

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The text is overlaid on the graphic.

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*Puerto Rican Statehood: Effects on House Apportionment*

David C. Huckabee, Government and Finance Division

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**Abstract.** Statehood for Puerto Rico would likely cause Congress to explore whether the current limit of 435 on the total number of Representatives should be changed. If Puerto Rico had been a state when the 2000 census was taken, it would have been entitled to six Representatives based on its 2000 census population of 3.8 million residents. These new Representatives could have been accommodated by either expanding the size of the House, or adhering to the current 435-seat statutory limit, thereby reducing the number of Representatives in other states.

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# CRS Report for Congress

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## Puerto Rican Statehood: Effects on House Apportionment<sup>1</sup>

Royce Crocker  
Specialist in American National Government  
Government and Finance Division

### Summary

Statehood for Puerto Rico would likely cause the Congress to explore whether the current limit of 435 on the total number of Representatives should be changed. If Puerto Rico had been a state when the 2000 census was taken, it would have been entitled to six Representatives based on its 2000 census population of 3.8 million residents. These new Representatives could have been accommodated by either expanding the size of the House, or adhering to the current 435-seat statutory limit, thereby reducing the number of Representatives in other states. This report will be updated as conditions warrant.

### Background

Proposals to change Puerto Rico's governmental relationship with the United States from a commonwealth to some other model raise many political, social, and economic issues. This report focuses exclusively on what impact adding a new state that is more populous than 24 of the existing 50 states would have on representation in the House.

The voters of Puerto Rico have considered three plebiscites regarding its relationship with the United States since U.S. citizenship was conferred on persons born in Puerto Rico in 1917.<sup>2</sup> In 1967, Puerto Rico's voters approved continuing a commonwealth relationship (60.5%) over statehood (38.9%) or independence (0.5%). In 1993, in a second plebiscite, they also voted in favor of continuing a commonwealth status (48.6%) over statehood (46.4%) or independence (4.5%).<sup>3</sup> In another plebiscite held in 1998, the citizens endorsed "none of the above" (50.3%) over statehood (46.5%), independence (2.5%), free association (0.3%) and commonwealth (0.1%).<sup>4</sup>

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<sup>1</sup> This report originally was authored by David C. Huckabee, who has retired from CRS.

<sup>2</sup> 39 Stat. 961.

<sup>3</sup> U.S. Congress, Senate Committee on Resources, *The Results of the 1998 Puerto Rico Plebiscite*, committee print, 106<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 1999), p. 41.

<sup>4</sup> *Ibid.*, p. 10.

Hearings were held on the topic of plebiscites regarding the relationship of Puerto Rico to the United States during the 104<sup>th</sup> Congress in 1995 and 1996. In 1997, during the 105<sup>th</sup> Congress, the House passed H.R. 4281 to authorize a Puerto Rican status plebiscite, and the Senate passed S.Res. 279, endorsing the right of Puerto Ricans to vote on their status with the United States in 1998.<sup>5</sup> However, no further action was taken on either bill. In 2000, during the 106<sup>th</sup> Congress, H.R. 4751 was introduced to recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States, but no further action was taken on the bill. Since then, no bills on this topic have been introduced in Congress.

If Puerto Rico’s citizens had voted in favor of statehood in the plebiscites in the 1990s, and Congress had admitted the Commonwealth as a state by the end of December 2000, Puerto Rico would have six Representatives in Congress. If the House size had remained at 435 Representatives, California, Florida, Georgia, Iowa, North Carolina, and Ohio would each have been allocated one seat fewer than they actually received when the post-2000 Census reapportionment was completed. Another option would have been to increase the size of the House.

### Apportionment Options When Admitting New States

**Congressional Precedent.** General congressional practice when admitting new states to the union has been to increase the size of the House, either permanently or temporarily, to accommodate the new states. New states usually resulted in *additions* to the size of the House in the 19th and early 20th centuries. The exceptions to this general rule occurred when states were formed from other states (Maine, Kentucky, and West Virginia). These states’ Representatives came from the allocations of Representatives of the states from which the new ones had been formed.<sup>6</sup>

When Alaska and Hawaii were admitted in 1959 and 1960 the House size was *temporarily* increased to 437. This modern precedent differed from the state admission acts passed following the censuses in the 19th and early 20th centuries, which provided that new states’ representation would be added to the apportionment totals. **Table 1** lists the number of seats each state has received after each census, and the notes show the initial seat assignments to states admitted between censuses.

