

86TH CONGRESS
1ST SESSION

H. R. 5926

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1959

Mr. FERNÓS-IsERN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for amendments to the compact between the people of Puerto Rico and the United States.

Whereas, under the terms of Public Law 600, Eighty-first Congress, the Congress of the United States and the people of Puerto Rico entered into a compact which, fully recognizing the principle of government by consent, provided for the organization of a government by the people of Puerto Rico pursuant to a constitution of their own adoption, and which specified in the Puerto Rican Federal Relations Act the terms of their association with the United States; and

Whereas the people of Puerto Rico, on July 25, 1952, created the Commonwealth of Puerto Rico within the terms of said compact, pursuant to a constitution of their own adoption, which constitution was approved by the Congress in Public Law 447, Eighty-second Congress; and

Whereas, pursuant to the terms of said compact, the Commonwealth of Puerto Rico is associated with the Federal Union on the basis of common citizenship, common defense, and international political relations, a common market, a common currency, and a common dedication to the fundamental principles of democracy incorporated in the Constitution of the United States and safeguarded by the Federal as well as the local judicial system; and

Whereas the Legislative Assembly of the Commonwealth of Puerto Rico has proposed amendments to the compact, subject to ratification by the people of Puerto Rico, in order to eliminate therefrom certain inappropriate provisions and to clarify, develop, and perfect its terms so as better to achieve fulfillment of its purposes: 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 the compact between the United States and the people
4 of Puerto Rico is hereby amended by deleting section 4
5 of Public Law 600, Eighty-first Congress, and by substi-
6 tuting in lieu thereof the following language:

7 “SEC. 4. The following provisions shall be known and
8 cited as ‘The Articles of Permanent Association of the people
9 of Puerto Rico with the United States.’

10 “Article I. The Commonwealth of Puerto Rico com-
11 prises the island of that name and its waters and all the
12 islands and waters of those islands in the West Indies, adja-
13 cent to the island of Puerto Rico, lying east of the 74th

1 Meridian of longitude west of Greenwich, which are referred
2 to in Article II of the treaty between the United States and
3 the Spanish Government, entered into on the 10th day of
4 December, 1898.

5 "Article II. (a) The rights, privileges and immunities
6 of citizens of the United States shall be respected in Puerto
7 Rico to the same extent as if Puerto Rico were a State of
8 the Union and subject to the provisions of paragraph 1 of
9 Section 2 of Article IV of the Constitution of the United
10 States.

11 "(b) Full faith and credit shall be given in the Com-
12 monwealth of Puerto Rico to the public acts, records and
13 judicial proceedings of the several States of the Union, the
14 District of Columbia and the Territories and Possessions of
15 the United States, and full faith and credit shall be given in
16 each State, the District of Columbia and the Territories and
17 Possessions of the United States, to the public acts, records
18 and judicial proceedings of the Commonwealth of Puerto
19 Rico. The laws of Congress prescribing the manner in
20 which such acts, records and procedures shall be approved,
21 applicable to the States of the Union, shall be applicable in
22 the case of the Commonwealth of Puerto Rico.

23 "(c) A person charged in any State, Territory or Pos-
24 session of the United States, or the District of Columbia,
25 with treason, felony or other crime, who shall flee from jus-

1 tice and be found in Puerto Rico shall, on demand of the
2 executive authority of the State, Territory or Possession, or
3 the District of Columbia, from which he fled, be delivered
4 up to be removed to the State, Territory or Possession, or the
5 District of Columbia, having jurisdiction of the crime, and
6 a person charged in the Commonwealth of Puerto Rico with
7 treason, felony or other crime, who shall flee from justice
8 and be found in a State of the Union or a Territory or Pos-
9 session of the United States, or the District of Columbia, on
10 demand of the executive authority of the Commonwealth
11 of Puerto Rico, shall be delivered up to be removed thereto.

12 "Article III. (a) All bonds issued by the United States,
13 or by its authority, or by any State, Territory or Possession
14 of the United States, or by any county, municipality or
15 other municipal subdivision of any State, Territory or Pos-
16 session of the United States, or by the District of Columbia,
17 or by the authority of any of them, shall be exempt from
18 taxation by the Commonwealth of Puerto Rico.

19 "(b) All bonds issued by the Commonwealth of Puerto
20 Rico or by its authority, shall be exempt from taxation
21 by the Government of the United States, or by the Govern-
22 ment of Puerto Rico or of any political or municipal sub-
23 division thereof, or by any State, Territory or Possession
24 of the United States, or by any county, municipality or

1 other municipal subdivision of any State, Territory, or Pos-
2 session of the United States, or by the District of Columbia.

