

95TH CONGRESS
1ST SESSION

H. R. 2201

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1977

Mr. RUPPE (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

1 To enable the people of Puerto Rico to form a constitution
2 and State government, to be admitted into the Union,
3 and for other purposes.

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

6 That this Act may be cited as the "Puerto Rico Statehood
7 Act of 1977".

8 That it is the sense of the Congress of the United States
9 that the appropriate status for the Commonwealth of Puerto
10 Rico is statehood and that the people of Puerto Rico should
11 be able to achieve this status under the Constitution of the
12 United States if they should so desire. The Congress recog-
13 nizes, however, that the change from the status of Common-

1 wealth to statehood for Puerto Rico involves many complex
2 issues, and it believes that the people of Puerto Rico should
3 be fully apprised of those issues before they are asked freely
4 to express their wishes on changing their status from Com-
5 monwealth to statehood.

6 It is therefore the purpose of this Act, first, to establish
7 a sequence of steps by which the complex issues associated
8 with the proposed change of status of Puerto Rico from a
9 Commonwealth to a State of the Union may be identified
10 and addressed in an orderly way and the implications of such
11 a change in status be made known to the people of Puerto
12 Rico, and further to enable the people of Puerto Rico to form
13 a constitution and State government, so that Puerto Rico—
14 if it is the free choice of the people of that Commonwealth—
15 may be admitted into the Union on an equal footing with
16 the original States.

17 TITLE I—PUERTO RICO STATEHOOD

18 COMMISSION

19 ESTABLISHMENT AND PURPOSE OF THE COMMISSION

20 SEC. 101. There is hereby established a Commission to
21 be called the Puerto Rico Statehood Commission, the pur-
22 pose of which shall be to develop a broad understanding
23 throughout Puerto Rico of all the issues and implications in-
24 volved in changing the status of Puerto Rico from that of a
25 Commonwealth to that of a State of the Union so that the

1 people of Puerto Rico can be fully knowledgeable of the
2 merits and responsibilities of statehood for Puerto Rico before
3 they are asked freely to decide the question of statehood.

4 DUTIES OF THE COMMISSION

5 SEC. 102. It shall be the duty of the Commission to
6 make comprehensive, factual studies to determine the effect
7 of statehood on the political, economic, and cultural status
8 and aspirations of the people of Puerto Rico, and to sponsor
9 public discussions of the issues throughout the Common-
10 wealth. These studies and discussions shall include, but not
11 be limited to—

12 (a) the economic issues that relate to the status
13 of statehood for Puerto Rico;

14 (b) the jurisdictional limits of Puerto Rico, includ-
15 ing rights or interests to the natural resources therein;

16 (c) the effect of any necessary changes in internal
17 revenue laws that may be or become applicable to Puerto
18 Rico, including levels of revenue sharing, customs,
19 and duty collections and related questions;

20 (d) fair labor standards, health, welfare, social serv-
21 ices, and education;

22 (e) questions of a cultural nature, including the
23 use of Spanish as the official language of the State;

24 (f) possible transfer of Federal real or personal
25 property to Puerto Rico; and

1 (g) the general question of the applicability of the
2 United States Constitution and Federal laws to Puerto
3 Rico.

4 POWERS OF THE COMMISSION

5 SEC. 103. (a) In carrying out its duties under this Act,
6 the Commission is authorized to hold such hearings and take
7 such testimony, establish such facts, conduct such studies, and
8 make such expenditures as, in its discretion, it deems ad-
9 visable to carry out the purposes of this Act.

10 (b) The Commission is authorized to secure from any
11 department, agency, or instrumentality of the executive
12 branch of the Government any information it deems neces-
13 sary to carry out its functions under this resolution, and each
14 such department, agency, or instrumentality is authorized
15 and directed to furnish such information—consistent with
16 the security of the United States—to the Commission and
17 to conduct such studies and surveys as may be requested by
18 the Chairman or the Vice Chairman when acting as Chair-
19 man.

