

117TH CONGRESS  
1ST SESSION

# H. R. 1522

To provide for the admission of the State of Puerto Rico into the Union.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Mr. SOTO (for himself, Miss GONZÁLEZ-COLÓN, Mrs. MURPHY of Florida, Mr. YOUNG, Mr. TORRES of New York, Mr. DIAZ-BALART, Mr. RASKIN, Mr. BACON, Mr. BERA, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARBAJAL, Mr. CARSON, Ms. CASTOR of Florida, Mr. CORREA, Mr. CRIST, Mrs. DEMINGS, Mr. DEUTCH, Mr. EVANS, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Mr. GALLEGO, Mr. GARBARINO, Mr. GIMENEZ, Mr. HASTINGS, Mr. KATKO, Mr. KILMER, Mr. KRISHNAMOORTHY, Mr. MCNERNEY, Mr. NORCROSS, Ms. PLASKETT, Mr. POSEY, Mrs. RADEWAGEN, Ms. SALAZAR, Mr. SAN NICOLAS, Mr. SESSIONS, Mr. SIRES, Ms. STEFANIK, Mr. SWALWELL, Mr. TRONE, Mr. VARGAS, Mr. WALTZ, Ms. WASSERMAN SCHULTZ, Ms. WILD, Ms. WILSON of Florida, Mr. GOMEZ, Mr. BROWN, Mr. JOHNSON of Georgia, Mrs. BEATTY, Mr. BEYER, Mr. COHEN, and Ms. BARRAGÁN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the admission of the State of Puerto Rico  
into 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 Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) United States national sovereignty in Puer-  
7 to Rico was established by the Treaty of Paris be-  
8 tween the United States and the Kingdom of Spain  
9 (30 Stat. 1754), signed on December 10, 1898.

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

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

25 (4) After agreeing to independence for the Phil-  
26 ippines, also acquired through the Spanish-American

1 War, on March 2, 1917, Congress granted statutory  
2 United States citizenship to the residents of Puerto  
3 Rico. Such action has historically led to incorpora-  
4 tion and eventual statehood but was denied to Puer-  
5 to Rico due to anomalies emanating from the 1901  
6 Downes ruling and its progeny, even as fellow Amer-  
7 icans in Hawaii and Alaska attained statehood.

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

17 (6) Thirty-two territories previously have peti-  
18 tioned Congress for statehood based on democrat-  
19 ically expressed consent of the governed, and each  
20 was duly admitted as a State of the Union pursuant  
21 to article IV, section 3, clause 1 of the United States  
22 Constitution, with equal rights and responsibilities of  
23 national and State citizenship under the United  
24 States Constitution.

1           (7) Puerto Ricans have contributed greatly to  
2 the nation and its culture and distinguished them-  
3 selves in every field of endeavor. However, the denial  
4 of equal voting representation and equal treatment  
5 by the Federal Government stands in stark contrast  
6 to their contributions.

7           (8) Since becoming a United States territory,  
8 more than 235,000 American citizens of Puerto  
9 Rican heritage have served in the United States  
10 military.

11           (9) Thousands of United States military service  
12 members of Puerto Rican heritage have received nu-  
13 merous medals, distinctions, and commendations of  
14 every degree, including for valorous military service  
15 in the twentieth and twenty-first centuries.

16           (10) Nine United States military service mem-  
17 bers from Puerto Rico have been awarded the Medal  
18 of Honor, and many have been awarded the Distin-  
19 guished Service Cross or the Navy Cross.

20           (11) The 65th Infantry Regiment in Puerto  
21 Rico (known as the “Borinqueneers”) was awarded  
22 the Congressional Gold Medal (Public Law 113–  
23 120) for its contributions and sacrifices in the  
24 armed conflicts of the United States, including  
25 World War I, World War II, and the Korean War.

