

76TH CONGRESS
3D SESSION

H. R. 9361

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1940

Mr. PAGÁN introduced the following bill; which was referred to the Committee on Insular Affairs

A BILL

To improve the form of government of Puerto Rico, granting a greater degree of home rule under the jurisdiction and sovereignty of the United States of America; to amend to that effect 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 State constitution; and

Whereas the Legislature of the Territory of Puerto Rico has requested from Congress 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, as amended, be amended to improve

the form of government of Puerto Rico, granting a greater degree of home rule under the jurisdiction and sovereignty of the United States of America: 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 civil
4 government for Puerto Rico, and for other purposes", be,
5 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
9 fees, and royalties for franchises, privileges, and concessions
10 may 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 government
15 therein as may be provided by law, and to protect the public
16 credit: *Provided, however,* That no public indebtedness of
17 Puerto Rico and the municipalities of San Juan, Ponce, and
18 Mayaguez shall be allowed in excess of 10 per centum of
19 the 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 7 per
22 centum of the aggregate tax valuation of the property in any

1 such subdivision or municipality, and all bonds issued by the
2 government of Puerto Rico or by its authority shall be exempt
3 from taxation by the Government of the United States or by
4 the government of Puerto Rico, or of any political or municipi-
5 pal subdivision thereof, or by any State, Territory, or posses-
6 sion, or by any county, municipality, or other municipal
7 subdivision of any State, Territory, or possession of the United
8 States, or by the District of Columbia. In computing the
9 indebtedness of the people of Puerto Rico, municipal bonds
10 for the payment of interest and principal of which the good
11 faith of the people of Puerto Rico has heretofore been pledged
12 and bonds issued by the people of Puerto Rico secured by
13 bonds to an equivalent amount of bonds of municipal cor-
14 porations or school boards of Puerto Rico shall not be counted,
15 but all bonds hereafter issued by any municipality or sub-
16 division within the 7 per centum hereby authorized for which
17 the good faith of the people of Puerto Rico is pledged shall
18 be counted.

19 "That the internal-revenue taxes levied by the Legis-
20 lature of Puerto Rico in pursuance of the authority granted
21 by this Act on articles, goods, wares, or merchandise may
22 be levied and collected as such legislature may direct, on
23 the articles subject to said tax, as soon as the same are
24 manufactured, sold, used, or brought into the island: *Pro-*

1 *vided*, That no discrimination be made between the articles
2 imported from the United States or foreign countries and
3 similar articles produced or manufactured in Puerto Rico.
4 The officials of the Customs and Postal Services of the United
5 States are hereby directed to assist the appropriate officials
6 of the Puerto Rican Government in the collections of these
7 taxes.”

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

10 “SEC. 12. That the supreme executive power shall be
11 vested in an executive officer, whose official title shall be
12 the Governor of Puerto Rico. He shall be appointed by
13 the President, by and with the advice and consent of the
14 Senate, and hold his office at the pleasure of the President
15 and until his successor is chosen and qualified. He shall
16 have general supervision and control of all the departments
17 and bureaus of the government in Puerto Rico, so far as
18 is not inconsistent with the provisions of this Act, and shall
19 be commander in chief of the militia. He may grant par-
20 dons and reprieves and remit fines for offenses against the
21 laws of Puerto Rico, and respites for all offenses against
22 the laws of the United States until the decision of the Presi-
23 dent can be ascertained, and may veto any legislation enacted
24 as hereinafter provided. He shall commission all officers
25 that he may be authorized to appoint. He shall be respon-

1 sible for the faithful execution of the laws of Puerto Rico
2 and of the United States applicable in Puerto Rico, and
3 whenever it becomes necessary he may call upon the com-
4 manders of the military and naval forces of the United
5 States in the island, summon the posse comitatus, or call
6 on the militia, to prevent or suppress lawless violence, inva-
7 sion, insurrection, or rebellion, or imminent danger thereof,
8 when the public safety requires it, suspend the privilege of
9 the writ of habeas corpus, or place the island or any part
10 thereof under martial law until communication can be had
11 with the President and the President's decision therein made
12 known. He shall annually, and at such other times as he
13 may be required, make official report of the transactions
14 of the Government of Puerto Rico to the executive depart-
15 ment of the Government of the United States to be desig-
16 nated by the President as herein provided, and his said
17 annual report shall be transmitted to Congress, and he shall
18 perform such additional duties and functions as may, in
19 pursuance of law, be delegated to him by the President.