20 (c) If the Commission requests of any witness or of
21 any Government department, agency, or instrumentality the
22 production of any materials which have theretofore been
23 submitted to such witness or Government agency on a con-
24 fidential basis, and the confidentiality of those materials
25 is protected by statute, the material—consistent with the

1 security of the United States—may be made available to
2 the Commission and shall be held in confidence by it.

3 COMPOSITION AND APPOINTMENT OF THE COMMISSION

4 SEC. 104. (a) The Commission shall be composed as
5 follows:

6 (1) Five members of the Commission shall be
7 appointed by the President of the United States and
8 five members shall be appointed by the Governor of
9 Puerto Rico, within six months from the date of this
10 Act.

11 (2) Selection of the members shall take into con-
12 sideration, and be based upon, expertise and knowledge
13 in the fields of social and economic progress, law, and
14 disciplines related to the aspirations of free people.

15 (b) The members of the Commission shall, at their
16 first meeting, elect from among themselves a permanent
17 Chairman and Vice Chairman by simple majority vote of
18 those voting. In the event that the members do not elect
19 a Chairman or a Vice Chairman at their first meeting, the
20 President, after consultation with the Governor, shall desig-
21 nate the Chairman or the Vice Chairman as may be ap-
22 propriate.

23 (c) Vacancies in the membership of the Commission
24 shall not affect the power of the remaining members to

1 execute the functions of the Commission and shall be filled
2 in the same manner as in the case of the original appointment.

3 (d) Six members of the Commission shall constitute a
4 quorum but a smaller number, as determined by the Com-
5 mission, may hold hearings or conduct study missions.

6 (e) Officials or employees of the executive, legislative,
7 or judicial branches of the Federal Government who are
8 members of the Commission shall serve without compensation
9 in addition to their regular pay, but they may be reim-
10 bursed in accordance with applicable Federal laws and
11 regulations for travel, subsistence, and other necessary
12 expenses incurred by them in the performance of duties
13 vested in the Commission.

14 (f) All other members of the Commission shall receive
15 compensation for each day such members are engaged in
16 the actual performance of duties vested in the Commission
17 at a daily rate not to exceed the rate specified for level IV
18 or the Executive Schedule under section 5315 of title 5
19 of the United States Code. Each such member may be reim-
20 bursed for travel expenses, including per diem in lieu of
21 subsistence, in accordance with applicable Federal laws
22 and regulations.

23 **STAFF OF THE COMMISSION**

24 **SEC. 105.** (a) The Commission may, by record vote
25 of a majority of the Commission members, appoint, without

1 regard to the provisions of the civil service laws and the
2 Classification Act of 1949, an Executive Director of the
3 Commission and a General Counsel. The compensation of
4 the Executive Director and the General Counsel shall be
5 set by the Commission at rates not to exceed those that now
6 or hereafter are prescribed for the highest rate for grade 18
7 of the General Schedule under section 5332 of title 5 of the
8 United States Code. The Executive Director is authorized
9 to appoint, without regard to the provisions of the civil
10 service laws and the Classification Act of 1949, such pro-
11 fessional staff members and clerical assistant as the Com-
12 mission shall determine are necessary to perform its func-
13 tions under this Act. The Executive Director shall prescribe
14 the duties and responsibilities of such staff members and fix
15 their compensation at rates not in excess of those now or
16 hereafter prescribed in the General Schedule for civil serv-
17 ice employees under section 5332 of title 5 of the United
18 States Code having similar duties and responsibilities.

19 (b) In carrying out any of its functions under this Act,
20 the Commission is authorized to utilize, without reimburse-
21 ment, the services, information, facilities, and personnel of
22 the executive departments and agencies of the Government
23 of the United States, and the Executive Director is author-
24 ized to procure expert and consultant services in accordance

1 with the provisions of section 3109 of title 5 of the United
2 States Code.

