

86TH CONGRESS
2D SESSION

H. R. 10266

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1960

Mr. LABONARIE introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for a referendum in Puerto Rico on the admission of Puerto Rico into the Union as a State, and to establish the procedure for such admission if the people of Puerto Rico desire it.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—REFERENDUM

4 SEC. 101. An islandwide referendum shall be held in
5 Puerto Rico in order to enable the qualified voters of the
6 Commonwealth of Puerto Rico to vote for admission of
7 Puerto Rico into the Union in accordance with title II of this
8 Act.

9 SEC. 102. The returns of the referendum held under this

1 title shall be made to the Governor of Puerto Rico, who shall
2 cause them to be canvassed in the manner provided by law
3 for the canvass of votes cast in general elections in the Com-
4 monwealth of Puerto Rico. If a majority of the qualified
5 voters voting in a referendum under this title vote in favor
6 of admission into the Union, the Governor shall certify to the
7 President of the United States of the decision of the people
8 of Puerto Rico, and title II of this Act shall take effect on
9 the day following the date of such certification.

10 SEC. 103. The election laws of the Commonwealth of
11 Puerto Rico shall apply to the referendum held under this
12 title, except insofar as they conflict with this title. The Gov-
13 ernor of Puerto Rico shall prescribe such regulations gov-
14 erning the conduct of the referendum under this title as may
15 be necessary to supplement such laws in order to carry out
16 this section.

17 TITLE II—STATEHOOD

18 SEC. 201. (a) If this title takes effect as provided in
19 section 102, it may be cited as the "Puerto Rico Statehood
20 Act".

21 (b) The inhabitants of all that part of the United States
22 now constituting the Commonwealth of Puerto Rico, as at
23 present described, may become the State of Puerto Rico,
24 as hereinafter provided.

25 SEC. 202. (a) All citizens of the United States who

1 are qualified to vote for representatives of the Legislative
2 Assembly of the Commonwealth of Puerto Rico are hereby
3 authorized to vote for and choose delegates, having the same
4 qualifications, to form a constitutional convention in Puerto
5 Rico. The convention shall consist of one delegate from
6 each of the representative districts and four delegates at
7 large.

8 (b) The Governor of Puerto Rico shall, within thirty
9 days after the effective date of this title, issue a proclama-
10 tion ordering an election of such delegates to be held at a
11 time designated in the proclamation within eight months
12 after the effective date of this title, and providing also for a
13 preceding primary election and for filings by independent or
14 nonparty candidates, which proclamation shall be issued at
15 least two months prior to the time of holding said primary
16 election and four months before the date of election of such
17 delegates. The nomination, filing, and election of such dele-
18 gates shall be conducted, the returns made, the results ascer-
19 tained, and the certificates of persons elected to such con-
20 vention issued in the same manner, as nearly as is practicable
21 as is prescribed by the laws regulating nominations and
22 elections of members of the Legislative Assembly of the
23 Commonwealth of Puerto Rico.

24 SEC. 203. (a) The delegates to the convention so
25 elected shall meet at San Juan, Puerto Rico, on the first

1 Tuesday following the thirtieth day after their election, un-
2 less that date should occur during a session of the Legislative
3 Assembly of the Commonwealth of Puerto Rico, in which
4 event the constitutional convention shall convene on the
5 first Tuesday following adjournment of the legislative ses-
6 sion. After organization, the delegates thereto shall declare
7 on behalf of the people of the proposed State that they adopt
8 the Constitution of the United States, whereupon the said
9 convention shall form a constitution and State government
10 for the proposed State.

11 (b) The constitution shall be republican in form, shall
12 make no distinction in civil or political rights on account of
13 race or color, shall not be repugnant to the Constitution of
14 the United States and the principles of the Declaration of
15 Independence. Said convention shall provide in said con-
16 stitution:

17 First. That perfect freedom of religious worship shall
18 be secured, and that no inhabitant of said State shall ever be
19 molested in person or property on account of his mode of
20 religious worship.

