

79TH CONGRESS
1ST SESSION

S. 227

JAN 11 1945
SEN. CLERK

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1945

Mr. RADCLIFFE (for 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 the withdrawal of the sovereignty of the United States over the island of Puerto Rico and for the recognition of its independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Government of Puerto Rico of obligations under the treaty with Spain of December 10, 1898; to define trade and other relations between the United States and Puerto Rico; to provide for the calling of a convention to frame a constitution for the government of the island of Puerto Rico; to provide for certain mandatory provisions of the proposed constitution; to provide for the submission of the constitution to the people of Puerto Rico and its submission to the President of the United States for his approval; to provide for the adjustment of property rights between the United

States and Puerto Rico; to provide for the maintenance of military, coaling, and naval stations by the United States on the island of Puerto Rico; to continue in force certain statutes until independence has been granted; and for other purposes.

Whereas, as a result of the treaty ending the Spanish-American War, the island of Puerto Rico, the island of Cuba, and the Philippine Islands came within the jurisdiction of the United States and under the authority of Congress; and

Whereas, in assuming this responsibility, three duties devolved upon Congress: (1) To establish civil government, (2) to promote the welfare of the inhabitants, and (3) to take final action at the proper time as to the definite and permanent political status of these islands and their peoples; and

Whereas those three duties have been discharged with regard to the island of Cuba and are in process of final fulfillment with respect to the Philippine Islands; and

Whereas, in the discharge of the first of these duties with respect to Puerto Rico, Congress in 1900 and in 1917 established and developed forms of civil government by delegating certain powers to the people of Puerto Rico; and

Whereas, in the discharge of the second of these duties with respect to Puerto Rico, Congress has from time to time passed laws and made substantial appropriations from public funds to promote the general welfare of the people of Puerto Rico; and

Whereas, in spite of this discharge of its first two duties by Congress with respect to Puerto Rico, the people of Puerto Rico still lack the right of complete self-government, as well as the full power to regulate their economic and social life in accordance with their own wishes and on the basis of a

republican form of government of their own creation and choosing; and

Whereas the people of Puerto Rico are entitled to full and complete independence both as a matter of principle and broad American policy; and

Whereas the economic conditions in Puerto Rico are such that the people of the United States and the Federal Treasury are increasingly subjected to financial strain to alleviate the economic distress in Puerto Rico, a situation which is unjust to the people of the United States and to the people of Puerto Rico; and

Whereas the time is now proper and opportune for Congress to discharge its third duty with respect to Puerto Rico, as it has already discharged it with respect to other territory that came under the jurisdiction of the United States as a result of the Treaty of Paris; that is to determine the final and permanent political status of the island and its people in a manner that shall be mutually satisfactory and beneficial to the people of Puerto Rico and to the United States; and

Whereas Congress has full authority under the Constitution and the laws to make such determination, with Presidential approval, and without intervention by the people of Puerto Rico; and

Whereas, in honoring the principle of democracy upon which the people of the United States have reared their whole national existence, it is deemed fair that the people of Puerto Rico shall nevertheless have a voice and vote in determining under what conditions their whole future life is to be established: 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 it is hereby declared to be the policy of Congress to
4 grant independence to the people of Puerto Rico under a
5 constitution meriting their approval, in the framing and
6 approval of which the Government of the United States
7 shall intervene only for the protection of the legitimate
8 rights of the United States in the premises.

9 It is furthermore declared to be the policy of Congress
10 to maintain with the people of Puerto Rico, after independ-
11 ence, a mutually fair and beneficial commercial relationship,
12 evolved through the instrumentalities provided for in this
13 Act.

