

## (BILL # 3)

### ADMISSION INTO THE UNION

WHEREAS: Upon admission as a state, Puerto Rico would cease being a territory of the United States.

WHEREAS: The Commonwealth of Puerto Rico would be admitted as a sovereign state of the Union, with its current Constitution, on an equal footing, and in true permanent union with the other fifty states.

WHEREAS: The new State of Puerto Rico shall be known as the Commonwealth of Puerto Rico; in Spanish it shall be known as "Estado Soberano de Puerto Rico".

WHEREAS: Admission to the Union has historically been a flexible and varied process which has been adapted to the individual circumstances of each new state.

WHEREAS: Congress has the constitutional power to facilitate the admission of new states.

WHEREAS Congress is willing to provide for a smooth process of adjustment from the tax structure of the territorial status to the federal fiscal system.

WHEREAS: The Commonwealth of Puerto Rico assured of its reserved state right under the Constitution to continue to maintain both Spanish and English as its official languages, as well as of its right to preserve and enhance its particular cultural characteristics.

WHEREAS: Statehood creates the only permanent union with the United States that is consistent with the "more perfect union" of equal states established by the United States Constitution.

WHEREAS: Statehood entails fundamental political and economic betterment for the Commonwealth of Puerto Rico.

WHEREAS: Statehood entails economic self-reliance and social justice, including parity for its residents in those aspects of federal legislation that cover the residents of the several states.

WHEREAS: Statehood means political equality, and, specifically, the right to participate in the process of election of the President and Vice-President of the United States as well as the right to elect two (2) U. S. Senators and the corresponding number of members of the U. S. House of Representatives.

WHEREAS: Statehood means that all benefits and protections of the United States Constitution would be fully bestowed on the People of the Commonwealth of Puerto Rico together with the guarantee of full protection by the Federal judicial system.

WHEREAS: Statehood entails the immediate full extension of federal entitlements and legislation providing parity for the residents of Puerto Rico in all Federal programs.

WHEREAS: The Commonwealth will assume all responsibilities of a State of the Union.

WHEREAS: Statehood is a political formula recognized by the international community through Resolution 1541 (XV) of the General Assembly of the United Nations and through Resolution 1469.

(XIV) of that body, which was adopted upon the admission of the new states of Alaska and Hawaii.

WHEREAS: Statehood embodies the highest degree of autonomy and sovereignty in a true permanent union with the several states.

THEREFORE: Be it resolved:

SEC. 2. Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7 of this Act, the Commonwealth of Puerto Rico (hereinafter referred to also as "the state") is declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, in compliance with the democratic mandate of the plebiscite held on \_\_\_\_\_ for the resolution of Puerto Rico's final political status. The Constitution adopted by a vote of the People of Puerto Rico in the election held on June 4, 1951, has been found by Congress to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and was accepted, ratified, and confirmed, through Public Law 447 of the 82nd Congress, March 3, 1952.

## CONSTITUTION

SEC. 3. The constitution of the Commonwealth of Puerto Rico shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. The current Constitution of the Commonwealth of Puerto Rico is hereby accepted as the constitution of the state.

## TERRITORY AND BOUNDARIES

SEC. 4. Subject to the provisions of this section, the State shall consist of all of the territory, together with the territorial waters, of the Commonwealth of Puerto Rico.

## STATE TITLE TO LANDS AND PROPERTY

SEC. 5. (a) The State and its political subdivisions shall have and retain title to all property, real and personal, which it currently holds.

(b) Any lands and other properties that, as of the date of admission of Puerto Rico into the Union, are set aside pursuant to law for the use of the United States under any (A) Act of Congress, (B) Executive order, (C) proclamation of the President, or (D) proclamation of the Governor of the Commonwealth of Puerto Rico, shall remain the property of the United States; except that the

Commonwealth of Puerto Rico ( the state ) shall have the exclusive right to explore, exploit, lease, possess and use all seabed, natural, and mineral resources lying within the 200 mile economic zone continental shelf boundary around the waters of the Archipelago of Puerto Rico; however, all other rights of sovereignty in regards to the continental shelf and waters, shall belong to the United States except those already vested in Puerto Rico.

(c) Not later than five years after the date of admission of the Commonwealth of Puerto Rico as a state of the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to this section shall submit a report to the President and the Congress concerning the need for such land or property. If the President determines that any such land or property is no longer needed by the Federal Government, it shall be forthwith conveyed to the Commonwealth of Puerto Rico.

(d) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the Commonwealth of Puerto Rico or its political subdivisions pursuant to this section or reserving the right to alter, amend, or repeal laws relating thereto, shall cease to be effective upon the admission of the state into the Union.

COMPACT WITH THE UNITED STATES; CLAIMS TO FEDERAL  
LANDS AND PROPERTY

SEC. 6. (a) As a compact with the United States, the

Commonwealth and its people recognize all rights and titles to any lands or other property not granted or conferred to the Commonwealth or its political subdivisions by or under the authority of this Act, the right or title to which is now held by the United States or subject to disposition by the United States.

