

§ 732. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 4, 39 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158, designated San Juan as the capital of Puerto Rico. Section 6 of act Apr. 12, 1900, ch. 191, 31 Stat. 79, formerly cited as a credit to this section, was not repealed by act July 3, 1950.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Act July 3, 1950, ch. 446, § 5, 64 Stat. 320, provided that the repeal of this section and sections 735, 750, 753, 754, 771-793, 793b, 796-799, 811-820, 822, 823, 824-844, 861, and 873 of this title and the amendment of sections 737 and 752 of this title were to be effective at such time as the Constitution of the Commonwealth of Puerto Rico became effective. Under section 731d of this title, that Constitution, upon approval by the Congress of the United States, "shall become effective in accordance with its terms". Congress, by act July 3, 1952, ch. 567, 66 Stat. 327, approved, with certain conditions, that Constitution; the approving act further provided that the Constitution, as so approved, "shall become effective when the Constitutional Convention of Puerto Rico shall have declared in a formal resolution its acceptance in the name of Puerto Rico of the conditions of approval herein contained, and when the Governor of Puerto Rico, being duly notified by the proper officials of the Constitutional Convention of Puerto Rico that such resolution of acceptance has been formally adopted, shall issue a proclamation to that effect". The Constitution was proclaimed by the Governor of Puerto Rico on July 25, 1952, and became effective on that date.

§ 733. Citizens; former Spanish subjects and children; body politic; name

All inhabitants continuing to reside in Puerto Rico who were Spanish subjects on the 11th day of April 1899, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the 11th day of April 1900, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the 11th day of April 1899; and they, together with such citizens of the United States as may reside in Puerto Rico, shall constitute a body politic under the name of the People of Puerto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

(Apr. 12, 1900, ch. 191, § 7, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 733a. Citizens; residence in island of citizens of United States

All citizens of the United States who have resided or who shall after March 4, 1927, reside in the island for one year shall be citizens of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 5a, as added Mar. 4, 1927, ch. 503, § 2, 44 Stat. 1418; amended May 17, 1932, ch. 190, 47 Stat. 158.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5a of Title 8, Aliens and Nationality.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 733a-1. Repealed. June 27, 1952, ch. 477, title IV, § 403(a)(14), 66 Stat. 279

Section, act Mar. 2, 1917, ch. 145, § 5b, as added June 25, 1948, ch. 649, 62 Stat. 1015, related to nonapplication of section 804(c) of Title 8, Aliens and Nationality.

§ 733b. Omitted

Editorial Notes

CODIFICATION

Prior to the enactment of the Nationality Act of 1940, act Oct. 14, 1940, ch. 876, 54 Stat. 1137, this section, act Mar. 2, 1917, ch. 145, § 5b, as added June 27, 1934, ch. 845, 48 Stat. 1245, provided as follows: "All persons born in Puerto Rico on or after April 11, 1899 (whether before or after June 27, 1934) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: *Provided*, That this section shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country: *And provided further*, That any woman, native of Puerto Rico and permanently residing therein, who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of the United States citizenship by her husband, may be naturalized under the provisions of section 369 of title 8."

The second proviso thereof was repealed by section 504 of the Nationality Act of 1940. Provisions relating to citizenship of persons born in Puerto Rico, are contained in section 1402 of Title 8, Aliens and Nationality.

§ 734. United States laws extended to Puerto Rico; internal revenue receipts covered into treasury

The statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States, except the internal revenue laws other than those contained in the Philippine Trade Act of 1946 [22 U.S.C. 1251 et seq.] or the Philippine Trade Agreement Revision Act of 1955 [22 U.S.C. 1371 et seq.]: *Provided, however*, That

after May 1, 1946, all taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 9, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158; Apr. 30, 1946, ch. 244, title V, § 513, 60 Stat. 158; Aug. 1, 1955, ch. 438, title III, § 308, 69 Stat. 427.)

Editorial Notes

REFERENCES IN TEXT

The Philippine Trade Act of 1946, referred to in text, is act Apr. 30, 1946, ch. 244, 60 Stat. 141, which is classified principally to subchapters I to IV (§1251 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of Title 22 and Tables.