3 **FINAL REPORT**

4 **SEC. 106.** (a) The Commission shall submit a final
5 report to the President of the United States, the Congress
6 of the United States, and to the Governor of Puerto Rico,
7 who shall make the report available to the people of Puerto
8 Rico, and the Legislative Assembly of Puerto Rico not
9 earlier than eighteen months nor later than thirty months
10 from the date of the original appointment of the tenth Com-
11 missioner. The Commission shall cease to exist not later
12 than sixty days after submission of its final report.

13 (b) Within ninety days after the submission of the final
14 report of the Commission, the President of the United States
15 and the Congress of the United States, whether jointly or
16 separately, shall determine whether the nature and content
17 of the final report requires any modification of this Act,
18 additional legislation or other action concerning the terms
19 for Puerto Rico's admission as a State of the Union.

20 **FEDERAL ADVISORY COMMITTEE ACT**

21 **SEC. 107.** The Commission shall be exempt from the
22 provisions of the Federal Advisory Committee Act (86 Stat.
23 770; 5 U.S.C., App. 1).

24 **USE OF PROPERTY, FACILITIES, AND SERVICES**

25 **SEC. 108.** To the extent of available appropriations, the

1 Commission may obtain by purchase or rental such property,
2 facilities, and services as may be needed to carry out its
3 duties. Disposal of property shall be in accordance with the
4 existing laws of the United States.

5 AUTHORIZATION

6 SEC. 109. There is hereby authorized to be appropriated
7 such sums as may be necessary to carry out the purposes of
8 this title, as hereinabove set forth.

9 TITLE II—PUERTO RICO AND STATEHOOD

10 SEC. 201. (a) Subject to the requirements hereinafter
11 set forth, the qualified electors of the Commonwealth of
12 Puerto Rico shall vote for—

13 (1) the adoption or rejection of the following
14 proposition: "Shall Puerto Rico be admitted into the
15 Union as a State?";

16 (2) delegates to form a convention for the purpose
17 of framing a constitution for the proposed State of Puerto
18 Rico. Said convention shall consist of that number of
19 delegates which equals the number of Senators and
20 Representatives serving in the Legislative Assembly of
21 Puerto Rico at the time of enactment of this Act and
22 each delegate shall represent, as nearly as is possible,
23 an equal portion of the total population of Puerto Rico.

24 (b) The Governor of Puerto Rico shall—as soon as
25 possible under the constitution and laws of the Common-

1 wealth but in any event within three hundred and seventy-
2 five days after receipt by him of the report of the Puerto
3 Rico Statehood Commission established by title I of this
4 Act—by proclamation, in which the aforesaid proposition
5 and the aforesaid apportionment of delegates to the conven-
6 tion shall be fully specified and announced, order a referen-
7 dum on said proposition and an election of the delegates
8 aforesaid on a day designated by him in the proclamation,
9 not earlier than sixty days nor later than ninety days after
10 the date on which the proclamation is issued. Such referen-
11 dum and election for delegates shall be held and conducted,
12 and the returns made, and the certificates of the results of
13 such referendum and of persons elected to such convention
14 issued, as nearly as may be, in the same manner as is pre-
15 scribed by the laws of the Commonwealth regulating referen-
16 dum and elections of members of the legislative assembly,
17 and the provisions of such laws are hereby made applicable
18 to such referendum and election. The said convention, when
19 called to order and organized, shall be the sole judge of the
20 election and qualification of its own members.

21 (e) In the event the foregoing proposition is adopted
22 by a majority of the qualified electors of Puerto Rico, the
23 delegates to the convention duly elected shall meet at a
24 time and place to be designated by the Governor. After
25 organization they shall declare on behalf of the people of

1 the Commonwealth of Puerto Rico that they adopt the
2 Constitution of the United States, whereupon the said con-
3 vention shall be, and is hereby, authorized to frame a con-
4 stitution and provide for a State government for Puerto
5 Rico, in the manner and under the conditions contained
6 in this title. The constitution shall be republican in form,
7 shall include a bill of rights and shall not be repugnant to
8 the Constitution of the United States and the principles of
9 the Declaration of Independence.

