

86TH CONGRESS
1ST SESSION

S. 2708

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 1959

MR. MURRAY introduced the following bill; which was read twice and 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 foreign affairs, 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 of
5 Public Law 600, Eighty-first Congress, and by substituting
6 in lieu thereof the following language:

7 “SEC. 4. The relationships of the Commonwealth of
8 Puerto Rico with the United States shall be subject to the
9 following provisions, which shall be known and cited as the
10 ‘Articles of Permanent Association of the Commonwealth
11 of Puerto Rico with the United States.’

"ARTICLE I

1 "The Commonwealth of Puerto Rico comprises the
2 island of that name and its waters and all the islands and
3 waters of these islands in the West Indies, adjacent to the
4 island of Puerto Rico, lying east of the seventy-fourth
5 meridian of longitude west of Greenwich, which are referred
6 to in article II of the treaty between the United States and
7 the Kingdom of Spain, entered into on the 10th day of
8 December, 1898.

"ARTICLE II

10
11 "(a) The rights, privileges and immunities of citizens
12 of the United States shall be respected in Puerto Rico to the
13 same extent as if the Commonwealth of Puerto Rico were a
14 State of the Union and subject to the provisions of the second
15 sentence of Section 1 of Amendment XIV of the Constitu-
16 tion of the United States, and the rights, privileges and im-
17 munities of citizens of the several states shall be respected in
18 Puerto Rico to the same extent as if the Commonwealth of
19 Puerto Rico were a State of the Union and subject to the
20 provisions of paragraph 1 of Section 2 of Article IV of the
21 Constitution of the United States.

22 "(b) Full faith and credit shall be given in the Com-

1 monwealth of Puerto Rico to the public acts, records, and
2 judicial proceedings of the several States of the Union, the
3 District of Columbia, and the Territories and Possessions of
4 the United States, and full faith and credit shall be given in
5 each State, the District of Columbia, and the Territories and
6 Possessions of the United States, to the public acts, records,
7 and judicial proceedings of the Commonwealth of Puerto Rico.
8 The laws of Congress prescribing the manner in which such
9 acts, records, and proceedings shall be proved, and the effect
10 thereof, applicable to the States of the Union, shall be appli-
11 cable in the case of the Commonwealth of Puerto Rico.

12 “(c) A person charged in any State, Territory or
13 Possession of the United States, or the District of Columbia,
14 with treason, felony or other crime, who shall flee from
15 justice and be found in Puerto Rico shall, on demand of the
16 executive authority of the State, Territory or Possession, or
17 the District of Columbia, from which he fled, be delivered
18 up to be removed to the State, Territory or Possession, or
19 the District of Columbia, having jurisdiction of the crime,
20 and a person charged in the Commonwealth of Puerto Rico
21 with treason, felony or other crime, who shall flee from
22 justice and be found in a State, Territory or Possession, or
23 the District of Columbia, on demand of the executive author-
24 ity of the Commonwealth of Puerto Rico, shall be delivered
25 up to be removed thereto.

"ARTICLE III

1

2 “(a) All obligations issued by the United States, or by
3 its authority, or by any State, Territory or Possession of the
4 United States, or by any county, municipality or other
5 municipal subdivision of any State, Territory or Possession
6 of the United States, or by the District of Columbia, or by
7 the authority of any of them, shall be exempt from taxation
8 by the Commonwealth of Puerto Rico.

9 “(b) All obligations issued by the Commonwealth of
10 Puerto Rico, or by its authority, shall be exempt from tax-
11 ation by the Government of the United States, or by the
12 Government of Puerto Rico or by any political or municipal
13 subdivision thereof, 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, or by the District of Columbia.

17 “(c) In the exercise of its power to levy internal reve-
18 nue taxes, the Commonwealth of Puerto Rico shall make
19 no discrimination between articles imported from the United
20 States or foreign countries and similar articles produced or
21 manufactured in Puerto Rico. Upon request of the Com-
22 monwealth of Puerto Rico, the officials of the Customs and
23 Postal Services of the United States shall assist the Com-
24 monwealth government in the collection of internal revenue
25 taxes.

