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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

To set forth the process for Puerto Rico to be admitted as a State of
the Union.

IN THE HOUSE OF REPRESENTATIVES

Mr. PIERLUISI (for himself and see ATTACHED LIST of cosponsors) introduced
the following bill; which was referred to the Committee on

A BILL

To set forth the process for Puerto Rico to be admitted
as a State of the Union.

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 Process Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In 1898, Puerto Rico became a United
2 States territory and persons born in Puerto Rico
3 have been granted United States citizenship since
4 1917, pursuant to Public Law 64–368.

5 (2) In 1950, Congress enacted Public Law 81–
6 600, authorizing Puerto Rico to draft a local con-
7 stitution. In 1951, a constitutional convention was
8 held in Puerto Rico to draft the constitution. On
9 March 3, 1952, Puerto Rico ratified the constitution
10 and submitted it for approval by Congress. On July
11 3, 1952, Congress enacted Public Law 82–447,
12 which made changes to the constitution, and ap-
13 proved the constitution subject to Puerto Rico’s ac-
14 ceptance of these changes. The changes were accept-
15 ed by the delegates to the constitutional convention,
16 and the constitution of Puerto Rico took effect on
17 July 25, 1952. The constitution establishes a repub-
18 lican form of government, is not repugnant to the
19 Constitution of the United States, and is the func-
20 tional equivalent of a state constitution.

21 (3) On November 6, 2012, the Government of
22 Puerto Rico held a two-part plebiscite organized
23 under local law. The first question asked voters if
24 Puerto Rico should continue to be a territory, and
25 54 percent of voters rejected territory status. The

1 second question asked voters to express their pref-
2 erence among the three possible alternatives to terri-
3 tory status—statehood, independence, and nation-
4 hood in free association with the United States—and
5 61 percent of voters who selected an option chose
6 statehood. The number of votes cast for statehood
7 on the second question exceeded the number of votes
8 cast for continued territory status on the first ques-
9 tion.

10 (4) On August 1, 2013, the Committee on En-
11 ergy and Natural Resources of the Senate held a
12 hearing to receive testimony on the 2012 plebiscite.
13 In his opening statement, the Chairman of the Com-
14 mittee said that “there is no disputing that a major-
15 ity of the voters in Puerto Rico—54 percent—have
16 clearly expressed their opposition to continuing the
17 current territorial status”. The ranking minority
18 member of the Committee agreed, stating that “it is
19 clear to me that the majority of Puerto Ricans do
20 not favor the current territorial status”.

21 (5) Also at the August 1, 2013 hearing, the
22 Chairman recognized that “for Puerto Rico to meet
23 its economic and social challenges and to achieve its
24 full potential, this debate over status needs to be
25 settled” and that “the current relationship under-

1 mines the United States’ moral standing in the
2 world. For a nation founded on the principles of de-
3 mocracy and the consent of the governed, how much
4 longer can America allow a condition to persist in
5 which nearly four million U.S. citizens do not have
6 a vote in the government that makes the national
7 laws which affect their daily lives?” The Chairman
8 acknowledged that, for Puerto Rico to have full self-
9 government, it must become “a sovereign nation or
10 achieve equality among the States of the Union”.

11 (6) The President’s Fiscal Year 2014 Budget
12 requested \$2.5 million for the first Federally-spon-
13 sored plebiscite in Puerto Rico’s history, to be held
14 on options that would “resolve Puerto Rico’s future
15 political status” and that are found by the Depart-
16 ment of Justice not to be “incompatible with the
17 Constitution and laws and policies of the United
18 States”. This proposal was enacted in January 2014
19 as part of Public Law 113–76.