14 CONVENTION TO FRAME CONSTITUTION FOR PUERTO RICO

15 SEC. 2. The Legislature of Puerto Rico is hereby author-
16 ized to provide for the election of delegates to a constitutional
17 convention, which shall meet in the capital of Puerto Rico
18 at such time as the Legislature of Puerto Rico may fix,
19 within one year after the enactment of this Act, to formu-
20 late and draft a constitution for the government of the
21 Commonwealth of Puerto Rico, subject to the conditions
22 and qualifications in this Act, which shall exercise jurisdic-
23 tion over all the territory in the West Indies ceded to the
24 United States by article II of the Treaty of Peace concluded
25 between the United States and Spain on the 10th day of

1 December 1898. The laws relating to qualifications of
2 voters and the safeguarding of elections which governed the
3 election of November 3, 1936, shall apply to this election,
4 with such modifications and additions as the President of
5 the United States may by order prescribe in order to carry
6 out the purpose of securing a true expression of the choice
7 of the people of Puerto Rico.

8 CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

9 SEC. 3. The constitution formulated and drafted shall
10 provide for a government republican in form, shall contain
11 a bill of rights, including freedom of religious worship, free-
12 dom of speech, freedom of the press, freedom of assembly,
13 the right to petition, freedom from unreasonable searches and
14 seizures, and shall furthermore continue and guarantee all
15 the rights, privileges, and immunities at present enjoyed
16 by the people of Puerto Rico under the Constitution of the
17 United States, and shall expressly guarantee all persons
18 and corporations against any expropriation of property and
19 provide for reasonably prompt, equitable, and effective com-
20 pensation for any property taken for public use. The consti-
21 tution shall furthermore, either as a part thereof or in an
22 ordinance appended thereto, contain provisions to the effect
23 that, pending the final and complete withdrawal of the sov-
24 ereignty of the United States over the island of Puerto Rico—

1 (a) All citizens of Puerto Rico shall owe allegiance to
2 the United States.

3 (b) Every officer of the government of the Common-
4 wealth of Puerto Rico shall, before entering upon the dis-
5 charge of his duties, take and subscribe an oath of office,
6 declaring, among other things, that he recognizes and accepts
7 the supreme authority of and will maintain true faith and
8 allegiance to the United States.

9 (c) Absolute toleration of religious sentiment and wor-
10 ship shall be secured and no inhabitant or religious organiza-
11 tion shall be molested in person or property on account of
12 religious belief or mode of worship.

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

18 (e) Trade relations between Puerto Rico and the
19 United States shall be upon the basis prescribed in section 7.

20 (f) The public debt of Puerto Rico and its subordinate
21 branches shall not exceed limits now or hereafter fixed by
22 the Congress of the United States; and no loans shall be con-
23 tracted in foreign countries without the approval of the
24 President of the United States.

25 (g) The debts, liabilities, and obligations of the present

1 government of Puerto Rico, its municipalities, and instru-
2 mentalities, valid and subsisting at the time of the adoption
3 of the constitution, shall be assumed and paid by the new
4 government.

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

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

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

12 (k) All acts passed by the Legislature of the Common-
13 wealth of Puerto Rico shall be reported to the Congress of
14 the United States.

15 (l) Puerto Rico recognizes the right of the United
16 States to expropriate property for public uses, to maintain
17 military and other reservations and armed forces in Puerto
18 Rico, and, upon order of the President, to call into the service
19 of such armed forces all military forces organized by the
20 government of Puerto Rico.

21 (m) The decisions of the courts of the Commonwealth
22 of Puerto Rico shall be subject to review by the Supreme
23 Court of the United States as provided in section 9, para-
24 graph 6.

25 (n) The United States may by Presidential proclama-

1 tion exercise the right to intervene for the preservation of
2 the government of the Commonwealth of Puerto Rico and for
3 the maintenance of the government as provided in the con-
4 stitution thereof, for the protection of life, property, and indi-
5 vidual liberty, and for the discharge of governmental obliga-
6 tions under and in accordance with the provisions of the con-
7 stitution.

8 (o) The authority of the United States High Commis-
9 sioner to the government of Puerto Rico, as provided in this
10 Act, shall be recognized.