1 “(d) Articles of merchandise of Puerto Rican manu-
2 facture coming into the United States and withdrawn for
3 consumption or sale shall be subject to taxation in Puerto
4 Rico under the internal revenue laws of the Commonwealth
5 of Puerto Rico at a rate not higher than the rate on like
6 articles produced for use or consumption in Puerto Rico, and,
7 in addition thereto, they shall be subject to payment to the
8 United States of a compensatory tax to be covered into the
9 Treasury of the United States in an amount equal to the
10 difference between the internal revenue tax imposed thereon
11 under the laws of the Commonwealth of Puerto Rico and an
12 amount equal to the internal revenue tax imposed in the
13 United States on like articles of domestic manufacture at the
14 point of manufacture or production.

15 “(e) The income tax laws of the United States shall
16 apply in Puerto Rico upon the incomes of residents of
17 Puerto Rico derived from sources outside of Puerto Rico,
18 including federal salaries, but income tax payments to the
19 Commonwealth of Puerto Rico on incomes from federal sal-
20 aries shall be credited against federal income tax.

21 “(f) The social security laws of the United States;
22 specifically made applicable to Puerto Rico and taxes levied
23 with respect thereto shall have full force and effect in Puerto
24 Rico.

25 “(g) Except as provided in subsections (d), (e), and:

1 (f) of this Article, the internal revenue laws of the United
2 States shall have no force and effect in Puerto Rico.

3 “(h) No export duties shall be levied or collected
4 on exports from Puerto Rico.

5 “ARTICLE IV

6 “(a) All merchandise and articles coming into the
7 United States from Puerto Rico and coming into Puerto
8 Rico from the United States shall be entered at the several
9 ports of entry free of duty, and free of quantitative restric-
10 tions other than those heretofore imposed and now applicable
11 or that could be placed on commerce if Puerto Rico were a
12 State of the Union and subject to the provisions of Section
13 8 of Article I of the Constitution of the United States:
14 *Provided, however,* That foreign products imported into
15 Puerto Rico subject to lower duty than like products are
16 subject to if imported into the United States, and products
17 manufactured in Puerto Rico which contain foreign materials
18 to a value of more than 20 per centum of their total value,
19 if such foreign materials are subject at the port of entry
20 in Puerto Rico to a duty lower than the duty to which like
21 products are subject when imported into the United States,
22 shall be subject in Puerto Rico before shipment to the
23 United States to a tax equal to the difference between the
24 paid duty and the rate of duty to which like products are
25 subject in the United States.

1 “(b) All articles imported into Puerto Rico from ports
2 other than those of the United States shall be free from
3 quantitative restrictions other than those that could be placed
4 on such commerce if Puerto Rico were a State of the Union
5 and subject to the provisions of Section 8 of Article I of the
6 Constitution of the United States, and the tariffs, customs
7 and duties levied, collected and paid upon all such articles
8 shall be the same as those required by law to be collected
9 upon articles imported into the United States from foreign
10 countries, except as modified by a trade or commercial agree-
11 ment, or special provisions in such agreements, negotiated
12 by the President under Article IV (f), or as Congress may
13 provide at the request of the Commonwealth of Puerto
14 Rico: *Provided, however,* That on all coffee brought into
15 Puerto Rico, there shall be levied and collected a duty
16 in such amount as may be fixed by the Commonwealth of
17 Puerto Rico, any law or part of law to the contrary not-
18 withstanding.

19 “(c) The Secretary of the Treasury of the United
20 States shall designate the several ports and subports of
21 entry in Puerto Rico and shall make such rules and regu-
22 lations and incur such expenses as may be necessary to
23 collect the duties levied, collected and paid in Puerto Rico
24 as herein provided, and the Secretary of the Treasury or his
25 delegate shall appoint and fix the compensation and provide

1 for the payment of all such officers, agents and assistants
2 as the Secretary of the Treasury or his delegate may find
3 necessary to employ to carry out the provisions hereof:
4 *Provided, however,* That the positions of such officers,
5 agents and assistants as the Secretary of the Treasury may
6 find necessary to employ to carry out these provisions shall
7 be included in the classified Civil Service list under the
8 Civil Service laws of the United States and the compensa-
9 tion thereof shall be determined in accordance with the pro-
10 visions of such laws, except that this provision shall not
11 affect any present incumbent.

