

  
(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

Miss GONZÁLEZ-COLÓN of Puerto Rico introduced the following bill; which  
was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

- 8 (1) Puerto Rico was ceded to the United States  
9 and came under this Nation's sovereignty pursuant

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

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

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

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

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

21          (6) Congressional policies to date have  
22          disenfranchised the approximately 3,400,000 United  
23          States citizens residing in Puerto Rico who do not  
24          enjoy a democratic form of government at the na-  
25          tional level as they cannot vote in the election of the

1 President and Vice President of the United States,  
2 are not represented in the United States Senate, and  
3 only have one Resident Commissioner in the United  
4 States House of Representatives, who can only vote  
5 in the Congressional committees to which she or he  
6 is assigned.

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

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

23 (9) Puerto Rico has been under United States  
24 sovereignty and within the United States customs  
25 territory for close to 120 years, making Puerto Rico

1 the oldest, largest, and most populous colony in the  
2 world, yet Congress has failed to respond to the peo-  
3 ple of Puerto Rico's continued quest for equality and  
4 self-determination.

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

10 (11) On November 6, 2012, the Government of  
11 Puerto Rico held a locally sanctioned, two-part plebi-  
12 scite. This plebiscite was consistent with the rec-  
13 ommendations set forth by the President's Task  
14 Force on Puerto Rico's Status Report to Congress  
15 of March 2011. The first question asked if Puerto  
16 Rico should continue to be a territory of the United  
17 States, and 54 percent of the voters rejected terri-  
18 tory status. The second question asked the voters to  
19 express their preference among the three possible  
20 and internationally recognized permanent alter-  
21 natives to territory status—statehood, independence,  
22 or nationhood in free association with the United  
23 States—and 61 percent of the voters who selected  
24 an option chose statehood. The number of votes cast  
25 for statehood on the second question exceeded the

1 number of votes cast for continued territory status  
2 on the first question.

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

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

18 (14) Last year marked the 100th anniversary  
19 of the granting of United States citizenship to the  
20 people of Puerto Rico by Congress, who remain  
21 disenfranchised and trapped in a second-class citi-  
22 zenship that denies them the same rights and re-  
23 sponsibilities as their fellow citizens in the States.

24 (15) Equality within the Nation is required for  
25 a healthy American economy and essential for Puer-

1 to Rico's social and economic well-being as well as  
2 for basic reasons of democracy. Puerto Rico should  
3 be transitioned into equality within the Union.

4 **SEC. 3. PURPOSE.**

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

11 **SEC. 4. ADMISSION.**

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

19 **SEC. 5. TRANSITION PROCESS.**

20 (a) **STATE CONSTITUTION.**—The constitution of the  
21 State of Puerto Rico shall always be republican in form  
22 and shall be in conformity with the Constitution of the  
23 United States. The current constitution of Puerto Rico is  
24 deemed to be republican in form and in conformity with

1 the Constitution of the United States and is hereby ac-  
2 cepted as the constitution of the State of Puerto Rico.

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

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

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

17 (2) DUTIES.—The Task Force shall—

18 (A) survey the laws of the United States  
19 and make recommendations to Congress and  
20 the President of the United States as to how  
21 laws that do not apply to the territory of Puer-  
22 to Rico or apply differently to the territory than  
23 to the several States should be amended or re-  
24 pealed to phase-in equal treatment of Puerto



1 Rico with the several States, as appropriate, no  
2 later than January 1, 2021;

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

11 (C) propose timelines and rules guiding  
12 elections for Federal offices; and

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

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

18 (A) 4 Members of the House of Represent-  
19 atives, 2 of whom shall be appointed by the  
20 Speaker of the House of Representatives, and 2  
21 of whom shall be appointed by the minority  
22 leader of the House of Representatives.

23 (B) 4 Members of the Senate, 2 of whom  
24 shall be appointed by the majority leader of the

1 Senate, and 2 of whom shall be appointed by  
2 the minority leader of the Senate.

3 (C) The Resident Commissioner of Puerto  
4 Rico.

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

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

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

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

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

20 (B) furnish it with such information and  
21 technical assistance as may be requested, in-  
22 cluding, but not limited to, views, recommenda-  
23 tions, and drafting services on the measures  
24 needed to fulfill the Task Force's mandate.

25 (8) REPORTS.—

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

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

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

17          (9) CONGRESSIONAL INTENT.—The enactment  
18          of this Act expresses the intent of Congress to pass  
19          legislation based upon the Task Force's final report.

20          (10) TERMINATION.—Upon issuing the final re-  
21          port under paragraph (8)(B), the Task Force shall  
22          terminate.

23          (11) IMPLEMENTATION.—Upon receipt of the  
24          final Task Force Report under paragraph (8)(B),  
25          Congress shall ensure that, as appropriate, Federal

1 laws that do not apply to Puerto Rico or apply dif-  
2 ferently to the territory than to the several States  
3 are amended or repealed to phase-in the equal treat-  
4 ment of Puerto Rico with the several States no later  
5 than January 1, 2021. Generally, as part of the  
6 transition process—

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

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

18 (C) with the exception of those parts that  
19 are not in conflict with this Act, the following  
20 shall be repealed:

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

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

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

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

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

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

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

15 Upon the admission of Puerto Rico into the Union  
16 as a State, the following apply:

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

22 (2) CONTINUITY OF GOVERNMENT.—Persons  
23 holding legislative, executive, and judicial offices in  
24 the government of Puerto Rico shall continue to dis-  
25 charge the duties of their respective offices con-

1       sistent with the United States Constitution and Fed-  
2       eral law applicable to Puerto Rico, and the State of  
3       Puerto Rico's laws and constitution.

4           (3) CONTINUITY OF LAWS.—

5               (A) TERRITORY LAW.—All of the territory  
6       laws in force in Puerto Rico shall continue in  
7       force and effect in the State, except as modified  
8       by this Act, and shall be subject to repeal or  
9       amendment by the Legislature and the Gov-  
10      ernor of Puerto Rico.

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

22           (4) UNITED STATES CITIZENSHIP.—No provi-  
23      sion of this Act shall operate to confer United States  
24      citizenship, nor terminate citizenship hereto lawfully  
25      acquired, nor restore citizenship terminated or lost

1 under any law of the United States or under any  
2 treaty to which the United States is or was a party.

3 **SEC. 8. SEVERABILITY.**

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