11 (p) Citizens and corporations of the United States shall
12 enjoy in the Commonwealth of Puerto Rico all the civil
13 rights of the citizens and corporations, respectively, thereof.

14 SUBMISSION OF THE CONSTITUTION TO THE PRESIDENT
15 OF THE UNITED STATES

16 SEC. 4. Upon the drafting and approval of the consti-
17 tution by the constitutional convention in Puerto Rico,
18 the constitution shall be submitted within two years after
19 the enactment of this Act to the President of the United
20 States, who shall determine whether or not it conforms
21 with the provisions of this Act. If the President finds that
22 the proposed constitution conforms substantially with the
23 provisions of this Act, he shall so certify to the Governor
24 of Puerto Rico, who shall so advise the constitutional con-
25 vention. If the President finds that the constitution does

1 not conform with the provisions of this Act, he shall so
2 advise the Governor of Puerto Rico, stating wherein in
3 his judgment the constitution does not so conform and
4 submitting provisions which will in his judgment make the
5 constitution so conform. The Governor shall in turn submit
6 such message to the constitutional convention for further
7 action by them pursuant to the same procedure hereinbefore
8 defined, until the President and the constitutional conven-
9 tion are in agreement.

10 SUBMISSION OF THE CONSTITUTION TO THE PEOPLE OF
11 PUERTO RICO

12 SEC. 5. After the President of the United States has
13 certified that the constitution conforms with the provisions
14 of this Act, it shall be submitted to the people of Puerto
15 Rico for their ratification or rejection at an election to be
16 held within four months after the date of such certification,
17 on a date to be fixed by the Legislature of Puerto Rico, at
18 which election the qualified voters of Puerto Rico shall have
19 an opportunity to vote directly for or against the proposed
20 constitution and ordinances appended thereto. Such election
21 shall be held in such manner as may be described by the
22 Legislature of Puerto Rico to which the return of the election
23 shall be made. The laws relating to qualifications of voters
24 and the safeguarding of voters and the safeguarding of elec-

1 tions which governed the election of November 3, 1936,
2 shall apply to this election, with such modifications and
3 additions as the President may by order prescribe in order
4 to carry out the purpose of securing a true expression of the
5 choice of the people of Puerto Rico. The Legislature of
6 Puerto Rico shall by law provide for the canvassing of the
7 returns and shall certify the result to the Governor of Puerto
8 Rico, together with a statement of the votes cast, and a
9 copy of said constitution and ordinances. If a majority of the
10 votes cast shall be for the constitution, such vote shall be
11 deemed an expression of the will of the people of Puerto Rico
12 in favor of Puerto Rico independence, and the Governor
13 shall, within thirty days after receipt of the certification from
14 the Puerto Rico Legislature issue a proclamation for the
15 election of officers of the government of the Commonwealth
16 of Puerto Rico provided for in the constitution. The elec-
17 tion shall take place not earlier than three months nor later
18 than six months after the proclamation by the Governor
19 ordering such election, and the qualifications for voting and
20 the safeguards for such election shall be as provided in such
21 constitution, but no citizen who has filed a declaration of in-
22 tention to retain his American citizenship pursuant to section
23 7, or for whom the period prescribed by such section within
24 which to file his declaration has not expired, shall be entitled
25 to vote in such election. When the election of the officers

1 provided for under the constitution has been held and the
2 results determined, the Governor of Puerto Rico shall certify
3 the results of the election to the President of the United
4 States, who shall thereupon issue a proclamation announcing
5 the results of the election, and upon the issuance of such
6 proclamation by the President the existing government of
7 Puerto Rico shall terminate and the new government shall
8 enter upon its rights, privileges, powers, and duties, as pro-
9 vided under the constitution. The present government of
10 Puerto Rico shall provide for the orderly transfer of the
11 functions of government.