10 (d) In the event the foregoing proposition is not
11 adopted by a majority of the qualified electors of Puerto
12 Rico, the provisions of this Act shall thereupon cease to
13 be effective.

14 SEC. 202. (a) Upon the completion of the constitu-
15 tion by the convention, the convention shall provide for
16 the submission of the constitution to the people of Puerto
17 Rico for ratification at an election which shall be held
18 on a day named by the convention and at which elec-
19 tion the qualified voters of Puerto Rico shall vote directly
20 for or against such proposed State constitution and for
21 or against any provisions thereof separately submitted.

22 (b) If the constitution is adopted at said election by a
23 majority of the legal votes cast, a certified copy of the same
24 shall be submitted to the President of the United States and
25 to the Congress for approval, together with the statement of

1 the votes cast thereon and upon any provisions thereof which
2 were separately submitted to and voted upon by the people of
3 Puerto Rico. If Congress and the President approve said con-
4 stitution and the separate provisions thereof, or if the Presi-
5 dent approves the same and Congress fails to disapprove the
6 same within ninety days of continuous session as defined in
7 section 906 of title 5 of the United States Code, the President
8 shall certify such fact to the Governor of Puerto Rico who
9 shall, within thirty days after receipt of such notification from
10 the President, issue his proclamation for the elections, as
11 hereinafter provided, for all officers of all elective offices
12 under the Constitution. The officers so elected shall in any
13 event include two Senators and five Representatives in
14 Congress.

15 (c) If the constitution is rejected at the election by
16 a majority of the legal votes cast, the Governor of Puerto
17 Rico shall reconstitute a convention, as herein before pro-
18 vided, for the purpose of framing a constitution which shall
19 be presented to the people of Puerto Rico for acceptance
20 in the same manner as herein above provided.

21 SEC. 203. (a) The proclamation of the Governor of
22 Puerto Rico required by subsection (b) of section 202 of
23 this title shall provide for the holding of a general election
24 on a date to be fixed by the Governor, except that such gen-
25 eral election shall be held not earlier than three months nor

1 later than six months after receipt of notification from the
2 President of approval of the constitution. At such election,
3 the officers required to be elected as provided in subsection
4 (b) of section 202 shall be, and officers for other elective
5 offices provided for in the constitution of the proposed State
6 of Puerto Rico may be, chosen by the people. Such election
7 shall be conducted in the manner provided for by the con-
8 stitution and laws of the proposed State of Puerto Rico
9 and the returns of the election shall be made and certified
10 in such manner as such constitution and laws may prescribe.
11 The Governor of Puerto Rico shall certify the results of
12 said election to the President of the United States, who
13 thereupon shall immediately issue his proclamation announc-
14 ing the result of the election and, upon the issuance of said
15 proclamation of the President of the United States, the
16 Commonwealth of Puerto Rico shall be deemed admitted
17 by Congress into the Union, by virtue of this title of this
18 Act, on an equal footing with the other States.

19 (b) Until such Commonwealth is so admitted into the
20 Union, all of the officers of the Commonwealth, including
21 the Resident Commissioner in Congress from such Com-
22 monwealth, shall continue to discharge the duties of their
23 respective offices. Upon the issuance of such proclamation
24 by the President of the United States and the admission
25 of the State of Puerto Rico into the Union, the officers

1 elected at such election, and qualified under the provisions
2 of the constitution and laws of such State, shall proceed to
3 exercise all the functions pertaining to their offices in or
4 under or by authority of the government of such State, and
5 officers not required to be elected at such initial election
6 shall be selected or continued in office as provided by the
7 constitution and laws of such State. The Governor of such
8 State shall certify the elections of the Senators and Repre-
9 sentatives in the manner required by law, and such Senators
10 and Representatives shall be certified to be admitted to
11 seats in Congress and to all the rights and privileges of
12 Senators and Representatives of other States in the Congress
13 of the United States.