21 Second. That said State and its people do agree and
22 declare that they forever disclaim all right and title to
23 any lands or other property not granted or confirmed to the
24 State or its political subdivisions by or under the authority

1 of this title, the right or title to which is held by the United
2 States or is subject to disposition to by the United States;
3 that all such lands or other property, belonging to the United
4 States, shall be and remain under the absolute jurisdiction
5 and control of the United States until disposed of under its
6 authority, except to such extent as the Congress has pre-
7 scribed or may hereafter prescribe; and that no taxes shall
8 be imposed by said State upon any lands or other property
9 now owned or hereafter acquired by the United States, ex-
10 cept to such extent as the Congress has prescribed or may
11 hereafter prescribe.

12 Third. That authority is granted to and acknowledged
13 in the United States for the exercise by the Congress of the
14 United States of the power of exclusive legislation as pro-
15 vided by article 1, section 8, clause 17, of the Constitution
16 of the United States in all cases whatsoever over such tracts
17 or parcels of land as are now owned by the United States
18 and held for military, air, naval, or coast guard purposes,
19 whether reserved or acquired by purchase, condemnation,
20 donation, or exchange; saving, however, to the State of
21 Puerto Rico the right to serve civil or criminal process
22 within the limits of the aforesaid reservations in suits or
23 prosecutions for or on account of rights acquired, obliga-
24 tions incurred, or crimes committed in said State, but out

1 side of said reservation; and the legislative assembly is
2 authorized and directed to enact any law necessary and
3 proper to give effect to this article.

4 Fourth. That the debts and liabilities of the Common-
5 wealth of Puerto Rico shall be assumed and paid by said
6 State and all debts owed to the Commonwealth of Puerto
7 Rico shall be collected by said State.

8 Fifth. That provisions shall be made for the establish-
9 ment and maintenance of a system of public schools, which
10 shall be open to all children of said State and free from sec-
11 tarian control.

12 Sixth. That all provisions of this Act reserving rights
13 or powers to the United States, as well as those prescribing
14 the terms or conditions of the grants of lands or other prop-
15 erty herein made to said State, are consented to fully by
16 said State and its people.

17 Seventh. That the lands and other property belonging to
18 the citizens of the United States residing without said State
19 shall never be taxed at a higher rate than the lands and
20 other property belonging to residents thereof.

21 SEC. 204. The State of Puerto Rico and its political sub-
22 divisions, respectively, shall have and retain title to all
23 property, real and personal, title to which is in Puerto Rico
24 or any of the subdivisions, and is hereby granted title to all

1 property, real and personal, that is now under the control
2 of the government of the Commonwealth of Puerto Rico.
3 Except as provided in the preceding sentence, the United
4 States shall retain title to all property, real and personal,
5 to which it has title, including public lands.

6 SEC. 205. (a) After a constitution and State govern-
7 ment have been formed in compliance with the provisions
8 of this title, the convention forming the same shall provide
9 by ordinance for submitting said constitution, for ratification
10 or rejection, to the people of said proposed State at an
11 election to be held at a date to be fixed by said convention,
12 which shall be not more than one hundred days from the
13 date of its adjournment, at which election the citizens of said
14 proposed State who are qualified to vote for members of
15 the Legislative Assembly of the Commonwealth of Puerto
16 Rico shall vote directly for or against the proposed con-
17 stitution. The returns of said election shall be made to the
18 Governor of Puerto Rico, who shall cause the same to be
19 canvassed in the manner provided by law for the canvass of
20 votes cast in general elections in the Commonwealth of
21 Puerto Rico. If a majority of the legal votes cast at said
22 election shall reject the constitution, the Governor of Puerto
23 Rico shall, by proclamation, order the constitutional con-
24 vention to reassemble at a date not later than forty days

1 after the votes have been canvassed as herein provided, and
2 thereafter a new constitution may be formed by such con-
3 vention and the same proceedings shall be taken in regard
4 thereto in like manner as if said constitution were being
5 originally prepared for submission and submitted to the
6 people: *Provided*, That not more than two elections shall be
7 held under the authority of this subsection.