12 If a majority of the votes cast are against the constitu-
13 tion, then the constitutional convention shall frame a new
14 constitution, which shall be transmitted to the President
15 within six months after certification of the result of the
16 election, and the procedure provided in section 4 and in this
17 section shall be followed until a constitution framed in ac-
18 cordance with the provisions of this Act receives the favorable
19 vote of a majority of the votes cast at an election held as
20 herein provided. In the event of the rejection of such a
21 newly framed constitution by the duly qualified voters of
22 Puerto Rico, then the constitutional convention shall be
23 considered permanently dissolved and a new election of dele-
24 gates to a constitutional convention shall be held within one
25 year from the date of such rejection and a new constitution

1 shall be submitted for the approval of the people of Puerto
2 Rico.

3 **TRANSFER OF PROPERTY RIGHTS TO PUERTO RICO**

4 **COMMONWEALTH**

5 **SEC. 6.** All the property and rights which may have
6 been acquired in the island of Puerto Rico by the United
7 States under the treaty mentioned in the second section of
8 this Act, except such land or other property as has heretofore
9 been designated by the President of the United States for
10 military, naval, and other reservations of the Government of
11 the United States, or which may hereafter be designated,
12 and except such land or other property or rights or interests
13 therein as may have been sold or otherwise disposed of in
14 accordance with law, are hereby granted to the government
15 of the Commonwealth of Puerto Rico: *Provided, however,*
16 *That this shall not deprive the United States from estab-*
17 *lishing a naval base or bases on Puerto Rico in the interests*
18 *of its national defense prior to the date of the declaration of*
19 *the final independence of Puerto Rico.*

20 **TRADE RELATIONS AFTER THE INDEPENDENCE OF PUERTO**

21 **RICO**

22 **SEC. 7.** Trade relations as existing between Puerto Rico
23 and the remainder of the United States immediately prior
24 to the proclamation of independence shall continue in effect
25 between the United States and the Republic of Puerto Rico:

1 *Provided, however,* That one year after the date of the
2 proclamation of independence there shall be levied on all
3 articles imported from Puerto Rico into the United States
4 a duty of 5 per centum of that required by the laws of
5 the United States to be levied, collected, and paid on like
6 articles imported from foreign countries; beginning with the
7 second year after the proclamation of independence a duty
8 of 10 per centum; beginning with the third year a duty
9 of 15 per centum; beginning with the fourth year a duty
10 of 20 per centum; beginning with the fifth year a duty of
11 25 per centum; beginning with the sixth year a duty of
12 30 per centum; beginning with the seventh year a duty
13 of 35 per centum; beginning with the eighth year a duty
14 of 40 per centum; beginning with the ninth year a duty
15 of 45 per centum; beginning with the tenth year a duty
16 of 50 per centum; beginning with the eleventh year a duty
17 of 55 per centum; beginning with the twelfth year a duty
18 of 60 per centum; beginning with the thirteenth year a duty
19 of 65 per centum; beginning with the fourteenth year a
20 duty of 70 per centum; beginning with the fifteenth year
21 a duty of 75 per centum; beginning with the sixteenth year
22 a duty of 80 per centum; beginning with the seventeenth
23 year a duty of 85 per centum; beginning with the eighteenth
24 year a duty of 90 per centum; beginning with the nineteenth

1 year a duty of 95 per centum; beginning with the twentieth
2 year a duty of 100 per centum: *Provided further*, That
3 the Republic of Puerto Rico shall, during the first year after
4 the date of the proclamation of independence admit all goods
5 coming from the United States to Puerto Rico free of all
6 levies on all articles imported from the United States, and
7 commencing one year after date of said proclamation of
8 independence the Republic of Puerto Rico shall levy and
9 collect on all articles imported into Puerto Rico from the
10 United States a duty of 5 per centum of that required
11 by the laws of the Republic of Puerto Rico to be levied,
12 collected, and paid on like articles imported from foreign
13 countries other than the United States; beginning with the
14 second year after the proclamation of independence a duty
15 of 10 per centum; beginning with the third year a duty
16 of 15 per centum; beginning with the fourth year a duty
17 of 20 per centum; beginning with the fifth year a duty
18 of 25 per centum; beginning with the sixth year a duty
19 of 30 per centum; beginning with the seventh year a duty
20 of 35 per centum; beginning with the eighth year a duty
21 of 40 per centum; beginning with the ninth year a duty
22 of 45 per centum; beginning with the tenth year a duty of
23 50 per centum; beginning with the eleventh year a duty
24 of 55 per centum; beginning with the twelfth year a duty
25 of 60 per centum; beginning with the thirteenth year a