20 "At the general elections to be held in Puerto Rico the
21 first Tuesday after the first Monday in November, and there-
22 after at each general election the qualified electors of Puerto
23 Rico shall elect the Governor, who shall qualify as such on
24 the first Monday of January of the succeeding year, and
25 upon such qualification, the office of the appointed Governor

1 shall cease and terminate. A Lieutenant or Vice Governor
2 shall also, at such time, be elected for a term of four years,
3 under like conditions. He shall act as Governor in case of
4 a vacancy, the temporary absence or removal, resignation,
5 or disability of the Governor, and shall exercise all the
6 powers and perform all the duties of the Governor, during
7 such vacancy, disability, or absence. The Lieutenant or Vice
8 Governor shall be the ex officio President of the Senate and
9 shall receive such salary as the Legislature of Puerto Rico
10 may determine. The Governor and the Lieutenant or Vice
11 Governor thus elected shall hold their offices for a term of
12 four years and until their successors have been elected and
13 shall have qualified.

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

24 SEC. 3. That section 13 of said Act to provide a civil

1 government for Puerto Rico is hereby amended to read as
2 follows:

3 "SEC. 13. That the following executive departments
4 are hereby created: A department of justice, the head of
5 which shall be designated as the attorney general; a depart-
6 ment of finance, the head of which shall be designated as
7 the treasurer; a department of the interior, the head of which
8 shall be designated as the commissioner of the interior; a
9 department of education, the head of which shall be desig-
10 nated as the commissioner of education; a department of
11 agriculture and commerce, the head of which shall be desig-
12 nated as the commissioner of agriculture and commerce; a
13 department of labor, the head of which shall be designated
14 as the commissioner of labor; a department of health, the
15 head of which shall be designated as the commissioner of
16 health; and a department of social welfare, the head of
17 which shall be designated as the commissioner of social
18 welfare.

19 - "The heads of departments shall be appointed by the
20 elected Governor, by and with the advice and consent of
21 the Senate of Puerto Rico, for the term of four years, and
22 until their successors are appointed and qualified, unless
23 sooner removed by the elected Governor.

1 "Heads of departments shall reside in Puerto Rico
2 during their official incumbency.

3 "The heads of departments shall collectively form a
4 council to the Governor, known as the executive council.
5 They shall perform under the general supervision of the
6 Governor the duties hereinafter prescribed or which may
7 hereafter be prescribed by law and such other duties not
8 inconsistent with law as the Governor, with the approval
9 of the President, may assign to them; and they shall make
10 annual and such other reports to the Governor as he may
11 require, which shall be transmitted to the executive depart-
12 ment of the Government of the United States to be desig-
13 nated by the President as herein provided: *Provided*, That
14 the duties herein imposed upon the heads of departments
15 shall not carry with them additional compensation."

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

19 "SEC. 29. The next election in Puerto Rico shall be held
20 the first Tuesday after the first Monday of November 1940.
21 At such election there shall be chosen senators, representa-
22 tives, two Resident Commissioners to the United States, as
23 herein provided. Thereafter the elections shall be held on
24 the first Tuesday after the first Monday in November, be-
25 ginning with the year 1944, and every four years thereafter.