8 (b) When said constitution shall have been duly rati-
9 fied by the people of Puerto Rico, as aforesaid, by a majority
10 of the legal votes cast at an election held pursuant to this
11 section, the Governor of Puerto Rico shall certify the result
12 to the President of the United States, together with a state-
13 ment of the votes cast thereon and upon separate articles and
14 propositions, together with a copy of said constitution, arti-
15 cles, propositions, and ordinances.

16 (c) If the constitution and government of said proposed
17 State are republican in form, and if all the provisions of this
18 title have been complied with in the formation thereof, it
19 shall be the duty of the President to certify said facts to the
20 Governor of Puerto Rico, who shall within thirty days after
21 receipt of such notification from the President issue a procla-
22 mation for the election of all State and other officers provided
23 for in said constitution, including members of the State
24 legislature, said election to take place, not earlier than two

1 months nor later than six months after the date of issuance
2 of said proclamation by the Governor.

3 SEC. 206. (a) The constitutional convention shall by
4 ordinance provide that in case of ratification of the constitu-
5 tion by the people and in case the President approves the
6 same, an election shall be held at the time named in the
7 proclamation of the Governor of Puerto Rico hereinbefore
8 provided, at which election officers for a full State govern-
9 ment, including a Governor, members of the State legisla-
10 ture, one Representative to be elected at large, and two
11 Senators in the Congress of the United States to be elected
12 at large from said State, and such other officers as the
13 constitution shall prescribe, shall be chosen by the qualified
14 voters of Puerto Rico. No identification or designation of
15 either of the two senatorial offices, however, shall refer to or
16 be taken to refer to the term of that office, nor shall any such
17 identification or designation in any way impair the privilege
18 of the Senate to determine the class to which each of the
19 Senators elected shall be assigned. Unless the constitutional
20 convention shall by ordinance otherwise provide, such elec-
21 tion, and an antecedent primary election, shall be held, and
22 the returns thereof made, canvassed, and certified by the
23 canvassing board, in the same manner, as nearly as prac-

1 ticable, as is now prescribed by law for the nomination,
2 filing, and election, and canvass and certification of election
3 of members of the Legislative Assembly of the Common-
4 wealth of Puerto Rico. When such State and other officers
5 and members of the State legislature and the Representative
6 and Senators in the Congress of the United States shall be so
7 elected and the returns thereof made, canvassed, and certified
8 as herein provided, the Governor of Puerto Rico shall certify
9 the result of said election to the President of the United
10 States, who shall thereupon immediately issue his proclama-
11 tion announcing the result of said election so ascertained,
12 and upon the issuance of said proclamation by the President
13 of the United States the State of Puerto Rico shall be deemed
14 admitted by Congress into the Union by virtue of this title, on
15 an equal footing with each of the other States of the Union,
16 and the Representative and Senators from said State in the
17 Congress of the United States so elected and certified shall
18 thereupon be entitled to seats in the House of Representatives
19 and Senate of the United States and to all of the rights and
20 privileges of Representatives and Senators therein. Until
21 the issuance of said proclamation by the President of the
22 United States and until said State is so admitted into the
23 Union and said officers are elected and qualified under the
24 provisions of the Constitution, all of the officers of the Com-
25 monwealth of Puerto Rico, including the Resident Commis-

1 sioner, shall continue to discharge the duties of said respec-
2 tive offices in and for the Commonwealth of Puerto Rico.

3 (b) Upon admission of Puerto Rico as a State as herein
4 provided, and upon election and qualification of the officers
5 of the State government formed in pursuance of and in ac-
6 cordance with the provisions of said constitution, said officers
7 shall forthwith proceed to exercise all of the duties and func-
8 tions of their respective offices; and all of the laws of the
9 Commonwealth of Puerto Rico in force therein at the time
10 of admission of said State into the Union shall be and con-
11 tinue in full force and effect throughout said State except
12 as modified or changed by this title, or by the constitution
13 of the State, or as thereafter modified or changed by the
14 legislature of the State. All of the laws of the United States
15 shall have the same force and effect within said State as
16 elsewhere within the United States.

