

1974
dup of 8/28/74
Ch. 4

EXECUTIVE ORDER NO. 10008
Oct. 6, 1943, 13 F.R. 5354

ESTABLISHMENT OF PRESIDENT'S ADVISORY COMMISSION ON
RELATION OF FEDERAL LAWS TO PUERTO RICO

WHEREAS section 9 of the Organic Act of Puerto Rico, 39 Stat. 954 [section 734 of this title], 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

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.

WHEREAS section 49b(3) of the said Act, which was added by section 8 of the act of August 5, 1947, 61 Stat. 772 [this section], 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 as contemplated by section 9 of this act [section 734 of this title] is inapplicable by reason of local conditions":

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 [paragraph (3) of this section] 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.

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:

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.

1. There is hereby created a commission to be known as the President's

§ 794. Official reports

All reports required by law to be made by the governor or heads of departments to any official of the United States shall be made to an executive department of the Government of the United States to be designated by the President, and the President is authorized to place all matters pertaining to the government of Puerto Rico in the jurisdiction of such department. Mar. 2, 1917, c. 145, § 11, 39 Stat. 955; May 17, 1932, c. 190, 47 Stat. 158.

Historical Note

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Prior Law. Identical provisions were contained in Act July 15, 1909, c. 4, § 2, 38 Stat. 11.

§ 795. Government expenses payable out of insular revenues

All expenses that may be incurred on account of the government of Puerto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other

works undertaken specifically p Puerto Rico c § 6, 39 Stat. 95

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2. Expenses of The expenses the United States

§ 796. Trans

Any bureau of the govern transferred the approval 39 Stat. 968;

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§ 797. Sala ci

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3. Scope of veto power

Under section 822 et seq. of this title relating to the territory of Puerto Rico providing that if any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items or any part or parts thereof while approving of other parts, Governor has power to reduce as well as to strike out items in appropriation bill, and hence can reduce salaries of government officers and employees specified in a budget bill enacted by the legislature. *Blanch v. Cordero*, C.A. Puerto Rico 1950, 180 F.2d 856, certiorari denied 71 S.Ct. 49, 340 U.S. 819, 95 L.Ed. 601.

Executive's "veto power" is a power conditionally to prevent, and in Puerto Rico, with respect to appropriation bills, to modify, acts passed by Legislature but which have not yet become law, and it is not the power to enact new legislation or to recall or modify old legisla-

tion. *Fitzsimmons v. Leon*, C.C.A. Puerto Rico 1944, 141 F.2d 886.

Executive's veto power must be exercised within a limited time. *Id.*

4. Salary appropriation, scaling down

The veto power conferred by Congress on Governor of Puerto Rico, though it authorizes Governor to scale down as well as disapprove items in appropriation bills, did not authorize Governor to scale down an item in appropriation bill appropriating money to pay the full amount of salary of member of Industrial Commission as fixed by previous legislation. *Fitzsimmons v. Leon*, C.C.A. Puerto Rico 1944, 141 F.2d 889.

Attempt of Governor of Puerto Rico in exercise of veto power to reduce an item in appropriation bill appropriating money to pay the full amount of salary of a member of Industrial Commission as fixed by previous legislation was a nullity. *Id.*

§ 826. Laws to be reported to Congress

All laws enacted by the Legislature of Puerto Rico shall be reported to the Congress of the United States, as provided in section 842 of this title, which reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid. Mar. 2, 1917, c. 145, § 34, 39 Stat. 961; May 29, 1923, c. 901, § 1(128), 45 Stat. 996; Feb. 23, 1929, c. 364, §§ 1, 2, 45 Stat. 1348; May 17, 1932, c. 190, 47 Stat. 158.

Historical Note

Codification. Section is comprised of thirteenth and fourteenth sentences of first paragraph of section 34 of Act Mar. 2, 1917. The other sentences of the first paragraph and the other paragraphs of said section 34 are classified to sections 822-825, 827-841, 843, and 844 of this title.

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Repeals. Section repealed by Act July 3, 1950, c. 443, § 5(2), 64 Stat. 320 to become effective when the constitution of Puerto Rico becomes effective.

Section 1 of Act Feb. 23, 1929, cited to text, provided that paragraph 123 of Act May 29, 1923, discontinuing reports required to be made to Congress, be repealed.

