

82D CONGRESS
1ST SESSION

H. R. 1937

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1951

Mr. DOLLINGER introduced the following bill: which was referred to the Committee on Public Lands

A BILL

To enable the people of Puerto Rico to select their form of government.

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

3 **TITLE I—REFERENDUM**

4 Sec. 101. An island-wide referendum shall be held in
5 Puerto Rico in order to enable the qualified voters of
6 Puerto Rico to vote for one of the following alternatives:
7 (1) constitutional government of Puerto Rico in accordance
8 with the Act entitled "An Act to provide for the organiza-
9 tion of a constitutional government by the people of Puerto
10 Rico", approved July 3, 1950; (2) admission of Puerto
11 Rico into the Union in accordance with title II of this Act;

1 and (3) independence for Puerto Rico in accordance with
2 title III of this Act.

3 SEC. 102. If none of the three alternatives voted upon
4 in the referendum held under section 101 receives a majority
5 of the legal votes cast in the referendum, a second referendum
6 shall be held, in order to enable the qualified voters of Puerto
7 Rico to vote for one of the two alternatives for which the
8 greatest number of legal votes were so cast.

9 SEC. 103. The returns of each referendum held under
10 this title shall be made to the Governor of Puerto Rico, who
11 shall cause them to be canvassed in the manner provided
12 by law for the canvass of votes cast in general elections in
13 Puerto Rico. When a majority of the qualified voters voting
14 in a referendum under this title vote in favor of one of the
15 three alternatives listed in section 101, the Governor shall
16 certify to the President of the United States that the people
17 of Puerto Rico have chosen that alternative. If the first
18 alternative is certified as chosen, neither title II nor title
19 III shall take effect. If the second alternative is certified
20 as chosen, title II shall take effect on the day following the
21 date of certification and title III shall not take effect. If
22 the third alternative is certified as chosen, title III shall take
23 effect on the day following the date of certification and
24 title II shall not take effect. If either title II or title III
25 takes effect before the constitution provided for in the Act

1 entitled "An Act to provide for the organization of a con-
2 stitutional government by the people of Puerto Rico", ap-
3 proved July 3, 1950, is adopted by the people of Puerto
4 Rico, no further action shall be taken with respect to that
5 constitution.

6 SEC. 104. The election laws of Puerto Rico shall apply
7 to referendums held under this title, except insofar as they
8 conflict with this title. The Governor of Puerto Rico shall
9 prescribe such regulations governing the conduct of refer-
10 endums under this title as may be necessary to supplement
11 such laws in order to carry out this section.

12 TITLE II—STATEHOOD

13 SEC. 201. (a) If this title takes effect as provided in
14 section 103, it may be cited as the "Puerto Rico Statehood
15 Act".

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

19 SEC. 202. (a) All citizens of the United States who are
20 qualified to vote for representatives of the Legislature of
21 Puerto Rico are hereby authorized to vote for and choose
22 delegates, having the same qualifications, to form a constitu-
23 tional convention in Puerto Rico. The convention shall con-
24 sist of one delegate from each of the representative districts
25 and four delegates at large.

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

17 SEC. 203. (a) The delegates to the convention so
18 elected shall meet at the capital of Puerto Rico on the first
19 Tuesday following the thirtieth day after their election,
20 unless that date should occur during a session of the Legis-
21 lature of Puerto Rico, in which event the constitutional
22 convention shall convene on the first Tuesday following
23 adjournment of the legislative session. After organiza-
24 tion, the delegates thereto shall declare on behalf of the
25 people of the proposed State that they adopt the Consti-

1 tution of the United States, whereupon the said convention
2 shall form a constitution and State government for the
3 proposed State.

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

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

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

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

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

25 Fourth. That the debts and liabilities of Puerto Rico

1 shall be assumed and paid by said State and all debts owed
2 to Puerto Rico shall be collected by said State.

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

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

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

16 SEC. 204. The State of Puerto Rico and its political
17 subdivisions, respectively, shall have and retain title to all
18 property, real and personal, title to which is in Puerto Rico
19 or any of the subdivisions, and is hereby granted title to all
20 property, real and personal, that is now (pursuant to section
21 7 of the Act of March 2, 1917) under the control of the
22 government of Puerto Rico. Except as provided in the
23 preceding sentence, the United States shall retain title to
24 all property, real and personal, to which it has title, includ-
25 ing public lands.

