

115TH CONGRESS
2D SESSION

H. R. 6246

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2018

Miss GONZÁLEZ-COLÓN of Puerto Rico (for herself, Mr. BISHOP of Utah, Mr. YOUNG of Alaska, Mr. SERRANO, Mr. LAMALFA, Mrs. MURPHY of Florida, Mr. SOTO, Mr. DUFFY, Mr. MACARTHUR, Mr. MCGOVERN, Mr. DESANTIS, Mr. RASKIN, Ms. STEFANIK, Mr. CURBELO of Florida, Mr. BACON, Mr. BEYER, Mr. BANKS of Indiana, Ms. ROS-LEHTINEN, Mr. GENE GREEN of Texas, Mrs. RADEWAGEN, Mr. SABLAN, Mr. VARGAS, Ms. BORDALLO, Mr. KING of New York, Mr. DIAZ-BALART, Mr. YOHO, Mr. FITZPATRICK, Ms. PLASKETT, Ms. TENNEY, Mr. LABRADOR, Mr. COSTELLO of Pennsylvania, Mr. TROTT, Ms. ESTY of Connecticut, Ms. WASSERMAN SCHULTZ, Mrs. BEATTY, Mr. BROWN of Maryland, Mr. DENHAM, and Mr. TAYLOR) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To enable the admission of the territory of Puerto Rico into the Union as a State, 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 Admission
5 Act of 2018”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Puerto Rico was ceded to the United States
4 and came under this Nation's sovereignty pursuant
5 to the Treaty of Paris ending the Spanish-American
6 War in 1898. Article IX of the Treaty of Paris rec-
7 ognized the authority of Congress to provide for the
8 political status of the inhabitants of the territory.
9 Puerto Rico remained under the direct control of
10 United States military forces until Congress enacted
11 the Foraker Act (Public Law 56–191) on April 12,
12 1900, bringing a civilian government, appointed by
13 the President of the United States, to the island.

14 (2) Consistent with the establishment of United
15 States nationality for the inhabitants of Puerto Rico
16 under the Treaty of Paris, in 1917, Congress exer-
17 cised its powers under the Territorial Clause of the
18 United States Constitution (article IV, section 3,
19 clause 2) to provide for the United States citizenship
20 status of persons born in Puerto Rico (Public Law
21 64–368).

22 (3) Under rulings of the United States Su-
23 preme Court, including *Balzac v. People of Porto*
24 *Rico*, 258 U.S. 298 (1922), only ambiguous, incon-
25 sistent and indirect application of the United States
26 Constitution has been established in the unincor-

1 porated territories of the United States including
2 Puerto Rico.

3 (4) In 1950, Congress prescribed a procedure
4 for instituting limited internal self-government for
5 Puerto Rico pursuant to statutory authorization for
6 a local constitution (Public Law 81–600). As a re-
7 sult, a local constitution was approved by the people
8 of Puerto Rico, ratified by Congress, subject to con-
9 forming amendments enacted by Puerto Rico, and
10 thereupon given effect in 1952.

11 (5) The approved constitution established a re-
12 publican form of government in conformity with the
13 United States Constitution and the principles of the
14 Declaration of Independence and is the functional
15 equivalent of a State constitution, but did not re-
16 strict the authority of Congress under the Territorial
17 Clause to determine the application of Federal law
18 to Puerto Rico. Congress’ plenary power under the
19 Territorial Clause was most recently and dramati-
20 cally evidenced in 2016 with the enactment of the
21 Puerto Rico Oversight, Management, and Economic
22 Stability Act (Public Law 114–187).

23 (6) Congressional policies to date have disen-
24 franchised the approximately 3,400,000 United
25 States citizens residing in Puerto Rico who do not

1 enjoy a democratic form of government at the na-
2 tional level as they cannot vote in the election of the
3 President and Vice President of the United States,
4 are not represented in the United States Senate, and
5 only have one Resident Commissioner in the United
6 States House of Representatives, who can only vote
7 in the Congressional committees to which she or he
8 is assigned.