1 duty of 65 per centum; beginning with the fourteenth year
2 a duty of 70 per centum; beginning with the fifteenth year
3 a duty of 75 per centum; beginning with the sixteenth year
4 a duty of 80 per centum; beginning with the seventeenth
5 year a duty of 85 per centum; beginning with the eighteenth
6 year a duty of 90 per centum; beginning with the nine-
7 teenth year a duty of 95 per centum; beginning with the
8 twentieth year a duty of 100 per centum: *And provided*
9 *further*, That the Republic of Puerto Rico at any time
10 may by law cancel this whole arrangement providing for
11 trade between the United States and the Republic of Puerto
12 Rico and thenceforth the United States shall levy the same
13 tariff, customs, and duties on articles imported from the
14 Republic of Puerto Rico into the United States as would
15 be levied against the articles of any other foreign country,
16 and the Republic of Puerto Rico shall thereafter likewise levy
17 such tariffs against articles imported into Puerto Rico from
18 the United States as is levied against articles imported
19 into the Republic of Puerto Rico from all other foreign
20 countries.

21 RECOGNITION OF INDEPENDENCE OF PUERTO RICO AND
22 WITHDRAWAL OF AMERICAN SOVEREIGNTY

23 SEC. 8. On the 4th day of July, immediately following
24 the proclamation of the President of the United States and
25 immediately following the date of inauguration of the new

1 government under the constitution provided for in this Act,
2 the President of the United States shall by proclamation
3 withdraw and surrender all right of possession, supervision,
4 jurisdiction, control, or sovereignty then existing and exer-
5 cised by the United States in and over the territory and
6 people of Puerto Rico, excepting all military, naval, and
7 other reservations of the Government of the United States
8 in Puerto Rico, and, on behalf of the United States, shall
9 recognize the independence of Puerto Rico as a separate
10 and self-governing nation and acknowledge the authority
11 and control over Puerto Rico of the government instituted
12 by the people of Puerto Rico, under the constitution then
13 in force: *Provided*, That the constitution has been previously
14 amended to include the following provisions:

15 (1) That the property rights of the United States and
16 Puerto Rico shall be promptly adjusted and settled, and
17 that all existing property rights of citizens or corporations
18 of the United States shall be acknowledged, respected, and
19 safeguarded to the same extent as property rights of citizens
20 of Puerto Rico.

21 (2) That the officials elected and serving under the
22 constitution adopted pursuant to the provisions of this Act
23 shall be the constitutional officers of the free and independent
24 government of Puerto Rico and qualified to function in all
25 respects as if elected directly under such government, and

1 shall serve their full terms of office as prescribed in the con-
2 stitution.

3 (3) That the government of Puerto Rico, on becoming
4 independent of the United States, will assume all continuing
5 obligations assumed by the United States under the treaty
6 of peace with Spain ceding said Puerto Rico to the United
7 States.

8 (4) That by way of further assurance the government
9 of Puerto Rico will embody the foregoing provisions (except
10 paragraph (2)) in a treaty with the United States.

11 SEC. 9. Until the final and complete withdrawal of
12 American sovereignty over Puerto Rico—

13 (1) Every duly adopted amendment to the constitution
14 of the government of the Commonwealth of Puerto Rico shall
15 be submitted to the President of the United States for ap-
16 proval. If the President approve the amendment or if the
17 President fails to disapprove such amendment within six
18 months from the time of its submission, the amendment shall
19 take effect as a part of such constitution.