**Table 1. Representatives Under Each Apportionment**

ST	Year																							
	1789	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	
AL	NA	NA	NA	1	3	5	7	7	6	8	8	9	9	10	10	9	9	9	8	7	7	7	7	7
AK	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	1	1	1	1
AZ	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	2	2	3	4	5	6	8	
AR	NA	NA	NA	NA	NA	1	1	2	3	4	5	6	7	7	7	7	7	6	4	4	4	4	4	4
CA	NA	NA	NA	NA	NA	NA	2	2	3	4	6	7	8	11	11	20	23	30	38	43	45	52	53	
CO	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	2	3	4	4	4	4	4	4	5	6	6	7	
CT	5	7	7	7	6	6	4	4	4	4	4	4	5	5	5	6	6	6	6	6	6	6	6	5
DE	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

<sup>5</sup> Ibid.

<sup>6</sup> For a general discussion of the history of admitting states to the union, please see CRS Report 98-702 GOV, *Statehood Process of the Fifty States*, by Garrine P. Laney.

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ST	Year																						
	1789	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000
FL	NA	NA	NA	NA	NA	NA	1	1	1	2	2	2	3	4	4	5	6	8	12	15	19	23	25
GA	3	2	4	6	7	9	8	8	7	9	10	11	11	12	12	10	10	10	10	10	10	11	13
HI	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	2	2	2	2	2
ID	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	2	2	2	2	2	2	2	2	2	2
IL	NA	NA	NA	1	1	3	7	9	14	19	20	22	25	27	27	27	26	25	24	24	22	20	19
IN	NA	NA	NA	1	3	7	10	11	11	13	13	13	13	13	13	12	11	11	11	11	10	10	9
IA	NA	NA	NA	NA	NA	NA	2	2	6	9	11	11	11	11	11	9	8	8	7	6	6	5	5
KS	NA	NA	NA	NA	NA	NA	NA	NA	1	3	7	8	8	8	8	7	6	6	5	5	5	4	4
KY	NA	2	6	10	12	13	10	10	9	10	11	11	11	11	11	9	9	8	7	7	7	6	6
LA	NA	NA	NA	1	3	3	4	4	5	6	6	6	7	8	8	8	8	8	8	8	8	7	7
ME	NA	NA	NA	NA	1	3	7	8	7	6	5	5	4	4	4	3	3	3	2	2	2	2	2
MD	6	8	9	9	9	8	6	6	5	6	6	6	6	6	6	6	6	7	8	8	8	8	8
MA	8	14	17	20	13	12	10	11	10	11	12	13	14	16	16	15	14	14	12	12	11	10	10
MI	NA	NA	NA	NA	NA	1	3	4	6	9	11	12	12	13	13	17	17	18	19	19	18	16	15
MN	NA	NA	NA	NA	NA	NA	NA	2	2	3	5	7	9	10	10	9	9	9	8	8	8	8	8
MS	NA	NA	NA	1	1	2	4	5	5	6	7	7	8	8	8	7	7	6	5	5	5	5	4
MO	NA	NA	NA	NA	1	2	5	7	9	13	14	15	16	16	16	13	13	11	10	10	9	9	9
MT	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	2	2	2	2	2	2	2	2	1	1
NE	NA	NA	NA	NA	NA	NA	NA	NA	1	1	3	6	6	6	6	5	4	4	3	3	3	3	3
NV	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	1	1	1	1	1	1	1	1	1	2	2	3
NH	3	4	5	6	6	5	4	3	3	3	2	2	2	2	2	2	2	2	2	2	2	2	2
NJ	4	5	6	6	6	6	5	5	5	7	7	8	10	12	12	14	14	14	15	15	14	13	13
NM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	2	2	2	2	3	3	3
NY	6	10	17	27	34	40	34	33	31	33	34	34	37	43	43	45	45	43	41	39	34	31	29
NC	5	10	12	13	13	13	9	8	7	8	9	9	10	10	10	11	12	12	11	11	11	12	13
ND	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	2	3	3	2	2	2	2	1	1	1	1
OH	NA	NA	1	6	14	19	21	21	19	20	21	21	21	22	22	24	23	23	24	23	21	19	18
OK	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	5	8	8	9	8	6	6	6	6	5
OR	NA	NA	NA	NA	NA	NA	1	1	1	1	2	2	3	3	3	3	4	4	4	4	5	5	5
PA	8	13	18	23	26	28	24	25	24	27	28	30	32	36	36	34	33	30	27	25	23	21	19
RI	1	2	2	2	2	2	2	2	2	2	2	2	2	3	3	2	2	2	2	2	2	2	2
SC	5	6	8	9	9	9	7	6	4	5	7	7	7	7	7	6	6	6	6	6	6	6	6
SD	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2	2	2	3	3	2	2	2	2	2	1	1	1
TN	NA	1	3	6	9	13	11	10	8	10	10	10	10	10	10	9	10	9	9	8	9	9	9
TX	NA	NA	NA	NA	NA	NA	2	2	4	6	11	13	16	18	18	21	21	22	23	24	27	30	32
UT	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	2	2	2	2	2	2	2	2	3	3	3
VT	NA	2	4	6	5	5	4	3	3	3	2	2	2	2	2	1	1	1	1	1	1	1	1
VA	10	19	22	23	22	21	15	13	11	9	10	10	10	10	10	9	9	10	10	10	10	11	11
WA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	2	3	5	5	6	6	7	7	7	8	9	9
WV	NA	NA	NA	NA	NA	NA	NA	NA	NA	3	4	4	5	6	6	6	6	6	5	4	4	3	3
WI	NA	NA	NA	NA	NA	NA	2	3	6	8	9	10	11	11	11	10	10	10	9	9	9	9	8
WY	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1	1	1	1	1	1	1	1	1	1	1	1	1
US	65	106	142	186	213	242	232	237	243	293	332	357	391	435	435	435	435	437	435	435	435	435	435