1 The qualified voters of Puerto Rico shall at the next general
2 election and thereafter choose two Resident Commissioners
3 to the United States, whose term of office shall be four years
4 from the 3d of January following such general election, and
5 who shall be entitled to receive official recognition as such
6 Commissioners by all the departments of the Government
7 of the United States, upon presentation, through the Depart-
8 ment of State, of a certificate of election of the Governor of
9 Puerto Rico. The first candidate in the ballot line of the
10 Resident Commissioners shall receive a salary, payable
11 monthly by the United States, of \$10,000 per annum. This
12 first Commissioner shall be allowed the sum for stationery
13 and for the payment of necessary clerk hire, as is now allowed
14 to Members of the House of Representatives of the United
15 States; and this first Commissioner shall be allowed the sum
16 of \$500 as mileage for each session of the House of Repre-
17 sentatives and the franking privilege granted to Members
18 of Congress. The second Resident Commissioner in line
19 shall receive a salary, payable monthly by the Government
20 of Puerto Rico, of \$10,000 per annum, and \$5,000 more for
21 the necessary clerk hire and \$500 as mileage for each session
22 of the House of Representatives and \$250 for the stationery
23 and franking privileges as used by Members of Congress. No
24 person shall be eligible to election as Resident Commissioner
25 who is not a bona fide citizen of the United States and who

1 is not more than twenty-five years of age, and who does not
2 read and write the English language. In case of a vacancy
3 in the office of Resident Commissioner by death, resignation,
4 or otherwise, the Governor, by and with the advice and con-
5 sent of the senate, shall appoint a Resident Commissioner to
6 fill the vacancy, who shall serve until the next general elec-
7 tion and until his successor is elected and qualified.”

8 SEC. 5. Paragraph 1 of section 20 of said Act to provide
9 a civil government for Puerto Rico is hereby amended to
10 read as follows:

11 “That there shall be appointed by the Governor of Puerto
12 Rico by and with the advice and consent of the senate of
13 Puerto Rico, an auditor, at an annual salary of \$6,000 for
14 a term of four years and until his successor is appointed and
15 qualified, who shall examine, audit, and settle all accounts
16 pertaining to the revenues and receipts, from whatever source,
17 of the government of Puerto Rico and of the municipal gov-
18 ernments of Puerto Rico, including public and trust funds
19 derived from bond issues; and audit, in accordance with law
20 and administrative regulations, all expenditures of funds or
21 property pertaining to or held in trust by the government of
22 Puerto Rico or the municipalities or independencies thereof.
23 He shall perform a like duty with respect to all government
24 branches.”

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

3 “The terms of office of senators and representatives elected
4 at any general election shall be four years, commencing on
5 the 2d day of January following the date upon which such
6 election was held. In case of a vacancy in the office of any
7 senator or representative occurring by reason of death, resig-
8 nation, or otherwise, the Governor upon the recommendation
9 of the central directing committee heading the political party
10 of which such senator or representative was a member when
11 elected, shall appoint a senator or representative from such
12 political party to fill such vacancy who shall hold office for
13 the remainder of the term for which his predecessor was
14 elected. No senator or representative so elected or appointed
15 shall, while in the fulfillment of his office, hold any civil
16 office under the government of Puerto Rico, and no such
17 senator or representative shall be eligible for appointment
18 to any office created during his tenure of office, until the
19 expiration of two years after the date upon which his term
20 of office shall have expired.”

21 SEC. 7. That paragraphs 1 and 15 of section 34 of said
22 Act to provide a civil government for Puerto Rico is hereby
23 amended to read as follows:

24 “SEC. 34. That the enacting clause of the laws shall be,

1 as to Acts, 'Be it enacted by the Legislature of Puerto Rico',
2 and as to joint resolutions, 'Be it resolved by the Legislature
3 of Puerto Rico'. Except as hereinafter provided, bills and
4 joint resolutions may originate in either house. The Gov-
5 ernor shall submit at the opening of each regular session of
6 the legislature a budget of receipts and expenditures, which
7 shall be the basis of the ensuing annual appropriation bill.
8 Said appropriation bill shall embrace the estimated receipts
9 and expenses hereinafter provided. No bill shall become a
10 law until it be passed in each house by a majority yea-and-
11 nay vote of all the members belonging to such house and
12 entered upon the journal and be approved by the Governor
13 within ten days thereafter. If, when a bill that has been
14 passed is presented to the Governor for his signature, he
15 approves the same, he shall sign it; or if not, he shall return
16 it, with his objections, to the house in which it originated,
17 which house shall enter his objections at large on its journal
18 and proceed to reconsider it. If, after such reconsideration,
19 two-thirds of all the members of that house shall agree to
20 pass the same it shall be sent, together with the objections, to
21 the other house, by which it shall likewise be reconsidered,
22 and if approved by two-thirds of all the members of that
23 house, it shall become law the same as if it had been ap-
24 proved by the Governor. The vote of each house shall be
25 by yeas and nays, and the names of the members voting

