

DECEMBER 14, 2022

**RULES COMMITTEE PRINT 117-74**  
**TEXT OF H.R. 8393, THE PUERTO RICO STATUS**  
**ACT**

**[Showing the text of H.R. 8393, as reported by the Committee  
on Natural Resources, with modifications.]**

**1 SECTION 1. SHORT TITLE.**

**2** This Act may be cited as the “Puerto Rico Status  
**3 Act”.**

**4 SEC. 2. TABLE OF CONTENTS.**

**5** The table of contents for this Act is as follows:

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- Sec. 103. Submission; ratification.
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- Sec. 306. State title to land and property.
- Sec. 307. Continuity of laws, government, and obligations.
- Sec. 308. Judicial pronouncements.

**1 SEC. 3. FINDINGS.**

2       In recognition of the inherent limitations of Puerto  
3 Rico’s territorial status, and the responsibility of the Fed-  
4 eral Government to enable the people of the territory to  
5 freely express their wishes regarding political status and  
6 achieve full self-government, Congress seeks to enable the  
7 eligible voters of Puerto Rico to choose a permanent, non-  
8 territorial, fully self-governing political status for Puerto  
9 Rico and to provide for a transition to and the implemen-  
10 tation of said permanent, nonterritorial, fully self-gov-  
11 erning status.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) BILATERAL NEGOTIATING COMMISSION.—

4 The term “Bilateral Negotiating Commission”  
5 means the Bilateral Negotiating Commission estab-  
6 lished under section 209(a).

7 (2) ELECTIONS COMMISSION.—The term “Elec-  
8 tions Commission” means the Puerto Rico State  
9 Elections Commission (Comisión Estatal de  
10 Elecciones de Puerto Rico, in Spanish).

11 (3) ELIGIBLE VOTERS.—The term “eligible vot-  
12 ers” means bona fide residents of Puerto Rico who  
13 are otherwise qualified to vote in general elections in  
14 Puerto Rico.

15 (4) INITIAL PLEBISCITE.—The term “initial  
16 plebiscite” means the plebiscite required by section  
17 5(a)(1).

18 (5) MAJORITY.—The term “majority” means  
19 more than 50 percent.

20 (6) RUNOFF PLEBISCITE.—The term “runoff  
21 plebiscite” means the plebiscite required by section  
22 5(a)(4).

23 **SEC. 5. PLEBISCITE.**

24 (a) IN GENERAL.—

1           (1) INITIAL PLEBISCITE.—A plebiscite to re-  
2           solve Puerto Rico’s political status shall be held on  
3           November 5, 2023.

4           (2) OPTIONS.—The plebiscite held under para-  
5           graph (1) shall offer eligible voters a choice of one  
6           of the three options which shall be presented on the  
7           ballot as follows:

8                   (A) Independence.

9                   (B) Sovereignty in Free Association with  
10           the United States.

11                   (C) Statehood.

12           (3) MAJORITY VOTE REQUIRED.—Approval of a  
13           status option must be by a majority of the valid  
14           votes cast.

15           (4) RUNOFF PLEBISCITE.—If there is not a ma-  
16           jority in favor of one of the three options defined in  
17           this Act, then a runoff plebiscite shall be held on  
18           March 3, 2024, which shall offer eligible voters a  
19           choice of the two options that received the most  
20           votes in the plebiscite held under paragraph (1).

21           (b) BALLOT LANGUAGE.—A ballot for a plebiscite re-  
22           quired by subsection (a) shall include the following lan-  
23           guage, except that the ballot for the runoff plebiscite shall  
24           omit the option that received the fewest votes in the initial  
25           plebiscite:

1           (1) INSTRUCTIONS.—Mark the status option  
2           you choose as each is defined below. A ballot with  
3           more than 1 option marked will not be counted. A  
4           ballot with no option marked will not be counted.

5           (2) INDEPENDENCE.—If you agree, mark here  
6           \_\_\_\_\_.

7                   (A) Puerto Rico is a sovereign nation that  
8                   has full authority and responsibility over its ter-  
9                   ritory and population under a constitution of its  
10                   own adoption which shall be the supreme law of  
11                   the nation.