1 SEC. 205. (a) After a constitution and State government
2 have been formed in compliance with the provisions of this
3 title, the convention forming the same shall provide by
4 ordinance for submitting said constitution, for ratification or
5 rejection, to the people of said proposed State at an election
6 to be held at a date to be fixed by said convention, which shall
7 be not more than one hundred days from the date of its
8 adjournment, at which election the citizens of said proposed
9 State who are qualified to vote for members of the Legislature
10 of Puerto Rico shall vote directly for or against the proposed
11 constitution. The returns of said election shall be made to
12 the Governor of Puerto Rico, who shall cause the same to
13 be canvassed in the manner provided by law for the canvass
14 of votes cast in general elections in Puerto Rico. If a major-
15 ity of the legal votes cast at said election shall reject the
16 constitution, the Governor of Puerto Rico shall, by proclama-
17 tion, order the constitutional convention to reassemble at a
18 date not later than forty days after the votes have been can-
19 vassed as herein provided, and thereafter a new constitution
20 may be formed by such convention and the same proceedings
21 shall be taken in regard thereto in like manner as if said
22 constitution were being originally prepared for submission
23 and submitted to the people: *Provided*, That not more than
24 two elections shall be held under the authority of this
25 subsection.

1 (b) When said constitution shall have been duly rati-
2 fied by the people of Puerto Rico, as afore-said, by a ma-
3 jority of the legal votes cast at an election held pursuant to
4 this section, the Governor of Puerto Rico shall certify the
5 result to the President of the United States, together with a
6 statement of the votes cast thereon and upon separate articles
7 and propositions, together with a copy of said constitution,
8 articles, propositions, and ordinances.

9 (c) If the constitution and government of said proposed
10 State are republican in form, and if all the provisions of
11 this title have been complied with in the formation thereof,
12 it shall be the duty of the President to certify said facts to
13 the Governor of Puerto Rico, who shall within thirty days
14 after receipt of such notification from the President issue a
15 proclamation for the election of all State and other officers
16 provided for in said constitution, including members of the
17 State legislature, said election to take place not earlier than
18 two months nor later than six months after the date of issu-
19 ance of said proclamation by the Governor.

20 SEC. 206. (a) The constitutional convention shall by
21 ordinance provide that in case of ratification of the con-
22 stitution by the people and in case the President approves
23 the same, an election shall be held at the time named in
24 the proclamation of the Governor of Puerto Rico herein-

1 before provided, at which election officers for a full State
2 government, including a governor, members of the State
3 legislature, nine Representatives (all of whom, until and
4 unless otherwise required by the constitution or laws of said
5 State, shall be elected at large), and two Senators in the
6 Congress of the United States to be elected at large from
7 said State, and such other officers as the constitution shall
8 prescribe, shall be chosen by the qualified voters of Puerto
9 Rico. Unless the constitutional convention shall by ordinance
10 otherwise provide, such election, and an antecedent primary
11 election, shall be held, and the returns thereof made, can-
12 vassed, and certified by the canvassing board, in the same
13 manner, or nearly as practicable, as is now prescribed by
14 law for the nomination, filing, and election, and canvass and
15 certification or election of members of the Legislature of
16 Puerto Rico. When such State and other officers and
17 members of the State legislature and the Representatives
18 and Senators in the Congress of the United States shall be
19 so elected and the returns thereof made, canvassed, and
20 certified as herein provided, the Governor of Puerto Rico
21 shall certify the result of said election to the President of
22 the United States, who shall thereupon immediately issue
23 his proclamation announcing the result of said election so
24 ascertained, and upon the issuance of said proclamation by the
25 President of the United States the State of Puerto Rico

1 shall be deemed admitted by Congress into the Union by
2 virtue of this title, on an equal footing with each of the
3 other States of the Union, and the Representatives and Sena-
4 tors from said State in the Congress of the United States
5 so elected and certified shall thereupon be entitled to seats
6 in the House of Representatives and Senate of the United
7 States and to all of the rights and privileges of Represent-
8 atives and Senators therein. Until the issuance of said
9 proclamation by the President of the United States and
10 until said State is so admitted into the Union and said officers
11 are elected and qualified under the provisions of the Con-
12 stitution, all of the officers of Puerto Rico, including the
13 Resident Commissioner, shall continue to discharge the duties
14 of said respective offices in and for Puerto Rico.

15 (b) Upon admission of Puerto Rico as a State as herein
16 provided and upon election and qualification of the officers
17 of the State government formed in pursuance of and in
18 accordance with the provisions of said constitution, said
19 officers shall forthwith proceed to exercise all of the duties
20 and functions of their respective offices; and all of the laws
21 of Puerto Rico in force therein at the time of admission of
22 said State into the Union shall be and continue in full force
23 and effect throughout said State except as modified or
24 changed by this title, or by the constitution of the State,
25 or as thereafter modified or changed by the legislature of

1 the State. All of the laws of the United States shall have
2 the same force and effect within said State as elsewhere
3 within the United States.

4 (c) Notwithstanding section 22 of the Act entitled "An
5 Act to provide for the fifteenth and subsequent decennial
6 censuses and to provide for apportionment of Representa-
7 tives in Congress", approved June 18, 1929, as amended
8 (2 U. S. C., sec. 2a), the State of Puerto Rico upon its
9 admission to the Union shall be entitled to nine Representa-
10 tives until the beginning of the Eighty-eighth Congress.
11 During such period such Representatives shall be in addition
12 to the membership of the House of Representatives otherwise
13 prescribed by law. For the Eighty-eighth and subsequent
14 Congresses, the number of Representatives to which Puerto
15 Rico shall be entitled shall be determined in accordance
16 with such section, except that the nine Representatives
17 authorized by this section shall not be taken into account in
18 determining the then existing number of Representatives for
19 the purposes of the statement required by subsection (a) of
20 such section to be filed during the Eighty-seventh Congress.

