

81ST CONGRESS
2^D SESSION

H. R. 9247

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1950

Mr. BAILEY introduced the following bill; which was referred to the Committee on Public Lands

A BILL

~~To provide for the admission of Puerto Rico into the Union.~~

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) this Act may be cited as the "Puerto Rico State-
4 hood Act".

5 (b) The inhabitants of all that part of the United States
6 now constituting Puerto Rico, as at present described, may
7 become the State of Puerto Rico, as hereinafter provided.

8 SEC. 2. (a) All citizens of the United States who are
9 qualified to vote for representatives of the Legislature of
10 Puerto Rico are hereby authorized to vote for and choose
11 delegates, having the same qualifications, to form a consti-

1 tutional convention in Puerto Rico. The convention shall
2 consist of thirty-nine delegates, one from each of the thirty-
3 five representative districts and four at large.

4 (b) The Governor of Puerto Rico shall, within thirty
5 days after the enactment of this Act, issue a proclamation
6 ordering an election of such delegates to be held at a time
7 designated in the proclamation within eight months after
8 the enactment of this Act, and providing also for preceding
9 primary election and for filings by independent or nonparty
10 candidates, which proclamation shall be issued at least two
11 months prior to the time of holding said primary election
12 and four months before the date of election of such dele-
13 gates. The nomination, filing, and election of such dele-
14 gates shall be conducted, the returns made, the results
15 ascertained, and the certificates of persons elected to such
16 convention issued in the same manner, as nearly as is prac-
17 ticable as is prescribed by the laws regulating nominations
18 and elections of members of the Legislature of Puerto Rico.

19 SEC. 3. (a) The delegates to the convention so-elected
20 shall meet at the capital of Puerto Rico on the first Tuesday
21 following the thirtieth day after their election, unless that
22 date should occur during a session of the Legislature of
23 Puerto Rico, in which event the constitutional convention
24 shall convene on the first Tuesday following adjournment
25 of the legislative session. After organization, the delegates

1 thereto shall declare on behalf of the people of the proposed
2 State that they adopt the Constitution of the United States,
3 whereupon the said convention shall form a constitution and
4 State government for the proposed State.

5 (b) The constitution shall be republican in form, shall
6 make no distinction in civil or political rights on account of
7 race or color, shall not be repugnant to the Constitution of
8 the United States and the principles of the Declaration of
9 Independence, and shall provide that no person who advo-
10 cates, or who aids or belongs to any party, organization,
11 or association which advocates, the overthrow by force or
12 violence of the government of the State of Puerto Rico or
13 of the United States shall be qualified to hold any public
14 office of trust or profit under the State constitution. Said
15 convention shall provide in said constitution:

16 First. That perfect freedom of religious worship shall be
17 secured, and that no inhabitant of said State shall ever be
18 molested in person or property on account of his or her mode
19 of religious worship.

20 Second. That said State and its people do agree and
21 declare that they forever disclaim all right and title to any
22 lands or other property not granted or confirmed to the
23 State or its political subdivisions by or under the authority
24 of this Act, the right or title to which is held by the United
25 States or is subject to disposition by the United States; that

1 all such lands or other property, belonging to the United
2 States, shall be and remain under the absolute jurisdiction
3 and control of the United States until disposed of under
4 its authority, except to such extent as the Congress has
5 prescribed or may hereafter prescribe; and that no taxes
6 shall be imposed by said State upon any lands or other
7 property now owned or hereafter acquired by the United
8 States, except to such extent as the Congress has prescribed
9 or may hereafter prescribe.

10 Third. That authority is granted to and acknowledged
11 in the United States for the exercise by the Congress of
12 the United States of the power of exclusive legislation as
13 provided by article 1, section 8, clause 17, of the Constitu-
14 tion of the United States in all cases whatsoever over such
15 tracts or parcels of land as are now owned by the United
16 States and held for military, air, naval, or coast guard pur-
17 poses, whether reserved or acquired by purchase, condemna-
18 tion, donation, or exchange; saving, however, to the State
19 of Puerto Rico the right to serve civil or criminal process
20 within the limits of the aforesaid reservations in suits or
21 prosecutions for or on account of rights acquired, obligations
22 incurred, or crimes committed in said State, but outside of
23 said reservation; and the legislative assembly is authorized
24 and directed to enact any law necessary and proper to give
25 effect to this article.

1 Fourth. That the debts and liabilities of Puerto Rico
2 shall be assumed and paid by said State and all debts owed
3 to Puerto Rico shall be collected by said State.

4 Fifth. That provision shall be made for the establish-
5 ment and maintenance of a system of public schools, which
6 shall be open to all children of said State and free from
7 sectarian control.