12                   (B) Puerto Rico is vested with full powers  
13                   and responsibilities consistent with the rights  
14                   and responsibilities that devolve upon a sov-  
15                   ereign nation under international law, including  
16                   its own fiscal and monetary policy, immigration,  
17                   trade, and the conduct in its own name and  
18                   right of relations with other nations and inter-  
19                   national organizations.

20                   (C) Puerto Rico has full authority and re-  
21                   sponsibility over its citizenship and immigration  
22                   laws, and birth in Puerto Rico or relationship  
23                   to persons with statutory United States citizen-  
24                   ship by birth in the former territory shall cease  
25                   to be a basis for United States nationality or

1 citizenship, except that persons who have such  
2 United States citizenship have a right to retain  
3 United States nationality and citizenship for  
4 life, by entitlement or election as provided by  
5 Federal law.

6 (D) Puerto Rico will no longer be a posses-  
7 sion of the United States for purposes of the  
8 Internal Revenue Code. In general, United  
9 States citizens and United States businesses in  
10 the nation of Puerto Rico will be subject to  
11 United States Federal tax laws (as is the case  
12 with any other United States citizen or United  
13 States business abroad) and to Puerto Rican  
14 tax laws. Puerto Rico's status as an inde-  
15 pendent, sovereign nation will be the controlling  
16 factor in the taxation of Puerto Rican tax-  
17 payers.

18 (E) The Constitution and laws of the  
19 United States no longer apply in Puerto Rico  
20 and United States sovereignty in Puerto Rico is  
21 ended.

22 (3) SOVEREIGNTY IN FREE ASSOCIATION WITH  
23 THE UNITED STATES.—If you agree, mark here  
24 \_\_\_\_\_.

1 (A) Puerto Rico is a sovereign nation that  
2 has full authority and responsibility over its ter-  
3 ritory and population under a constitution of its  
4 own adoption which shall be the supreme law of  
5 the nation.

6 (B) Puerto Rico is vested with full powers  
7 and responsibilities consistent with the rights  
8 and responsibilities that devolve upon a sov-  
9 ereign nation under international law, including  
10 its own fiscal and monetary policy, immigration,  
11 trade, and the conduct in its own name and  
12 right of relations with other nations and inter-  
13 national organizations, except as otherwise pro-  
14 vided for in the Articles of Free Association to  
15 be negotiated by Puerto Rico and the United  
16 States.

17 (C) Puerto Rico has full authority and re-  
18 sponsibility over its citizenship and immigration  
19 laws, and persons who have United States citi-  
20 zenship have a right to retain United States na-  
21 tionality and citizenship for life by entitlement  
22 or election as provided by Federal law.

23 (D) Birth in Puerto Rico shall cease to be  
24 a basis for United States nationality or citizen-  
25 ship. Individuals born in Puerto Rico to at least

1 one parent who is a citizen of the United States  
2 shall be United States citizens at birth, con-  
3 sistent with the immigration laws of the United  
4 States, for the duration of the first agreement  
5 of the Articles of Free Association.

6 (E) Puerto Rico enters into Articles of  
7 Free Association with the United States, with  
8 such devolution and reservation of governmental  
9 functions and other bilateral arrangements as  
10 may be agreed to by both Parties under the Ar-  
11 ticles, which shall be terminable at will by ei-  
12 ther the United States or Puerto Rico at any  
13 time.

14 (F) Puerto Rico will no longer be a posses-  
15 sion of the United States for purposes of the  
16 Internal Revenue Code. In general, United  
17 States citizens and United States businesses in  
18 the nation of Puerto Rico will be subject to  
19 United States Federal tax laws (as is the case  
20 with any other United States citizen or United  
21 States business abroad) and to Puerto Rican  
22 tax laws. Puerto Rico's status as an inde-  
23 pendent, sovereign nation will be the controlling  
24 factor in the taxation of Puerto Rican tax-  
25 payers. In addition, Puerto Rico will enter into



1 an agreement with the United States to provide  
2 for “Sovereignty in Free Association” between  
3 the two nations. This agreement may modify  
4 the otherwise applicable tax rules, subject to ne-  
5 gotiation and ratification by the two nations.