The Philippine Trade Agreement Revision Act of 1955, referred to in text, is act Aug. 1, 1955, ch. 438, 69 Stat. 413, which is classified generally to subchapter IV-A (§1371 et seq.) of chapter 15 of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 1373 of Title 22 and Tables.

The internal revenue laws of the United States, referred to in text, are classified generally to Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, §14, 31 Stat. 80, except that the words "which, in view of the provisions of section three, shall not have force and effect in Porto Rico" were contained in lieu of the proviso. As to section 3 of act Apr. 12, 1900, see section 738 of this title and notes thereunder.

AMENDMENTS

1955—Act Aug. 1, 1955, inserted "or the Philippine Trade Agreement Revision Act of 1955".

1946—Act Apr. 30, 1946, inserted "other than those contained in the Philippine Trade Act of 1946".

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Aug. 1, 1955, effective Jan. 1, 1956, see section 301(b) of act Aug. 1, 1955, set out as an Effective Date note under section 1373 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1946 AMENDMENT

Amendment by act Apr. 30, 1946, effective on day after date of its enactment, Apr. 30, 1946, see section 512 of act Apr. 30, 1946, set out as an Effective Date note under section 1354 of Title 22, Foreign Relations and Intercourse.

Executive Documents

EX. ORD. NO. 9909. EXEMPTING DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO AND THE DEPARTMENT OF JUSTICE FROM MAKING REPORTS REQUIRED BY THIS SECTION

Ex. Ord. No. 9909, eff. Dec. 9, 1947, 12 F.R. 8291, provided:

By virtue of the authority vested in me by section 49b(2) of the Organic Act of Puerto Rico, as amended by

section 6 of the Act of August 5, 1947, Public Law 362, 80th Congress [section 793b of this title], it is hereby ordered that the District Court of the United States for Puerto Rico and the Department of Justice shall be exempt from making the reports to the Coordinator of Federal Agencies in Puerto Rico which are provided for in such section.

HARRY S. TRUMAN.

EX. ORD. NO. 10005. ESTABLISHMENT OF PRESIDENT'S ADVISORY COMMISSION ON RELATION OF FEDERAL LAWS TO PUERTO RICO

Ex. Ord. No. 10005, eff. Oct. 5, 1948, 13 F.R. 5854, provided:

WHEREAS section 9 of the Organic Act of Puerto Rico, 39 Stat. 954 [this section], provides that "the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States"; and

WHEREAS section 49b(3) of the said Act, which was added by section 6 of the act of August 5, 1947, 61 Stat. 772 [section 793b of this title], provides that "the President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which is contemplated by section 9 of this act [this section] is inapplicable by reason of local conditions";

NOW, THEREFORE, by virtue of the authority vested in me by the said Organic Act of Puerto Rico, and as President of the United States, it is ordered as follows:

1. There is hereby created a commission to be known as the President's Advisory Commission on the Relation of Federal Laws to Puerto Rico, which shall be composed of nine members to be designated by the President and to serve without compensation.

2. The Commission shall from time to time make recommendations to the President concerning the exercise of his power under section 49b(3) of the Organic Act of Puerto Rico [section 793b of this title] to exempt Puerto Rico from the application of Federal laws. To that end, the Commission is authorized to examine into, and to hold hearings on, the inapplicability of Federal laws to Puerto Rico by reason of local conditions.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information as the Commission may require in the performance of its duties.

4. The Commission shall continue to exist until the President terminates its existence by Executive order.

HARRY S. TRUMAN.

ADMINISTRATIVE TREATMENT OF PUERTO RICO AS A STATE

Memorandum of President of the United States, Nov. 30, 1992, 57 F.R. 57093, provided:

Memorandum for the Heads of Executive Departments and Agencies

Puerto Rico is a self-governing territory of the United States whose residents have been United States citizens since 1917 and have fought valorously in five wars in the defense of our Nation and the liberty of others.

On July 25, 1952, as a consequence of steps taken by both the United States Government and the people of Puerto Rico voting in a referendum, a new constitution was promulgated establishing the Commonwealth of Puerto Rico. The Commonwealth structure provides for self-government in respect of internal affairs and administration, subject to relevant portions of the Constitution and the laws of the United States. As long as Puerto Rico is a territory, however, the will of its people regarding their political status should be ascertained periodically by means of a general right of referendum or specific referenda sponsored either by the United States Government or the Legislature of Puerto Rico.