3 “(c) In the exercise of its power to levy internal-
4 revenue taxes, the Commonwealth of Puerto Rico shall
5 make no discrimination between articles imported from the
6 United States or foreign countries and similar articles pro-
7 duced or manufactured in Puerto Rico. Upon request of
8 the Commonwealth of Puerto Rico, the officials of the
9 Customs and Postal Services of the United States shall
10 assist the Commonwealth government in the collection of
11 internal-revenue taxes.

12 “(d) Articles of merchandise of Puerto Rican manu-
13 facture coming into the United States and withdrawn for
14 consumption or sale shall be subject to taxation in Puerto
15 Rico under the internal revenue laws of the Commonwealth
16 of Puerto Rico at the same rate as like articles produced
17 for use or consumption in Puerto Rico, and in addition
18 thereto, they shall be subject to payment to the United
19 States of a compensatory tax in an amount equal to the
20 difference between the internal revenue tax imposed thereon
21 under the laws of the Commonwealth of Puerto Rico and an
22 amount equal to the internal revenue tax imposed in the
23 United States on like articles of domestic manufacture at
24 the point of manufacture or production.

1 “(e) The income tax laws of the United States shall
2 apply in Puerto Rico upon the incomes of residents of
3 Puerto Rico derived from sources outside of Puerto Rico,
4 including federal salaries, but income tax payments to the
5 Commonwealth of Puerto Rico on such income shall be
6 credited against federal income taxes.

7 “(f) The taxes imposed and collected by the United
8 States under subsections (d) (e) of this Section shall be
9 covered into the Treasury of the United States.

10 “(g) Except as provided in subsections (d) and (e)
11 of this Section, the internal revenue laws of the United States
12 shall have no force and effect in Puerto Rico.

13 “(h) The social insurance laws of the United States
14 under which the participating states or the people thereof
15 substantially pay the costs of insurance shall extend to Puerto
16 Rico equally as if Puerto Rico were a member State of the
17 Union. Laws of the United States establishing programs
18 under which the federal government substantially con-
19 tributes the cost thereof, such as direct aid to the needy, and
20 grants-in-aid laws, shall apply to Puerto Rico only if the
21 Congress specifically so provides and in accordance with the
22 determination of the Congress.

23 “Article IV. (a) All merchandise produced or manu-
24 factured in Puerto Rico and transported to the United States,
25 or produced and manufactured in the United States and

1 transported into Puerto Rico, shall be entered at the several
2 ports of entry free of duty, and free of quantitative restric-
3 tions other than those that could be placed on commerce
4 if Puerto Rico were a state of the Union and subject to the
5 provisions of § 8 of Article I of the Constitution of the
6 United States.

7 “(b) The tariffs, customs and duties levied, collected
8 and paid upon all articles imported into Puerto Rico from
9 ports other than those of the United States shall be the same
10 as those required by law to be collected upon articles im-
11 ported into the United States from foreign countries except
12 as Congress may otherwise provide upon request of the
13 Commonwealth of Puerto Rico: *Provided, however,* that
14 on all coffee in the bean or ground imported into Puerto
15 Rico, there shall be levied and collected a duty in such
16 amount as may be fixed by the Commonwealth of Puerto
17 Rico, any law or part of law to the contrary notwithstanding.

18 “(c) The customs of the Commonwealth of Puerto Rico
19 shall be administered by the Secretary of the Treasury of the
20 United States or his delegate, and the Secretary of the Treas-
21 ury or his delegate shall designate the several ports and
22 subports of entry in Puerto Rico and shall make such rules
23 and regulations and incur in such expenses as may be neces-
24 sary to collect the duties levied, collected and paid in Puerto
25 Rico as herein provided, and the Secretary of the Treasury

1 or his delegate shall appoint and fix the compensation and
2 provide for the payment of, all such officers, agents and
3 assistants as the Secretary of the Treasury or his delegate may
4 find necessary to employ for the administration of the customs
5 of the Commonwealth of Puerto Rico.

6 “(d) The proceeds of all tariffs, customs and duties
7 levied and collected in Puerto Rico shall be paid into the
8 Treasury of the Commonwealth of Puerto Rico.

