

89TH CONGRESS  
2D SESSION

# H. R. 17917

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1966

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

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## A BILL

To provide for the admission into the Union, on an equal footing with the original States, of the Commonwealth of Puerto Rico.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That, subject to the provisions of this Act, and upon issu-  
4        ance of the proclamation required by section 6 of this Act,  
5        the Commonwealth of Puerto Rico is hereby declared to  
6        be a State of the United States of America, admitted into  
7        the Union on an equal footing with the other States in all  
8        respects whatever. The constitution drafted in accordance  
9        with the Act entitled "An Act to provide for the organiza-  
10        tion of a constitutional government by the people of Puerto

1 Rico", adopted July 3, 1950, approved by the people of  
2 Puerto Rico in a referendum held on March 3, 1952, and  
3 subsequently approved by the Congress on July 3, 1952,  
4 is hereby found to provide a republican form of government,  
5 to be in conformity with the Constitution of the United  
6 States and the principles of the Declaration of Independence,  
7 and is hereby accepted, ratified, and confirmed.

8       SEC. 2. Tax exemptions granted by the Commonwealth  
9 of Puerto Rico to new industries in order to achieve the  
10 necessary growth of the Commonwealth's economy for its  
11 general welfare shall be honored until the expiration date  
12 of such contractual obligations as contracts entered into  
13 before the admission of the Commonwealth of Puerto Rico  
14 into the Union. There is hereby authorized to be appro-  
15 priated from the taxes paid into the United States Treasury  
16 as a result of the admission of the Commonwealth of Puerto  
17 Rico into the Union such sums as may be equivalent to such  
18 tax exemptions and necessary for performance of the obliga-  
19 tions inherent to them. Such sums shall be held as a  
20 separate fund and paid into the Treasury of Puerto Rico.

21       SEC. 3. The State of Puerto Rico shall consist of all  
22 the territory, together with the territorial waters appurtenant  
23 thereto, now included in the Commonwealth of Puerto Rico.

24       SEC. 4. The government of the State of Puerto Rico  
25 shall be republican in form, and the constitution of such

1 State shall not be repugnant to the Constitution of the United  
2 States and the principles of the Declaration of Independence.

3 SEC. 5. The State of Puerto Rico and its political sub-  
4 divisions, respectively, shall have and retain title to all prop-  
5 erty, real and personal, title to which is in the Common-  
6 wealth of Puerto Rico or any of its subdivisions. The United  
7 States shall retain title to all property, real and personal, to  
8 which it has title, including public lands.

9 SEC. 6. Upon the enactment of this Act, the President  
10 of the United States shall, not later than \_\_\_\_\_ months  
11 after the date of the enactment of this Act, notify the Gov-  
12 ernor of Puerto Rico of the enactment of this Act. There-  
13 upon the Governor shall, within \_\_\_\_\_ days of such notifica-  
14 tion, issue his proclamation for the elections, as hereinafter  
15 provided, for officers of all elective offices. Such elections  
16 shall be conducted in the manner provided for by the con-  
17 stitution of the proposed State of Puerto Rico. The officers  
18 so elected shall in any event include two Senators and one  
19 Representative in Congress.

20 SEC. 7. (a) The proclamation of the Governor of Puerto  
21 Rico required by section 6 shall provide for the holding of  
22 a general election on dates to be fixed by the Governor of  
23 Puerto Rico, except that the general election shall not be  
24 held later than \_\_\_\_\_. At such elections the officers re-  
25 quired to be elected as provided in section 6 shall be, and

1 officers for other elective offices provided for in the constitu-  
2 tion of the proposed State of Puerto Rico may be, chosen by  
3 the people. Such elections shall be held, and the qualifica-  
4 tions of voters in such elections shall be, as prescribed by the  
5 constitution of the proposed State of Puerto Rico for the elec-  
6 tion of members of the proposed State legislature. The  
7 returns of the election shall be made and certified in such  
8 manner as the constitution of the proposed State of Puerto  
9 Rico may prescribe. The Governor of Puerto Rico shall  
10 certify the results of said election to the President of the  
11 United States.

12 (b) (1) At an election designated by proclamation of  
13 the Governor of Puerto Rico, which may be the general  
14 election held pursuant to subsection (a) of this section, a  
15 Commonwealth general election, or a special election, there  
16 shall be submitted to the electors qualified to vote in said  
17 election, for adoption or rejection, the following proposition:

18 "Shall Puerto Rico immediately be admitted into  
19 the Union as a State?"

20 (2) In the event the foregoing proposition is adopted  
21 at said election by a majority of the legal votes cast, the  
22 constitution of the proposed State of Puerto Rico, ratified  
23 by the people at the election held on March 3, 1952, shall  
24 be deemed amended accordingly. In the event the foregoing  
25 proposition is not adopted at said election by a majority of

1 the legal votes cast, the provisions of this Act shall there-  
2 upon cease to be effective.

