. In case of a
20 vacancy in the office of Resident Commissioner by death,
21 resignation, or otherwise, the Governor, by and with the
22 advice and consent of the senate, shall appoint a Resident
23 Commissioner to fill the vacancy, who shall serve until the
24 next general election and until his successor is elected and
25 qualified."

1 SEC. 5. Paragraph 1 of section 20 of said Act to pro-
2 vide a civil government for Puerto Rico is hereby amended
3 to read as follows:

4 "That there shall be appointed by the Governor of
5 Puerto Rico by and with the advice and consent of the
6 senate of Puerto Rico, an auditor, at an annual salary of
7 \$6,000 for a term of four years and until his successor is
8 appointed and qualified, who shall examine, audit, and
9 settle all accounts pertaining to the revenues and receipts,
10 from whatever source, of the government of Puerto Rico
11 and of municipal governments of Puerto Rico, including
12 public and trust funds derived from bond issues; and audit,
13 in accordance with law and administrative regulations, all
14 expenditures of funds or property pertaining to or held in
15 trust by the government of Puerto Rico or the municipali-
16 ties or independencies thereof. He shall perform a like duty
17 with respect to all government branches."

18 SEC. 6. Section 30 of the aforesaid Act is hereby
19 amended to read as follows:

20 "The terms of office of senators and representatives
21 elected at any general election shall be four years, commenc-
22 ing on the 2d day of January following the date upon which
23 such election was held. In case of a vacancy in the office
24 of any senator or representative occurring by reason of death,
25 resignation, or otherwise, the Governor upon the recom-

1 mendment of the central directing committee heading the
2 political party of which such senator or representative was
3 a member when elected, shall appoint a senator or repre-
4 sentative from such political party to fill such vacancy who
5 shall hold office for the remainder of the term for which
6 his predecessor was elected. No senator or representative
7 so elected or appointed shall, during his tenure of office,
8 be appointed to any civil office under the government of
9 Puerto Rico, and no such senator or representative shall be
10 eligible for appointment to any office created during his
11 tenure of office, until the expiration of two years after the
12 date upon which his term of office shall have expired."

13 Sec. 7. That paragraphs 4 and 15 of section 34 of said
14 Act to provide a civil government for Puerto Rico is hereby
15 amended to read as follows:

16 "SEC. 34. That the enacting clause of the laws shall
17 be, as to Acts, 'Be it enacted by the Legislature of Puerto
18 Rico', and as to joint resolutions, 'Be it resolved by the
19 Legislature of Puerto Rico.' Except as hereinafter provided,
20 bills and joint resolutions may originate in either house. The
21 Governor shall submit at the opening of each regular session
22 of the legislature a budget of receipts and expenditures, which
23 shall be the basis of the ensuing annual appropriation bill.
24 Said appropriation bill shall embrace the estimated receipts
25 and expenses hereinafter provided. No bill shall become a

1 law until it be passed in each house by a majority yeas-
2 and-nays vote of all the members belonging to such house
3 and entered upon the journal and be approved by the Gov-
4 ernor within ten days thereafter. If when a bill that has
5 been passed is presented to the Governor for his signature
6 he approves the same, he shall sign it; or if not, he shall
7 return it, with his objections, to the house in which it
8 originated, which house shall enter his objections at large
9 on its journal and proceed to reconsider it. If after such
10 reconsideration, two-thirds of all the members of that house
11 shall agree to pass the same it shall be sent, together with
12 the objections to the other house, by which it shall likewise
13 be reconsidered, and if approved by two-thirds of all the
14 members of that house, it shall become law the same as if
15 it had been approved by the Governor. The vote of each
16 house shall be by yeas and nays, and the names of the mem-
17 bers voting for and against shall be entered on the journal.
18 If any bill shall not be returned by the Governor within
19 ten days (Sundays excepted) after it shall have been pre-
20 sented to him, it shall be a law in like manner as if he had
21 signed it, unless the legislature by adjournment prevents
22 its return, in which case it shall be a law if signed by the
23 Governor within thirty days after receipt by him; other-
24 wise it shall not be a law. All laws enacted by the Legis-
25 lature of Puerto Rico shall be reported to the Congress of

1 the United States, as provided in section 23 of this Act,
2 which hereby reserves the power and authority to annul
3 the same. If at the termination of any fiscal year the appro-
4 priation necessary for the support of the government for the
5 ensuing fiscal year shall not have been made, the several
6 sums appropriated in the last appropriation bills for the
7 objects and purposes therein specified, so far as the same
8 may be applicable, shall be deemed to be reappropriated
9 item by item; and until the legislature shall act in such
10 behalf the treasurer may, with the advice of the Governor,
11 make the payments necessary for the purposes aforesaid.

