

91st CONGRESS
1st SESSION

H. R. 499

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1969

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

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 issuance
4 of the proclamation required by section 6 of this Act, the
5 Commonwealth of Puerto Rico is hereby declared to be a
6 State of the United States of America, admitted into the
7 Union on an equal footing with the other States in all re-
8 spects whatever. The constitution drafted in accordance with
9 the Act entitled "An Act to provide for the organization of
10 a constitutional government by the people of Puerto Rico".

1 adopted July 3, 1950, approved by the people of Puerto
2 Rico in a referendum held on March 3, 1952, and subse-
3 quently approved by the Congress on July 3, 1952, is
4 hereby found to provide a republican form of government, to
5 be in conformity with the Constitution of the United States
6 and the principles of the Declaration of Independence, and
7 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 sep-
20 arate fund and paid into the treasury of Puerto Rico.

21 **SEC. 3.** The State of Puerto Rico shall consist of all the
22 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
7 by 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 Represent-
13 ative 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
22 constitution 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,
24 1911 (37 Stat. 13), nor shall such temporary increase affect
25 the basis of apportionment established by the Act of Novem-

1 ber 15, 1941 (2 U.S.C. 2a), for the Eighty-third Congress
2 and 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 to 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 there-
5 of, respectively. The appropriate State courts shall be the
6 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,
12 or 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
4 the criminal offenses as shall have been committed against
5 the 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
15 or not an appeal therefrom shall have been perfected prior
16 to 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 such
21 State shall be to the United States District Court for the
22 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 reviews of all orders, judgments, and

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

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

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

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

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

“1258. Supreme Court of Puerto Rico; appeal; certiorari.”

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

24 (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
25 Reserve System by subscribing and paying for stock in the

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

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

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

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

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

25 (3) the second paragraph of section 714 of the

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

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

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

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

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

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

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

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

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

91ST CONGRESS
1ST SESSION

H. R. 499

A BILL

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

By Mr. OTTINGER

JANUARY 3, 1909

Referred to the Committee on Interior and Insular
Affairs