1           (12) To further recognize and pay tribute to  
2           the bravery of the Puerto Rican soldiers of the 65th  
3           Infantry Regiment, Congress expressed support for  
4           the designation of April 13 as National  
5           Borinqueneers Day in the National Defense Author-  
6           ization Act for Fiscal Year 2021 (Public Law 116-  
7           283).

8           (13) Unincorporated territory status means  
9           that Federal laws can be applied to Puerto Rico and  
10          its American citizens differently, on unequal and, at  
11          times inequitable terms, compared not only to the  
12          States and their residents, but also unlike territories  
13          that are parts of the United States. This has limited  
14          the development of Puerto Rico and hindered its  
15          economy.

16          (14) Unincorporated territory status has re-  
17          sulted in millions of residents leaving Puerto Rico to  
18          secure equal rights of citizenship attainable only in  
19          a State, and that enable Americans to seek greater  
20          opportunities and a better quality of life in the  
21          States. Approximately 65 percent of all people of  
22          Puerto Rican origin now live in the States, with the  
23          increasing rate of population loss in the territory  
24          creating a severe strain on the local tax base and  
25          workforce participation.

1           (15) Other than its unincorporated territory  
2 status and its unequal treatment under some Fed-  
3 eral laws, Puerto Rico is socially, economically, po-  
4 litically, and legally integrated into the nation. Nu-  
5 merous territories admitted as States did not have  
6 as strong a record of self-determination favoring  
7 statehood as the majority votes by American citizens  
8 in Puerto Rico favoring admission to the Union.

9           (16) In November 2012, a majority of voters  
10 rejected continuation of the current territory status,  
11 and 61.2 percent of those expressing a choice on sta-  
12 tus alternatives chose statehood.

13           (17) In June 2017, a vote was held to confirm  
14 the aspirations of the people of Puerto Rico. As ad-  
15 vised by the United States Department of Justice,  
16 all available status options were included in the bal-  
17 lot. Amid an opposition boycott, statehood received  
18 97 percent of the votes casted, while independence  
19 and the current status received less than 3 percent  
20 of the vote.

21           (18) In November 2020, following Alaska and  
22 Hawaii precedent, Puerto Rico voters were presented  
23 with the question: “Should Puerto Rico be admitted  
24 immediately into the Union as a State? Yes or No”.

1 A clear majority of 52.52 percent voted in the af-  
2 firmative.

3 (19) In December 2020, the Puerto Rico legis-  
4 lature, following the absolute majority victory ob-  
5 tained by statehood in the plebiscite, approved a  
6 Joint Resolution petitioning, on behalf of the People  
7 of Puerto Rico, that Congress and the President of  
8 the United States admit Puerto Rico into the Union  
9 as a State and appointed official representatives to  
10 manage the transition to statehood.

11 (20) No large and populous United States terri-  
12 tory inhabited by American citizens that has peti-  
13 tioned for statehood has been denied admission into  
14 the Union.

15 **SEC. 3. ADMISSION.**

16 Subject to the provisions of this Act, and upon  
17 issuance of the proclamation required by section 7(c), the  
18 Commonwealth of Puerto Rico is hereby declared to be  
19 a State of the United States of America, and as such shall  
20 be declared admitted into the Union on an equal footing  
21 with the other States in all respects.

22 **SEC. 4. PHYSICAL TERRITORY.**

23 The State of Puerto Rico shall consist of all the is-  
24 lands, together with their appurtenant reefs, seafloor, and

1 territorial waters in the seaward boundary, presently  
2 under the jurisdiction of the territory of Puerto Rico.

3 **SEC. 5. CONSTITUTION.**

4       The constitution of the State of Puerto Rico shall al-  
5 ways be republican in form and shall not be repugnant  
6 to the Constitution of the United States and the principles  
7 of the Declaration of Independence. The constitution of  
8 the Commonwealth of Puerto Rico, as approved by Public  
9 Law 82-447 and subsequently amended, is hereby found  
10 to be republican in form and in conformity with the Con-  
11 stitution of the United States and the principles of the  
12 Declaration of Independence, and is hereby accepted, rati-  
13 fied, and confirmed as the constitution of said State.