8 Sixth. That all provisions of this Act reserving rights
9 or powers to the United States, as well as those prescribing
10 the terms or conditions of the grants of lands or other prop-
11 erty herein made to said State, are consented to fully by
12 said State and its people.

13 Seventh. That the lands and other property belonging
14 to citizens of the United States residing without said State
15 shall never be taxed at a higher rate than the lands and
16 other property belonging to residents thereof.

17 SEC. 4. The State of Puerto Rico and its political sub-
18 divisions, respectively, shall have and retain title to all prop-
19 erty, real and personal, title to which is in Puerto Rico or
20 any of the subdivisions, and is hereby granted title to all
21 property, real and personal, that is now (pursuant to section
22 of the Act of March 2, 1917) under the control of the
23 government of Puerto Rico. Except as provided in the pre-
24 ceding sentence, the United States shall retain title to all

1 property, real and personal, to which it has title, including
2 public lands.

3 SEC. 5. (a) After a constitution and State government
4 have been formed in compliance with the provisions of this
5 Act, the convention forming the same shall provide by
6 ordinance for submitting said constitution, for ratification or
7 rejection, to the people of said proposed State at an election
8 to be held at a date to be fixed by said convention, which
9 shall be not more than one hundred days from the date of
10 its adjournment, at which election the citizens of said pro-
11 posed State who are qualified to vote for members of the
12 Legislature of Puerto Rico shall vote directly for or against
13 the proposed constitution. The returns of said election shall
14 be made to the Governor of Puerto Rico, who shall cause the
15 same to be canvassed in the manner provided by law for the
16 canvass of votes cast in general elections in Puerto Rico. If
17 a majority of the legal votes cast at said election shall re-
18 ject the constitution, the Governor of Puerto Rico shall, by
19 proclamation, order the constitutional convention to re-
20 assemble at a date not later than forty days after the votes
21 have been canvassed as herein provided, and thereafter a
22 new constitution may be formed by such convention and
23 the same proceedings shall be taken in regard thereto in
24 like manner as if said constitution were being originally pre-
25 pared for submission and submitted to the people: *Provided,*

1 That not more than two elections shall be held under the
2 authority of this paragraph.

3 (b) . When said constitution shall have been duly ratified
4 by the people of Puerto Rico, as aforesaid, by a majority of
5 the legal votes cast at an election held pursuant to this sec-
6 tion, a certified copy of the same shall be submitted by the
7 Governor of Puerto Rico through the President of the United
8 States to the Congress for approval, together with a state-
9 ment of the votes cast thereon.

10 (c) If the Congress approves said constitution, it shall
11 ~~be the duty of the President to certify said facts to the~~
12 Governor of Puerto Rico, who shall within thirty days after
13 receipt of such notification from the President issue a pro-
14 clamation for the election of all State and other officers pro-
15 vided for in said constitution, including members of the
16 State legislature, said election to take place not earlier than
17 two months nor later than six months after the date of issu-
18 ance of said proclamation by the Governor.

19 (d) If the Congress shall disapprove said constitution,
20 such disapproval shall be certified by the President to the
21 Governor of Puerto Rico, with the objections to the pro-
22 posed constitution; the Governor thereupon by proclamation
23 shall order the constitutional convention to reassemble at a
24 date not later than forty days after receipt of such notifica-
25 tion and thereafter a new constitution shall be formed and

1 the same proceedings shall be taken in regard thereto in
2 like manner as if said constitution were being originally
3 prepared for submission and submitted to the people: *Pro-*
4 *vided*, That not more than one election shall be held under the
5 authority of this paragraph.

6 SEC. 6. (a) The constitutional convention shall by ordi-
7 nance provide that in case of ratification of the constitution
8 by the people and in case the Congress approves the same,
9 an election shall be held at the time named in the proclama-
10 tion of the Governor of Puerto Rico hereinbefore provided,
11 at which election officers for a full State government, in-
12 cluding a governor, members of the State legislature, nine
13 Representatives (all of whom, until and unless otherwise
14 required by the constitution or laws of said State, shall be
15 elected at large), and two Senators in the Congress of the
16 United States to be elected at large from said State, and
17 such other officers as the constitution shall prescribe, shall
18 be chosen by the qualified voters of Puerto Rico. Unless the
19 constitutional convention shall by ordinance otherwise pro-
20 vide, such election, and an antecedent primary election, shall
21 be held, and the returns thereof made, canvassed, and cer-
22 tified by the canvassing board, in the same manner, as
23 nearly as practicable, as is now prescribed by law for the
24 nomination, filing, and election, and canvass and certification
25 of election of members of the Legislature of Puerto Rico.

