

117TH CONGRESS
1ST SESSION

S. 780

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Mr. HEINRICH (for himself, Mr. PADILLA, Mr. WYDEN, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puerto Rico Statehood
5 Admission Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The United States national sovereignty in
9 Puerto Rico was established by the Treaty of Paris
10 between the United States and the Kingdom of

1 Spain (30 Stat. 1754), signed on December 10,
2 1898.

3 (2) Puerto Rico is governed by the United
4 States under laws enacted by Congress in the exer-
5 cise of its power to make rules and regulations gov-
6 erning territory belonging to the United States, pur-
7 suant to article IV, section 3, clause 2 of the Con-
8 stitution.

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

18 (4) After agreeing to independence for the Phil-
19ippines, also acquired through the Spanish-American
20 War, on March 2, 1917, Congress granted statutory
21 United States citizenship to the residents of Puerto
22 Rico. Such action has historically led to incorpora-
23 tion and eventual statehood but was denied to Puer-
24 to Rico due to anomalies emanating from the 1901

1 Downes ruling and its progeny, even as fellow Amer-
2 icans in Hawaii and Alaska attained statehood.

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

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

20 (7) Puerto Ricans have contributed greatly to
21 the nation and its culture and distinguished them-
22 selves in every field of endeavor. However, the denial
23 of equal voting representation and equal treatment
24 by the Federal Government stands in stark contrast
25 to their contributions.

1 (8) Since becoming a United States territory,
2 more than 235,000 American citizens of Puerto
3 Rican heritage have served in the United States
4 military.

5 (9) Thousands of United States military service
6 members of Puerto Rican heritage have received nu-
7 merous medals, distinctions, and commendations of
8 every degree, including for valorous military service
9 in the twentieth and twenty-first centuries.

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

14 (11) The 65th Infantry Regiment in Puerto
15 Rico (known as the “Borinqueneers”) was awarded
16 the Congressional Gold Medal (Public Law 113–
17 120) for its contributions and sacrifices in the
18 armed conflicts of the United States, including
19 World War I, World War II, and the Korean War.

20 (12) To further recognize and pay tribute to
21 the bravery of the Puerto Rican soldiers of the 65th
22 Infantry Regiment, Congress expressed support for
23 the designation of April 13 as National
24 Borinqueneers Day in the National Defense Author-

1 ization Act for Fiscal Year 2021 (Public Law 116–
2 283).

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

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

21 (15) Other than its unincorporated territory
22 status and its unequal treatment under some Fed-
23 eral laws, Puerto Rico is socially, economically, po-
24 litically, and legally integrated into the nation. Nu-
25 merous territories admitted as States did not have

1 as strong a record of self-determination favoring
2 statehood as the majority votes by American citizens
3 in Puerto Rico favoring admission to the Union.

4 (16) In November 2012, a majority of voters
5 rejected continuation of the current territory status,
6 and 61.2 percent of those expressing a choice on sta-
7 tus alternatives chose statehood.

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

16 (18) In November 2020, following Alaska and
17 Hawaii precedent, Puerto Rico voters were presented
18 with the question: “Should Puerto Rico be admitted
19 immediately into the Union as a State? Yes or No”.
20 A clear majority of 52.52 percent voted in the af-
21 firmative.

22 (19) In December 2020, the Puerto Rico legis-
23 lature, following the absolute majority victory ob-
24 tained by statehood in the plebiscite, approved a
25 Joint Resolution petitioning, on behalf of the People

1 of Puerto Rico, that Congress and the President of
2 the United States admit Puerto Rico into the Union
3 as a State and appointed official representatives to
4 manage the transition to statehood.

5 (20) No large and populous United States terri-
6 tory inhabited by American citizens that has peti-
7 tioned for statehood has been denied admission into
8 the Union.

9 **SEC. 3. ADMISSION.**

10 Subject to the provisions of this Act, and upon
11 issuance of the proclamation required by section 7(c), the
12 Commonwealth of Puerto Rico is hereby declared to be
13 a State of the United States of America, and as such shall
14 be declared admitted into the Union on an equal footing
15 with the other States in all respects.

16 **SEC. 4. PHYSICAL TERRITORY.**

17 The State of Puerto Rico shall consist of all the is-
18 lands, together with their appurtenant reefs, seafloor, and
19 territorial waters in the seaward boundary, presently
20 under the jurisdiction of the territory of Puerto Rico.

21 **SEC. 5. CONSTITUTION.**

22 The constitution of the State of Puerto Rico shall al-
23 ways be republican in form and shall not be repugnant
24 to the Constitution of the United States and the principles
25 of the Declaration of Independence. The constitution of

1 the Commonwealth of Puerto Rico, as approved by Public
 2 Law 82–447 and subsequently amended, is hereby found
 3 to be republican in form and in conformity with the Con-
 4 stitution of the United States and the principles of the
 5 Declaration of Independence, and is hereby accepted, rati-
 6 fied, and confirmed as the constitution of said State.