14 **SEC. 6. CERTIFICATION BY PRESIDENT.**

15       Upon enactment of this Act, the President of the  
16 United States shall certify such fact to the Governor of  
17 Puerto Rico. Thereupon the Governor shall, within 30  
18 days after receipt of the official notification of such ap-  
19 proval, issue a proclamation for the election of Senators  
20 and Representatives in Congress.

21 **SEC. 7. RATIFICATION VOTE.**

22       (a) RATIFICATION OF PROPOSITION.—At an election  
23 designated by proclamation of the Governor of Puerto  
24 Rico, which may be either the primary or the general elec-  
25 tion held pursuant to section 8, or a territorial general



1 election, or a special election, there shall be submitted to  
 2 voters, for adoption or rejection, a ballot with the following  
 3 ratification question: “Shall Puerto Rico immediately be  
 4 admitted into the Union as a State, in accordance with  
 5 terms prescribed in the Act of Congress approved  
 6 . . . . . (date of approval of this Act)?: Yes  
 7 \_\_\_\_\_ No \_\_\_\_\_.”.

8 (b) CERTIFIED RESULTS.—If the foregoing propo-  
 9 sition is adopted by a majority of the votes cast in the  
 10 election conducted under subsection (a), the President of  
 11 the State Elections Commission of Puerto Rico shall cer-  
 12 tify the results of the election and shall transmit the cer-  
 13 tified results of the election to the Governor. Not later  
 14 than 10 days after the date of certification, the Governor  
 15 shall declare the results of the election and transmit the  
 16 certified results of the submission to the President of the  
 17 United States, the President pro tempore of the Senate,  
 18 and the Speaker of the House of Representatives.

19 (c) PRESIDENTIAL PROCLAMATION.—Upon receipt of  
 20 the Governor’s declaration pursuant to subsection (b), the  
 21 President of the United States shall issue a proclamation  
 22 declaring certified the results of the submission and the  
 23 date Puerto Rico is admitted as a State of the Union on  
 24 an equal footing with all other States, which date must  
 25 follow the certification of results of the general elections

1 required by section 6 of this Act, but not later than 12  
2 months from the date on which the aforementioned sub-  
3 mission results were certified in order to facilitate a tran-  
4 sition process. Upon issuance of the proclamation by the  
5 President, Puerto Rico shall be deemed admitted into the  
6 Union as a State.

7 (d) TERMINATION OF ACT IF PROPOSITION NOT  
8 ADOPTED.—If the foregoing proposition is not adopted by  
9 a majority votes cast in the election conducted under sub-  
10 section (a), the provisions of this Act shall cease to be  
11 effective.

12 **SEC. 8. ELECTION OF OFFICERS.**

13 The proclamation by the Governor in section 6 shall  
14 designate and announce the dates and other requirements  
15 for primary and general elections under applicable Federal  
16 and local law for representation in the Senate and the  
17 House of Representatives in accordance with the following:

18 (1) In the first election of Senators, the two  
19 senatorial offices shall be separately identified and  
20 designated, and no person may be a candidate for  
21 both offices. Nothing in this section shall impair the  
22 privilege of the Senate to determine the class and  
23 term to which each of the Senators-elect shall be as-  
24 signed.

1           (2) In the first election of Representatives fol-  
2           lowing admission, and subsequent elections until the  
3           next Census-based reapportionment cycle, Puerto  
4           Rico shall be entitled to the same number of Rep-  
5           resentatives as the State whose most recent Census  
6           population was closest to, but less than, that of  
7           Puerto Rico, and such Representatives shall be in  
8           addition to the membership of the House of Rep-  
9           resentatives as now prescribed by law: *Provided*, that  
10          any such increase in the membership shall not oper-  
11          ate to either increase or decrease the permanent  
12          membership of the House of Representatives as pre-  
13          scribed in the Act of August 8, 1911 (37 Stat. 13),  
14          nor shall such temporary increase affect the basis of  
15          apportionment established by the Act of November  
16          15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the  
17          Eighty-third Congress and each Congress thereafter,  
18          unless Congress acts to increase the total number of  
19          members of the House of Representatives. There-  
20          after, the State of Puerto Rico shall be entitled to  
21          such number of Representatives as provided for by  
22          applicable law based on the next reapportionment.  
23          The apportionment of congressional districts for the  
24          first election and subsequent election of Representa-

1       tives shall be conducted as provided for by the Con-  
2       stitution and laws of Puerto Rico.

