

116TH CONGRESS
1ST SESSION

H. R. 4901

To enable the admission of Puerto Rico as a State of the Union, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2019

Mr. SERRANO (for himself, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. YOUNG, Mr. BISHOP of Utah, Mr. SOTO, Mrs. MURPHY of Florida, Mr. GALLEG0, Mr. WALTZ, Ms. PLASKETT, Mr. DIAZ-BALART, Ms. STEFANIK, Mr. CRIST, Mr. KING of New York, Ms. SHALALA, Mr. BACON, Ms. WASSERMAN SCHULTZ, Mr. FITZPATRICK, Mrs. RADEWAGEN, Mr. SWALWELL of California, Mr. HUFFMAN, Mr. POSEY, Mr. CICILLINE, Mr. LOWENTHAL, Mr. VARGAS, Mrs. KIRKPATRICK, Mr. KATKO, Mr. BANKS, Mrs. BEATTY, Mr. SABLAN, Mr. BROWN of Maryland, Mr. LEWIS, Mr. LAMALFA, Mrs. DEMINGS, Mr. WILSON of South Carolina, Mr. SAN NICOLAS, Mr. BISHOP of Georgia, Mr. CARBAJAL, Ms. BROWNLEY of California, Mr. FOSTER, Mr. BEYER, Mr. RASKIN, Mr. HASTINGS, Ms. WILD, Mr. PETERSON, and Mr. SPANO) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To enable the admission of Puerto Rico as a State of the
Union, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puerto Rico Statehood
5 Admission Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) United States national sovereignty in Puer-
4 to Rico was established by the Treaty of Peace be-
5 tween the United States and the Kingdom of Spain
6 (30 Stat. 1754), signed on December 10, 1898.

7 (2) Puerto Rico is governed by the United
8 States under laws enacted by Congress in the exer-
9 cise of its power to make rules and regulations gov-
10 erning territory belonging to the United States, pur-
11 suant to article IV, section 3, clause 2 of the Con-
12 stitution.

13 (3) For reasons of precedent primarily related
14 to the Philippines also ceded by Spain after the
15 Spanish-American War, substantially the same ma-
16 jority in the United States Supreme Court that es-
17 tablished the “separate but equal” doctrine in *Plessy*
18 *v. Ferguson* determined in the 1901 *Downes v.*
19 *Bidwell* decision that Puerto Rico was an unincor-
20 porated territory of the United States, a status of
21 possession that continues today.

22 (4) On March 2, 1917, Congress granted birth-
23 right citizenship of the United States by statute for
24 all persons born in Puerto Rico (39 Stat. 951) to
25 further integrate Puerto Rico into our Nation.

1 (5) Puerto Rico has a territorial constitution
2 that is republican in form and compatible with the
3 United States Constitution as well as the principles
4 of the Declaration of Independence, and that is
5 equivalent to a State constitution, having been
6 democratically ratified by the United States citizens
7 of the territory on November 4, 1952, and subse-
8 quently approved by the Congress of the United
9 States through Public Law 82-447.

10 (6) Thirty-two territories previously have peti-
11 tioned Congress for statehood based on democrat-
12 ically expressed consent of the governed, and each
13 was duly admitted as a State of the Union pursuant
14 to article IV, section 3, clause 1 of the United States
15 Constitution, with equal rights and responsibilities of
16 national and State citizenship under the United
17 States Constitution.

18 (7) Puerto Ricans have contributed greatly to
19 the Nation and its culture and distinguished them-
20 selves in every field of endeavor. However, the denial
21 of equal voting representation and equal treatment
22 by the Federal Government stands in stark contrast
23 to their contributions.

24 (8) Since becoming a United States territory,
25 more than 235,000 United States citizens of Puerto

1 Rican heritage have served in the United States
2 military.

3 (9) Thousands of military servicemembers of
4 Puerto Rican heritage have received numerous med-
5 als, distinctions, and commendations of every degree,
6 including for valorous military service in the twen-
7 tieth and twenty-first centuries.

8 (10) Nine military servicemembers from Puerto
9 Rico have been awarded the Congressional Medal of
10 Honor, and many have been awarded the Distin-
11 guished Service Cross or the Navy Cross.

12 (11) The 65th Infantry Regiment in Puerto
13 Rico (known as the “Borinqueneers”) was awarded
14 the Congressional Gold Medal (Public Law 113–120,
15 enacted June 10, 2014) for its contributions and
16 sacrifices in the armed conflicts of the United
17 States, including World War I, World War II, and
18 the Korean War.