Initial seat assignments to states admitted between censuses:

- After the 1790 Census — Kentucky (2, from Virginia)
- After the 1800 Census — Tennessee (1)
- After the 1810 Census — Ohio (1)
- After the 1820 Census — Alabama, Illinois, Indiana, Louisiana, (1 each), Maine (7, from Massachusetts), Mississippi (1)
- After the 1830 Census — None
- After the 1840 Census — Arkansas, Michigan (1 each)
- After the 1850 Census — Oregon (1) Minnesota (2)
- After the 1860 Census — Nevada (1), Nebraska (1), West Virginia (3, from Virginia)
- After the 1870 Census — Colorado (1)
- After the 1880 Census — Idaho, Montana, North Dakota, Washington, Wyoming (1 each), South Dakota (2)
- After the 1890 Census — Utah (1)
- After the 1900 Census — Oklahoma (5)
- After the 1910 Census — Arizona (1), New Mexico (1)
- After the 1950 Census — Alaska (1), Hawaii (1)

The apportionment act of 1911 anticipated the admission of Arizona and New Mexico by providing for an increase in the House size from 433 to 435 if the states were admitted.

As noted above, the House size was *temporarily* increased to 437 to accommodate Alaska and Hawaii in 1960. In 1961, when the President reported the 1960 census results and the resulting reapportionment of seats in the reestablished 435-seat House, Alaska was entitled to one seat, and Hawaii two seats. Massachusetts, Pennsylvania, and Missouri each received one less seat than they would have if the House size had been increased to 438 (as was proposed by H.R. 10264, in 1962).

**Puerto Rican Statehood Apportionment Options.** If Puerto Rico were admitted to statehood between censuses, Congress would have at least three options for handling the approximately six Representatives the new state would be entitled to under the current apportionment formula: (1) subtract seats from states that would have lost them if Puerto Rico had been admitted before the previous census; (2) temporarily increase the size of the House until the next census; or (3) permanently increase the size of the House.

The first option, subtracting seats from other states, has only been done by Congress when new states were formed from existing states. This would require the losing states to redistrict to account for these losses. The second option, temporarily increasing the House size, has only been done once, in the Alaska and Hawaii precedent. The third option, permanently increasing the House size (probably to 441) might be an attractive choice to sponsors of Puerto Rican statehood because, for example, the delegations from the six states that would have lost seats if Puerto Rico had been a state prior to the 2000 census sum to a total of 127 Representatives.

**Table 2** lists the 2000 census population of the 50 states and Puerto Rico, the allocation of Representatives to states in 1990, and what the 2000 allocations would have been with or without Puerto Rican statehood.

**Table 2. Effect of Admitting Puerto Rico to Statehood on Representation in the House of Representatives Based on the 2000 Census (Assumes House Size of 435)**

State	2000 Apportionment Population <sup>a</sup>	1990 Apportionment <sup>b</sup>	2000 Apportionment		
			Without Puerto Rico	With Puerto Rico <sup>c</sup>	Difference
AL	4,461,130	7	7	7	
AK	628,933	1	1	1	
AZ	5,140,683	6	8	8	
AR	2,679,733	4	4	4	
CA	33,930,798	52	53	52	-1
CO	4,311,882	6	7	7	
CT	3,409,535	6	5	5	
DE	785,068	1	1	1	
FL	16,028,890	23	25	24	-1
GA	8,206,975	11	13	12	-1
HI	1,216,642	2	2	2	
ID	1,297,274	2	2	2	
IL	12,439,042	20	19	19	
IN	6,090,782	10	9	9	
IA	2,931,923	5	5	4	-1
KS	2,693,824	4	4	4	
KY	4,049,431	6	6	6	
LA	4,480,271	7	7	7	
ME	1,277,731	2	2	2	