1 for and against shall be entered on the journal. If any bill
2 shall not be returned by the Governor within ten days (Sun-
3 days excepted) after it shall have been presented to him,
4 it shall be a law in like manner as if he had signed it, unless
5 the legislature by adjournment prevents its return, in which
6 case it shall be a law if signed by the Governor within thirty
7 days after receipt by him; otherwise it shall not be a law.
8 All laws enacted by the Legislature of Puerto Rico shall be
9 reported to the Congress of the United States, as provided
10 in section 23 of this Act, which hereby reserves the power
11 and authority to annul the same. If at the termination of
12 any fiscal year the appropriations necessary for the support
13 of the government for the ensuing fiscal year shall not have
14 been made, the several sums appropriated in the last ap-
15 propriation bills for the objects and purposes therein specified,
16 so far as the same may be applicable, shall be deemed to be
17 reappropriated item by item; and until the legislature shall
18 act in such behalf the treasurer may, with the advice of the
19 Governor, make the payments necessary for the purposes
20 aforesaid.

21 "The general appropriation bill shall embrace the esti-
22 mated receipts as determined by the treasurer of Puerto Rico
23 consistent with the existing sources of income and the revenue
24 laws which the Legislature of Puerto Rico may pass, and
25 all appropriations for the ordinary expenses of the executive,

1 legislative, and judicial departments, and agencies, depend-
2 encies, commissions, or bodies, of the insular government, and
3 for the payment of interest on the public debt. It shall also
4 embrace appropriations for the works and services which,
5 due to their nature and urgency, should be carried out and
6 rendered during the fiscal year to which said appropriation
7 bill refers. -All other appropriations shall be made by sepa-
8 rate bills, each embracing but one subject.

9 “The house of representatives shall have the sole power
10 of impeachment; but the vote of two-thirds of all members
11 present shall be required to impeach any officer; and all im-
12 peachments shall be tried by the senate. When sitting for
13 that purpose the senators shall be upon oath or affirmation,
14 and no person shall be convicted without the concurrence of
15 two-thirds of the senators present. The senate may adjourn
16 to a fixed day for the trial of any impeachment, and may sit
17 for the purpose of such trial whether the house of representa-
18 tives be in session or not, but the time fixed for such trial
19 shall not be more than six months from the time articles of
20 impeachment shall be preferred by the house of representa-
21 tives. The chief justice shall preside at all trial by impeach-
22 ment. The Governor and Lieutenant Governor shall be liable
23 to impeachment for any crime or misdemeanor in office, but
24 judgment in such cases shall extend only to removal from
25 office, and disqualification to hold any office of honor, trust,

1 or profit under the insular governments; but the party con-
2 victed or acquitted shall nevertheless be liable to indictment,
3 trial, and punishment according to law.”

4 SEC. 8. 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 es-
10 tablished and in operation under and by virtue of existing
11 laws. The jurisdiction of said supreme court and other courts
12 and tribunals, and the form of procedure in them, and the
13 various officers and attachés thereof, shall also continue to be
14 as now provided until otherwise provided by law: *Provided,*
15 *however,* 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 this
20 Act, to organize, modify, or rearrange the supreme court
21 and its jurisdiction and procedure.”

A BILL

To improve the form of government of Puerto Rico, granting a greater degree of home rule under the jurisdiction and sovereignty of the United States of America; to amend to that effect an Act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917.

By Mr. PAGAÑA

APRIL 12, 1940

Referred to the Committee on Insular Affairs