21 SEC. 207. The sum of \$100,000, or so much thereof
22 as may be necessary, is hereby authorized to be appro-
23 priated, out of any money in the Treasury of the United
24 States not otherwise appropriated, for defraying the expenses
25 of the elections provided for in this title and of the con-

1 vention, and for the payment of the members and officers
2 and employees thereof under the same rules and regula-
3 tions and at the same rates as are provided in the case of
4 members of the Legislature of Puerto Rico, and the dis-
5 bursements of the money appropriated by this section shall be
6 made by the treasurer of Puerto Rico.

7 SEC. 208. Effective upon the admission of the State
8 of Puerto Rico into the Union—

9 (1) the State of Puerto Rico shall constitute a
10 judicial district within the first judicial circuit, to be
11 known as the district of Puerto Rico;

12 (2) the United States District Court for the Dis-
13 trict of Puerto Rico established by and existing under
14 title 28 of the United States Code shall thenceforth be
15 a court of the United States with judicial power derived
16 from article III, section 1, of the Constitution of the
17 United States: *Provided, however,* That the term of
18 office of the district judge for the district of Puerto Rico
19 then in office shall terminate upon the effective date
20 of this section and the President, pursuant to sections
21 133 and 134 of title 28, United States Code, as amended
22 by this title, shall appoint, by and with the advice and
23 consent of the Senate, a district judge for the said dis-
24 trict who shall hold office during good behavior; and

25 (3) subsection (a) of section 134 of title 28,

1 United States Code, is amended by striking out “and
2 Puerto Rico” wherever appearing therein, and by
3 striking out “six and eight years, respectively” in the
4 second sentence and inserting in lieu thereof “six years”.

5 SEC. 209. Effective upon the admission of the State of
6 Puerto Rico into the Union—

7 (1) the first paragraph of section 333 of title 28,
8 United States Code, is amended by inserting after the
9 word “and residing within the continental United
10 States” the words “or in Puerto Rico”; and

11 (2) the second paragraph of section 451 of title
12 28, United States Code, is amended by striking out the
13 words “including the district courts of the United States
14 for the districts of Hawaii and Puerto Rico.”.

15 SEC. 210. (a) No action, case, proceeding, or matter
16 pending in any court of Puerto Rico, or in the United States
17 District Court for the District of Puerto Rico, shall abate
18 by reason of the admission of said State into the Union, but
19 the same shall be transferred to and proceeded with in such
20 appropriate State courts as shall be established under the
21 constitution to be thus formed, or shall continue in the
22 United States District Court for the District of Puerto Rico,
23 as the nature of the case may require. And no indictment,
24 action, or proceedings shall abate by reason of any change

1 in the courts, but shall be proceeded with in the State or
2 United States courts according to the laws thereof, respec-
3 tively. And the appropriate State courts shall be the suc-
4 cessors of the courts of Puerto Rico as to all cases arising
5 within the limits embraced within the jurisdiction of such
6 courts, respectively, with full power to proceed with the
7 same, and award mesne or final process therein, and all the
8 files, records, indictments, and proceedings relating to any
9 such cases shall be transferred to such appropriate State
10 courts, and the same shall be proceeded with therein in due
11 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 ad-
14 mission 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 to
21 the accrual of such causes of action or the commission of
22 such offenses; and such of said criminal offenses as shall have
23 been committed against the laws of Puerto Rico shall be
24 tried and punished by the appropriate courts of said State,

1 and such as shall have been committed against the laws of
2 the United States shall be tried and punished in the United
3 States District Court for the District of Puerto Rico.

4 **SEC. 211.** Parties shall have the same rights of appeal
5 from and appellate review of final decisions of the United
6 States District Court for the District of Puerto Rico or the
7 Supreme Court of Puerto Rico in any case finally decided
8 prior to admission of said State into the Union, whether or
9 not an appeal therefrom shall have been perfected prior to
10 such admission, and the United States Court of Appeals for
11 the First Circuit and the Supreme Court of the United States
12 shall have the same jurisdiction therein, as by law provided
13 prior to admission of said State into the Union, and any
14 mandate issued subsequent to the admission of said State
15 shall be to the United States District Court for the District
16 of Puerto Rico or a court of the State, as may be appropriate.
17 Parties shall have the same rights of appeal from and appel-
18 late review of all judgments and decrees of the United
19 States District Court for the District of Puerto Rico, and
20 of the State court which is the successor to the Supreme Court
21 of Puerto Rico, in any case pending at the time of admission
22 of said State into the Union, and the United States Court
23 of Appeals for the First Circuit and the Supreme Court of
24 the United States shall have the same jurisdiction therein,

1 as by law provided in any case arising subsequent to the
2 admission of said State into the Union.