20 (7) Alaska and Hawaii are the most recent ter-
21 ritories to become States of the Union. Public Law
22 85–508 (July 7, 1958), “an act to provide for the
23 admission of the State of Alaska into the Union”,
24 and Public Law 86–3 (March 18, 1959), “an act to
25 provide for the admission of the State of Hawaii into

1 the Union”, were enacted after a majority of voters
2 in each territory expressed a desire for statehood in
3 plebiscites organized under local law. These Acts of
4 Congress provided that admission would occur if a
5 majority of voters affirmed in a Federally-sponsored
6 plebiscite that the territory should “be admitted into
7 the Union as a State”. The Federally-sponsored
8 plebiscite in the territory of Alaska was held on Au-
9 gust 26, 1958, and Alaska was admitted into the
10 Union on January 3, 1959. The Federally-sponsored
11 plebiscite in the territory of Hawaii was held on
12 June 27, 1959, and Hawaii was admitted into the
13 Union on August 21, 1959.

14 **SEC. 3. VOTE ON ADMISSION.**

15 (a) VOTE.—The State Elections Commission of Puer-
16 to Rico is authorized to provide for a vote on the admis-
17 sion of Puerto Rico into the Union as a State within one
18 year of the date of enactment of this Act, in accordance
19 with rules and regulations determined by the Commission,
20 including qualifications for voter eligibility. The ballot
21 shall ask the following question: “Shall Puerto Rico be ad-
22 mitted as a State of the United States? Yes___ No___”.

23 (b) FUNDS FOR VOTE.—The funds made available
24 pursuant to Public Law 113–76 may be used to conduct
25 the vote.

1 **SEC. 4. CERTIFICATION AND TRANSMITTAL OF RESULTS.**

2 Not later than 10 days after the certification of the
3 vote by the State Elections Commission of Puerto Rico,
4 the Governor of Puerto Rico shall transmit the certified
5 results to the President of the United States, the Speaker
6 of the House of Representatives, and the President Pro
7 Tempore of the Senate.

8 **SEC. 5. TRANSITION PROCESS.**

9 If a majority of the votes cast in the vote conducted
10 pursuant to section 3 are for Puerto Rico's admission into
11 the Union as a State—

12 (a) PROCLAMATION.—Within 30 calendar days of re-
13 ceipt of the certified results transmitted pursuant to sec-
14 tion 4, the President shall issue a proclamation to begin
15 the transition process that will culminate in Puerto Rico's
16 admission into the Union as a State effective January 1,
17 2021.

18 (b) COMMISSION.—Within 90 calendar days of re-
19 ceipt of the certified results transmitted pursuant to sec-
20 tion 4, the President shall appoint a Commission on the
21 Equal Application of Federal Law to Puerto Rico.

22 (1) PURPOSE.—The Commission shall survey
23 the laws of the United States and make rec-
24 ommendations to Congress as to how laws that do
25 not apply to the territory or apply differently to the
26 territory than to the several States should be amend-

1 ed or repealed to treat Puerto Rico equally with the
2 several States as of the date of the admission of
3 Puerto Rico into the Union as a State.

4 (2) MEMBERSHIP.—The Commission shall con-
5 sist of five persons, at least two of whom shall be
6 residents of Puerto Rico.

7 (3) REPORT.—The Commission shall issue a
8 final report to the President of the United States,
9 the Speaker of the House of Representatives, and
10 the President Pro Tempore of the Senate by July 1,
11 2018.

12 (4) TERMINATION.—Upon issuing the final re-
13 port under paragraph (3), the Commission shall ter-
14minate.

15 (5) FEDERAL ADVISORY COMMITTEE ACT.—The
16 Federal Advisory Committee Act (5 U.S.C. App.),
17 other than section 14, shall apply to the Commis-
18sion.

19 **SEC. 6. RULES FOR ELECTIONS FOR FEDERAL OFFICES.**

20 (a) PREPARATION FOR ELECTIONS.—Not later than
21 January 1, 2020, Puerto Rico shall carry out such actions
22 as may be necessary to enable Puerto Rico to hold elec-
23 tions for Federal office in November 2020 in accordance
24 with this section.