1 When such State and other officers and members of the
2 State legislature and the Representatives and Senators in
3 the Congress of the United States shall be so elected and
4 the returns thereof made, canvassed, and certified as herein
5 provided, the Governor of Puerto Rico shall certify the
6 result of said election to the President of the United States,
7 who shall thereupon immediately issue his proclamation an-
8 nouncing the result of said election so ascertained, and upon
9 the issuance of said proclamation by the President of the
10 United States the State of Puerto Rico shall be deemed
11 admitted by Congress into the Union by virtue of this Act,
12 on an equal footing with each of the other States of the
13 Union, and the Representatives and Senators from said State
14 in the Congress of the United States so elected and certified
15 shall thereupon be entitled to seats in the House of Repre-
16 sentatives and Senate of the United States and to all of the
17 rights and privileges of Representatives and Senators therein.
18 Until the issuance of said proclamation by the President of
19 the United States and until said State is so admitted into
20 the Union and said officers are elected and qualified under
21 the provisions of the Constitution, all of the officers of Puerto
22 Rico, including the Resident Commissioner, shall continue to
23 discharge the duties of said respective offices in and for
24 Puerto Rico.

1 (b) Upon admission of Puerto Rico as a State as herein
2 provided and upon election and qualification of the officers
3 of the State government formed in pursuance of and in
4 accordance with the provisions of said constitution, said
5 officers shall forthwith proceed to exercise all of the duties
6 and functions of their respective offices; and all of the laws
7 of Puerto Rico in force therein at the time of admission of
8 said State into the Union shall be and continue in full force
9 and effect throughout said State except as modified or
10 changed by this Act, or by the constitution of the State,
11 or as thereafter modified or changed by the legislature of
12 the State. All of the laws of the United States shall have
13 the same force and effect within said State as elsewhere
14 within the United States.

15 (c) The State of Puerto Rico upon its admission into
16 the Union shall be entitled to nine Representatives until the
17 taking effect of the next reapportionment, and such Repre-
18 sentatives shall be in addition to the membership of the
19 House of Representatives as now prescribed by law: *Pro-*
20 *vided*, That such temporary increase in the membership of
21 the House of Representatives shall not affect the basis of
22 apportionment established by the Act of November 15, 1941
23 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third
24 Congress and each Congress thereafter.

25 SEC. 7. The sum of \$100,000, or so much thereof as

1 may be necessary, is hereby authorized to be appropriated,
2 out of any money in the Treasury of the United States not
3 otherwise appropriated, for defraying the expenses of the
4 elections provided for in this Act and of the convention, and
5 for the payment of the members and officers and employees
6 thereof under the same rules and regulations and at the same
7 rates as are provided in the case of members of the Legisla-
8 ture of Puerto Rico, and the disbursements of the money
9 appropriated by this section shall be made by the Treasurer
10 of Puerto Rico.

11 SEC. 8. Effective upon the admission of the State of
12 Puerto Rico into the Union—

13 (a) the State of Puerto Rico shall constitute a
14 judicial district within the first judicial circuit, to be
15 known as the District of Puerto Rico;

16 (b) the United States District Court for the Dis-
17 trict of Puerto Rico established by and existing under
18 title 28 of the United States Code shall thenceforth be
19 a court of the United States with judicial power derived
20 from article III, section 1, of the Constitution of the
21 United States: *Provided, however,* That the term of
22 office of the district judge for the District of Puerto Rico
23 then in office shall terminate upon the effective date
24 of this section and the President, pursuant to sections
25 133 and 134 of title 28, United States Code, as amended

1 by this Act, shall appoint, by and with the advice and
2 consent of the Senate, a district judge for the said dis-
3 trict who shall hold office during good behavior;

4 (c) subsection (a) of section 134 of title 28, United
5 States Code, is amended by striking out "and Puerto
6 Rico" wherever appearing therein.

7 SEC. 9. Effective upon the admission of the State of
8 Puerto Rico into the Union—

9 (a) the first paragraph of section ~~333~~ of title 28,
10 United States Code, is amended by inserting after the
11 words "and residing within the continental United
12 States," the words "or in Puerto Rico"; and

13 (b) the second paragraph of section 451 of title
14 28, United States Code, is amended by striking out the
15 words "including the District Courts of the United States
16 for the Districts of Hawaii and Puerto Rico,".

17 SEC. 10. (a) No action, case, proceeding, or matter
18 pending in any court of Puerto Rico, or in the United States
19 District Court for Puerto Rico, shall abate by reason of the
20 admission of said State into the Union, but the same shall
21 be transferred to and proceeded with in such appropriate
22 State courts as shall be established under the constitution
23 to be thus formed, or shall continue in the United States
24 District Court for the District of Puerto Rico, as the nature
25 of the case may require. And no indictment, action, or pro-

1 proceedings shall abate by reason of any change in the courts,
2 but shall be proceeded within the State or United States
3 courts according to the laws thereof, respectively. And the
4 appropriate State courts shall be the successors of the courts
5 of Puerto Rico as to all cases arising within the limits
6 embraced within the jurisdiction of such courts, respectively,
7 with full power to proceed with the same, and award mesne
8 or final process therein, and all the files, records, indictments,
9 and proceedings relating to any such cases shall be transferred
10 to such appropriate State courts, and the same shall be pro-
11 ceeded with therein in due course of law.