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

22 (2) As used in paragraph (1) —

23 (a) the term "Commonwealth laws" includes (in
24 addition to laws enacted by the Legislature of the Com-
25 monwealth of Puerto Rico) all laws or parts thereof

1 enacted by the Congress the validity of which is
2 dependent solely upon the authority of the Congress to
3 provide for the government of Puerto Rico prior to the
4 admission of the State of Puerto Rico into the Union,
5 and

6 (b) the term "laws of the United States" includes
7 all laws or parts thereof enacted by the Congress that
8 (i) apply to or within Puerto Rico at the time of the
9 admission of the State of Puerto Rico into the Union,
10 (ii) are not "Commonwealth laws" as defined in sub-
11 paragraph (a), and (iii) are not in conflict with any
12 other provisions of this title: *Provided, however,* That
13 the State and Local Fiscal Assistance Act of 1972, as
14 amended (86 Stat. 919; 31 U.S.C. 1221 et seq.),
15 shall apply to Puerto Rico.

16 SEC. 204. The State of Puerto Rico upon its admission
17 into the Union shall be entitled to five Representatives until
18 the taking effect of the next reapportionment, and such Rep-
19 resentatives shall be in addition to the membership of the
20 House of Representatives as now prescribed by law. Such
21 temporary increase in the membership shall not operate either
22 to increase or decrease the permanent membership of the
23 House of Representatives as prescribed in the Act of August
24 8, 1911 (37 Stat. 13), nor shall such temporary increase
25 affect the basis of apportionment established by the Act of

1 November 15, 1941 (2 U.S.C. 2a), for the Eighty-third
2 Congress and each Congress thereafter. The laws of the
3 United States governing the election of Senators and Mem-
4 bers of the House of Representatives shall become applicable
5 to Puerto Rico upon the certification by the President of the
6 approval of the constitution pursuant to section 202 of this
7 Act.

8 SEC. 205. There is hereby authorized to be appropriated,
9 out of any money in the Treasury of the United States not
10 otherwise appropriated, such sums as may be necessary for
11 defraying the expenses of the elections provided for in this
12 Act and of the convention, and for the payment of the
13 members and officers and employees thereof under the same
14 rules and regulations and at the same rates as are provided in
15 the case of members of the Legislature of the Commonwealth
16 of Puerto Rico, and the disbursements of money appropriated
17 by this section shall be made by the Treasury of the United
18 States.

19 SEC. 206. The United States District Court for the
20 District of Puerto Rico established by and existing under
21 title 28 of the United States Code is a court of the United
22 States with judicial power derived from article III, section
23 1, of the Constitution of the United States.

24 SEC. 207. Effective upon the admission of the State of
25 Puerto Rico into the Union—

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

4 (2) section 1258 of title 28 of the United States
5 Code is repealed, and the analysis of chapter 81 of such
6 title is amended by striking out

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

7 (3) section 3771 of title 18 of the United States
8 Code is amended by striking out “in the Supreme Court
9 of Puerto Rico,”; and

10 (4) the first paragraph of section 3772 of title 18
11 of the United States Code is amended by striking out
12 “in the Supreme Court of Puerto Rico,”.

13 SEC. 208. The first paragraph of section 2 of the Federal
14 Reserve Act, as amended (38 Stat. 252), is amended by
15 striking out the last two sentences thereof and inserting in
16 lieu thereof the following: “When any State is admitted to
17 the Union, the Federal Reserve districts shall be readjusted
18 by the Board of Governors of the Federal Reserve System
19 in such manner as to include such State. Every national bank
20 in any State shall, upon commencing business or within
21 ninety days after admission into the Union of the State in
22 which it is located, become a member bank of the Federal
23 Reserve System by subscribing and paying for stock in the
24 Federal Reserve bank of its district in accordance with the

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

5 SEC. 209. Notwithstanding the admission of the State of
6 Puerto Rico into the Union, authority is reserved to the
7 United States, for the exercise of the Congress of the United
8 States the power of legislative jurisdiction as provided in
9 article 1, section 8, clause 17 of the Constitution of the United
10 States, over lands within the said State which are owned and
11 controlled by the United States and over which such legisla-
12 tive jurisdiction was exercised immediately prior to the admis-
13 sion of the said State.