17 (c) The State of Puerto Rico, upon its admission into
18 the Union, shall be entitled to one Representative until the
19 taking effect of the next reapportionment, and such Repre-
20 sentative shall be in addition to the membership of the House
21 of Representatives as now prescribed by law. Such tempo-
22 rary increase in the membership shall not operate to either
23 increase or decrease the permanent membership of the
24 House of Representatives as prescribed in the Act of
25 August 8, 1911 (37 Stat. 13), nor shall such temporary

1 increase affect the basis of apportionment established by
2 the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a),
3 for the Eighty-third Congress and each Congress thereafter.

4 SEC. 207. The sum of \$100,000, or so much thereof as
5 may be necessary, is hereby authorized to be appropriated,
6 out of any money in the Treasury of the United States not
7 otherwise appropriated, for defraying the expenses of the
8 elections provided for in this title and of the convention, and
9 for the payment of the members and officers and employees
10 thereof under the same rules and regulations and at the same
11 rates as are provided in the case of members of the Legisla-
12 tive Assembly of the Commonwealth of Puerto Rico, and the
13 disbursements of money appropriated by this section shall
14 be made by the Treasurer of Puerto Rico.

15 SEC. 208. Effective upon the admission of the State of
16 Puerto Rico into the Union—

17 (1) the State of Puerto Rico shall constitute a judi-
18 cial district within the first judicial circuit, to be known
19 as the District of Puerto Rico;

20 (2) the United States District Court for the District
21 of Puerto Rico established by and existing under title
22 28 of the United States Code shall thenceforth be a
23 court of the United States with judicial power derived
24 from article III, section 1, of the Constitution of the
25 United States: *Provided, however,* That the term of of-

1 fice of the district judge for the District of Puerto Rico
2 then in office shall terminate upon the effective date of
3 this section and the President, pursuant to sections 133
4 and 134 of title 28, United States Code, as amended by
5 this title, shall appoint, by and with the advice and con-
6 sent of the Senate, a district judge for the said district
7 who shall hold office during good behavior; and

8 (3) the first sentence of subsection (a) of section
9 134 of title 28, United States Code, is amended by
10 striking out "and, except in Puerto Rico," and the
11 second sentence of such subsection (a) is hereby re-
12 pealed.

13 SEC. 209. Effective upon the admission of the State of
14 Puerto Rico into the Union—

15 (1) the second paragraph of section 451 of title
16 28, United States Code, is amended by striking out the
17 words "including the United States District for the
18 District of Puerto Rico,".

19 SEC. 210. (a) No writ, action, indictment, cause, or
20 proceeding pending in any court of the Commonwealth of
21 Puerto Rico, or in the United States District Court for the
22 District of Puerto Rico, shall abate by reason of the admis-
23 sion of said State into the Union, but the same shall be
24 transferred to and proceeded with in such appropriate State

1 courts as shall be established under the constitution to be
2 thus formed, or shall continue in the United States District
3 Court for the District of Puerto Rico, as the nature of the
4 case may require. And no writ, action, indictment, cause,
5 or proceeding shall abate by reason of any change in the
6 courts, but shall be proceeded with in the State or United
7 States courts according to the laws thereof, respectively.
8 And the appropriate State courts shall be the successors of
9 the courts of the Commonwealth of Puerto Rico as to all
10 cases arising within the limits embraced within the jurisdic-
11 tion of such courts, respectively, with full power to proceed
12 with the same, and award means or final process therein, and
13 all the files, records, indictments, and proceedings relating to
14 any such writ, action, indictment, cause, or proceeding shall
15 be transferred to such appropriate State courts, and the
16 same shall be proceeded with therein in due course of law.