3 (3) The Governor of Puerto Rico is hereby authorized  
4 and directed to take such action as may be necessary or  
5 appropriate to insure the submission of such proposition to  
6 the people. The return of the votes cast on such proposition  
7 shall be made by the election officers directly to the sec-  
8 retary of state of the Commonwealth of Puerto Rico, who  
9 shall certify the results of the submission to the Governor.  
10 The Governor shall certify the results of said submission,  
11 as so ascertained, to the President of the United States.

12 (c) (1) If the President shall find that the proposition  
13 set forth in the preceding subsection has been duly adopted  
14 by the people of Puerto Rico, the President, upon certifica-  
15 tion of the returns of the election of the officers required  
16 to be elected as provided in section 6 of this Act, shall  
17 thereupon issue his proclamation announcing the results of  
18 said election as so ascertained. Upon the issuance of said  
19 proclamation by the President, the Commonwealth of Puerto  
20 Rico shall be deemed admitted into the Union as provided  
21 in the first section of this Act.

22 (2) Until such Commonwealth is so admitted into the  
23 Union, all of the officers of such Commonwealth, including  
24 the Resident Commissioner in Congress from such Common-  
25 wealth, shall continue to discharge the duties of their respec-

1 tive offices. Upon the issuance of such proclamation by the  
2 President of the United States and the admission of the  
3 State of Puerto Rico into the Union, the officers elected at  
4 such elections, and qualified under the provisions of the  
5 constitution and laws of such State, shall proceed to exercise  
6 all the functions pertaining to their offices in or under or by  
7 authority of the government of such State, and officers not  
8 required to be elected at such initial election shall be selected  
9 or continued in office as provided by the constitution and  
10 laws of such State. The Governor of such State shall certify  
11 the elections of the Senators and Representative in the  
12 manner required by law, and such Senators and Representa-  
13 tive shall be entitled to be admitted to seats in Congress  
14 and to all the rights and privileges of Senators and Repre-  
15 sentatives of other States in the Congress of the United  
16 States.

17 (d) (1) Upon admission of the State of Puerto Rico  
18 into the Union as herein provided, all of the Commonwealth  
19 laws then in force in the Commonwealth of Puerto Rico shall  
20 be and continue in full force and effect throughout said  
21 State except as modified or changed by this Act, by the con-  
22 stitution of the State, or by the legislature of the State. All  
23 of the laws of the United States shall have the same force and  
24 effect within the said State as elsewhere within the United  
25 States.

1 (2) As used in paragraph (1)—

2 (A) the term “Commonwealth laws” includes (in  
3 addition to laws enacted by the Legislature of the Com-  
4 monwealth of Puerto Rico) all laws or parts thereof en-  
5 acted by the Congress the validity of which is dependent  
6 solely upon the authority of the Congress to provide for  
7 the government of Puerto Rico prior to the admission of  
8 the State of Puerto Rico into the Union, and

9 (B) the term “laws of the United States” includes  
10 all laws or parts thereof enacted by the Congress that  
11 (i) apply to or within Puerto Rico at the time of the  
12 admission of the State of Puerto Rico into the Union,  
13 (ii) are not “Commonwealth laws” as defined in sub-  
14 paragraph (A), and (iii) are not in conflict with any  
15 other provisions of this Act.

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

1 15, 1941 (2 U.S.C. 2a), for the Eighty-third Congress and  
2 each Congress thereafter.

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

14 SEC. 10. Effective upon the admission of the State of  
15 Puerto Rico into the Union—

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

19 (2) the United States District Court for the Dis-  
20 trict of Puerto Rico established by and existing under  
21 title 28 of the United States Code shall thenceforth be  
22 a court of the United States with judicial power derived  
23 from article III, section 1, of the Constitution of the  
24 United States, except that the term of office of the dis-  
25 trict judge for the District of Puerto Rico then in office



1 shall terminate upon the effective date of this section and  
2 the President, pursuant to sections 133 and 134 of title  
3 28, United States Code, as amended by this Act, shall  
4 appoint, by and with the advice and consent of the Sen-  
5 ate, a district judge for such district who shall hold office  
6 during good behavior; and

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

11 SEC. 11. Effective upon the admission of the State of  
12 Puerto Rico into the Union, the second paragraph of section  
13 451 of title 28, United States Code, is amended by striking  
14 out "the United States District for the District of Puerto  
15 Rico,".