3 SEC. 212. (a) Effective upon the admission of the State
4 of Puerto Rico into the Union—

5 (1) the first paragraph of section 1252 of title
6 28, United States Code, is amended by striking out
7 “Alaska, Hawaii, and Puerto Rico” and inserting in
8 lieu thereof “Alaska and Hawaii”;

9 (2) the analysis of chapter 83 of title 28, United
10 States Code, and the catch line of section 1293 of such
11 title are amended by striking out “Puerto Rico and
12 Hawaii Supreme Courts” and inserting in lieu thereof
13 “Hawaii Supreme Court”;

14 (3) section 1293 of title 28, United States Code,
15 is amended by striking out “The courts of appeals for
16 the First and Ninth Circuits shall have jurisdiction of
17 appeals from all final decisions of the supreme courts
18 of Puerto Rico and Hawaii, respectively” and inserting
19 in lieu thereof “The court of appeals for the Ninth Cir-
20 cuit shall have jurisdiction of appeals from all final deci-
21 sions of the supreme court of Hawaii”;

22 (4) section 1294 of title 28, United States Code,
23 is amended by striking out the semicolon at the end of

1 paragraph (5) and inserting in lieu thereof a period,
2 and by striking out paragraph (6), including the period;
3 and

4 (5) the first paragraph of section 373 of title 28,
5 United States Code, is amended by striking out "United
6 States District Court for the districts of Hawaii or Puerto
7 Rico" and inserting in lieu thereof the words "United
8 States District Court for the District of Hawaii".

9 (b) The amendment made by paragraph (5) of sub-
10 section (a) of this section shall not affect the rights of
11 any judge or justice who may have retired before the
12 effective date of this section.

13 SEC. 213. All laws of Puerto Rico in force therein at
14 the time of its admission into the Union shall continue in
15 force in the State of Puerto Rico, except as modified or
16 changed by this title or by the constitution of the State,
17 and shall be subject to repeal or amendment by the Legisla-
18 ture of the State of Puerto Rico; and the laws of the
19 United States shall have the same force and effect within
20 the said State as elsewhere within the United States.

21 SEC. 214. The first paragraph of section 2 of the Fed-
22 eral Reserve Act (38 Stat. 252) is amended by striking
23 out the last sentence thereof and inserting in lieu of such
24 sentence the following: "When any State is hereafter ad-
25 mitted to the Union the Federal Reserve districts shall be

1 readjusted by the Board of Governors of the Federal Re-
2 serve System in such manner as to include such State. Every
3 national bank in any State shall, upon commencing business
4 or within ninety days after admission into the Union of the
5 State in which it is located, become a member bank of
6 the Federal Reserve System by subscribing and paying
7 for stock in the Federal Reserve bank of its district in accord-
8 ance with the provisions of this Act and shall thereupon
9 be an insured bank under the Federal Deposit Insurance
10 Act, and failure to do so shall subject such bank to the
11 penalty provided by the sixth paragraph of this section.”

12 TITLE III—INDEPENDENCE

13 SEC. 301. If this title takes effect as provided in section
14 103, it may be cited as the “Puerto Rico Independence Act”.

15 SEC. 302. (a) A constitutional convention shall meet in
16 Puerto Rico to formulate and draft a constitution for the
17 government of the Commonwealth of Puerto Rico, subject
18 to the conditions and qualifications of this title, which shall
19 exercise jurisdiction over all the territory in the West Indies
20 ceded to the United States by article II of the Treaty of
21 Peace concluded between the United States and Spain on the
22 10th day of December 1898.

23 (b) All citizens of the United States who are qualified
24 to vote for representatives of the Legislature of Puerto Rico
25 are hereby authorized to vote for and choose delegates,

1 having the same qualifications, to form the constitutional
2 convention. The convention shall consist of one delegate
3 from each of the representative districts and four delegates
4 at large.

5 (c) The Governor of Puerto Rico shall, within thirty
6 days after the effective date of this title, issue a proclamation
7 ordering an election of such delegates to be held at a time
8 designated in the proclamation within eight months after
9 the effective date of this title, and providing also for a pre-
10 ceding primary election and for filings by independent or
11 nonparty candidates, which proclamation shall be issued at
12 least two months prior to the time of holding said primary
13 election and four months before the date of election of such
14 delegates. The nomination, filing, and election of such dele-
15 gates shall be conducted, the returns made, the results ascer-
16 tained, and the certificates of persons elected to such conven-
17 tion issued in the same manner, as nearly as is practicable
18 as is prescribed by the laws regulating nominations and elec-
19 tions of members of the Legislature of Puerto Rico.