(b) (1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States.

(d) Notwithstanding any other provision of this Act or any other provision of law, in compensation for the lands now held by the United States, the Congress shall appropriate federal payments to be assigned to the Commonwealth of Puerto Rico, in the amount of \_\_\_\_\_ annually, during the next \_\_\_\_\_ years, for the sole purpose of assisting the state in the payment of its present public debt and liabilities.

## ELECTIONS AND ADMISSION REFERENDUM

SEC. 7. (a) (1) Not more than sixty days after the date of certification by the Governor of the Commonwealth of Puerto Rico as provided by this act, the President of the United States shall certify the admission of Puerto Rico into the Union to the Governor of the Commonwealth of Puerto Rico . Not more than thirty days after such certification, the Governor of the Commonwealth of Puerto Rico shall issue a proclamation for the election of two United States Senators and the corresponding number of the United States Representatives in Congress as provided in this act. The Governor of the State shall certify the election of the Senators and Representatives in the manner required by law. The Senators and Representatives elected shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the other States in the Congress of the United States. The office of Resident Commissioner shall cease to exist upon the swearing in of the first member of the House so elected.

(2) In the first election of Senators from the State (pursuant to Section 7 (a)(1) ) the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the two senatorial officers shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to

determine the class to which each of the Senators elected shall be assigned.

(b) Election returns shall be made and certified in such manner as provided by the electoral laws of Puerto Rico and in such a manner as the Commonwealth of Puerto Rico may prescribe. The Governor of the Commonwealth of Puerto Rico shall certify the results of such elections to the President of the United States.

(2) The constitution of the Commonwealth of Puerto Rico, ratified by the people at the referendum held on June 4, 1951, shall become the Constitution of the State of Puerto Rico. The new State of Puerto Rico shall be known as The Commonwealth of Puerto Rico.

(3) Any legal dispute or controversy arising out of the electoral processes conducted under this act shall be adjudicated by the United States District Court for the District of Puerto Rico, and the Appellate Federal Court System. The Courts of the Commonwealth of Puerto Rico shall not have jurisdiction to entertain any suit, appeal, writ of revision or legal action, arising out of these elections, plebiscites and referendums.

(4) The individuals holding legislative, executive, and judicial offices of the Commonwealth of Puerto Rico, shall continue to discharge the duties of their respective offices. Upon the issuance of the proclamation by the President of the United States and the admission of the Commonwealth of Puerto Rico as a state of the Union, the officers elected or appointed under the provisions of the constitution and laws of the Commonwealth shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of the State, as provided by the

constitution and laws of the State.

SEC. 8. The Commonwealth of Puerto Rico upon its admission into the Union shall be entitled to \_\_\_ Representatives, until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law.

#### LAWS IN EFFECT

SEC. 9 Upon admission of the Commonwealth of Puerto Rico into the Union, all of the territorial laws then in force in the Commonwealth of Puerto Rico shall be and continue in force and effect throughout the state, until amended, modified or repealed by the Commonwealth. All of the laws of the United States shall have the same force and effect within the State as elsewhere in the United States.

#### CONTINUATION OF SUITS

SEC. 10 (a) No writ, action, indictment, cause, or proceeding pending in any court of the Commonwealth of Puerto Rico, shall abate by reason of the admission of the Commonwealth of Puerto Rico into the Union, but shall proceed within such appropriate state courts as are now established under the Constitution of the Commonwealth, or shall continue in the United States District Court for the District of Puerto Rico, as the nature of the case may

require.

(b) All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of the Commonwealth, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate state courts or in the United States District Court for the District of Puerto Rico in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the procedural or substantive laws governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the Commonwealth of Puerto Rico, shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Puerto Rico.

## APPEALS

SEC. 11. Parties shall have the same rights of judicial review of final decisions of the United States District Court for the District of Puerto Rico or the Supreme Court of the Commonwealth

of Puerto Rico, in any case finally decided prior to the admission of the State of Puerto Rico into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the First Circuit and the Supreme Court of the United States, shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State, shall be to the United States District Court for the District of Puerto Rico or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Puerto Rico and of the Supreme Court of Puerto Rico, in any case pending at the time of admission of the State into the Union, and the Supreme Court of the Commonwealth of Puerto Rico and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

#### MILITARY LANDS

SEC. 12. (a) Subject to the subsection (b) and notwithstanding the admission of the Commonwealth of Puerto Rico into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of lands as, immediately prior to the admission of the State,

are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b) (1) The Commonwealth of Puerto Rico shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the Commonwealth of Puerto Rico, or to prevent the State from exercising over or upon such lands, concurrently with the Federal government, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation or authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as designated by the President of the United States or the Secretary of Defense.

SEC. 13. No provision of this Act shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

#### REPEAL AND AMMENDMENT OF INCONSISTENT LAWS

SEC. 14. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the Legislature of the Commonwealth of Puerto Rico or by Congress, are hereby repealed or ammended to conform with the provisions of this act.