9 (7) Furthermore, the Federal Government may,
10 and often does, treat the United States citizens re-
11 siding in Puerto Rico unequally under most Federal
12 programs and other laws applicable to the several
13 States and their residents. In its December 14,
14 2016, Report to Congress, the Congressional Task
15 Force on Economic Growth in Puerto Rico estab-
16 lished that the territory is not treated equally with
17 the States under more than 40 Federal statutes.

18 (8) The limitations of, and unequal treatment
19 under, territory status has left Puerto Rico under-
20 developed when compared to the States and has sub-
21 stantially contributed to its fiscal and economic cri-
22 sis, forcing a massive exodus that has resulted in
23 5,400,000 United States citizens of Puerto Rican
24 ancestry living in the United States mainland.

1 (9) Puerto Rico has been under United States
2 sovereignty and within the United States customs
3 territory for close to 120 years, making Puerto Rico
4 the oldest, largest, and most populous colony in the
5 world, yet Congress has failed to respond to the peo-
6 ple of Puerto Rico’s continued quest for equality and
7 self-determination.

8 (10) It has been the longstanding policy of the
9 United States that the United States citizens of a
10 territory can democratically determine whether it
11 should eventually become a State or a sovereign na-
12 tion.

13 (11) On November 6, 2012, the Government of
14 Puerto Rico held a locally sanctioned, two-part plebi-
15 scite. This plebiscite was consistent with the rec-
16 ommendations set forth by the President’s Task
17 Force on Puerto Rico’s Status Report to Congress
18 of March 2011. The first question asked if Puerto
19 Rico should continue to be a territory of the United
20 States, and 54 percent of the voters rejected terri-
21 tory status. The second question asked the voters to
22 express their preference among the three possible
23 and internationally recognized permanent alter-
24 natives to territory status—statehood, independence,
25 or nationhood in free association with the United

1 States—and 61 percent of the voters who selected
2 an option chose statehood. The number of votes cast
3 for statehood on the second question exceeded the
4 number of votes cast for continued territory status
5 on the first question.

6 (12) On June 11, 2017, the Government of
7 Puerto Rico held yet another status plebiscite to rat-
8 ify the results of the 2012 vote, on a ballot amended
9 to specifically comply with the United States De-
10 partment of Justice’s requirements pursuant to Pub-
11 lic Law 113–76. In this plebiscite, statehood re-
12 ceived 97 percent, free association/independence re-
13 ceived 1.5 percent, and current territorial status re-
14 ceived 1.3 percent of the votes cast.

15 (13) Puerto Ricans have contributed greatly to
16 the Nation in all fields of endeavor, both in war and
17 in peace. Over 250,000 have served in the United
18 States Armed Forces, many paying the ultimate sac-
19 rifice. They not only deserve, but have earned the
20 right to have their voices heard.

21 (14) Last year marked the 100th anniversary
22 of the granting of United States citizenship to the
23 people of Puerto Rico by Congress, who remain
24 disenfranchised and trapped in a second-class citi-

1 zenship that denies them the same rights and re-
2 sponsibilities as their fellow citizens in the States.

3 (15) Equality within the Nation is required for
4 a healthy American economy and essential for Puer-
5 to Rico’s social and economic well-being as well as
6 for basic reasons of democracy. Puerto Rico should
7 be transitioned into equality within the Union.

8 **SEC. 3. PURPOSE.**

9 The purpose of the Act is to respond to, and comply
10 with, the democratic will of the United States citizens re-
11 siding in Puerto Rico as expressed in the plebiscites held
12 on November 6, 2012, and June 11, 2017, by setting forth
13 the terms for the admission of the territory of Puerto Rico
14 as a State of the Union.

15 **SEC. 4. ADMISSION.**

16 Subject to the provisions of this Act, and upon the
17 issuance of the proclamation by the President of the
18 United States required by section 6 of this Act, the terri-
19 tory of Puerto Rico thereupon shall become a State of the
20 United States, and admitted into the Union on an equal
21 footing and in true permanent union with the other States
22 in all respects whatsoever.