19 (12) Unincorporated territory status means
20 that Federal laws can be applied to Puerto Rico and
21 its American citizens differently, on unequal and
22 even inequitable terms, compared not only to the
23 States and their residents, but also unlike territories
24 that were considered to be parts of the United

1 States. This has limited the development of Puerto
2 Rico and hindered its economy.

3 (13) Unincorporated territory status has re-
4 sulted in millions of residents leaving Puerto Rico to
5 seek greater opportunities and a better quality of life
6 available in a State. Approximately 65 percent of all
7 people of Puerto Rican origin now live in the States,
8 with the increasing rate of population loss in the ter-
9 ritory creating a severe strain on the local tax base
10 and workforce participation.

11 (14) Other than its unincorporated territory
12 status and its unequal treatment in some laws,
13 Puerto Rico is socially, economically, politically, and
14 legally integrated into the Nation.

15 (15) Puerto Rico has held two plebiscites under
16 local law on status proposals that are possible under
17 Federal law in 2012 and 2017. In 2012, a majority
18 of the vote rejected the current territory status and
19 61.2 percent chose statehood among the alternatives.
20 In 2017, 97.1 percent of the vote was for statehood
21 on a ballot amended as advised by the Department
22 of Justice.

23 (16) No United States territory that has peti-
24 tioned for statehood has been denied admission into
25 the Union.

1 (17) Congress has recognized Puerto Rico’s
2 “right to determine its future political status” (Pub-
3 lic Law 114–187, enacted June 20, 2016), which,
4 consistent with status votes in most territories that
5 have become States, may include a “Yes or No” vote
6 on statehood.

7 (18) Congress has appropriated funding to the
8 State Elections Commission of Puerto Rico to con-
9 duct a plebiscite by which Puerto Rican voters will
10 determine the future political status of Puerto Rico
11 (Public Law 113–76, enacted January 17, 2014).

12 (19) Granting equality through statehood to
13 Puerto Rico is long overdue in light of the historical
14 contributions of its residents to the United States
15 and its potential to further strengthen our Union
16 and the 102 years of political and economic discrimi-
17 nation against the United States citizens living in
18 Puerto Rico.

19 **SEC. 3. NATIONAL POLICY DECLARATION.**

20 This Act constitutes the commitment of Congress
21 that, if Puerto Rico chooses statehood, subject to the pro-
22 visions stated herein, Puerto Rico shall be declared to be
23 a State of the United States of America, and shall be ad-
24 mitted into the Union on an equal footing with the other
25 States, in all respects, so that the United States citizens

1 residing in Puerto Rico shall have all rights, privileges,
 2 and duties enjoyed by the United States citizens in the
 3 several States.

4 **SEC. 4. ADMISSION TO UNION AS STATE.**

5 (a) DEMOCRATIC SELF-DETERMINATION.—In ac-
 6 cordance with applicable laws of Puerto Rico, a political
 7 status plebiscite shall be conducted in conjunction with the
 8 local general election scheduled for November 2020.

9 (b) BALLOT.—The ballot for the plebiscite conducted
 10 under subsection (a) shall present voters with the ques-
 11 tion: “Do you approve Puerto Rico’s admission as a State
 12 of the Union on equal footing with all other States?
 13 Yes_____ No _____.”.

14 (c) CERTIFIED RESULTS.—If statehood is approved
 15 by a majority of the votes cast in the plebiscite conducted
 16 under subsection (a), the President of the State Elections
 17 Commission of Puerto Rico shall certify the results of the
 18 plebiscite and shall transmit the certified results of the
 19 plebiscite to the Governor within 3 days. Not later than
 20 10 days after the date of certification, the Governor shall
 21 declare the results of the plebiscite and transmit the cer-
 22 tified results of the plebiscite to the President of the
 23 United States, the President pro tempore of the Senate,
 24 and the Speaker of the House of Representatives.

1 (d) CONTENT OF DECLARATION.—The declaration by
2 the Governor in subsection (c) shall designate and an-
3 nounce the dates and other requirements for primary and
4 general elections under applicable Federal and local law
5 for representation in the Senate and the House of Rep-
6 resentatives in accordance with the following:

7 (1) In the first election of Senators, the two
8 senatorial offices shall be separately identified and
9 designated, and no person may be a candidate for
10 both offices. Nothing in this section shall impair the
11 privilege of the Senate to determine the class and
12 term to which each of the Senators-elect shall be as-
13 signed.

14 (2) In the first election of a Representative,
15 Puerto Rico shall be entitled to one Representative
16 upon its admission into the Union as a State. In the
17 next election for the United States House of Rep-
18 resentatives, Puerto Rico shall be entitled to the
19 same number of Representatives as the State whose
20 most recent Census population was closest to, but
21 less than, that of Puerto Rico, and such Representa-
22 tives shall be in addition to the membership of the
23 House of Representatives as now prescribed by law:
24 *Provided*, that any increase in the membership shall
25 not operate to either increase or decrease the perma-

1 nent membership of the House of Representatives as
2 prescribed in the Act of August 8, 1911 (37 Stat.
3 13), nor shall such temporary increase affect the
4 basis of apportionment established by the Act of No-
5 vember 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for
6 the Eighty-third Congress and each Congress there-
7 after, unless Congress acts to increase the total
8 number of the House of Representatives. Thereafter,
9 the State of Puerto Rico shall be entitled to such
10 number of Representatives as provided for by appli-
11 cable law based on the next reapportionment.