1 (b) PRESIDENTIAL ELECTION.—With respect to the
2 election for the office of President and Vice President held
3 in November 2020—

4 (1) Puerto Rico shall be considered a State for
5 purposes of chapter 21 of title 3, United States
6 Code;

7 (2) the electors of Puerto Rico shall be consid-
8 ered electors of a State for purposes of such chapter;
9 and

10 (3) for purposes of section 3 of such title, the
11 number of electors from Puerto Rico shall be equal
12 to the number of Senators and Representatives to
13 which Puerto Rico is entitled during the One Hun-
14 dred Seventeenth Congress, as determined in accord-
15 ance with subsections (c) and (d).

16 (c) ELECTION OF SENATORS.—

17 (1) ELECTION OF 2 SENATORS.—The regularly
18 scheduled general elections for Federal office held in
19 Puerto Rico during November 2020 shall include the
20 election of 2 Senators, each of whom shall first take
21 office on the first day of the One Hundred Seven-
22 teenth Congress.

23 (2) SPECIAL RULE.—In the election of Senators
24 from Puerto Rico pursuant to paragraph (1), the 2
25 Senate offices shall be separately identified and des-

1 ignated, and no person may be a candidate for both
2 offices. No such identification or designation of ei-
3 ther of the offices shall refer to or be taken to refer
4 to the terms of such offices, or in any way impair
5 the privilege of the Senate to determine the class to
6 which each of the Senators elected shall be assigned.

7 (d) ELECTION OF REPRESENTATIVES.—

8 (1) IN GENERAL.—Effective on the first day of
9 the One Hundred Seventeenth Congress, and until
10 the taking effect of the first reapportionment occur-
11 ring after the regular decennial census conducted for
12 2020, Puerto Rico shall be entitled to the number of
13 Representatives to which it would have been entitled
14 for the One Hundred Sixteenth Congress if Puerto
15 Rico had been a State during such Congress, as
16 shown in the statement transmitted by the President
17 to Congress under paragraph (2).

18 (2) DETERMINATION OF INITIAL NUMBER.—

19 (A) DETERMINATION.—Not later than
20 July 1, 2019, the President shall submit to
21 Congress a statement of the number of Rep-
22 resentatives to which Puerto Rico would have
23 been entitled for the One Hundred Sixteenth
24 Congress if Puerto Rico had been a State dur-
25 ing such Congress, in the same manner as pro-

1 vided under section 22(a) of the Act entitled
2 “An Act to provide for the fifteenth and subse-
3 quent decennial censuses and to provide for ap-
4 portionment of Representatives in Congress”,
5 approved June 28, 1929 (2 U.S.C. 2a(a)).

6 (B) SUBMISSION OF NUMBER BY CLERK.—
7 Not later than 15 calendar days after receiving
8 the statement of the President under subpara-
9 graph (A), the Clerk of the House of Rep-
10 resentatives, in accordance with section 22(b) of
11 such Act (2 U.S.C. 2a(b)), shall transmit to the
12 Governor of Puerto Rico and the Speaker of the
13 House of Representatives a certificate of the
14 number of Representatives to which Puerto
15 Rico is entitled during the period described in
16 paragraph (1).

17 (3) TERMINATION OF OFFICE OF RESIDENT
18 COMMISSIONER.—Effective on the date on which a
19 Representative from Puerto Rico first takes office in
20 accordance with this subsection, the Office of the
21 Resident Commissioner to the United States, as de-
22 scribed in section 36 of the Act of March 2, 1917
23 (48 U.S.C. 891 et seq.), is terminated.

24 (e) ADMINISTRATION OF PRIMARY ELECTIONS.—
25 Puerto Rico may hold primary elections for the offices de-

1 scribed in this section at such time and in such manner
2 as Puerto Rico may provide, so long as such elections are
3 held in the manner required by the laws applicable to elec-
4 tions for Federal office.

5 **SEC. 7. ISSUANCE OF PRESIDENTIAL PROCLAMATION.**

6 Following the transition process set forth in section
7 5, the President shall issue a proclamation declaring that
8 Puerto Rico is admitted into the Union on an equal foot-
9 ing with the other States, effective January 1, 2021. Upon
10 issuance of the proclamation by the President, Puerto Rico
11 shall be deemed admitted into the Union as a State.

