

114TH CONGRESS
1ST SESSION

H. R. 727

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2015

Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. BEYER, Ms. BORDALLO, Ms. BROWN of Florida, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Mr. CLYBURN, Mr. CONNOLLY, Mr. CONYERS, Mr. COSTA, Mr. CROWLEY, Mr. CURBELO of Florida, Mr. DEUTCH, Mr. DIAZ-BALART, Mr. ENGEL, Ms. FRANKEL of Florida, Ms. FUDGE, Ms. GABBARD, Mr. GRAYSON, Mr. HARRIS, Mr. HASTINGS, Mr. HOYER, Mr. HUFFMAN, Mr. JEFFRIES, Ms. KAPTUR, Mr. KIND, Mr. KING of New York, Mr. LABRADOR, Mr. LARSON of Connecticut, Mr. LEWIS, Mr. MARINO, Mr. MEEKS, Mr. MICA, Mr. MURPHY of Florida, Ms. NORTON, Ms. PLASKETT, Mr. POLIS, Mrs. RADEWAGEN, Mr. RIBBLE, Ms. ROSLEHTINEN, Mr. RUIZ, Mr. SABLAN, Mr. SCHIFF, Mr. SCHOCK, Mr. TAKAI, Mr. VARGAS, Ms. WASSERMAN SCHULTZ, Ms. MAXINE WATERS of California, Mr. WELCH, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Natural Resources

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Puerto Rico Statehood
3 Admission Process Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) In 1898, Puerto Rico became a United
7 States territory and persons born in Puerto Rico
8 have been granted United States citizenship since
9 1917, pursuant to Public Law 64–368.

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

1 (3) On November 6, 2012, the Government of
2 Puerto Rico held a two-part plebiscite organized
3 under local law. The first question asked voters if
4 Puerto Rico should continue to be a territory, and
5 54 percent of voters rejected territory status. The
6 second question asked voters to express their pref-
7 erence among the three possible alternatives to terri-
8 tory status—statehood, independence, and nation-
9 hood in free association with the United States—and
10 61 percent of voters who selected an option chose
11 statehood. The number of votes cast for statehood
12 on the second question exceeded the number of votes
13 cast for continued territory status on the first ques-
14 tion.

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

1 (5) Also at the August 1, 2013 hearing, the
2 Chairman recognized that “for Puerto Rico to meet
3 its economic and social challenges and to achieve its
4 full potential, this debate over status needs to be
5 settled” and that “the current relationship under-
6 mines the United States’ moral standing in the
7 world. For a nation founded on the principles of de-
8 mocracy and the consent of the governed, how much
9 longer can America allow a condition to persist in
10 which nearly four million U.S. citizens do not have
11 a vote in the government that makes the national
12 laws which affect their daily lives?” The Chairman
13 acknowledged that, for Puerto Rico to have full self-
14 government, it must become “a sovereign nation or
15 achieve equality among the States of the Union”.

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

1 (7) Alaska and Hawaii are the most recent ter-
2 ritories to become States of the Union. Public Law
3 85–508 (July 7, 1958), “an act to provide for the
4 admission of the State of Alaska into the Union”,
5 and Public Law 86–3 (March 18, 1959), “an act to
6 provide for the admission of the State of Hawaii into
7 the Union”, were enacted after a majority of voters
8 in each territory expressed a desire for statehood in
9 plebiscites organized under local law. These Acts of
10 Congress provided that admission would occur if a
11 majority of voters affirmed in a Federally sponsored
12 plebiscite that the territory should “be admitted into
13 the Union as a State”. The Federally sponsored
14 plebiscite in the territory of Alaska was held on Au-
15 gust 26, 1958, and Alaska was admitted into the
16 Union on January 3, 1959. The Federally sponsored
17 plebiscite in the territory of Hawaii was held on
18 June 27, 1959, and Hawaii was admitted into the
19 Union on August 21, 1959.