3               (3) The President of the State Elections Com-  
4       mission of Puerto Rico shall certify the results of  
5       such primary and general elections to the Governor.  
6       Within 10 days of the date of each certification, the  
7       Governor shall declare the results of the primary  
8       and general elections, and transmit the results of  
9       each election to the President of the United States,  
10      the President pro tempore of the Senate, and the  
11      Speaker of the House of Representatives.

12 **SEC. 9. CONTINUITY OF LAWS, GOVERNMENT, AND OBLIGA-**  
13                                   **TIONS.**

14      Upon the admission of the State of Puerto Rico into  
15 the Union, the following shall apply:

16              (1) CONTINUITY OF LAWS.—All laws of the  
17      United States and laws of Puerto Rico not in con-  
18      flict with this Act shall continue in full force and ef-  
19      fect following the date of admission of Puerto Rico  
20      as a State of the Union.

21              (2) CONTINUITY OF GOVERNMENT.—The indi-  
22      viduals holding legislative, executive, and judicial of-  
23      fices of Puerto Rico shall continue to discharge the  
24      duties of their respective offices when Puerto Rico  
25      becomes a State of the Union.

1           (3) CONTINUITY OF OBLIGATIONS.—All con-  
2           tracts, obligations, liabilities, debts, and claims of  
3           the Commonwealth of Puerto Rico and its instru-  
4           mentalities shall continue in full force and effect as  
5           the contracts, obligations, liabilities, debts, and  
6           claims of the State of Puerto Rico and its instru-  
7           mentalities.

8           (4) TITLE TO PROPERTY.—The State of Puerto  
9           Rico and its political subdivisions, as the case may  
10          be, shall have and retain title to all lands and other  
11          properties, real and personal, over which the terri-  
12          tory and its subdivisions presently hold title. The  
13          United States shall retain title to all property, real  
14          and personal, to which it presently has title, includ-  
15          ing public lands.

16 **SEC. 10. REPEALS.**

17          All Federal and territorial laws, rules, and regula-  
18          tions, or parts of Federal and territorial laws, rules, and  
19          regulations, applicable to Puerto Rico that are incompat-  
20          ible with the political and legal status of statehood under  
21          the Constitution and the provisions of this Act are re-  
22          pealed and terminated as of the date of statehood admis-  
23          sion proclaimed by the President under section 7(c) of this  
24          Act. Except for those parts that are not in conflict with  
25          this Act and the condition of statehood, the following shall

1 be deemed repealed upon the effective date of the admis-  
2 sion of Puerto Rico as a State:

3 (1) The Puerto Rican Federal Relations Act of  
4 1950 (Public Law 81–600).

5 (2) The Act of July 3, 1950 (48 U.S.C. 731b–  
6 731e).

7 (3) The Act of March 2, 1917 (Public Law 64–  
8 368).

9 (4) The Act of April 12, 1900 (Public Law 56–  
10 191).

11 **SEC. 11. SEVERABILITY.**

12 If any provision of this Act, or any section, sub-  
13 section, sentence, clause, phrase, or individual word, or the  
14 application thereof to any person or circumstance is held  
15 invalid by a court of jurisdiction, the validity of the re-  
16 mainder of the Act and of the application of any such pro-  
17 vision, section, subsection, sentence, clause, phrase, or in-  
18 dividual word to other persons and circumstances shall not  
19 be affected thereby.

○