20 (2) The President of the United States shall have au-
21 thority to suspend the taking effect of or the operation
22 of any law, contract, or executive order of the government
23 of the Commonwealth of Puerto Rico, which in his judgment
24 will result in a failure of the government of Puerto Rico to

1 fulfill its contracts, or which in his judgment will violate
2 international obligations of the United States.

3 (3) The Chief Executive of the Commonwealth of
4 Puerto Rico shall make an annual report to the President and
5 Congress of the United States of the proceedings and opera-
6 tions of the government of the Commonwealth of Puerto
7 Rico and shall make such other reports as the President or
8 Congress may request.

9 (4) The President shall appoint, by and with the advice
10 and consent of the Senate, a United States High Commis-
11 sioner to the government of the Commonwealth of Puerto
12 Rico who shall hold office at the pleasure of the President
13 and until his successor is appointed and qualified. He shall
14 be known as the United States High Commissioner to Puerto
15 Rico. He shall be the representative of the President of the
16 United States in Puerto Rico and shall be recognized as such
17 by the government of the Commonwealth of Puerto Rico,
18 by the commanding officers of the military forces of the
19 United States, and by all civil officials of the United States
20 in Puerto Rico. He shall have access to all records of the
21 government or any subdivision thereof, and shall be fur-
22 nished by the Chief Executive of the Commonwealth of
23 Puerto Rico with such information as he shall request. The
24 United States High Commissioner shall annually, and at
25 such other times as the President may require, render an

1 official report to the President and Congress of the United
2 States. He shall perform such additional duties and func-
3 tions as may be delegated to him by the President under the
4 provisions of this Act.

5 The United States High Commissioner shall receive the
6 same compensation as is now received by the Governor
7 of Puerto Rico, and shall have such staff and assistants as
8 the President may deem advisable and as may be appro-
9 priated for by Congress, including a financial expert, who
10 shall receive for submission to the High Commissioner a
11 duplicate copy of the reports of the insular auditor. Appeals
12 from decisions of the insular auditor may be taken to the
13 President of the United States. The salary and expenses
14 of the High Commissioner and his staff and assistants shall
15 be paid by the United States. The first United States High
16 Commissioner appointed under this Act shall take office
17 upon the inauguration of the new government of the Com-
18 monwealth 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 offi-
24 cial recognition as such by all departments upon presentation
25 to the President of the United States of credentials signed

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

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

13 NOTIFICATION TO FOREIGN GOVERNMENTS

14 SEC. 10. Upon the proclamation and recognition of the
15 independence of Puerto Rico, the President shall notify the
16 governments with which the United States is in diplomatic
17 correspondence thereof and invite said governments to
18 recognize the independence of Puerto Rico.

19 RIGHT TO RETAIN AMERICAN CITIZENSHIP

20 SEC. 11. (a) Every citizen residing in Puerto Rico
21 on the date of the election approving the constitution pursuant
22 to section 5 and every citizen whose citizenship is based upon
23 legislation directed exclusively to Puerto Rico may retain his
24 American citizenship upon compliance with the provisions
25 of this section.

1 (b) Any such citizen residing in Puerto Rico who de-
2 sires to remain an American citizen shall file with the United
3 States District Court for the District of Puerto Rico, under
4 rules and regulations to be prescribed by said court, a declara-
5 tion duly acknowledged that he intends to retain his Ameri-
6 can citizenship. Such declaration shall be made in quad-
7 ruplicate, one copy to remain among the records of said
8 court, one copy to be by it forwarded to the Secretary of
9 State of the United States, one copy to be by it transmitted
10 to the Governor of Puerto Rico, and one copy to be retained
11 by the declarant.