9 “(e) At the beginning of each fiscal year and upon
10 certification by the Secretary of the Treasury of the United
11 States or his delegate of the amounts necessary to defray
12 the expenses incurred in the administration of the customs of
13 the Commonwealth of Puerto Rico, the Secretary of the
14 Treasury of the Commonwealth of Puerto Rico, out of the
15 funds in his custody, shall advance such amounts to the
16 Secretary of the Treasury of the United States, which shall
17 be covered into a special fund in the Treasury of the United
18 States to be known as “The Commonwealth of Puerto Rico
19 Customs Service Fund”, and the Secretary of the Treasury
20 of the United States is hereby empowered to make all neces-
21 sary payments for the administration of the Customs Service
22 of the Commonwealth of Puerto Rico out of such fund.

23 “(f) At the request of the Commonwealth of Puerto
24 Rico, the President of the United States may, within the
25 limits of the President’s authority under applicable Federal

1 law, negotiate trade and commercial agreements, or special
2 provisions in such agreements, applicable to Puerto Rico,
3 and relating to commodities or articles of particular impor-
4 tance to the economy of Puerto Rico, and the President,
5 upon request by the Commonwealth, shall exclude Puerto
6 Rico from any trade agreement unless he finds that the gen-
7 eral interests of the United States require that Puerto Rico
8 be included.

9 "Article V. (a) All citizens of Puerto Rico as defined
10 by Section 7 of the Act of April 12, 1900 entitled "An Act
11 temporarily to provide revenues and a civil government for
12 Puerto Rico, and for other purposes", and all persons born
13 in Puerto Rico who were temporarily absent from Puerto
14 Rico on April 11, 1899 and who thereafter returned and
15 established a permanent residence in Puerto Rico and who
16 are not citizens of any foreign country, are citizens of the
17 United States.

18 "(b) All persons born in Puerto Rico on or after April
19 11, 1899, are citizens of the United States equally as if born
20 in a State of the Union.

21 "(c) This Act shall not be construed as depriving any
22 person of his or her citizenship otherwise lawfully acquired
23 by such person, or to extend such citizenship to persons
24 who have renounced or lost it under the treaties or laws of

1 the United States or who are citizens or subjects of a foreign
2 country now residing permanently abroad.

3 “(d) Residence in Puerto Rico shall be equivalent to
4 residence in a State of the Union for purposes of naturali-
5 zation under the laws of the United States.

6 “(e) Any citizen of the United States who is not other-
7 wise a citizen of Puerto Rico shall be deemed to be a citizen
8 of Puerto Rico upon establishing his residence in Puerto
9 Rico in accordance with the laws of the Commonwealth of
10 Puerto Rico.

11 “Article VI. It is the intention of the United States
12 and the Commonwealth of Puerto Rico that the Common-
13 wealth, from time to time, as its ability to do so permits,
14 shall certify to the President of the United States its readi-
15 ness to pay the cost of or to assume the responsibility for
16 specific functions, duties and services performed by the fed-
17 eral government in Puerto Rico except those which the
18 federal government should retain in order to fulfill the nature
19 of this permanent association. If the President finds that
20 the acceptance of payment by Puerto Rico of the cost of
21 such functions, duties or services, or the transfer thereof, is
22 consistent with the interests of the United States and the
23 intent of the compact, he shall transmit the certification of
24 the Commonwealth of Puerto Rico to the Congress, with
25 his recommendation. If the Congress shall authorize accept-

1 ance of such payments, they shall become obligations of
2 the Commonwealth of Puerto Rico from and after the date
3 specified by the Congress. In the event that the Congress
4 shall authorize a transfer of functions, duties or services,
5 such functions, duties or services shall, from and after the
6 date fixed by the Congress, be governed by and performed
7 under laws of the Commonwealth which shall include provi-
8 sions assuring full protection of the rights and tenure of
9 the federal employees who may be affected.

10 “Article VII. (a) All property acquired by the United
11 States under Article VIII of the treaty between the United
12 States and Spain, entered into on the 10th day of December,
13 1898, (hereinafter referred to as Crown Property) is and
14 shall be the property of the Commonwealth of Puerto Rico,
15 subject to the provisions of this Article.