20 **SEC. 3. VOTE ON ADMISSION.**

21 (a) VOTE.—The State Elections Commission of Puer-
22 to Rico is authorized to provide for a vote on the admis-
23 sion of Puerto Rico into the Union as a State within one
24 year of the date of enactment of this Act, in accordance
25 with rules and regulations determined by the Commission,

1 including qualifications for voter eligibility. The ballot
2 shall ask the following question: “Shall Puerto Rico be ad-
3 mitted as a State of the United States? Yes ____ No ____”.

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

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

8 Not later than 10 days after the certification of the
9 vote by the State Elections Commission of Puerto Rico,
10 the Governor of Puerto Rico shall transmit the certified
11 results to the President of the United States, the Speaker
12 of the House of Representatives, and the President Pro
13 Tempore of the Senate.

14 **SEC. 5. TRANSITION PROCESS.**

15 If a majority of the votes cast in the vote conducted
16 pursuant to section 3 are for Puerto Rico’s admission into
17 the Union as a State—

18 (a) PROCLAMATION.—Within 30 calendar days of re-
19 ceipt of the certified results transmitted pursuant to sec-
20 tion 4, the President shall issue a proclamation to begin
21 the transition process that will culminate in Puerto Rico’s
22 admission into the Union as a State effective January 1,
23 2021.

24 (b) COMMISSION.—Within 90 calendar days of re-
25 ceipt of the certified results transmitted pursuant to sec-

1 tion 4, the President shall appoint a Commission on the
2 Equal Application of Federal Law to Puerto Rico.

3 (1) PURPOSE.—The Commission shall survey
4 the laws of the United States and make rec-
5 ommendations to Congress as to how laws that do
6 not apply to the territory or apply differently to the
7 territory than to the several States should be amend-
8 ed or repealed to treat Puerto Rico equally with the
9 several States as of the date of the admission of
10 Puerto Rico into the Union as a State.

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

14 (3) REPORT.—The Commission shall issue a
15 final report to the President of the United States,
16 the Speaker of the House of Representatives, and
17 the President Pro Tempore of the Senate by July 1,
18 2018.

19 (4) TERMINATION.—Upon issuing the final re-
20 port under paragraph (3), the Commission shall ter-
21minate.

22 (5) FEDERAL ADVISORY COMMITTEE ACT.—The
23 Federal Advisory Committee Act (5 U.S.C. App.),
24 other than section 14, shall apply to the Commis-
25sion.

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

2 (a) **PREPARATION FOR ELECTIONS.**—Not later than
3 January 1, 2020, Puerto Rico shall carry out such actions
4 as may be necessary to enable Puerto Rico to hold elec-
5 tions for Federal office in November 2020 in accordance
6 with this section.

7 (b) **PRESIDENTIAL ELECTION.**—With respect to the
8 election for the office of President and Vice President held
9 in November 2020—

10 (1) Puerto Rico shall be considered a State for
11 purposes of chapter 21 of title 3, United States
12 Code;

13 (2) the electors of Puerto Rico shall be consid-
14 ered electors of a State for purposes of such chapter;
15 and

16 (3) for purposes of section 3 of such title, the
17 number of electors from Puerto Rico shall be equal
18 to the number of Senators and Representatives to
19 which Puerto Rico is entitled during the One Hun-
20 dred Seventeenth Congress, as determined in accord-
21 ance with subsections (c) and (d).

22 (c) **ELECTION OF SENATORS.**—

23 (1) **ELECTION OF 2 SENATORS.**—The regularly
24 scheduled general elections for Federal office held in
25 Puerto Rico during November 2020 shall include the
26 election of 2 Senators, each of whom shall first take

1 office on the first day of the One Hundred Seven-
2 teenth Congress.

3 (2) SPECIAL RULE.—In the election of Senators
4 from Puerto Rico pursuant to paragraph (1), the 2
5 Senate offices shall be separately identified and des-
6 ignated, and no person may be a candidate for both
7 offices. No such identification or designation of ei-
8 ther of the offices shall refer to or be taken to refer
9 to the terms of such offices, or in any way impair
10 the privilege of the Senate to determine the class to
11 which each of the Senators elected shall be assigned.