State	2000 Apportionment Population <sup>a</sup>	1990 Apportionment <sup>b</sup>	2000 Apportionment		
			Without Puerto Rico	With Puerto Rico <sup>c</sup>	Difference
MD	5,307,886	8	8	8	
MA	6,355,568	10	10	10	
MI	9,955,829	16	15	15	
MN	4,925,670	8	8	8	
MS	2,852,927	5	4	4	
MO	5,606,260	9	9	9	
MT	905,316	1	1	1	
NE	1,715,369	3	3	3	
NV	2,002,032	2	3	3	
NH	1,238,415	2	2	2	
NJ	8,424,354	13	13	13	
NM	1,823,821	3	3	3	
NY	19,004,973	31	29	29	
NC	8,067,673	12	13	12	-1
ND	643,756	1	1	1	
OH	11,374,540	19	18	17	-1
OK	3,458,819	6	5	5	
OR	3,428,543	5	5	5	
PA	12,300,670	21	19	19	
RI	1,049,662	2	2	2	
SC	4,025,061	6	6	6	
SD	756,874	1	1	1	
TN	5,700,037	9	9	9	
TX	20,903,994	30	32	32	
UT	2,236,714	3	3	3	
VT	609,890	1	1	1	
VA	7,100,702	11	11	11	
WA	5,908,684	9	9	9	
WV	1,813,077	3	3	3	
WI	5,371,210	9	8	8	
WY	495,304	1	1	1	
PR	3,808,610	435	0	6	6

<sup>a</sup>U.S. Dept. of Commerce, Bureau of the Census, *Census 2000 Shows Resident Population of 281,421,906; Apportionment Counts Delivered to President*, Press Release CB00-CN.64 (Washington, Dec. 28, 2000), Table 1.

<sup>b</sup>U.S. Congress, House, *Apportionment Population and State Representation*, H.Doc. 102-18, 102<sup>nd</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 1991), pp. 3,4.

<sup>c</sup>Computed by CRS. If Puerto Rico had been admitted to statehood with a proviso that the Census Bureau first calculate how many seats it would have been entitled under a 435-seat House, and then add that total to the House size for the final calculation (resulting in 441 seats), Puerto Rico would still have obtained six seats; the six states that otherwise would each have lost a seat with a 435-seat House would thus have retained the seats. (The fact that the same six states would regain the seats that they lost to Puerto Rico in the three scenarios would not necessarily hold in all scenarios. It is possible that increasing the House size could change the states' fractional shares allocated by the apportionment formula so that not all the "losing states" would necessarily regain the lost seats: other states might have greater claims.)<sup>7</sup>

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<sup>7</sup> For a more complete discussion of how the apportionment formula works, please see CRS Report RL31074, *House of Representatives Apportionment Formula: Analysis of Proposals for Change and Their Impact on States*, by Royce Crocker.

## The Tradition of a 435-Seat House

The strong 20<sup>th</sup> century tradition that the total number of Representatives in the House of Representatives should total 435 members might prevent an increase in the House size should Puerto Rico be admitted to statehood.

The U.S. Constitution (Article 1, Section II) requires that “Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state.” The requirement that districts must be apportioned *among* states means that district boundaries cannot cross state lines. The Constitution also sets a minimum size for the House of Representatives (one Representative for each state) and a maximum size for the House (one Representative for every 30,000 persons). Congress is free to choose a House size within these parameters by changing the relevant law.

The House size of 435 thus may be altered by changing statutory law rather than by enacting a constitutional amendment.<sup>8</sup> Based on the 2000 Census apportionment population of 281,424,177, the House could be as large as 9,361 Representatives, based on the constitutional maximum of one Representative for every 30,000 persons. (Statehood for Puerto Rico would have raised the maximum to 9,507 Members.)

The House size was increased in every decade except one in the 19th century to accommodate the growth of the country’s population, but the permanent increases stopped after the 1910 census, when the House reached 435 Members. As noted previously, the House size was increased temporarily to 437 in 1960, to accommodate the admission of Alaska and Hawaii as states, but the total went back to 435 in 1963, with the new reapportionment following the 1960 census.

Although one cannot say for sure why the House size has not been permanently increased since the 1910 Census, the arguments most often raised center on efficiency and cost. Proponents of the status quo suggest that a larger House would work less efficiently and at greater cost, due to Member and staff salaries and allowances. Proponents of increasing the House size often argue that other legislative bodies seem to work well with larger memberships, and less populous districts might give minorities greater representation in Congress.<sup>9</sup>

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<sup>8</sup> 46 *Stat.* 21, 26-27, as codified in 2 U.S.C. 2a(a).

<sup>9</sup> For a more complete discussion of how the Congress settled on 435 as the House size, please see CRS Report 95-791 GOV, *House of Representatives: Setting the Size at 435*, by David C. Huckabee.