16 “(b) Such part of the aforesaid Crown Property as is
17 reserved to the United States for public purpose as of the
18 effective date of this Act shall continue under the control of
19 the United States: *Provided*, that the President of the
20 United States, from time to time, notwithstanding any other
21 provision of law, shall transfer to the Commonwealth of
22 Puerto Rico the control over or other rights of the United
23 States in the Crown Property or parts thereof, as said con-
24 trol or rights are no longer needed for essential public pur-
25 poses of the United States. Such transfers shall be with-

1 out cost to the Commonwealth of Puerto Rico except that
2 the Commonwealth shall pay the depreciated cost or ap-
3 praised fair value of any improvements on the property
4 which have been made by the United States and which are
5 or may be used by or useful to the Commonwealth.

6 “(c) In addition to the provisions of paragraphs (a)
7 and (b) of this Article, the President of the United States
8 shall from time to time, notwithstanding any other provi-
9 sion of law, dispose of land, buildings and other interests or
10 property in Puerto Rico, owned or controlled by the United
11 States, which are not needed for essential public purposes
12 of the United States. The President shall first offer such
13 land, buildings, interests or property to the Commonwealth
14 of Puerto Rico, and if the Governor of the Commonwealth
15 shall certify that they are needed for the public purposes of
16 the Commonwealth, they shall be transferred to it at cost
17 to the United States.

18 “(d) As soon as practicable, and in no event later than
19 two years after the effective date of this Article, each federal
20 agency which owns or controls property in Puerto Rico shall
21 submit to the President and the Congress a report specifying
22 the lands, buildings and property or interests therein which
23 it owns or controls and describing the need, if any, for a
24 continuation thereof.

25 “(e) The President of the United States may from time

1 to time accept from the Commonwealth of Puerto Rico any
2 lands, buildings or other interests or property which may be
3 needed for public purposes of the United States.

4 "Article VIII. The harbor areas, navigable streams,
5 bodies of water and submerged lands in and around Puerto
6 Rico, which are now under the control of the Commonwealth
7 of Puerto Rico, are hereby transferred to the Commonwealth
8 of Puerto Rico: *Provided* that the use, occupancy and con-
9 trol of said harbor areas, waters and submerged lands by
10 the United States or any Department or agency thereof
11 shall not be impaired, and that the laws of the United States
12 for the protection and improvement of the navigable waters
13 and for the preservation of the interests of navigation and
14 coverage shall continue to apply to Puerto Rico with respect
15 to the surrounding waters, harbors and inlets that may be
16 directly accessible at low tide from the open sea, but not
17 including the streams, lakes and lagoons within Puerto Rico;
18 and *provided further*, that nothing contained in this Act
19 shall be construed so as to affect or impair in any manner
20 the terms or conditions of any authorizations, permits or
21 other powers heretofore lawfully transferred or exercised
22 in or in respect of said harbor areas, waters and submerged
23 lands by authorized officials of the United States.

24 "Article IX. (a) Except as otherwise provided in this
25 compact, the Federal Government shall have and may exer-

1 cise the same powers in respect of Puerto Rico that it has
2 in respect of the several States of the Union.

3 “(b) Statutory laws of the United States heretofore or
4 hereafter enacted, insofar as they are consistent with this
5 compact and are otherwise applicable, shall have force and
6 effect in respect of Puerto Rico to the extent that they could
7 be applied if Puerto Rico were a member State of the
8 Federal Union.

9 “(c) Statutory laws of the United States hereafter
10 enacted shall not be deemed to be applicable with respect
11 to the Commonwealth of Puerto Rico unless specifically
12 made applicable by Act of Congress, by reference to Puerto
13 Rico or to the Commonwealth of Puerto Rico by name.

14 “Article X. All public officials of the Commonwealth,
15 its agencies, instrumentalities and political subdivisions, be-
16 fore entering upon their respective duties, shall take an oath
17 to support the Constitution of the United States and the
18 Constitution of the Commonwealth of Puerto Rico.

19 “Article XI. (a) The Commonwealth of Puerto Rico
20 shall be represented in the Congress of the United States
21 by a Commissioner of Puerto Rico to the United States who
22 shall have all the rights and privileges of a member of the
23 House of Representatives of the Congress except that he
24 shall not be entitled to vote in the House of Representatives
25 or to offer a motion to recommit. He shall be an ex-officio

1 member of such committees of the House of Representatives
2 as may have general charge of matters concerning Puerto
3 Rico and shall also be a member of such other committees
4 as the House may determine. Said Commissioner shall be
5 entitled to receive official recognition as such Commissioner
6 by all departments of the Government of the United States
7 upon presentation, to the Department of State, of a certifi-
8 cate of election issued by the Governor of the Common-
9 wealth of Puerto Rico.