16 SEC. 12. (a) No writ, action, indictment, cause, or  
17 proceeding pending in any court of the Commonwealth of  
18 Puerto Rico, or in the United States District Court for the  
19 District of Puerto Rico, shall abate by reason of the admis-  
20 sion of the Commonwealth of Puerto Rico into the Union,  
21 but the same shall be transferred to, and proceeded with,  
22 in such appropriate State courts as shall be established  
23 under the constitution to be thus formed, or shall continue  
24 in the United States District Court for the District of Puerto

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

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

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

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

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

9 SEC. 14. (a) Effective upon the admission of the State  
10 of Puerto Rico into the Union—

11 (1) the first paragraph of section 373 of title 28,  
12 United States Code, is amended by striking out "United  
13 States District Court for the District of Puerto Rico,";

14 (2) the first paragraph of section 1252 of title 28,  
15 United States Code, is amended by striking out "and  
16 any court of record of Puerto Rico";

17 (3) section 1258 of title 28 of the United States  
18 Code is repealed, and the analysis of chapter 81 of such  
19 title is amended by striking out

"1258. Supreme Court of Puerto Rico; appeal; certiorari."

20 (4) section 3771 of title 18 of the United States  
21 Code is amended by striking out "in the Supreme Court  
22 of Puerto Rico,"; and

23 (5) the first paragraph of section 3772 of title 18

1 of the United States Code is amended by striking out  
2 "in the Supreme Court of Puerto Rico,".

3 (b) The amendment made by paragraph (1) of sub-  
4 section (a) of this section shall not affect the rights of any  
5 judge or justice who may have retired before the effective  
6 date of this section.

7 SEC. 15. All laws of the Commonwealth of Puerto Rico  
8 in force therein at the time of its admission into the Union  
9 shall continue in force in the State of Puerto Rico, except as  
10 modified or changed by this Act or by the constitution of  
11 the State, and shall be subject to repeal or amendment by  
12 the Legislature of the State of Puerto Rico. The laws of  
13 the United States shall have the same force and effect within  
14 such State as elsewhere within the United States.

15 SEC. 16. The first paragraph of section 2 of the Fed-  
16 eral Reserve Act, as amended (38 Stat. 252), is amended by  
17 striking out the last two sentences thereof and inserting in  
18 lieu thereof the following: "When any State is admitted to  
19 the Union, the Federal Reserve districts shall be readjusted  
20 by the Board of Governors of the Federal Reserve System in  
21 such manner as to include such State. Every national bank  
22 in any State shall, upon commencing business or within  
23 ninety days after admission into the Union of the State in  
24 which it is located, become a member bank of the Federal

1           (3) the second paragraph of section 714 of the  
2 Merchant Marine Act, 1936 (46 U.S.C. 1204), is  
3 amended by inserting immediately before “, or an island  
4 possession or island territory” the following: “, the  
5 State of Puerto Rico”.

6           SEC. 18. (a) Section 101 (a) (36) of the Immigration  
7 and Nationality Act (8 U.S.C. 1101 (a) (36) ) is amended  
8 by striking out “Puerto Rico.”.

9           (b) Section 212 (d) (7) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1182 (d) (7) ) is amended by strik-  
11 ing out in the first sentence “Puerto Rico.”.

12           (c) The first sentence of section 310 (a) of the Immi-  
13 gration and Nationality Act (8 U.S.C. 1421 (a) ) is  
14 amended by striking out “and for Puerto Rico”.

15           (d) Nothing contained in this Act shall be held to re-  
16 peal, amend, or modify the provisions of section 302 of  
17 the Immigration and Nationality Act (8 U.S.C. 1405).

18           SEC. 19. Nothing contained in this Act shall operate to  
19 confer United States nationality, nor to terminate nationality  
20 heretofore lawfully acquired, or restore nationality hereto-  
21 fore lost under any law of the United States or under any  
22 treaty to which the United States is or was a party.

23           SEC. 20. If any provision of this Act, or any section,  
24 subsection, sentence, clause, phrase, or individual word,  
25 or the application thereof in any circumstance is held in-

1 Reserve System by subscribing and paying for stock in the  
2 Federal Reserve bank of its district in accordance with the  
3 provisions of this Act, and shall thereupon be an insured  
4 bank under the Federal Deposit Insurance Act, and failure  
5 to do so shall subject such bank to the penalty provided by  
6 the sixth paragraph of this section."

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

15 (b) Effective on the admission of the State of Puerto  
16 Rico into the Union—

17 (1) the first sentence of section 506 of the Mer-  
18 chant Marine Act, 1936 (46 U.S.C. 1156), is amended  
19 by inserting immediately before " , or an island pos-  
20 session or island territory" the following: " , the State  
21 of Puerto Rico";

22 (2) section 605 (a) of the Merchant Marine Act,  
23 1936 (46 U.S.C. 1175), is amended by inserting imme-  
24 diately before " , or an island possession or island terri-  
25 tory", the following: " , the State of Puerto Rico"; and

1 valid the validity of the remainder of the Act and of the  
2 application of any such provision, section, subsection, sen-  
3 tence, clause, phrase, or individual word in other circum-  
4 stances shall not be affected thereby.

5       SEC. 21. All Acts or parts of Acts in conflict with the  
6 provisions of this Act, whether passed by the Legislature of  
7 Puerto Rico or by Congress, are hereby repealed.

89<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**A BILL**

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By Mr. O'BRIEN

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SEPTEMBER 22, 1966

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