23 **SEC. 5. TRANSITION PROCESS.**

24 (a) STATE CONSTITUTION.—The constitution of the
25 State of Puerto Rico shall always be republican in form

1 and shall be in conformity with the Constitution of the
2 United States. The current constitution of Puerto Rico is
3 deemed to be republican in form and in conformity with
4 the Constitution of the United States and is hereby ac-
5 cepted as the constitution of the State of Puerto Rico.

6 (b) PLEBISCITE RESULTS DEEMED SUFFICIENT.—
7 Immediately upon the enactment of this Act, the results
8 of the November 6, 2012, and June 11, 2017, status plebi-
9 scites are deemed sufficient to trigger the transition proc-
10 ess to Statehood set forth in this section. This section does
11 not preclude additional democratic self-determination
12 under local or Federal law.

13 (c) TASK FORCE ON EQUALITY FOR THE UNITED
14 STATES CITIZENS OF PUERTO RICO.—

15 (1) ESTABLISHMENT.—There is established
16 within the legislative branch a Congressional Task
17 Force on Equality for the United States Citizens of
18 Puerto Rico (hereinafter referred to as the “Task
19 Force”).

20 (2) DUTIES.—The Task Force shall—

21 (A) survey the laws of the United States
22 and make recommendations to Congress and
23 the President of the United States as to how
24 laws that do not apply to the territory of Puer-
25 to Rico or apply differently to the territory than

1 to the several States should be amended or re-
2 pealed to phase-in equal treatment of Puerto
3 Rico with the several States, as appropriate, no
4 later than January 1, 2021;

5 (B) make recommendations on potential
6 temporary economic measures to assist Puerto
7 Rico's transition from a territory to a State,
8 seeking the greatest degree of flexibility for the
9 phase-in of Federal programs and the develop-
10 ment of the territory's economy through fiscal
11 incentives, alternative tax arrangements, and
12 other measures;

13 (C) propose timelines and rules guiding
14 elections for Federal offices; and

15 (D) study the effect of Puerto Rico's ad-
16 mission as a State on the existing apportion-
17 ment in the House of Representatives.

18 (3) MEMBERSHIP.—The Task Force shall be
19 comprised of 9 Members as follows:

20 (A) Four Members of the House of Rep-
21 resentatives, two of whom shall be appointed by
22 the Speaker of the House of Representatives,
23 and two of whom shall be appointed by the mi-
24 nority leader of the House of Representatives.

1 (B) Four Members of the Senate, two of
2 whom shall be appointed by the majority leader
3 of the Senate, and two of whom shall be ap-
4 pointed by the minority leader of the Senate.

5 (C) The Resident Commissioner of Puerto
6 Rico.

7 (4) DEADLINE FOR APPOINTMENT.—Appoint-
8 ments to the Task Force shall be made not later
9 than 30 days after the date of enactment of this
10 Act.

11 (5) CHAIR.—The Speaker of the House of Rep-
12 resentatives shall designate one Member to serve as
13 Chair of the Task Force.

14 (6) VACANCIES.—Any vacancy in the Task
15 Force shall be filled in the same manner as the
16 original appointment.

17 (7) AGENCY COOPERATION.—The Departments
18 and agencies of the executive branch and all offices
19 and entities of the legislative branch of shall—

20 (A) cooperate with the Task Force in car-
21 rying out its duties; and

22 (B) furnish it with such information and
23 technical assistance as may be requested, in-
24 cluding, but not limited to, views, recommenda-

1 tions, and drafting services on the measures
2 needed to fulfill the Task Force’s mandate.

3 (8) REPORTS.—

4 (A) Not later than 270 calendar days after
5 its establishment, the Task Force shall submit
6 a preliminary report of its recommendations to
7 the House of Representatives, the Senate, and
8 the President of the United States.

9 (B) Not later than 120 calendar days after
10 the submission of the preliminary report, the
11 Task Force shall submit a final report of its
12 recommendations to the House of Representa-
13 tives, the Senate, and the President of the
14 United States.

15 (C) To the greatest extent practicable, the
16 reports issued pursuant to subparagraphs (A)
17 and (B) shall reflect the shared views of all 9
18 Members of the Task Force but the reports
19 may contain dissenting views.

20 (9) CONGRESSIONAL INTENT.—The enactment
21 of this Act expresses the intent of Congress to pass
22 legislation based upon the Task Force’s final report.