17 (b) All civil causes of action and all criminal offenses
18 which shall have arisen or been committed prior to the
19 admission of said State, but as to which no writ, action,
20 indictment, or proceeding shall be pending at the date of
21 such admission, shall be subject to prosecution in the appro-
22 priate State courts or in the United States District Court for
23 the District of Puerto Rico in like manner, to the same
24 extent, and with like right of appellate review, as if said
25 State had been created and said State Courts had been

1 established prior to the accrual of such causes of action or
2 the commission of such offenses. The admission of said State
3 shall effect no change in the substantive or criminal law
4 governing such causes of action and criminal offenses which
5 shall have arisen or been committed; and such of said criminal
6 offenses as shall have been committed against the laws of the
7 Commonwealth of Puerto Rico shall be tried and punished
8 by the appropriate courts of said State, and such as shall
9 have been committed against the laws of the United States
10 shall be tried and punished in the United States District
11 Court for the District of Puerto Rico.

12 SEC. 211. Parties shall have the same rights of appeal
13 from and appellate review of final decisions of the United
14 States District Court for the District of Puerto Rico or the
15 Supreme Court of Puerto Rico in any case finally decided
16 prior to admission of said State into the Union, whether or
17 not an appeal therefrom shall have been perfected prior to
18 such admission, and the United States Court of Appeals for
19 the First Circuit and the Supreme Court of the United States
20 shall have the same jurisdiction therein, as by law provided
21 prior to admission of said State into the Union, and any man-
22 date issued subsequent to the admission of said State shall be
23 to the United States District Court for the District of Puerto
24 Rico or a court of the State, as may be appropriate. Parties
25 shall have the same rights of appeal from and appellate re-

1 view of all orders, judgments, and decrees of the United
2 States District Court for the District of Puerto Rico, and of
3 the State court which is the successor to the Supreme Court
4 of Puerto Rico, in any case pending at the time of admission
5 of said State into the Union, and the United States Court of
6 Appeals for the First Circuit and the Supreme Court of the
7 United States shall have the same jurisdiction therein, as
8 by law provided in any case arising subsequent to the admis-
9 sion of said State into the Union.

10 SEC. 212. (a) Effective upon the admission of the State
11 of Puerto Rico into the Union—

12 (1) the first paragraph of section 1252 of title 28,
13 United States Code, is amended by striking out “and
14 any court of record of Puerto Rico”;

15 (2) section 1293 of title 28 of the United States
16 Code is hereby repealed, and the analysis of chapter 83
17 of such title 28 is amended by striking out

“1293. Final decisions of Puerto Rico and Hawaii Supreme Courts.”;

18 (3) section 1294 of title 28 of the United States
19 Code is amended by striking out paragraph (4) and by
20 renumbering paragraph (5) accordingly;

21 (4) the first paragraph of section 373 of title 28,
22 United States Code, is amended by striking out “United
23 States District Court for the District of Puerto Rico,”;

1 (5) section 3771 of title 18 of the United States
2 Code is amended by striking out "in the Supreme Court
3 of Puerto Rico,";

4 (6) section 3772 of title 18 of the United States
5 Code is amended by striking out "in the Supreme Court
6 of Puerto Rico,".

7 (b) The amendment made by paragraph (4) of sub-
8 section (a) of this section shall not affect the rights of any
9 judge or justice who may have retired before the effective
10 date of this section.

11 SEC. 213. All laws of the Commonwealth of Puerto
12 Rico in force therein at the time of its admission into the
13 Union shall continue in force in the State of Puerto Rico,
14 except as modified or changed by this title or by the consti-
15 tution of the State, and shall be subject to repeal or amend-
16 ment by the Legislature of the State of Puerto Rico; and
17 the laws of the United States shall have the same force
18 and effect within the said State as elsewhere within the
19 United States.