12 (d) ELECTION OF REPRESENTATIVES.—

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

23 (2) DETERMINATION OF INITIAL NUMBER.—

24 (A) DETERMINATION.—Not later than
25 July 1, 2019, the President shall submit to

1 Congress a statement of the number of Rep-
2 resentatives to which Puerto Rico would have
3 been entitled for the One Hundred Sixteenth
4 Congress if Puerto Rico had been a State dur-
5 ing such Congress, in the same manner as pro-
6 vided under section 22(a) of the Act entitled
7 “An Act to provide for the fifteenth and subse-
8 quent decennial censuses and to provide for ap-
9 portionment of Representatives in Congress”,
10 approved June 28, 1929 (2 U.S.C. 2a(a)).

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

22 (3) TERMINATION OF OFFICE OF RESIDENT
23 COMMISSIONER.—Effective on the date on which a
24 Representative from Puerto Rico first takes office in
25 accordance with this subsection, the Office of the

1 Resident Commissioner to the United States, as de-
2 scribed in section 36 of the Act of March 2, 1917
3 (48 U.S.C. 891 et seq.), is terminated.

4 (e) ADMINISTRATION OF PRIMARY ELECTIONS.—
5 Puerto Rico may hold primary elections for the offices de-
6 scribed in this section at such time and in such manner
7 as Puerto Rico may provide, so long as such elections are
8 held in the manner required by the laws applicable to elec-
9 tions for Federal office.

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

11 Following the transition process set forth in section
12 5, the President shall issue a proclamation declaring that
13 Puerto Rico is admitted into the Union on an equal foot-
14 ing with the other States, effective January 1, 2021. Upon
15 issuance of the proclamation by the President, Puerto Rico
16 shall be deemed admitted into the Union as a State.

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

18 Upon the admission of Puerto Rico into the Union
19 as a State—

20 (a) STATE CONSTITUTION.—The Constitution of the
21 Commonwealth of Puerto Rico shall be accepted as the
22 Constitution of the State.

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

1 (c) CONTINUITY OF GOVERNMENT.—The persons
2 holding legislative, executive, and judicial offices of the
3 Commonwealth of Puerto Rico shall continue to discharge
4 the duties of their respective offices.

5 (d) CONTINUITY OF LAWS.—

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

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

21 **SEC. 9. EFFECT ON MEMBERSHIP OF HOUSE OF REP-**
22 **RESENTATIVES.**

23 (a) TEMPORARY INCREASE DURING INITIAL PE-
24 RIOD.—

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

3 (A) the membership of the House of Rep-
4 resentatives shall be increased by the number of
5 Members to which Puerto Rico is entitled dur-
6 ing such period; and

7 (B) each such Representative shall be in
8 addition to the membership of the House of
9 Representatives as now prescribed by law.

10 (2) NO EFFECT ON EXISTING APPORTION-
11 MENT.—The temporary increase in the membership
12 of the House of Representatives provided under
13 paragraph (1) shall not, during the period described
14 in paragraph (1) of section 6(d)—

15 (A) operate to either increase or decrease
16 the permanent membership of the House of
17 Representatives as prescribed in the Act of Au-
18 gust 8, 1911 (2 U.S.C. 2); or

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

23 (b) PERMANENT INCREASE EFFECTIVE WITH NEXT
24 REAPPORTIONMENT.—

1 (1) IN GENERAL.—Effective with respect to the
2 One Hundred Eighteenth Congress and each suc-
3 ceeding Congress, the House of Representatives shall
4 be composed of a number of Members equal to the
5 sum of 435 plus the number by which the member-
6 ship of the House was increased under subsection
7 (a).

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

10 (A) IN GENERAL.—Section 22(a) of the
11 Act entitled “An Act to provide for the fifteenth
12 and subsequent decennial censuses and to pro-
13 vide for apportionment of Representatives in
14 Congress”, approved June 28, 1929 (2 U.S.C.
15 2a(a)), is amended by striking “the then exist-
16 ing number of Representatives” and inserting
17 “the number of Representatives established
18 with respect to the One Hundred Eighteenth
19 Congress”.

20 (B) EFFECTIVE DATE.—The amendment
21 made by subparagraph (A) shall apply with re-
22 spect to the regular decennial census conducted
23 for 2020 and each subsequent regular decennial
24 census.

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