#### NATIONAL FEDERAL LANDS AREA

SEC. 15. (a) The Federal Lands reserved for the United States government referred to in section 4 are those now held by the Federal government.

#### ECONOMIC ADJUSTMENT FROM TERRITORY TO STATE

SEC. 16. Congress adopts the following economic provisions to expedite the adjustment of the Commonwealth of Puerto Rico from the tax structure of the territory to the fiscal and economic system of the state.

a) Provisions of the Internal Revenue Code concerning Federal Income Taxes shall immediately apply to Puerto Rico, provided that the proceeds of said taxes shall be transferred to the Treasury of Puerto Rico in an amount to be diminished by \_\_\_\_% of the monies collected each year for a \_\_\_\_ year period. Existing income tax laws of the Commonwealth shall stand repealed upon admission of the state.

b) Provision shall be made by Congress so that economic and fiscal exceptions of the Internal Revenue Code, already granted, such as those allowed under Section 936 of said code, shall remain in full effect for \_\_\_\_ years and will be smoothly and gradually phased out thereafter, in such a way as to eliminate the prevalent uncertainty which impairs an orderly planning and which impedes the fulfillment of the job creation requirements for such credit, thus promoting investments and higher rate of employment, which will in turn reduce governmental and individual dependence while enhancing the economy of the state and the fiscal soundness of its government

c) Pursuant to Congress' powers under the Constitution, an omnibus act with multiple provisions shall be enacted to ensure that the people of Puerto Rico attain equal social and economic opportunities with the residents of the several states. Said omnibus act shall also provide for measures necessary to assure appropriate continuity in the treatment given to Puerto Rico as a

principal coffee producer and in the treatment of alcohol excise taxes; and shall also continue to provide for the transfer to the Treasury of Puerto Rico, for a period of \_\_\_\_ years, of the proceeds of Federal customs and duties levied on Imports coming from foreign sources to Puerto Rico.

[Detailed economic provisions, addressing the above proposals among others, will be furnished to the Committee as soon as final technical work is completed.]

#### TERMS AND CONDITIONS

SEC. 17. The Commonwealth of Puerto Rico is assured of its reserved state right under the Constitution to continue to maintain both Spanish and English as its official languages, as well as of its right to preserve and enhance its rich Hispanic cultural heritage. However, all records and proceedings of all agencies, departments, offices and courts of the United States Federal government operating in Puerto Rico, shall continue to be conducted and kept in the English language as heretofore. The Commonwealth of Puerto Rico's present Official Languages Act, 1 L.P.R.A. 51-55 (Laws of Puerto Rico, 1902), making Spanish and English official state languages is a state prerogative protected by the Constitution of the United States.

SEC. 18. The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, previous

condition of servitude, or ability to read, write, speak, and understand any language sufficiently: and the rights, privileges and immunities of citizens of the United States shall be respected in Puerto Rico according to the provisions of paragraph 1 section 2 of article IV of the Constitution of the United States.

BILL #2 PAGE #2 LINE 7 (Insert after "Statehood", the following language:

Upon admission as a state, Puerto Rico would cease being a territory of the United States. The Commonwealth of Puerto Rico would be admitted as a sovereign state of the Union, with its current Constitution, on an equal footing and in true permanent union with the other fifty states.

The new State of Puerto Rico shall be known as The Commonwealth of Puerto Rico. In Spanish It shall be known as "Estado Soberano de Puerto Rico".

Admission to the Union has historically been a flexible and varied process which has been adapted to the individual circumstances of each new state. Congress, which has the constitutional power to facilitate the admission of new states, would provide for a smooth process of adjustment from the tax structure of the territorial status to the federal fiscal system.

The Commonwealth of Puerto Rico would be assured of its reserved state right under the Constitution to continue to maintain both Spanish and English as its official languages, as well as of its right to preserve and enhance its particular cultural characteristics.

Statehood creates the only permanent union with the United States that is consistent with the "more perfect union" of equal states established by the United States Constitution.

-Statehood would entail fundamental political and economic betterment for the Commonwealth of Puerto Rico.

-Statehood means economic self-reliance and social justice, including parity for its residents in those aspects of federal legislation that cover the residents of the several states at the time of admission and in the future.

-Statehood means political equality, and, specifically, the right to participate in the process of election of the President and Vice-President of the United States as well as the right to elect two (2) U. S. Senators and the corresponding number of members of the U. S. House of Representatives.

-Statehood means that all benefits and protections of the United States Constitution would be fully bestowed on the People of the Commonwealth of Puerto Rico together with the guarantee of full protection by the Federal judicial system.

-Statehood entails the immediate full extension of federal entitlements and legislation providing parity for the residents of Puerto Rico in all Federal programs. The Commonwealth will assume all responsibilities of a State of the Union.

-Statehood is a political formula recognized by the International community through Resolución 1541 (XV) of the General Assembly of the United Nations and through Resolution 1469 (XIV) of that body, which was adopted upon the admission of the new states of Alaska and Hawaii.

-Statehood embodies the highest degree of autonomy and sovereignty in true permanent union with the several states.