12 "The general appropriation bill shall embrace the esti-
13 mated receipts as determined by the treasurer of Puerto
14 Rico consistent with the existing sources of income and the
15 revenue laws which the Legislature of Puerto Rico may pass,
16 and all appropriations for the ordinary expenses of the execu-
17 tive, legislative, and judicial departments, and agencies, de-
18 pendencies, commissions or bodies, of the insular govern-
19 ment, and for the payment of interest on the public debt. It
20 shall also embrace appropriations for the works and services
21 which due to their nature and urgency should be carried out
22 and rendered during the fiscal year to which said appropria-
23 tion bill refers. All other appropriations shall be made by
24 separate bills, each embracing but one subject.

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

21 Sec. 8, Section 38 of the aforesaid Act is hereby
22 amended to read as follows:

23 "That all grants or franchises, rights, privileges, and
24 concessions of a public or quasi-public nature shall be made

1 a public-service commission consisting of three public-service
2 commissioners, one who shall be the president of the said
3 commission, and two associate commissioners, all to be ap-
4 pointed by the Governor with the advice and consent of the
5 senate. The president of the public-service commission shall
6 be appointed for a term of three years and until his suc-
7 cessor shall be appointed and shall have qualified; and one
8 of the said associate commissioners, first appointed, shall
9 hold for a term of two years, and the other shall hold for
10 a term of one year; and thereafter, each of said associate
11 commissioners shall hold for a term of three years and
12 until their successors shall have been appointed and shall
13 have qualified; the salary of the president of the public-service
14 commission shall be \$6,000 a year and the said president
15 shall devote his entire time to the duties as such commis-
16 sioner. The compensation of the associate members, who
17 shall also devote part time to the duties as such commis-
18 sioner, shall earn a salary of \$2,000 a year. The said com-
19 mission is empowered and directed to discharge all the
20 executive functions relating to public-service corporations
21 heretofore conferred by law upon the executive council and
22 such additional duties and functions as may be conferred
23 upon said commission by the legislature. Franchises, rights,
24 and privileges granted by the said commission shall not be

1 effected until approved by the Governor and shall be re-
2 ported to Congress, which hereby reserves the powers to
3 annul or to modify the same."

4 Sec. 9. That section 40 of said Act to provide a civil
5 government for Puerto Rico is hereby amended to read as
6 follows:

7 "SEC. 40. That the judicial power shall be vested in
8 the supreme court, composed of a chief justice and six asso-
9 ciate justices, and in the other courts and tribunals now estab-
10 lished and in operation under and by virtue of existing laws.
11 The jurisdiction of said supreme court and other courts and
12 tribunals, and the form of procedure in them, and the various
13 officers and attaches thereof, shall also continue to be as now
14 provided until otherwise provided by law: *Provided, how-*
15 *ever,* That the chief justice and associate justices of the
16 supreme court shall be appointed by the elected Governor,
17 by and with the advice and consent of the Senate of Puerto
18 Rico; and the Legislature of Puerto Rico shall have authority
19 from time to time as it may see fit not inconsistent with
20 this Act, to organize, modify, or rearrange the court and
21 their jurisdiction and procedure, except the District Court
22 of the United States for Puerto Rico.

23 "That the Organic Act of Puerto Rico, approved March
24 2, 1917, be amended granting authority to the Legislature of

1 Puerto Rico to fix the powers and duties of the heads of
2 departments thereof."

3 SEC. 10. The Interstate Commerce Act and the several
4 amendments made or to be made thereto, the Safety Appli-
5 ance Acts and the several amendments made or to be made
6 thereto, and the Act of Congress entitled "An Act to amend
7 an Act entitled 'An Act to regulate commerce', approved
8 February 4, 1887, and all Acts amendatory thereof, by
9 providing for a valuation of the several classes of property
10 of carriers subject thereto and securing information concern-
11 ing their stocks, bonds, and other securities," approved
12 March 1, 1934, shall not apply to Puerto Rico.

13 SEC. 11. That sections 24 and 43 of said Act are hereby
14 repealed.

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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.

By Mr. IGLESIAS

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