20 (d) The delegates to the convention so elected shall
21 meet at the capital of Puerto Rico on the first Tuesday fol-
22 lowing the thirtieth day after their election, unless that date
23 should occur during a session of the Legislature of Puerto
24 Rico, in which event the constitutional convention shall

1 convene on the first Tuesday following adjournment of the
2 legislative session.

3 SEC. 303. The constitution formulated and drafted shall
4 provide for a government republican in form, shall contain
5 a bill of rights, including freedom of religious worship, free-
6 dom of speech, freedom of the press, freedom of assembly,
7 the right to petition, freedom from unreasonable searches
8 and seizures, and shall furthermore continue and guarantee
9 all the rights, privileges, and immunities at present enjoyed
10 by the people of Puerto Rico under the Constitution of the
11 United States, and shall expressly guarantee all persons and
12 corporations against any expropriation of property and
13 provide for reasonably prompt, equitable, and effective com-
14 pensation for any property taken for public use. The con-
15 stitution shall furthermore, either as a part thereof or in an
16 ordinance appended thereto, contain provisions to the effect
17 that, pending the final and complete withdrawal of the
18 sovereignty of the United States over the island of Puerto
19 Rico—

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

22 (b) Every officer of the government of the Common-
23 wealth of Puerto Rico shall, before entering upon the dis-

1 charge of his duties, take and subscribe an oath of office,
2 declaring, among other things, that he recognizes and ac-
3 cepts the supreme authority of and will maintain true faith
4 and allegiance to the United States.

5 (c) Perfect freedom of religious worship shall be se-
6 cured, and that no inhabitant of Puerto Rico shall ever be
7 molested in person or property on account of his mode of
8 religious worship.

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

14 (e) Trade relations between Puerto Rico and the
15 United States shall be upon the basis prescribed in section
16 307.

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

22 (g) The debts, liabilities, and obligations of the present
23 government of Puerto Rico, its municipalities, and instru-
24 mentalities, valid and subsisting at the time of the adoption

1 of the constitution, shall be assumed and paid by the new
2 government.

3 (h) Provision shall be made for the establishment and
4 maintenance of a system of public schools, which shall be
5 open to all children of Puerto Rico and free from sectarian
6 control.

7 (i) Acts affecting currency, coinage, imports, exports,
8 and immigration shall not become law until approved by the
9 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 the
14 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
19 service of such armed forces all military forces organized
20 by the 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 309,
24 paragraph 6.

1 (n) The United States may by Presidential proclama-
2 tion exercise the right to intervene for the preservation of
3 the government of the Commonwealth of Puerto Rico and
4 for the maintenance of the government as provided in the
5 constitution thereof, for the protection of life, property, and
6 individual liberty, and for the discharge of governmental
7 obligations under and in accordance with the provisions of
8 the constitution.

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

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

15 Sec. 304. (a) Upon the drafting and approval of the
16 constitution by the constitutional convention in Puerto Rico,
17 the constitution shall be submitted within two years after the
18 effective date of this title to the President of the United
19 States, who shall determine whether or not it conforms with
20 the provisions of this title. If the President finds that the
21 proposed constitution conforms substantially with the pro-
22 visions of this title, he shall so certify to the Governor of
23 Puerto Rico, who shall so advise the constitutional con-
24 vention. If the President finds that the constitution does not
25 conform with the provisions of this title, he shall so advise

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

9 (b) Within thirty days after the President of the
10 United States has certified that the constitution conforms
11 with the provisions of this title, the Governor of Puerto
12 Rico shall issue a proclamation providing for submitting said
13 constitution, for ratification or rejection, to the people of
14 Puerto Rico at an election to be held at a date fixed by the
15 Governor of Puerto Rico, which shall be not more than one
16 hundred days from the date he issued his proclamation, at
17 which election the citizens of Puerto Rico who are quali-
18 fied to vote for members of the Legislature of Puerto Rico
19 shall vote directly for or against the proposed constitution.
20 The returns of said election shall be made to the Governor
21 of Puerto Rico, who shall cause the same to be canvassed
22 in the manner provided by law for the canvass of votes
23 cast in general elections in Puerto Rico.

24 (c) If a majority of the legal votes cast at said elec-
25 tion shall reject the constitution, the Governor of Puerto

1 Rico shall, by proclamation, order the constitutional con-
2 vention to reassemble at a date not later than forty days
3 after the votes have been canvassed as herein provided, and
4 thereafter a new constitution shall be formed by such con-
5 vention and the same proceedings shall be taken in regard
6 thereto in like manner as if said constitution were being
7 originally prepared for submission to the President and the
8 people. This process shall be repeated until the constitution
9 has been approved by the President and ratified by the
10 people of Puerto Rico, as provided herein.