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

15 “(e) Not less than one month prior to the beginning of
16 each fiscal year the Secretary of the Treasury of the Com-
17 monwealth of Puerto Rico shall advance out of the funds in
18 his custody, and upon certification to the Secretary of the
19 Treasury of the United States or his delegate, an amount
20 estimated by the Secretary of the Treasury of the United
21 States or his delegate to be necessary to defray the expenses
22 necessary to collect the duties levied, collected and paid in
23 Puerto Rico during such fiscal year. This advance and such
24 additional advances as the Secretary of the Treasury of the

1 United States or his delegate may certify during a fiscal year
2 to be necessary for such purposes shall be deposited into the
3 Treasury of the United States as a permanent trust fund
4 without fiscal year limitations. All expenses incurred for
5 the purpose of collecting the duties levied, collected and paid
6 in Puerto Rico shall be payable from this fund. The Sec-
7 retary of the Treasury of the United States or his delegate
8 shall from time to time return to the Treasury of the Com-
9 monwealth of Puerto Rico such amounts as he determines
10 are not required to defray such expenses.

11 “(f) At the request of the Commonwealth of Puerto
12 Rico, the President of the United States may, within the
13 limits of the President’s authority under applicable Federal
14 law, negotiate future trade and commercial agreements, or
15 special provisions in such agreements, applicable to Puerto
16 Rico, and relating to commodities or articles of particular
17 importance to the economy of Puerto Rico, and may exclude
18 Puerto Rico from any future trade agreements.

19 “ARTICLE V

20 “(a) All citizens of Puerto Rico, as defined by Section
21 7 of the Act of April 12, 1900, entitled ‘An Act temporarily
22 to provide revenues and a civil government for Porto Rico,
23 and for other purposes’, and all persons born in Puerto Rico
24 who were temporarily absent from Puerto Rico on April 11,
25 1899, and who thereafter returned and established a perma-

1 nent residence in Puerto Rico, and who are not citizens of
2 any foreign country, are citizens of the United States.

3 “(b) All persons born in Puerto Rico on or after
4 April 11, 1899, and subject to the jurisdiction of the United
5 States, are citizens of the United States equally as if born
6 in a State of the Union.

7 “(c) This Act shall not be construed as depriving any
8 person of his or her citizenship otherwise lawfully acquired
9 by such person, or to declare a citizen any person who has
10 lost his United States nationality under the treaties or laws
11 of the United States.

12 “(d) Residence in Puerto Rico shall be equivalent to
13 residence in a State of the Union for purposes of naturaliza-
14 tion under the laws of the United States.

15 “(e) Any citizen of the United States who is not
16 otherwise a citizen of Puerto Rico shall be deemed to be a
17 citizen of Puerto Rico upon establishing his residence in
18 Puerto Rico in accordance with the laws of the Common-
19 wealth of Puerto Rico.

20 “(f) No person born in Puerto Rico shall be subject to
21 the loss of his United States citizenship by reason of residence
22 in a foreign country.

23 “ARTICLE VI

24 “Nothing in these Articles shall be construed as pro-
25 hibiting the acceptance by the Government of the United

1 States of such reimbursements as the Commonwealth of
2 Puerto Rico may provide for by law for expenses incurred
3 by the Government of the United States in Puerto Rico in
4 the conduct therein of federal functions and services, nor the
5 delegation or transfer of functions which may be made by
6 the Government of the United States to the Commonwealth
7 of Puerto Rico subject to such conditions as may be pre-
8 scribed by law of Congress and accepted by the Common-
9 wealth of Puerto Rico: *Provided, however,* That in the
10 event of such transfer or delegation, the rights and tenure
11 of such federal employees as may be affected shall be appro-
12 priately protected by the Commonwealth of Puerto Rico.

13 "ARTICLE VII

14 "(a) All real property within the Commonwealth of
15 Puerto Rico acquired by the United States under Article
16 VIII of the treaty between the United States and the King-
17 dom of Spain entered into on the 10th day of December,
18 1898, and not heretofore disposed of by the United States
19 (hereinafter referred to as Crown Property), except such
20 real property as was reserved by the United States prior
21 to March 2, 1917, for an essential public purpose, is and
22 shall be the property of the Commonwealth of Puerto Rico,
23 subject to the provisions of this Article.