12 **SEC. 8. STATE OF PUERTO RICO.**

13 Upon the admission of Puerto Rico into the Union
14 as a State—

15 (a) STATE CONSTITUTION.—The Constitution of the
16 Commonwealth of Puerto Rico shall be accepted as the
17 Constitution of the State.

18 (b) TERRITORY.—The State shall consist of all of the
19 territory, together with the waters included in the seaward
20 boundary, of the Commonwealth of Puerto Rico.

21 (c) CONTINUITY OF GOVERNMENT.—The persons
22 holding legislative, executive, and judicial offices of the
23 Commonwealth of Puerto Rico shall continue to discharge
24 the duties of their respective offices.

25 (d) CONTINUITY OF LAWS.—

1 (1) TERRITORY LAW.—All of the territory laws
2 in force in Puerto Rico shall continue in force and
3 effect in the State, except as modified by this Act,
4 and shall be subject to repeal or amendment by the
5 Legislature and the Governor of Puerto Rico.

6 (2) FEDERAL LAW.—All of the laws of the
7 United States shall have the same force and effect
8 as on the date immediately prior to the date of ad-
9 mission of Puerto Rico into the Union as a State,
10 except for any provision of law that treats Puerto
11 Rico and its residents differently than the States of
12 the Union and their residents, which shall be amend-
13 ed as of the date of admission to treat the State of
14 Puerto Rico and its residents equally with the other
15 States of the Union and their residents.

16 **SEC. 9. EFFECT ON MEMBERSHIP OF HOUSE OF REP-**
17 **RESENTATIVES.**

18 (a) TEMPORARY INCREASE DURING INITIAL PE-
19 RIOD.—

20 (1) TEMPORARY INCREASE.—During the period
21 described in paragraph (1) of section 6(d)—

22 (A) the membership of the House of Rep-
23 resentatives shall be increased by the number of
24 Members to which Puerto Rico is entitled dur-
25 ing such period; and

1 (B) each such Representative shall be in
2 addition to the membership of the House of
3 Representatives as now prescribed by law.

4 (2) NO EFFECT ON EXISTING APPORTION-
5 MENT.—The temporary increase in the membership
6 of the House of Representatives provided under
7 paragraph (1) shall not, during the period described
8 in paragraph (1) of section 6(d)—

9 (A) operate to either increase or decrease
10 the permanent membership of the House of
11 Representatives as prescribed in the Act of Au-
12 gust 8, 1911 (2 U.S.C. 2); or

13 (B) affect the basis of reapportionment es-
14 tablished by the Act of June 28, 1929, as
15 amended (2 U.S.C. 2a), for the Eighty Second
16 Congress and each Congress thereafter.

17 (b) PERMANENT INCREASE EFFECTIVE WITH NEXT
18 REAPPORTIONMENT.—

19 (1) IN GENERAL.—Effective with respect to the
20 One Hundred Eighteenth Congress and each suc-
21 ceeding Congress, the House of Representatives shall
22 be composed of a number of Members equal to the
23 sum of 435 plus the number by which the member-
24 ship of the House was increased under subsection
25 (a).

1 (2) REAPPORTIONMENT OF MEMBERS RESULT-
2 ING FROM INCREASE.—

3 (A) IN GENERAL.—Section 22(a) of the
4 Act entitled “An Act to provide for the fifteenth
5 and subsequent decennial censuses and to pro-
6 vide for apportionment of Representatives in
7 Congress”, approved June 28, 1929 (2 U.S.C.
8 2a(a)), is amended by striking “the then exist-
9 ing number of Representatives” and inserting
10 “the number of Representatives established
11 with respect to the One Hundred Eighteenth
12 Congress”.

13 (B) EFFECTIVE DATE.—The amendment
14 made by subparagraph (A) shall apply with re-
15 spect to the regular decennial census conducted
16 for 2020 and each subsequent regular decennial
17 census.