11 SEC. 305. If a majority of the votes cast at an election
12 held under section 304 shall be for the constitution, such vote
13 shall be deemed an expression of the will of the people of
14 Puerto Rico in favor of Puerto Rico independence, and the
15 Governor shall, within thirty days after the votes have been
16 canvassed as herein provided, issue a proclamation for the
17 election of officers of the government of the Commonwealth
18 of Puerto Rico provided for in the constitution. The election
19 shall take place not earlier than six months nor later than nine
20 months after the date of the election approving the constitu-
21 tion, and the qualifications for voting and the safeguards for
22 the election held under this section shall be as provided in
23 such constitution, but no citizen who has filed a declaration
24 of intention to retain his American citizenship pursuant to
25 section 311, or for whom the period prescribed by such sec-

tion within which to file his declaration has not expired, shall be entitled to vote in such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor of Puerto Rico shall certify the results of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing government of Puerto Rico shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of Puerto Rico shall provide for the orderly transfer of the functions of government.

SEC. 306. All the property and rights which may have been acquired in the island of Puerto Rico by the United States under the treaty mentioned in section 302, except such land or other property as may have been designated by the President of the United States for military, naval, and other reservations of the Government of the United States prior to the date of the proclamation of independence provided for in section 308, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the government of the Commonwealth of Puerto Rico.

1 SEC. 307. Trade relations as existing between Puerto
2 Rico and the remainder of the United States immediately
3 prior to the proclamation of independence shall continue in
4 effect between the United States and the Republic of Puerto
5 Rico: *Provided, however,* That beginning on the first anni-
6 versary of the proclamation of independence there shall be
7 levied on all articles imported from Puerto Rico into the
8 United States a duty of $2\frac{1}{2}$ per centum of that required by
9 the laws of the United States to be levied, collected, and
10 paid on like articles imported from foreign countries; and
11 such duty shall be increased on each subsequent anniversary
12 by a like $2\frac{1}{2}$ per centum until such duty equals 100 per
13 centum of that levied on like articles imported from other
14 foreign countries: *Provided further,* That the Republic of
15 Puerto Rico shall, during the first year after the date of the
16 proclamation of independence admit all goods coming from
17 the United States to Puerto Rico free of all levies on all
18 articles imported from the United States, and beginning on
19 the first anniversary of said proclamation of independence
20 the Republic of Puerto Rico shall levy and collect on all
21 articles imported into Puerto Rico from the United States
22 a duty of $2\frac{1}{2}$ per centum of that required by the laws of the
23 Republic of Puerto Rico to be levied, collected, and paid
24 on like articles imported from foreign countries other than
25 the United States; and such duty shall be increased on each

1 subsequent anniversary by a like 2½ per centum until such
2 duty equals 100 per centum of that required by the laws of
3 the Republic of Puerto Rico to be levied, collected, and
4 paid on like articles imported from foreign countries other
5 than the United States: *And provided further*, That the
6 Republic of Puerto Rico at any time may by law cancel this
7 whole arrangement providing for trade between the United
8 States and the Republic of Puerto Rico and thenceforth the
9 United States shall levy the same tariff, customs, and duties
10 on articles imported from the Republic of Puerto Rico into
11 the United States as would be levied against the articles of
12 any other foreign country, and the Republic of Puerto Rico
13 shall thereafter likewise levy such tariffs against articles
14 imported into Puerto Rico from the United States as is
15 levied against articles imported into the Republic of Puerto
16 Rico from all other foreign countries.

17 SEC. 308. On the fourth day of July immediately fol-
18 lowing the expiration of a period of ten years from the date
19 of the inauguration of the new government under the con-
20 stitution provided for in this title, the President of the
21 United States shall by proclamation withdraw and surrender
22 all right of possession, supervision, jurisdiction, control, or
23 sovereignty then existing and exercised by the United States
24 in and over the territory and people of Puerto Rico, except-
25 ing all military, naval, and other reservations of the Gov-

1 ernment of the United States in Puerto Rico, and, on behalf
2 of the United States, shall recognize the independence of
3 Puerto Rico as a separate and self-governing nation and
4 acknowledge the authority and control over Puerto Rico
5 of the government instituted by the people of Puerto Rico,
6 under the constitution then in force: *Provided*, That the
7 constitution has been previously amended to include the
8 following provisions:

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

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

22 (3) That the government of Puerto Rico, on becoming
23 independent of the United States, will assume all continuing
24 obligations assumed by the United States under the treaty

1 of peace with Spain ceding said Puerto Rico to the United
2 States.

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

6 SEC. 309. Until the final and complete withdrawal of
7 American sovereignty over Puerto Rico—

8 (1) Every duly adopted amendment to the constitution
9 of the government of the Commonwealth of Puerto Rico
10 shall be submitted to the President of the United States for
11 approval. If the President approves the amendment or if
12 the President fails to disapprove such amendment within six
13 months from the time of its submission, the amendment shall
14 take effect as a part of such constitution.

15 (2) The President of the United States shall have
16 authority to suspend the taking effect of or the operation of
17 any law, contract, or executive order of the government of
18 the Commonwealth of Puerto Rico, which in his judgment
19 will result in a failure of the government of Puerto Rico to
20 fulfill its contracts, or which in his judgment will violate
21 international obligations of the United States.