12 (3) The President of the State Elections Com-
13 mission of Puerto Rico shall certify the results of
14 such primary and general elections, and shall trans-
15 mit the results of each election to the Governor with-
16 in 3 days following such primary and general elec-
17 tions. Within 10 days of the date of each certifi-
18 cation, the Governor shall declare the results of the
19 primary and general elections, and transmit the re-
20 sults of each election to the President of the United
21 States, the President pro tempore of the Senate, and
22 the Speaker of the House of Representatives.

23 (e) PRESIDENTIAL PROCLAMATION.—Upon receipt of
24 the Governor's declaration pursuant to subsection (c), the
25 President of the United States shall issue a proclamation

1 declaring certified results of the plebiscite and the date
2 Puerto Rico is admitted as a State of the Union on an
3 equal footing with all other States, which date must follow
4 the certification of results of the general elections required
5 by this Act, but not later than 30 months from the date
6 on which the aforementioned plebiscite results were cer-
7 tified. Upon issuance of the proclamation by the Presi-
8 dent, Puerto Rico shall be deemed admitted into the Union
9 as a State.

10 (f) TRANSITION PERIOD.—During the period be-
11 tween the day on which voters have approved statehood,
12 and the date of admission as a State of the Union, the
13 Constitution and laws of the United States shall apply to
14 Puerto Rico as it applied to the 32 incorporated territories
15 that became States prior to admission to the Union.

16 (g) TERMINATION OF ACT IF STATEHOOD NOT AP-
17 PROVED.—If statehood is not approved by a majority of
18 the votes cast in the plebiscite conducted under subsection
19 (a), the provisions of this Act shall cease to be effective.

20 **SEC. 5. PROVISIONS APPLICABLE TO STATE OF PUERTO**
21 **RICO.**

22 Upon the admission of the State of Puerto Rico into
23 the Union, the following shall apply:

24 (1) PHYSICAL TERRITORY DEFINED.—The
25 State of Puerto Rico shall consist of all of the is-

1 lands, together with their appurtenant reefs,
2 seafloor, and territorial waters in the seaward
3 boundary, presently under the jurisdiction of the ter-
4 ritory of Puerto Rico.

5 (2) STATE CONSTITUTION.—The Constitution
6 of the Commonwealth of Puerto Rico, as approved
7 by Public Law 82–447 and subsequently amended,
8 shall be accepted as the State Constitution of Puerto
9 Rico.

10 (3) CONTINUITY OF LAWS.—All laws of the
11 United States and laws of Puerto Rico not in con-
12 flict with this Act shall continue in full force and ef-
13 fect following the date of admission of Puerto Rico
14 as a State of the Union.

15 (4) CONTINUITY OF GOVERNMENT.—The indi-
16 viduals holding legislative, executive, and judicial of-
17 fices of Puerto Rico shall continue to discharge the
18 duties of their respective offices when Puerto Rico
19 becomes a State of the Union.

20 (5) CONTINUITY OF OBLIGATIONS.—All con-
21 tracts, obligations, liabilities, debts, and claims of
22 the Commonwealth of Puerto Rico and its instru-
23 mentalities shall continue in full force and effect as
24 the contracts, obligations, liabilities, debts, and

1 claims of the State of Puerto Rico and its instru-
2 mentalities.

3 **SEC. 6. REPEALS.**

4 All Federal and territorial laws, rules, and regula-
5 tions applicable to Puerto Rico that are incompatible with
6 the political and legal status of statehood under the Con-
7 stitution and the provisions of this Act are repealed and
8 terminated as of the date of statehood admission pro-
9 claimed by the President under section 4(e) of this Act.
10 Except for those parts that are not in conflict with this
11 Act and the condition of statehood, the following shall be
12 deemed repealed upon the effective date of the admission
13 of Puerto Rico as a State:

14 (1) The Puerto Rican Federal Relations Act of
15 1950 (Public Law 81–600).

16 (2) The Act of July 3, 1950 (48 U.S.C. 731b–
17 731e).

18 (3) The Act of March 2, 1917 (Public Law 64–
19 368).

20 (4) The Act of April 12, 1900 (Public Law 56–
21 191).

22 **SEC. 7. SEVERABILITY.**

23 If any provision of this Act, or any section, sub-
24 section, sentence, clause, phrase, or individual word, or the
25 application thereof to any person or circumstance is held

1 invalid, the validity of the remainder of the Act and of
2 the application of any such provision, section, subsection,
3 sentence, clause, phrase, or individual word to other per-
4 sons and circumstances shall not be affected thereby.