24 "(b) The President of the United States, from time
25 to time, notwithstanding any other provisions of law, shall

1 transfer to the Commonwealth of Puerto Rico the reserved
2 Crown Property or parts thereof as said reserved Crown
3 Property or parts thereof are no longer needed for an essen-
4 tial public purpose of the United States. Such transfers
5 shall be without cost to the Commonwealth of Puerto Rico,
6 except that the Commonwealth shall pay a consideration
7 equal to the original cost of any improvements made by
8 the United States which are or may be used by or useful to
9 the Commonwealth, less physical depreciation, as may be
10 determined by the President or his designee.

11 “(c) As soon as practicable, and in no event later than
12 two years after the effective date of this Article, each federal
13 agency which owns or controls any property in Puerto Rico
14 shall submit to the President and the Congress a report
15 specifying the property which it owns or controls and de-
16 scribing the need and essential public purpose, if any, served
17 thereby.

18 “(d) The President of the United States may, from
19 time to time, accept from the Commonwealth of Puerto
20 Rico any lands, buildings or other interests or property
21 which may be needed for public purposes of the United
22 States.

23 “ARTICLE VIII

24 “The harbor areas, navigable streams, bodies of water
25 and submerged lands in and around Puerto Rico, which are

1 now under the control of the Commonwealth of Puerto Rico,
2 are hereby transferred to the Commonwealth of Puerto Rico:
3 *Provided, however,* That the use, occupancy and control
4 of said harbor areas, waters and submerged lands by the
5 United States or any Department or agency thereof shall not
6 be impaired, and that the laws of the United States for the
7 protection and improvement of the navigable waters and
8 for the preservation of the interests of navigation and com-
9 merce shall continue to apply to Puerto Rico; and, *Pro-*
10 *vided, further,* That nothing contained in this Act shall be
11 construed so as to affect or impair in any manner the terms
12 or conditions of any authorizations, permits or other powers
13 heretofore lawfully transferred or exercised in or in respect
14 of said harbor areas, waters and submerged lands by author-
15 ized officials of the United States.

16

“ARTICLE IX

17 “(a) Except as otherwise provided in Articles III and
18 IV hereof, the Federal Government shall have and may
19 exercise the same powers in respect of Puerto Rico that it
20 has in respect of the several States of the Union, and any
21 law applicable to Puerto Rico, enacted in the exercise of
22 said powers, shall have full force and effect without the
23 necessity of concurrence or consent by the Commonwealth
24 of Puerto Rico. Any law respecting Puerto Rico enacted
25 by the Congress in the exercise of other powers shall be

1 applicable in respect of Puerto Rico upon its acceptance by
2 the Commonwealth of Puerto Rico.

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

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

14 “ARTICLE X

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

20 “ARTICLE XI

21 “(a) The Commonwealth of Puerto Rico shall be rep-
22 resented in the United States by a ‘Commissioner of Puerto
23 Rico to the United States,’ who shall be entitled to receive
24 official recognition as the representative of the Common-
25 wealth of Puerto Rico by all departments of the Govern-

1 ment of the United States and shall have all the rights and
2 privileges of a member of the House of Representatives of
3 the Congress of the United States, except that he shall not
4 be entitled to vote or to offer a motion to recommit. He
5 shall be an ex-officio member of such committee of the
6 House of Representatives as may have general charge of
7 matters concerning Puerto Rico, shall be a member of such
8 other committees as the House may determine, and shall
9 be entitled to receive the same salary, emoluments, allow-
10 ances, facilities and services as may be provided by law
11 for the Members of the House of Representatives.

12 “(b) The Commissioner shall be elected by the qualified
13 electors of Puerto Rico at a general election to be held every
14 four years under the Constitution of the Commonwealth of
15 Puerto Rico; his term of office shall be four years from the
16 third of January following his election and until his successor
17 is qualified, and his election shall be certified by the Gover-
18 nor of Puerto Rico to the President of the United States and
19 to the presiding officer of the House of Representatives of
20 the Congress of the United States.