22 (3) The Chief Executive of the Commonwealth of
23 Puerto Rico shall make an annual report to the President
24 and Congress of the United States of the proceedings and

1 operations of the government of the Commonwealth of Puerto
2 Rico and shall make such other reports as the President or
3 Congress may request.

4 (4) The President shall appoint, by and with the ad-
5 vice and consent of the Senate, a United States High Com-
6 missioner to the government of the Commonwealth of Puerto
7 Rico who shall hold office at the pleasure of the President
8 and until his successor is appointed and qualified. He shall
9 be known as the United States High Commissioner to Puerto
10 Rico. He shall be the representative of the President of the
11 United States in Puerto Rico and shall be recognized as such
12 by the government of the Commonwealth of Puerto Rico,
13 by the commanding officers of the military forces of the
14 United States, and by all civil officials of the United States
15 in Puerto Rico. He shall have access to all records of the
16 government or any subdivision thereof, and shall be fur-
17 nished by the Chief Executive of the Commonwealth of
18 Puerto Rico with such information as he shall request. The
19 United States High Commissioner shall annually, and at such
20 other times as the President may require, render an official
21 report to the President and Congress of the United States.
22 He shall perform such additional duties and functions as may
23 be delegated to him by the President under the provisions
24 of this title.

25 The United States High Commissioner shall receive the

1 same compensation as is now received by the Governor
2 of Puerto Rico, and shall have such staff and assistants as
3 the President may deem advisable and as may be appro-
4 priated for by Congress, including a financial expert, who
5 shall receive for submission to the High Commissioner a
6 duplicate copy of the reports of the insular auditor. Appeals
7 from decisions of the insular auditor may be taken to the
8 President of the United States. The salary and expenses
9 of the High Commissioner and his staff and assistants shall
10 be paid by the United States. The first United States High
11 Commissioner appointed under this title shall take office
12 upon the inauguration of the new government of the Com-
13 monwealth of Puerto Rico.

14 (5) The government of the Commonwealth of Puerto
15 Rico shall provide for the selection of a Resident Commis-
16 sioner to the United States, and shall fix his term of office.
17 He shall be the representative of the government of the
18 Commonwealth of Puerto Rico and shall be entitled to of-
19 ficial recognition as such by all departments upon presenta-
20 tion to the President of the United States of credentials
21 signed by the chief executive of said government. He
22 shall have a seat in the House of Representatives of the
23 United States, with the right of debate, but without the
24 right of voting. His salary and expenses shall be fixed and
25 paid by the government of Puerto Rico. Until a Resident

1 Commissioner is selected and qualified under this section,
2 existing law governing the election of a Resident Commis-
3 sioner from Puerto Rico shall continue in effect.

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

8 SEC. 310. Upon the proclamation and recognition of
9 the independence of Puerto Rico, the President shall notify
10 the governments with which the United States is in diplo-
11 matic correspondence thereof and invite said governments
12 to recognize the independence of Puerto Rico.

13 SEC. 311. (a) Every citizen residing in Puerto Rico
14 on the date of the election approving the constitution and
15 every citizen whose citizenship is based upon legislation
16 directed exclusively to Puerto Rico may retain his American
17 citizenship upon compliance with the provisions of this
18 section.

19 (b) Any citizen referred to in subsection (a) who
20 desires to remain an American citizen and who resides in
21 Puerto Rico shall file with the United States District Court
22 for the District of Puerto Rico under rules and regulations
23 to be prescribed by said court, a declaration duly acknowl-
24 edged that he intends to retain his American citizenship.
25 Such declaration shall be made in quadruplicate, one copy

1 to remain among the records of said court, one copy to be
2 by it forwarded to the Secretary of State of the United
3 States, one copy to be by it transmitted to the Governor
4 of Puerto Rico, and one copy to be retained by the
5 declarant.

6 (c) Any citizen referred to in subsection (a) who re-
7 sides elsewhere in the United States may similarly file such
8 a declaration of intention with any official authorized to
9 administer the oath in naturalization proceedings. Any cit-
10 izen referred to in subsection (a) who resides outside the
11 United States may similarly file such a declaration with a
12 diplomatic or consular official of the United States. The
13 official with whom such declaration is filed shall thereupon
14 forward it to the United States District Court for the Dis-
15 trict of Puerto Rico, under rules and regulations prescribed
16 by said court.

17 (d) Such declaration must be filed within six months
18 after the date of the election approving the constitution:
19 *Provided, however,* That such declaration need not be filed
20 by a minor child or person under legal disability before six
21 months after attaining majority, or after removal of disability
22 as the case may be. Appropriate provisions shall be made
23 for the filing of declarations, which, under the provisions
24 of this subsection, may not be required until after the date
25 of the proclamation of independence.

