

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1926

Mr. DAVILA introduced the following bill; which was referred to the Committee on Insular Affairs and ordered to be printed.

A BILL

To amend and reenact sections 20, 31, 33, and 38 of the Act of March 2, 1917, entitled "An Act to provide a civil government for Porto Rico, and for other purposes," as amended by an Act approved June 7, 1924, and for the insertion of two new sections in said Act between sections 5 and 6 and sections 41 and 42 of said Act, to be designated as "5a" and "41a" of said Act.

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

3 That a new section is hereby inserted between sections 5
4 and 6 of the Act entitled "An Act to provide a civil govern-
5 ment for Porto Rico, and for other purposes," approved
6 March 2, 1917, as amended, as follows:

7 "SEC. 5a. That citizens of the United States who shall
8 reside in the island for one year shall be citizens of Porto Rico:

1 *Provided*, That persons born in Porto Rico of alien parents,
2 referred to in the last paragraph of said section, who did
3 not avail themselves of the privilege granted to them of
4 becoming citizens of the United States, shall have a period
5 of one year from the approval of this Act to make the decla-
6 ration provided for in section 5: *And provided further*,
7 That persons who elected to retain the political status of citi-
8 zens of Porto Rico may become citizens of the United States
9 upon the same terms and in the same manner as is pro-
10 vided for the naturalization of native Porto Ricans born of
11 foreign parents.”

12 SEC. 2. That section 20 of the said Act be, and the
13 same is hereby, amended to read as follows:

14 “SEC. 20. That there shall be appointed by the Presi-
15 dent an auditor, at an annual salary of \$6,000, for a term
16 of four years and until his successor is appointed and quali-
17 fied. There shall be an assistant auditor and such other
18 necessary assistants and employees as may be prescribed by
19 law. The auditor shall appoint the assistant auditor. In
20 case of the absence from duty, from any cause, of the auditor,
21 the assistant auditor shall exercise all the powers and per-
22 form all the duties of the auditor during such absence; and
23 in case of the absence from duty, from any cause, of both the
24 auditor and the assistant auditor, the Governor of Porto
25 Rico shall designate an assistant who shall have charge of
26 the office.

1 “ The auditor shall examine, audit, and settle all ac-
2 counts pertaining to the revenues and receipts from what-
3 ever source of the government of Porto Rico and of the
4 municipal government of Porto Rico, including public trust
5 funds and municipal funds derived from bond issues; and he
6 shall examine, audit, and settle, in accordance with law and
7 administrative regulations, all expenditures of funds and
8 property pertaining to or held in trust by the government
9 of Porto Rico or the municipalities or dependencies thereof.
10 He shall perform a like duty with respect to all government
11 branches.

12 “ The auditor shall keep the general accounts of the
13 government, be the custodian of and preserve the vouchers
14 pertaining thereto. The jurisdiction of the auditor over
15 accounts, whether of funds or property, and all vouchers
16 and records pertaining thereto, shall be exclusive. It shall
17 be the duty of the auditor to bring to the attention of the
18 proper administrative officer expenditures of funds or prop-
19 erty which, in his opinion, are extravagant, excessive, un-
20 necessary, or irregular.

21 “ The decisions of the auditor shall be final, except
22 that appeal therefrom may be taken by the party aggrieved
23 or the head of the department concerned within one year,
24 in the manner hereinafter prescribed. The auditor shall,
25 except as hereinafter provided, have like authority as that

1 conferred by the law upon the Comptroller General of the
2 United States, and is authorized to communicate directly
3 with any person having claims before him for settlement,
4 or with any department, officer, or person having official
5 relation with his office.

6 “The auditor, with the approval of the governor, shall
7 from time to time make and promulgate general or special
8 rules and regulations not inconsistent with law covering the
9 methods of accounting for public funds and property, and
10 funds and property held in trust by the government or
11 any of its branches: *Provided*, That any officer accountable
12 for public funds or property may require such additional
13 reports or returns from his subordinates or others as he
14 may deem necessary for his own information and protection.

15 “In the execution of his duties the auditor is authorized
16 to summon witnesses, administer oaths, and to take evidence
17 and, in the pursuance of these provisions, may issue sub-
18 pœnas and enforce the attendance of witnesses, and compel
19 witnesses to produce books, letters, documents, papers,
20 records, and all other articles deemed essential to a full under-
21 standing of the matter under investigation.

22 “As soon after the close of each fiscal year as the account
23 of said year may be examined and adjusted, the auditor
24 shall submit to the governor an annual report of the fiscal
25 concern of the government, showing the receipts and dis-

1 bursements of the various departments and bureaus of the
2 government and of the various municipalities, and make such
3 other reports as may be required of him by the governor
4 or the head of the executive department of the Government
5 of the United States to be designated by the President as
6 herein provided.

7 “The office of the auditor shall be under the general
8 supervision of the governor.”