12 (b) All civil causes of action and all criminal offenses
13 which shall have arisen or been committed prior to the
14 admission of said State, but as to which no suit, action, or
15 prosecution shall be pending at the date of such admission,
16 shall be subject to prosecution in the appropriate State courts
17 or in the United States District Court for the District of
18 Puerto Rico in like manner, to the same extent, and with
19 like right of appellate review, as if said State had been
20 created and said State courts had been established prior
21 to the accrual of such causes of action or the commission
22 of such offenses; and such of said criminal offenses as shall
23 have been committed against the laws of Puerto Rico shall
24 be tried and punished by the appropriate courts of said
25 State, and such as shall have been committed against the

1 laws of the United States shall be tried and punished in the
2 United States District Court for the District of Puerto Rico.

3 SEC. 11. Parties shall have the same rights of appeal
4 from and appellate review of final decisions of the United
5 States District Court for Puerto Rico or the Supreme Court
6 of Puerto Rico in any case finally decided prior to admis-
7 sion of said State into the Union, whether or not an appeal
8 therefrom shall have been perfected prior to such admis-
9 sion, and the United States Court of Appeals for the First
10 Circuit and the Supreme Court of the United States shall
11 have the same jurisdiction therein, as by law provided prior
12 to admission of said State into the Union, and any mandate
13 issued subsequent to the admission of said State shall be
14 to the United States District Court for the District of Puerto
15 Rico or a court of the State, as may be appropriate. Parties
16 shall have the same rights of appeal from and appellate
17 review of all judgments and decrees of the United States
18 District Court for the District of Puerto Rico, and of the
19 State court which is the successor to the Supreme Court of
20 Puerto Rico, in any case pending at the time of admission
21 of said State into the Union, and the United States Court
22 of Appeals for the First Circuit and the Supreme Court
23 of the United States shall have the same jurisdiction therein,
24 as by law provided in any case arising subsequent to the
25 admission of said State into the Union.

1 SEC. 12. Effective upon the admission of the State of
2 Puerto Rico into the Union—

3 (a) title 28, United States Code, section 1252, is
4 amended by excluding Puerto Rico from the appli-
5 cation of the clause relating to courts of record;

6 (b) title 28, United States Code, section 1293,
7 is amended by striking out the words "First and Ninth
8 Circuits" and by inserting in lieu thereof "Ninth Cir-
9 cuit", and by striking out the words "supreme courts
10 of Puerto Rico and Hawaii, respectively" and inserting
11 in lieu thereof "supreme court of Hawaii";

12 (c) title 28, United States Code, section 1294, is
13 amended by striking out paragraph (6) thereof;

14 (d) the first paragraph of section 373 of title 28,
15 United States Code, is amended by striking out the
16 words "United States District Court for the districts of
17 Hawaii or Puerto Rico," and inserting in lieu thereof
18 the words "United States District Court for the District
19 of Hawaii,": *Provided*, That the amendments made by
20 this subsection shall not affect the rights of any judge
21 or justice who may have retired before the effective date
22 of this subsection.

23 SEC. 13. All laws of Puerto Rico in force therein at
24 the time of its admission into the Union shall continue in
25 force in the State of Puerto Rico, except as modified or

1 changed by this Act or by the constitution of the State,
2 and shall be subject to repeal or amendment by the Legis-
3 ture of the State of Puerto Rico; and the laws of the
4 United States shall have the same force and effect within
5 the said State as elsewhere within the United States.

6 SEC. 14. The first paragraph of section 2 of the Fed-
7 eral Reserve Act (38 Stat. 252) is amended by striking
8 out the last sentence thereof and inserting in lieu of such
9 sentence the following: "When any State is hereafter ad-
10 mitted to the Union the Federal Reserve districts shall be
11 readjusted by the Board of Governors of the Federal Re-
12 serve System in such manner as to include such State. Every
13 national bank in any State shall, upon commencing business
14 or within ninety days after admission into the Union of
15 the State in which it is located, become a member bank of
16 the Federal Reserve System by subscribing and paying for
17 stock in the Federal Reserve bank of its district in accord-
18 ance with the provisions of this Act and shall thereupon
19 be an insured bank under section 12B of this Act, and
20 failure to do so shall subject such bank to the penalty pro-
21 vided by the sixth paragraph of this section."

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