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

10 (f) As used in this section the term "United States"
11 includes Puerto Rico, all other Territories and possessions
12 of the United States, and the Canal Zone.

13 SEC. 312. Effective upon the proclamation of independ-
14 ence of Puerto Rico, the existing public debt of Puerto Rico,
15 insular and municipal, shall be, and hereby is, assumed by
16 the United States, and all claims of the United States against
17 residents of Puerto Rico then existing shall be, and hereby
18 are, transferred and set over to the Republic of Puerto
19 Rico. The Republic of Puerto Rico shall thereupon become
20 indebted to the United States for the amount of the debt
21 hereby assumed and the amount of the claims hereby trans-
22 ferred and set over: *Provided, however,* That until the final
23 and complete withdrawal of American sovereignty over
24 Puerto Rico, if the government of the Commonwealth of
25 Puerto Rico fails to pay any of its bonded or other indebted-

1 ness or the interest thereon when due or to fulfil any of
2 its contracts, the United States High Commissioner shall
3 immediately report the facts to the President, who may
4 thereupon direct the High Commissioner to take over the
5 customs offices and administration of the same, administer
6 the same, and apply such part of the revenue received
7 therefrom as may be necessary for the payment of such
8 overdue indebtedness or for the fulfillment of such contracts:
9 *And provided further,* That there shall be no obligation on
10 the part of the United States to meet the principal or inter-
11 est of bonds and other obligations of the government of
12 Puerto Rico or of the municipal governments thereof, here-
13 after issued during the continuance of United States sov-
14 ereignty in Puerto Rico, and provided also that such bonds
15 and obligations hereafter issued shall not be exempt from
16 taxation in the United States or by authority of the United
17 States.

18 SEC. 313. The United States will pay to the government
19 of the Republic of Puerto Rico the aggregate sum of all proc-
20 essing taxes collected in Puerto Rico by virtue of the Act of
21 May 9, 1934 (48 Stat. 670), which have not been refunded
22 to processors or expended or obligated for expenditures in
23 Puerto Rico for the benefit of agriculture prior to the pro-
24 clamation of independence.

25 SEC. 314. Within sixty days after the effective date of

1 this title the President shall appoint a commission of five
2 experts who shall make a thorough survey of the economic
3 conditions on the island of Puerto Rico, and who shall, within
4 six months after the date of their appointment, render a
5 written report to the President embodying the results of their
6 investigation and study. The report of the commission shall
7 contain recommendations as to the form of assistance which
8 the Government of the United States may render to the people
9 of Puerto Rico to enable them to attain a greater degree of
10 economic and social well-being. Within six months after
11 the rendering of such report the President shall, if he deems
12 it advisable, recommend to the Congress of the United States
13 specific recommendations for assisting the government of
14 Puerto Rico, after its inauguration, in improving the condition
15 of the people of Puerto Rico.

16 SEC. 315. Upon the final and complete withdrawal of
17 American sovereignty over Puerto Rico the immigration laws
18 of the United States (including all the provisions thereof
19 relating to persons ineligible to citizenship) shall apply to
20 persons who were born in Puerto Rico to the same extent as
21 in the case of other foreign countries.

22 SEC. 316. Except as in this title otherwise provided,
23 the laws now or hereafter in force in Puerto Rico shall con-

1 tinue in force in the Commonwealth of Puerto Rico until
2 altered, amended, or repealed by the Legislature of the
3 Commonwealth of Puerto Rico or by the Congress of the
4 United States, and all references in such laws to Puerto Rico
5 shall be construed to mean the government of the Common-
6 wealth of Puerto Rico. The government of the Common-
7 wealth of Puerto Rico shall be deemed successor to the
8 present government of Puerto Rico and of all the rights
9 and obligations thereof. Except as otherwise provided in
10 this title, all laws or parts of laws relating to the present
11 government of Puerto Rico and its administration are hereby
12 repealed as of the date of the inauguration of the government
13 of the Commonwealth of Puerto Rico.

14 SEC. 317. All necessary expenses of the elections, the
15 constitutional conventions, and the commissioners designated
16 by the convention in the negotiation of the proposed com-
17 mercial agreement under this title shall be provided by the
18 Legislature of Puerto Rico. The sum of \$10,000 is hereby
19 authorized to be appropriated to defray all necessary expenses
20 of the commissioners designated by the President of the
21 United States in the negotiation of the proposed commercial
22 agreement under this Act.

23 There is hereby authorized to be appropriated the sum

1 of \$25,000 to defray all necessary expenses of the economic
2 commission of five, none of whom shall, however, receive
3 any salary, but whose expenses in attending to their duties
4 shall be paid out of such sum. The commission may engage
5 the services of such experts, research workers, counsel, sten-
6 ographic, and other help required to carry out its duties.

82nd CONGRESS
1st SESSION

H. R. 1937

A BILL

To enable the people of Puerto Rico to select
their form of government.

By Mr. DODDINGER

JANUARY 29, 1951

Referred to the Committee on Public Lands