12 (c) Any such citizen residing elsewhere in the United
13 States may similarly file such a declaration of intention with
14 any official authorized to administer the oath in naturaliza-
15 tion proceedings, and any such citizen residing outside the
16 United States, with a diplomatic or consular official of the
17 United States. Such official shall thereupon forward such
18 declaration to the United States District Court for the Dis-
19 trict of Puerto Rico, under rules and regulations prescribed
20 by said court.

21 (d) Such declaration must be filed within six months
22 after the date of the election approving the constitution:
23 *Provided, however,* That such declaration need not be filed
24 by a minor child or person under legal disability before six
25 months after attaining majority, or after removal of dis-

1 ability, as the case may be. Appropriate provisions shall
2 be made for the filing of declarations which, under the provi-
3 sions of this subsection, may not be required until after the
4 date of the proclamation of independence.

5 (e) Any citizen referred to in subsection (a) who fails
6 to file such a declaration of intention within the applicable
7 period specified in this section shall be deemed a citizen of
8 Puerto Rico upon the proclamation of independence of
9 Puerto Rico or upon the expiration of the applicable period,
10 whichever happens later. Until such time, however, all
11 such citizens shall retain their American citizenship. After
12 such time, no such citizen shall regain American citizenship
13 except under the provisions of the naturalization law.

14 (f) As used in this section the term "United States"
15 includes Puerto Rico, all other territories and possessions
16 of the United States, the Commonwealth of the Philippine
17 Islands, and the Canal Zone.

18 FINANCIAL ARRANGEMENTS ON INDEPENDENCE OF
19 PUERTO RICO

20 SEC. 12. Effective upon the proclamation of independ-
21 ence of Puerto Rico, the existing public debt of Puerto Rico,
22 insular and municipal, shall be, and hereby is, assumed by
23 the United States, and all claims of the United States against
24 residents of Puerto Rico then existing shall be, and hereby

1 are, transferred and set over to the Republic of Puerto Rico.
2 The Republic of Puerto Rico shall thereupon become in-
3 debted to the United States for the amount of the debt hereby
4 assumed and the amount of the claims hereby transferred and
5 set over: *Provided, however,* That until the final and com-
6 plete withdrawal of American sovereignty over Puerto Rico,
7 if the government of the Commonwealth of Puerto Rico fails
8 to pay any of its bonded or other indebtedness or the interest
9 thereon when due or to fulfill any of its contracts, the United
10 States High Commissioner shall immediately report the facts
11 to the President, who may thereupon direct the High Com-
12 missioner to take over the customs offices and administration
13 of the same, administer the same, and apply such part of the
14 revenue received therefrom as may be necessary for the pay-
15 ment of such overdue indebtedness or for the fulfillment of
16 such contracts: *And provided further,* That there shall be no
17 obligation on the part of the United States to meet the prin-
18 cipal or interest of bonds and other obligations of the govern-
19 ment of Puerto Rico or of the municipal governments thereof,
20 hereafter issued during the continuance of United States
21 sovereignty in Puerto Rico, and provided also that such bonds
22 and obligations hereafter issued shall not be exempt from
23 taxation in the United States or by authority of the United
24 States.

1

PROCESSING TAXES

2 SEC. 13. The United States will pay to the government
3 of the Republic of Puerto Rico the aggregate sum of all
4 processing taxes collected in Puerto Rico by virtue of
5 the Act of May 9, 1934 (48 Stat. 670), which have not
6 been refunded to processors or expended or obligated for
7 expenditures in Puerto Rico for the benefit of agriculture
8 prior to the proclamation of independence.

9

ECONOMIC ASSISTANCE TO PUERTO RICO

10 SEC. 14. Within sixty days after the passage of this
11 Act the President shall appoint a commission of five experts
12 who shall make a thorough survey of the economic condi-
13 tions on the island of Puerto Rico, and who shall within
14 six months after the date of their appointment render a
15 written report to the President embodying the results of
16 their investigation and study. The report of the commission
17 shall contain recommendations as to the form of assistance
18 which the Government of the United States may render to
19 the people of Puerto Rico to enable them to attain a greater
20 degree of economic and social well-being. Within six months
21 after the rendering of such report the President shall, if he
22 deems it advisable, recommend to the Congress of the
23 United States specific recommendations for assisting the
24 government of Puerto Rico, after its inauguration, in
25 improving the condition of the people of Puerto Rico.