23 (10) TERMINATION.—Upon issuing the final re-
24 port under paragraph (8)(B), the Task Force shall
25 terminate.

1 (11) IMPLEMENTATION.—Upon receipt of the
2 final Task Force Report under paragraph (8)(B),
3 Congress shall ensure that, as appropriate, Federal
4 laws that do not apply to Puerto Rico or apply dif-
5 ferently to the territory than to the several States
6 are amended or repealed to phase-in the equal treat-
7 ment of Puerto Rico with the several States no later
8 than January 1, 2021. Generally, as part of the
9 transition process—

10 (A) all Acts, or parts of Acts, in conflict
11 with the provisions of this Act, whether passed
12 by the Legislature of Puerto Rico or by Con-
13 gress, shall be repealed or amended to conform
14 to the provisions of this Act;

15 (B) Puerto Rico will cease to be an unin-
16 corporated territory of the United States and
17 will become an incorporated territory of the
18 United States until its final admission into the
19 Union as a State no later than January 1,
20 2021; and

21 (C) with the exception of those parts that
22 are not in conflict with this Act, the following
23 shall be repealed:

24 (i) The Puerto Rican Federal Rela-
25 tions Act of 1950 (Public Law 81–600).

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

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

5 (iv) The Act of March 2, 1917 (Public
6 Law 64–368).

7 **SEC. 6. ISSUANCE OF PRESIDENTIAL PROCLAMATION.**

8 Following the completion of the transition process set
9 forth in section 5, the President of the United States shall
10 issue a proclamation declaring that Puerto Rico is admit-
11 ted into the Union on an equal footing with the other
12 States, effective no later than January 1, 2021. Upon
13 issuance of the proclamation by the President, Puerto Rico
14 shall cease to be an incorporated territory of the United
15 States and be deemed admitted into the Union as a State.

16 **SEC. 7. STATE OF PUERTO RICO.**

17 Upon the admission of Puerto Rico into the Union
18 as a State, the following apply:

19 (1) TERRITORY.—The newly admitted State of
20 Puerto Rico shall consist of all its islands, together
21 with their appurtenant reefs and territorial waters in
22 the seaward boundary, presently under the jurisdic-
23 tion of the territory of Puerto Rico.

24 (2) CONTINUITY OF GOVERNMENT.—Persons
25 holding executive, legislative, and judicial offices in

1 the Government of Puerto Rico shall continue to dis-
2 charge the duties of their respective offices con-
3 sistent with the United States Constitution and Fed-
4 eral law applicable to Puerto Rico, and the State of
5 Puerto Rico's laws and constitution.

6 (3) CONTINUITY OF LAWS.—

7 (A) TERRITORY LAW.—All of the territory
8 laws in force in Puerto Rico shall continue in
9 force and effect in the State, except as modified
10 by this Act, and shall be subject to repeal or
11 amendment by the legislature and the Governor
12 of Puerto Rico.

13 (B) FEDERAL LAW.—All of the laws of the
14 United States shall have the same force and ef-
15 fect as on the date immediately prior to the
16 date of admission of Puerto Rico into the Union
17 as a State, except for any provision of law that
18 treats Puerto Rico and its residents differently
19 than the States of the Union and their resi-
20 dents, which shall be amended as of the date of
21 admission to treat the State of Puerto Rico and
22 its residents equally with the other States of the
23 Union and their residents.

24 (4) UNITED STATES CITIZENSHIP.—No provi-
25 sion of this Act shall operate to confer United States

1 citizenship, nor terminate citizenship hereto lawfully
2 acquired, nor restore citizenship terminated or lost
3 under any law of the United States or under any
4 treaty to which the United States is or was a party.

5 **SEC. 8. SEVERABILITY.**

6 If any provision of this Act, or any section, sub-
7 section, sentence, clause, phrase, or individual word, or the
8 application thereof to any person or circumstance is held
9 invalid, the validity of the remainder of the Act and of
10 the application of any such provision, section, subsection,
11 sentence, clause, phrase, or individual word to other per-
12 sons and circumstances shall not be affected thereby.

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