Because Puerto Rico's degree of constitutional self-government, population, and size set it apart from other areas also subject to Federal jurisdiction under Article IV, section 3, clause 2 of the Constitution, I hereby direct all Federal departments, agencies, and officials, to the extent consistent with the Constitution and the laws of the United States, henceforward to treat Puerto Rico administratively as if it were a State, except insofar as doing so with respect to an existing Federal program or activity would increase or decrease Federal receipts or expenditures, or would seriously disrupt the operation of such program or activity. With respect to a Federal program or activity for which no fiscal baseline has been established, this memorandum shall not be construed to require that such program or activity be conducted in a way that increases or decreases Federal receipts or expenditures relative to the level that would obtain if Puerto Rico were treated other than as a State.

If any matters arise involving the fundamentals of Puerto Rico's status, they shall be referred to the Office of the President.

This guidance shall remain in effect until Federal legislation is enacted altering the current status of Puerto Rico in accordance with the freely expressed wishes of the people of Puerto Rico.

The memorandum for the heads of executive departments and agencies on this subject, issued July 25, 1961 [26 F.R. 6695], is hereby rescinded.

This memorandum shall be published in the Federal Register.

GEORGE BUSH.

§ 734a. Extension of industrial alcohol and internal revenue laws to Puerto Rico

Title III of the National Prohibition Act, as amended, and all provisions of the internal revenue laws relating to the enforcement thereof, are extended to and made applicable to Puerto Rico from and after August 27, 1935. The Insular Government shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary of the Treasury for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in Puerto Rico of the said Title III and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this section.

(June 26, 1936, ch. 830, title III, § 329(c), 49 Stat. 1957.)

Editorial Notes

REFERENCES IN TEXT

The National Prohibition Act, as amended, referred to in text, is act Oct. 28, 1919, ch. 85, 41 Stat. 305. Title III of such Act was classified principally to chapter 3 (§ 71 et seq.) of Title 27, Intoxicating Liquors, and was omitted from the Code in view of the incorporation of such provisions in the Internal Revenue Code of 1939, and subsequently into the Internal Revenue Code of 1986.

CODIFICATION

Provisions similar to those comprising this section relating to the Virgin Islands are classified to section 1402 of this title.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

§ 735. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 57, 39 Stat. 968; May 17, 1932, ch. 190, 47 Stat. 158, continued certain Puerto Rican Laws in force and authorized the legislative authority to modify or repeal laws. Section 15 of act Apr. 12, 1900, ch. 191, 31 Stat. 80, formerly cited as a credit to this section, was not repealed by act July 3, 1950.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 25, 1952, see Effective Date of Repeal note set out under section 732 of this title.

§ 736. Puerto Rican law modified

So much of the law which was in force at the time of cession, April 11th, 1899, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph 4, article 83, chapter 3, civil code, and which was continued by the order of the secretary of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, is repealed and annulled, and all persons lawfully married in Puerto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages. Paragraph 1, article 105, section 4, divorce, civil code, and paragraph 2, section 19, of the order of the minister of justice of Puerto Rico, dated March 17, 1899, and promulgated by Major General Guy V. Henry, United States Volunteers, are so amended as to read: "Adultery on the part of either the husband or the wife."

(Apr. 12, 1900, ch. 191, § 8, 31 Stat. 79; May 17, 1932, ch. 190, 47 Stat. 158.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

"Puerto Rico" substituted in text for "Porto Rico" pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 737. Privileges and immunities

The rights, privileges, and immunities of citizens of the United States shall be respected in Puerto Rico to the same extent as though Puerto Rico were a State of the Union and subject to the provisions of paragraph 1 of section 2 of article IV of the Constitution of the United States.

(Mar. 2, 1917, ch. 145, § 2, 39 Stat. 951; Feb. 3, 1921, ch. 34, § 1, 41 Stat. 1096; Mar. 2, 1934, ch. 37, § 1, 48 Stat. 361; Aug. 5, 1947, ch. 490, § 7, 61 Stat. 772; July 3, 1950, ch. 446, § 5(1), 64 Stat. 320.)

Editorial Notes

AMENDMENTS

1950—Act July 3, 1950, repealed all of section relating to bill of rights and restrictions except last paragraph.

1947—Act Aug. 5, 1947, inserted privileges and immunities provisions.