9 SEC. 3. That section 31 of the said Act be, and the
10 same is hereby, amended to read as follows:

11 “SEC. 31. That members of the senate and house of
12 representatives of Porto Rico shall receive compensation at the
13 rate of \$7 per day for the first 60 days of each regular session
14 and for 14 days of each special session while in session and
15 mileage for each regular session and each special session at
16 the rate of 10 cent per kilometer for each kilometer actually
17 and necessarily traveled in going from their place of resi-
18 dence in their legislative districts to the capital and return-
19 ing therefrom to their place of residence in their legislative
20 districts by the usual routes of travel: *Provided*, That mile-
21 age for only one trip in going to and from each regular ses-
22 sion and each special session shall be allowed: *And pro-*
23 *vided further*, That the members of the senate and house of
24 representatives of Porto Rico shall not be entitled to nor
25 receive any emoluments, remuneration, compensation, or

1 payment for services or expenses other than the said \$7 per
2 day compensation for services and 10 cents per kilometer for
3 travel expense in this section authorized.”

4 SEC. 4. That section 33 of the said Act be, and the same
5 is hereby, amended to read as follows:

6 “SEC. 33. That regular sessions of the legislature shall
7 be held annually hereafter convening on the second Monday
8 in February of each year. The governor may call special
9 sessions of the legislature; or of the senate at any time when
10 in his opinion the public interest may require it, but no
11 special session shall continue longer than fourteen days, not
12 including Sundays and holidays, and no legislation shall be
13 considered at such session other than that specified in the
14 call therefor or in any special message by the governor to
15 the legislature while in such session.”

16 SEC. 5. That section 38 of the said Act be, and the
17 same is hereby, amended to read as follows:

18 “SEC. 38. That all grants of franchises, rights, privileges,
19 and concessions of a public or quasi public nature shall be made
20 by a public service commission consisting of a public service
21 commissioner, who shall be the president of the said commis-
22 sion, and two associated commissioners to be appointed by
23 the governor with the advice and consent of the Senate, for
24 a term of four years and until their successors shall be
25 appointed and shall have qualified: *Provided*, That the

1 present elective members of the said commission shall con-
2 tinue to be members of said commission until their term of
3 office expires as now provided by law and shall form the
4 commission together with the three members appointed by
5 the governor as aforesaid, until the expiration of such period
6 of their services and not thereafter. The salary of the
7 commissioner shall be \$6,000 a year, and the said
8 commissioner shall devote his entire time to his duties as
9 such commissioner. The compensation of the associated
10 members, both those elected and appointed, shall be \$10
11 for each day's attendance at the sessions of the commission;
12 but in no case shall they receive more than \$1,000 during
13 any one year. The said commission is empowered and
14 directed to discharge all the executive functions relating to
15 public service corporations heretofore conferred by law upon
16 the executive council and such additional duties and func-
17 tions as may be conferred upon said commission by the
18 legislature. Franchises, rights, and privileges granted by
19 the said commission shall not be effective until approved by
20 the governor and shall be reported to Congress, which hereby
21 reserves the power to annul or modify the same.

22 “ The Interstate Commerce Act and the several amend-
23 ments made or to be made thereto, the Safety Appliance
24 Acts and the several amendments made or to be made
25 thereto, and the Act of Congress entitled ‘An Act to amend

1 an Act entitled "An Act to regulate commerce," approved
2 February 4, 1887, and all Acts amendatory thereof, by
3 providing for a valuation of the several classes of property
4 of carriers subject thereto and securing information concern-
5 ing their stocks, bonds, and other securities,' approved
6 March 1, 1913, shall not apply to Porto Rico.

7 "The legislative assembly of Porto Rico is hereby
8 authorized to enact laws relating to the regulation of the
9 rates, tariffs, and service of all public carriers in Porto Rico,
10 and the public service commission hereby created shall have
11 power to enforce such laws under appropriate regulation."

12 SEC. 6. That a new section is hereby inserted between
13 sections 41 and 42 of the Act entitled, "An Act to provide
14 a civil government for Porto Rico, and for other purposes,"
15 approved March 2, 1917, as amended, as follows:

16 "SEC. 41a. That no interlocutory or preliminary
17 injunction suspending or restraining the enforcement or exe-
18 cution of any law or statute of Porto Rico by restraining
19 the action of any officer of said island in the enforcement or
20 execution of such statute, or in putting it into effect or in
21 executing any order made by any administrative depart-
22 ment, board, or commission acting under and pursuant to
23 any statute of said island, shall be issued or granted by the
24 judge of the United States District Court of Porto Rico
25 upon the ground of the unconstitutionality of such law or

1 statute, unless the application for such injunction shall be
2 presented to said United States district judge, and said appli-
3 cation shall be heard by said Federal judge and by two
4 judges of the Supreme Court of Porto Rico, and shall not
5 be granted unless a majority of said three judges shall con-
6 cur in granting such application.

7 “Whenever such an application as aforesaid, is pre-
8 sented to said Federal judge, he shall immediately call to
9 his assistance to hear and determine such application two
10 judges of the Supreme Court of Porto Rico. Said applica-
11 tion shall not be heard before at least five days’ notice of
12 the hearing has been given to the Governor and to the
13 attorney general of Porto Rico and to such persons or
14 parties as may be defendants in the suit. The hearing
15 shall be given precedence on the calendar of said Federal
16 court, and the cause shall be assigned for hearing at the
17 earliest practicable day after the expiration of the five days’
18 notice hereinbefore provided for. An appeal may be taken
19 directly to the Supreme Court of the United States from
20 any order granting or denying an interlocutory injunction
21 in such cases.”

69TH CONGRESS }
1ST SESSION } **H. R. 11846**

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By **Mr. DAVILA**

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