1 IMMIGRATION AFTER INDEPENDENCE

2 SEC. 15. Upon the final and complete withdrawal of
3 American sovereignty over Puerto Rico the immigration
4 laws of the United States (including all the provisions
5 thereof relating to persons ineligible to citizenship) shall
6 apply to persons who were born in Puerto Rico to the same
7 extent as in the case of other foreign countries.

8 CERTAIN STATUTES CONTINUED IN FORCE

9 SEC. 16. Except as in this Act otherwise provided, the
10 laws now or hereafter in force in Puerto Rico shall continue
11 in force in the Commonwealth of Puerto Rico until altered,
12 amended, or repealed by the Legislature of the Common-
13 wealth of Puerto Rico or by the Congress of the United
14 States, and all references in such laws to Puerto Rico
15 shall be construed to mean the government of the Common-
16 wealth of Puerto Rico. The government of the Com-
17 monwealth of Puerto Rico shall be deemed successor to the
18 present government of Puerto Rico and of all the rights and
19 obligations thereof. Except as otherwise provided in this
20 Act, all laws or parts of laws relating to the present govern-
21 ment of Puerto Rico and its administration are hereby re-
22 pealed as of the date of the inauguration of the government
23 of the Commonwealth of Puerto Rico.

24 SEC. 17. If any provision of this Act is declared uncon-

1 stitutional or the applicability thereof to any person or cir-
2 cumstances is held invalid, the validity of the remainder of
3 the Act and the applicability of such provisions to other
4 persons and circumstances shall not be affected thereby.

5 -PROVISION OF CERTAIN EXPENSES

6 SEC. 18. All necessary expenses of the elections, the
7 constitutional conventions, and the commissioners designated
8 by the convention in the negotiation of the proposed com-
9 mercial agreement under this Act shall be provided by the
10 Legislature of Puerto Rico. The sum of \$10,000 is hereby
11 appropriated to defray all necessary expenses of the com-
12 missioners designated by the President of the United States
13 in the negotiation of the proposed commercial agreement
14 under this Act.

15 There is hereby appropriated the sum of \$25,000 to defray
16 all necessary expenses of the economic commission of five,
17 none of whom shall, however, receive any salary, but whose
18 expenses in attending to their duties shall be paid out of such
19 sum. The commission may engage the services of experts,
20 research workers, counsel, stenographic and other help
21 required to carry out its duties.

22 EFFECTIVE DATE

23 SEC. 19. The foregoing provisions of this Act shall not
24 take effect until accepted by concurrent resolutions of the

- 1 Legislature of Puerto Rico or by a convention called for the
- 2 purpose of passing upon that question as may be provided
- 3 by the Legislature of Puerto Rico.

A BILL

To provide for the withdrawal of the sovereignty of the United States over the island of Puerto Rico and for the recognition of its independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Government of Puerto Rico of obligations under the treaty with Spain of December 10, 1898; to define trade and other relations between the United States and Puerto Rico; to provide for the calling of a convention to frame a constitution for the Government of the island of Puerto Rico; to provide for certain mandatory provisions of the proposed constitution; to provide for the submission of the constitution to the people of Puerto Rico and its submission to the President of the United States for his approval; to provide for the adjustment of property rights between the United States and Puerto Rico; to provide for the maintenance of military, coasting, and naval stations by the United States on the island of Puerto Rico; to continue in force certain statutes until independence has been granted; and for other purposes.

By Mr. TYDINGS

JANUARY 10, 1941.

Read twice and referred to the Committee on Territories and Insular Affairs