20 SEC. 214. The first paragraph of section 2 of the Fed-
21 eral Reserve Act, as amended (38 Stat. 252), is amended
22 by striking out the last two sentences thereof and inserting
23 in lieu thereof the following: "When any State is admitted
24 to the Union, the Federal Reserve districts shall be read-
25 justed by the Board of Governors of the Federal Reserve

1 System in such manner as to include such State. Every na-
2 tional bank in any State shall, upon commencing business
3 or within ninety days after admission into the Union of
4 the State in which it is located, become a member bank
5 of the Federal Reserve System by subscribing and paying
6 for stock in the Federal Reserve bank of its district in ac-
7 cordance with the provisions of this Act, and shall there-
8 upon be an insured bank under the Federal Deposit Insur-
9 ance Act, and failure to do so shall subject such bank to
10 the penalty provided by the sixth paragraph of this section.”

11 SEC. 215. (a) Nothing contained in this Act shall be
12 construed as depriving the Federal Maritime Board of the
13 exclusive jurisdiction heretofore conferred on it over common
14 carriers engaged in transportation by water between any
15 port in the State of Puerto Rico and other ports in the
16 United States, or possessions, or as conferring on the Inter-
17 state Commerce Commission jurisdiction over transporta-
18 tion by water between any such ports.

19 (b) Effective on the admission of the State of Puerto
20 Rico into the Union—

21 (1) the first sentence of section 506 of the Mer-
22 chant Marine Act, 1936, as amended (46 U.S.C. 1156),
23 is amended by inserting before the words “an island
24 possession or island territory”, the words “the State of
25 Puerto Rico, or”;

1 (2) section 605 (a) of the Merchant Marine Act,
2 1936, as amended (46 U.S.C. 1175), is amended by
3 inserting before the words "an island possession or is-
4 land territory", the words "the State of Puerto Rico,
5 or"; and

6 (3) the second paragraph of section 714 of the Mer-
7 chant Marine Act, 1936, as amended (46 U.S.C.
8 1204), is amended by inserting before the words "an
9 island possession or island territory" the words "the
10 State of Puerto Rico, or".

11 SEC. 216. (a) Section 101 (a) (36) of the Immigration
12 and Nationality Act (66 Stat. 170; 8 U.S.C. 1101 (a) (36))
13 is amended by deleting the words "Puerto Rico,".

14 (b) Section 212 (d) (7) of the Immigration and Na-
15 tionality Act (66 Stat. 188; 8 U.S.C. 1182 (d) (7)) is
16 amended by deleting from the first sentence thereof the
17 words "Puerto Rico,".

18 (c) The first sentence of section 310 (a) of the Immi-
19 gration and Nationality Act, as amended (66 Stat. 239; 8
20 U.S.C. 1421 (a)), is further amended by deleting the words
21 "and for Puerto Rico".

22 (d) Nothing contained in this Act shall be held to
23 repeal, amend, or modify the provisions of section 302 of
24 the Immigration and Nationality Act (66 Stat. 237; 8
25 U.S.C. 1405).

1 SEC. 217. Nothing contained in this Act shall operate
2 to confer United States nationality, nor to terminate nation-
3 ality heretofore lawfully acquired, or restore nationality here-
4 tofore lost under any law of the United States or under any
5 treaty to which the United States is or was a party.

6 SEC. 218. If any provision of this Act, or any section,
7 subsection, sentence, clause, phrase, or individual word, or
8 the application thereof in any circumstance is held invalid,
9 the validity of the remainder of the Act and of the applica-
10 tion of any such provision, section, subsection, sentence,
11 clause, phrase, or individual word in other circumstances
12 shall not be affected thereby.

13 SEC. 219. All Acts or parts of Acts in conflict with the
14 provisions of this Act, whether passed by the Legislative
15 Assembly of Puerto Rico or by Congress, are hereby re-
16 pealed.

86TH CONGRESS
2D SESSION

H. R. 10266

A BILL

To provide for a referendum in Puerto Rico on the admission of Puerto Rico into the Union as a State, and to establish the procedure for such admission if the people of Puerto Rico desire it.

By Mr. LUKONATI

FEBRUARY 8, 1960

Referred to the Committee on Interior and Insular Affairs