Section 2 of said Act Feb. 23, 1929, provided as follows: "The reports of the . . . acts and resolutions of the Legislature of Porto Rico, referred to in paragraph 123 of such Act of May 29, 1923, shall be continued as if such Act of May 29, 1923, had not been enacted."

Section 1 of Act May 29, 1923, provided in part: "That the following reports and

statements now made to Congress, and all Acts cited as requiring statements and reported to the extent

Annulment of law
Appropriation bill
Emergency relief
Legislative power
Presumptions
Public Service Co

1. Annulment of law
The United States
acts of the
Puerto Rico should
pierce on interstate
v. Descartes, C.A. 1
2d 755.

Congress may,
annul all laws enacted
legislative assembly.
Decision of Señoras
de Ponce, Porto Rico
229, 213 U.S. 20, 5

That enactment
law was not
tends to show a
Rico Sugar Co.
Rico 1928, 28 F.2d

The failure of
act of the Legis
under its reserve
of adoption making
Congress itself.
Ry., Light & Power
1927, 18 F.2d 918.

2. Legislative power
Whether a statute
lature of Puerto
amendment of a
determined by its
its declaration of
federal statute.
v. People of Puerto
Rico 1929, 106 F.2d
grounds 60 S.Ct.
Ed. 916.

The Puerto Rico
itself amend an
Organic Act. *Id.*

3. Public Service
of

That Congress
repeal franchises,
Rican legislation.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the Government of Puerto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation for expenditure within such fiscal year. Mar. 2, 1917, c. 145, § 34, 39 Stat. 962; May 17, 1932, c. 190, 47 Stat. 153.

Historical Note

Codification. Section is comprised of nineteenth to twenty-first paragraphs inclusive of section 34 of Act Mar. 2, 1917. The other paragraphs of said section 34 are classified to sections 822-840, 843, and 844 of this title.

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Repeals. Section repealed by Act July 3, 1950, c. 448, § 5(2), 64 Stat. 320, to become effective when the constitution of Puerto Rico becomes effective.

§ 842. Transmission of copies of laws to executive department of United States

The Governor of Puerto Rico, within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as provided in section 794 of this title, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session. Mar. 2, 1917, c. 145, § 23, 39 Stat. 958; May 17, 1932, c. 190, 47 Stat. 153.

Historical Note

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Repeals. Section repealed by Act July 3, 1950, c. 448, § 5(2), 64 Stat. 320, to become effective when the constitution of Puerto Rico becomes effective.

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§ 843. Corrupt solicitation; definition; punishment

The offence of corrupt solicitation of members of the legislature or of public officers of Puerto Rico or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment. Mar. 2, 1917, c. 145, § 34, 39 Stat. 962; May 17, 1932, c. 190, 47 Stat. 158.

Historical Note

Codification. Section is comprised of eighteenth paragraph of section 34 of Act Mar. 2, 1917. The other paragraphs of said section 34 are classified to sections 822-841 and 844 of this title.

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.

Repeals. Section repealed by Act July 3, 1950, c. 446, § 5(2), 64 Stat. 320, to become effective when the constitution of Puerto Rico becomes effective.

§ 844. Influencing officials by bribery; punishment

Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties shall be deemed guilty of bribery and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both. Mar. 2, 1917, c. 145, § 34, 39 Stat. 962.

Historical Note

Codification. Section is comprised of seventeenth paragraph of section 34 of Act Mar. 2, 1917. The other paragraphs of said section 34 are classified to sections 822-841 and 843 of this title.

Repeals. Section repealed by Act July 3, 1950, c. 446, § 5(2), 64 Stat. 320, to become effective when the constitution of Puerto Rico becomes effective.

§ 845. Income tax laws; modification or repeal by legislature

The Puerto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Puerto Rico. Feb. 26, 1926, c. 27, § 261, 44 Stat. 52; May 17, 1932, c. 110, 47 Stat. 158.

Historical Note

Codification. Similar provision of Act Feb. 26, 1926, which related to the Philippine Islands, was formerly classified to section 1055 of this title.

Prior Law. Identical provisions were contained in Act June 2, 1924, c. 234, § 261, 43 Stat. 294, which was repealed by section 1200 of Act Feb. 26, 1926, to take effect Jan. 1, 1925.

Change of Name. The name of "Porto Rico" was changed to "Puerto Rico" by Act May 17, 1932.