

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

---

1 Committee/Subcommittee hearing bill: Local, Federal & Veterans  
2 Affairs Subcommittee

3 Representative Cortes, B. offered the following:

4  
5 **Amendment (with directory and title amendments)**

6 Remove everything after the resolving clause and insert:

7 That the United States Congress is urged to incorporate the  
8 territory and resident United States citizens of Puerto Rico  
9 into the United States and to apply all law and policy in Puerto  
10 Rico on the same basis as in a state of the union without  
11 discrimination or inequality.

12 BE IT FURTHER RESOLVED that copies of this memorial be  
13 dispatched to the President of the United States, to the  
14 President of the United States Senate, to the Speaker of the  
15 United States House of Representatives, and to each member of  
16 the Florida delegation to the United States Congress.

Amendment No. 1

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

-----

**D I R E C T O R Y   A M E N D M E N T**

Remove lines 8-75 and insert:

WHEREAS, since 1898 the United States has administered the islands of Puerto Rico and its population as an unincorporated territory of the United States, and

WHEREAS, less than two years after acceding to sole and exclusive sovereignty over the islands of Puerto Rico, in 1900 the United States Congress adopted the law known as the Foraker Act, providing a civilian government for the territory, and

WHEREAS, in the *Insular Cases* the United States Supreme Court recognized that the United States Constitution applies within the unincorporated territories of the United States, but the scope of such application was less than the full guarantees of individual liberty accorded to those residing in states or incorporated territories of the Union, and

WHEREAS, in 1917 the United States Congress adopted the Jones-Shafroth Act, providing for greater self-government and granting United States citizenship to all residents of Puerto Rico, and

WHEREAS, in the decision *Balzac v. People of Porto Rico* the United States Supreme Court reiterated the holding of the *Insular Cases* and ruled that the United States Constitution applied only in part in the unincorporated territories, thus

Amendment No. 1

42 affirming the denial of right to trial by jury to the petitioner  
43 in that case, and

44 WHEREAS, the United States Supreme Court in *Balzac* also  
45 found that incorporation into the United States was a key step  
46 to statehood for any territory, and the incorporation could only  
47 be accomplished by express congressional declaration or by  
48 "implication so strong as to exclude any other view," and

49 WHEREAS, in 1950 Congress authorized the people of Puerto  
50 Rico to conduct a constitutional convention for the purpose of  
51 developing a constitution providing for more complete self-  
52 government by Puerto Rico, requiring such constitution to  
53 provide both a republican form of government and a bill of  
54 rights, and

55 WHEREAS, requiring a republican form of government to each  
56 state is a duty of the United States Congress under Article IV,  
57 section 4, of the United States Constitution, and

58 WHEREAS, pursuant to the authority granted by the United  
59 States Congress, the people of Puerto Rico met in convention and  
60 drafted a constitution meeting the requirements of the 1950 act,  
61 and the United States Congress approved the Constitution of the  
62 Commonwealth of Puerto Rico in 1952, and

63 WHEREAS, the territorial histories of other states such as  
64 Louisiana, Alaska, and Hawaii, demonstrate a similar progress of  
65 self-government, from early congressional acts establishing  
66 basic civil government, to a more formally structured government

Amendment No. 1

67 conducted by the people of the particular territory, to approval  
68 of an official state constitution, and

69 WHEREAS, the Constitution of the Commonwealth of Puerto  
70 Rico was approved before congressional approval of the proposed  
71 state constitutions for Alaska and Hawaii, and the subsequent  
72 admission of those states into the Union, and

73 WHEREAS, the granting of United States citizenship to the  
74 people of Puerto Rico, requiring their self-governing  
75 constitution to provide for a republican form of government and  
76 a bill of rights, admitting residents of Puerto Rico into the  
77 armed forces of the United States in which they have bravely and  
78 honorably defended the United States as duty has required,  
79 integrating all aspects of the economy of Puerto Rico into the  
80 greater economy of the United States, and evolving the Puerto  
81 Rico laws and judicial system from their Spanish origins into  
82 provisions and process consistent with the laws and  
83 jurisprudence of the United States, creates the strong and clear  
84 implication that Puerto Rico *de facto* has been incorporated into  
85 the United States, and

86 WHEREAS, citizens of the United States residing in Puerto  
87 Rico currently are not entitled to the same treatment under  
88 certain federal laws, such as the provision of Supplemental  
89 Security Income from the Social Security Administration, as are  
90 other citizens of the United States residing in the several  
91 states of the Union, and

284875 - HM 147 LfV Amendment final.docx

Published On: 11/7/2017 6:00:21 PM

Amendment No. 1

92 WHEREAS, the denial of equal treatment of United States  
93 citizens residing in Puerto Rico under certain federal laws is  
94 justified solely on the basis that Puerto Rico is not  
95 incorporated into the United States despite over one hundred  
96 years of assimilation into the culture, economy, and political  
97 process of the United States, and

98 WHEREAS, the recent catastrophic impacts to Puerto Rico of  
99 Hurricanes Irma and Maria, and the federal response to the  
100 resulting humanitarian crisis, demonstrates compelling need for  
101 the incorporation of Puerto Rico into the United States so that  
102 responses to natural disasters in Puerto Rico have the same  
103 priority and are conducted on the same basis as federal  
104 responses to natural disasters elsewhere in the United States,  
105 and

106 WHEREAS, integration into the United States, while  
107 necessary to move towards statehood, will not automatically  
108 confer statehood on Puerto Rico, NOW, THEREFORE,

109 -----  
110

111 **T I T L E A M E N D M E N T**

112 Remove lines 4-6 and insert:  
113 without discrimination or inequality and to incorporate the  
114 Commonwealth of Puerto Rico into the United States.