21 “(c) No person shall be eligible for election as Com-
22 missioner who is not a citizen of the United States and of
23 the Commonwealth of Puerto Rico, who is not more than
24 twenty-five years of age, who does not read and write the
25 English language and who does not meet such additional

1 qualifications as the Constitution or laws of the Common-
2 wealth of Puerto Rico may prescribe.

3 “(d) In the case of vacancy to the office of the Com-
4 missioner by death, resignation or otherwise, the vacancy
5 shall be filled for the remainder of the term as may be pro-
6 vided by the Constitution or laws of the Commonwealth of
7 Puerto Rico.

8 “ARTICLE XII

9 “The Commonwealth of Puerto Rico has and shall have
10 full powers of self-government consistent with the powers
11 which the Federal Government exercises in accordance with
12 this compact. Such powers shall be exercised by the Com-
13 monwealth in accordance with the applicable provisions of
14 the Constitution of the United States, the terms of this
15 compact and the Constitution of the Commonwealth of
16 Puerto Rico.

17 “ARTICLE XIII

18 “(a) The jurisdiction of the United States District Court
19 for the District of Puerto Rico shall be the same as that
20 provided by law with respect to the District Courts of the
21 United States in the various districts in the States of the
22 Union, including jurisdiction for the naturalization of aliens
23 and residents of Puerto Rico who are not otherwise citizens
24 of the United States.

25 “(b) All proceedings in said Court shall be conducted

1 in the English language, but if the judge of said Court shall
2 determine that the interests of justice so require, and if the
3 parties consent, he may order that any trial or proceeding
4 be conducted in the Spanish language.

5 “(c) The qualifications of jurors for proceedings in said
6 Court shall be the same as the qualifications for jurors in the
7 other District Courts of the United States: *Provided, how-*
8 *ever,* That no juror shall be required to have knowledge of
9 the Spanish language in any proceeding to be conducted in
10 the English language, nor be required to have knowledge of
11 the English language in any proceeding to be conducted in
12 the Spanish language.

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

17 “ARTICLE XIV

18 “Final judgments or decrees rendered by the highest
19 court of the Commonwealth of Puerto Rico in which a de-
20 cision could be had shall be subject to review by the Supreme
21 Court of the United States in like manner as judgments and
22 decrees of the courts of the several States.

23 “ARTICLE XV

24 “Nothing in these Articles of Association shall affect
25 the validity or applicability of laws of the United States.

1 heretofore enacted by the Congress which are in conflict with
2 these Articles of Association and to which the Common-
3 wealth of Puerto Rico has given its express consent.

4 "ARTICLE XVI

5 "At such time as the per capita income of Puerto Rico,
6 as determined by the United States Department of Com-
7 merce, shall equal that of any member State of the Union,
8 the provisions contained in Articles III (d), III (e), III (g),
9 IV (c), IV (d) and IV (e) shall be subject to termination
10 by the Congress and at such time due consideration shall
11 be given by the Congress to such proposals for the revision
12 of the fiscal relationships of the Commonwealth of Puerto
13 Rico with the United States as may then be made by the
14 Commonwealth of Puerto Rico or to such proposals with
15 respect to the basic terms of association between Puerto
16 Rico and the Federal Union as may then be submitted by
17 the people of Puerto Rico on the basis of a plebiscite held
18 under the laws of the Commonwealth of Puerto Rico."

19 SEC. 2. The compact between the United States and
20 the people of Puerto Rico is hereby further amended by
21 deleting 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 "The Act of Congress entitled 'An Act temporarily to
25 provide revenues and a civil government for Porto Rico, and

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

12 SEC. 3. This Act shall become effective when approved
13 by a majority of the qualified voters of Puerto Rico partici-
14 pating in a referendum to be held in accordance with the
15 laws of the Commonwealth of Puerto Rico and upon procla-
16 mation by the President after receipt by him of certification
17 by the Governor of the Commonwealth of Puerto Rico of the
18 results of such referendum.

80TH CONGRESS
1st Session

S. 2708

A BILL

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

By Mr. MURRAY

SEPTEMBER 14, 1959

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