10 “(b) The Commissioner of Puerto Rico to the United
11 States shall be elected by the qualified electors of Puerto
12 Rico, at a general election to be held every four years
13 under the Constitution of the Commonwealth, and his term
14 of office shall be four years from the third of January, fol-
15 lowing his election, and until his successor is qualified.

16 “(c) The Commissioner of Puerto Rico to the United
17 States shall be entitled to receive the same salary, emolu-
18 ments, allowances, facilities and services as may be provided
19 by law for the members of the House of Representatives.
20 No person shall be eligible for election as Commissioner who
21 is not a bona fide citizen of the United States and of the
22 Commonwealth of Puerto Rico and who is not more than
23 twenty-five years of age and who does not read and write
24 the English language. In the case of vacancy to the office
25 of the Commissioner by death, resignation or otherwise, the

1 vacancy shall be filled for the remainder of the term, as
2 may be provided by law of the Commonwealth of Puerto
3 Rico.

4 "Article XII. The Commonwealth of Puerto Rico has
5 and shall have full powers of self-government consistent with
6 the powers which the Federal Government exercises in
7 accordance with this compact. Such powers shall be exer-
8 cised by the Commonwealth in accordance with the ap-
9 plicable provisions of the Constitution of the United States,
10 the terms of this compact and the Constitution of the Com-
11 monwealth of Puerto Rico.

12 "Article XIII. (a) The jurisdiction of the United
13 States District Court for the District of Puerto Rico shall
14 be the same as that provided by law with respect to the
15 District Courts of the United States in the various districts
16 in the States of the Union, including jurisdiction for the
17 naturalization of aliens and residents of Puerto Rico who
18 are not otherwise citizens of the United States.

19 "(b) All proceedings in said Court shall be conducted
20 in the English language, but if the judge of said Court shall
21 determine that the interests of justice so require, and if the
22 parties consent, he may order that any trial or proceeding
23 be conducted in the Spanish language.

24 "(c) The qualifications of jurors, as fixed by the laws
25 of the Commonwealth of Puerto Rico, shall apply to jurors

1 selected to serve in United States courts in Puerto Rico, but
2 except in the case of trials conducted in the Spanish language,
3 they shall have, as an additional qualification, sufficient
4 knowledge of the English language to enable them to serve
5 as jurors.

6 “(d) No suit for the purpose of restraining the assess-
7 ment or collection of any tax imposed under the laws of the
8 Commonwealth of Puerto Rico shall be maintained in the
9 United States courts.

10 “Article XIV. Final judgments or decrees of the Su-
11 preme Court of Puerto Rico shall be subject to review by the
12 Supreme Court of the United States in like manner as the
13 decisions of the highest courts of the several States.

14 “Article XV. Nothing in these Articles of Association
15 shall affect the validity or applicability of laws of the United
16 States heretofore or hereafter enacted by the Congress subject
17 to the consent of Puerto Rico which are or have been ac-
18 cepted by the Commonwealth in accordance with its terms.

19 SEC. 2. The compact between the United States and
20 the people of Puerto Rico is hereby further amended by de-
21 leting section 5 of Public Law 600, Eighty-first Congress,
22 and by substituting therefor the following provisions:

23 “Section 5: The following laws are hereby repealed
24 as of the effective date of this Act:

25 “The Act of Congress entitled ‘An Act temporarily to

1 provide revenues and a civil government for Puerto Rico,
2 and for other purposes', approved April 12, 1900; the Act
3 of Congress entitled 'An Act to provide a civil government
4 for Porto Rico and for other purposes', approved March 2,
5 1917, as amended, and referred to as the Puerto Rican
6 Federal Relations Act; and all laws or parts of law incon-
7 sistent with any of the provisions of this Act or of the com-
8 pact: *Provided, however,* that until the Commonwealth of
9 Puerto Rico, by amendment of its constitution, shall have
10 adopted limitations upon its debt-incurring capacity, it shall
11 not exceed the limitations upon its public indebtedness set
12 forth in Section 3 of the Puerto Rican Federal Relations
13 Act."

14 SEC. 3. This Act and any amendments thereto enacted
15 by the Congress shall become effective when approved by a
16 majority of the qualified voters of Puerto Rico participating
17 in a referendum to be held in accordance with the laws of
18 the Commonwealth of Puerto Rico and upon proclamation
19 by the President after receipt by him of certification by
20 the Governor of the Commonwealth of the results of such
21 referendum.

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