7 **SEC. 6. CERTIFICATION BY PRESIDENT.**

8 Upon enactment of this Act, the President of the
 9 United States shall certify such fact to the Governor of
 10 Puerto Rico. Thereupon the Governor shall, within 30
 11 days after receipt of the official notification of such ap-
 12 proval, issue a proclamation for the election of Senators
 13 and Representatives in Congress.

14 **SEC. 7. RATIFICATION VOTE.**

15 (a) RATIFICATION OF PROPOSITION.—At an election
 16 designated by proclamation of the Governor of Puerto
 17 Rico, which may be either the primary or the general elec-
 18 tion held pursuant to section 8, or a territorial general
 19 election, or a special election, there shall be submitted to
 20 voters, for adoption or rejection, a ballot with the following
 21 ratification question: “Shall Puerto Rico immediately be
 22 admitted into the Union as a State, in accordance with
 23 terms prescribed in the Act of Congress approved
 24 (date of approval of this Act)?: Yes _____ No
 25 _____.”.

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

12 (c) PRESIDENTIAL PROCLAMATION.—Upon receipt of
13 the Governor’s declaration pursuant to subsection (b), the
14 President of the United States shall issue a proclamation
15 declaring certified the results of the submission and the
16 date Puerto Rico is admitted as a State of the Union on
17 an equal footing with all other States, which date must
18 follow the certification of results of the general elections
19 required by section 6 of this Act, but not later than 12
20 months from the date on which the aforementioned sub-
21 mission results were certified in order to facilitate a tran-
22 sition process. Upon issuance of the proclamation by the
23 President, Puerto Rico shall be deemed admitted into the
24 Union as a State.

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

6 **SEC. 8. ELECTION OF OFFICERS / SUBMISSION OF PROPO-**
 7 **SITION.**

8 The proclamation by the Governor in section 6 shall
 9 designate and announce the dates and other requirements
 10 for primary and general elections under applicable Federal
 11 and local law for representation in the Senate and the
 12 House of Representatives in accordance with the following:

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

20 (2) In the first election of Representatives fol-
 21 lowing admission, and subsequent elections until the
 22 next Census-based reapportionment cycle, Puerto
 23 Rico shall be entitled to the same number of Rep-
 24 resentatives as the State whose most recent Census
 25 population was closest to, but less than, that of

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

21 (3) The President of the State Elections Com-
22 mission of Puerto Rico shall certify the results of
23 such primary and general elections to the Governor.
24 Within 10 days of the date of each certification, the
25 Governor shall declare the results of the primary

1 and general elections, and transmit the results of
 2 each election to the President of the United States,
 3 the President pro tempore of the Senate, and the
 4 Speaker of the House of Representatives.

5 **SEC. 9. CONTINUITY OF LAWS, GOVERNMENT, AND OBLIGA-**
 6 **TIONS.**

7 Upon the admission of the State of Puerto Rico into
 8 the Union, the following shall apply:

9 (1) CONTINUITY OF LAWS.—All laws of the
 10 United States and laws of Puerto Rico not in con-
 11 flict with this Act shall continue in full force and ef-
 12 fect following the date of admission of Puerto Rico
 13 as a State of the Union.

14 (2) CONTINUITY OF GOVERNMENT.—The indi-
 15 viduals holding legislative, executive, and judicial of-
 16 fices of Puerto Rico shall continue to discharge the
 17 duties of their respective offices when Puerto Rico
 18 becomes a State of the Union.

19 (3) CONTINUITY OF OBLIGATIONS.—All con-
 20 tracts, obligations, liabilities, debts, and claims of
 21 the Commonwealth of Puerto Rico and its instru-
 22 mentalities shall continue in full force and effect as
 23 the contracts, obligations, liabilities, debts, and
 24 claims of the State of Puerto Rico and its instru-
 25 mentalities.

1 (4) TITLE TO PROPERTY.—The State of Puerto
 2 Rico and its political subdivisions, as the case may
 3 be, shall have and retain title to all lands and other
 4 properties, real and personal, over which the terri-
 5 tory and its subdivisions presently hold title. The
 6 United States shall retain title to all property, real
 7 and personal, to which it presently has title, includ-
 8 ing public lands.

9 **SEC. 10. REPEALS.**

10 All Federal and territorial laws, rules, and regula-
 11 tions, or parts of Federal and territorial laws, rules, and
 12 regulations, applicable to Puerto Rico that are incompat-
 13 ible with the political and legal status of statehood under
 14 the Constitution and the provisions of this Act are re-
 15 pealed and terminated as of the date of statehood admis-
 16 sion proclaimed by the President under section 7(c) of this
 17 Act. Except for those parts that are not in conflict with
 18 this Act and the condition of statehood, the following shall
 19 be deemed repealed upon the effective date of the admis-
 20 sion of Puerto Rico as a State:

21 (1) The Puerto Rican Federal Relations Act of
 22 1950 (Public Law 81–600).

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

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

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

5 **SEC. 11. 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 by a court of jurisdiction, the validity of the re-
10 mainder of the Act and of the application of any such pro-
11 vision, section, subsection, sentence, clause, phrase, or in-
12 dividual word to other persons and circumstances shall not
13 be affected thereby.

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