14 SEC. 210. (a) Nothing contained in this Act shall be
15 construed as depriving the Federal Maritime Commission
16 Board of the exclusive jurisdiction heretofore conferred on it
17 over common carriers engaged in transportation by water
18 between any port in the State of Puerto Rico and other ports
19 in the United States, or possessions, or as conferring on the
20 Interstate Commerce Commission jurisdiction over transpor-
21 tation by water between any such ports.

22 (b) Effective on the admission of the State of Puerto
23 Rico into the Union—

24 (1) the last sentence of section 505 of the Merchant
25 Marine Act, 1936, as amended (46 U.S.C. 1155), is

1 amended by striking the words "and the Commonwealth
2 of Puerto Rico" where they appear at the end of the
3 section;

4 (2) the first sentence of section 506 of the Merchant
5 Marine Act, 1936 (46 U.S.C. 1156), is amended by
6 inserting immediately before ", or an island possession
7 or island territory" the following: ", the State of Puerto
8 Rico";

9 (3) section 605 (a) of the Merchant Marine Act,
10 1936 (46 U.S.C. 1175), is amended by inserting im-
11 mediately before ", or an island possession or island
12 territory", the following: ", the State of Puerto Rico";

13 (4) the last sentence of section 606 of the Merchant
14 Marine Act, 1936, as amended (46 U.S.C. 1176), is
15 amended by striking the words "or the Commonwealth
16 of Puerto Rico" where they appear at the end of the
17 section; and

18 (5) the second paragraph of section 714 of the
19 Merchant Marine Act, 1936 (46 U.S.C. 1204), is
20 amended by inserting immediately before ", or an island
21 possession or island territory" the following: ", the State
22 of Puerto Rico".

23 SEC. 211. (a) Section 101 (a) (36) of the Immigration
24 and Nationality Act (8 U.S.C. 1101(a) (36)) is amended
25 by striking out "Puerto Rico,".

1 (b) Section 212(d) (7) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1182(d) (7)) is amended by
3 striking out in the first sentence "Puerto Rico".

4 (c) The first sentence of section 310(a) of the Im-
5 migration and Nationality Act (8 U.S.C. 1421(a)) is
6 amended by striking out "and for Puerto Rico".

7 (d) Nothing contained in this Act shall be held to
8 repeal, amend, or modify the provisions of section 302 of
9 the Immigration and Nationality Act (8 U.S.C. 1402).

10 **SEC. 212.** Nothing contained in this Act shall operate
11 to confer United States nationality, nor to terminate na-
12 tionality heretofore lawfully acquired, or restore nation-
13 ality heretofore lost under any law of the United States
14 or under any treaty to which the United States is or
15 was a party.

16 **SEC. 213.** If any provision of this Act, or any sec-
17 tion, subsection, sentence, clause, phrase, or individual word,
18 or the application thereof in any circumstance is held in-
19 valid the validity of the remainder of the Act and of the
20 application of any such provision, section, subsection, sen-
21 tence, clause, phrase, or individual word in other circum-
22 stances shall not be affected thereby.

23 **SEC. 214.** All Acts or parts of Acts in conflict with
24 the provisions of this Act, whether passed by the Legis-
25 lature of Puerto Rico or by Congress, are hereby repealed.

95TH CONGRESS
1ST SESSION

H. R. 2201

A BILL

To enable the people of Puerto Rico to form a constitution and State government, to be admitted into the Union, and for other purposes.

By Mr. RUPPE (by request)

JANUARY 19, 1977

Referred to the Committee on Interior and Insular
Affairs