6 (G) The Constitution of the United States  
7 no longer applies in Puerto Rico, the laws of  
8 the United States no longer apply in Puerto  
9 Rico except as otherwise provided in the Arti-  
10 cles of Free Association, and United States sov-  
11 ereignty in Puerto Rico is ended.

12 (H) All matters pertaining to the govern-  
13 ment-to-government relationship between Puer-  
14 to Rico and the United States, which may in-  
15 clude foreign affairs, trade, finance, taxation,  
16 currency, economic assistance, security and de-  
17 fense, dispute resolution and termination, shall  
18 be provided for in the Articles of Free Associa-  
19 tion.

20 (4) STATEHOOD.—If you agree, mark here  
21 \_\_\_\_\_.

22 (A) The State of Puerto Rico is admitted  
23 into the Union on an equal footing with the  
24 other States in all respects whatever and is a  
25 part of the permanent union of the United

1 States of America, subject to the United States  
2 Constitution, with powers not prohibited by the  
3 Constitution to the States and reserved to the  
4 State of Puerto Rico or to its residents.

5 (B) The residents of Puerto Rico are fully  
6 self-governing with their rights secured under  
7 the United States Constitution, which shall be  
8 fully applicable in Puerto Rico and which, with  
9 the laws and treaties of the United States, is  
10 the supreme law and has the same force and ef-  
11 fect in Puerto Rico as in the other States of the  
12 Union.

13 (C) United States citizenship of those born  
14 in Puerto Rico is recognized, protected, and se-  
15 cured under the United States Constitution in  
16 the same way such citizenship is for all United  
17 States citizens born in the other States.

18 (D) Puerto Rico will no longer be a posses-  
19 sion of the United States for purposes of the  
20 Internal Revenue Code. Instead, the State of  
21 Puerto Rico will become a State on equal foot-  
22 ing with each of the current 50 States in the  
23 United States of America. Individuals and busi-  
24 nesses resident in the State of Puerto Rico will

1           be subject to United States Federal tax laws as  
2           well as applicable State tax laws.

3           (c) IMPLEMENTATION OF PLEBISCITE.—The plebi-  
4           scites authorized by this section shall be implemented by  
5           the Elections Commission, consistent with the laws of  
6           Puerto Rico and Federal law.

7           (d) RESULTS.—The Elections Commission shall in-  
8           form the President of the United States, the President pro  
9           tempore of the United States Senate, the Speaker of the  
10          United States House of Representatives, the Senate Com-  
11          mittee on Energy and Natural Resources, and the House  
12          Committee on Natural Resources of—

13           (1) the results of the initial plebiscite not later  
14          than 30 calendar days after the initial plebiscite is  
15          held; and

16           (2) the results of the runoff plebiscite, if held,  
17          not later than 30 calendar days after the runoff  
18          plebiscite is held.

19          (e) JURISDICTION OF DISTRICT COURT.—The United  
20          States District Court for the District of Puerto Rico shall  
21          have original and exclusive jurisdiction of any civil action  
22          alleging a dispute or controversy pertaining to electoral  
23          processes conducted under this section.

1 **SEC. 6. NONPARTISAN VOTER EDUCATION CAMPAIGN.**

2 (a) IN GENERAL.—The Elections Commission shall  
3 carry out a nonpartisan voter education campaign through  
4 traditional paid media and make available at all voting lo-  
5 cations voter education materials related to the plebiscites  
6 authorized under this Act consistent with Department of  
7 Justice approval under section 7.

8 (b) VOTER EDUCATION MATERIALS.—At a min-  
9 imum, the voter education materials shall address for each  
10 option—

11 (1) international representation;

12 (2) citizenship and immigration; and

13 (3) access and treatment under Federal law  
14 and programs.

15 **SEC. 7. OVERSIGHT.**

16 (a) SUBMISSION OF MATERIALS.—Not later than 60  
17 days after the date of the enactment of this Act, the Elec-  
18 tions Commission shall submit the ballot design and voter  
19 education materials for the plebiscites authorized under  
20 this Act to the United States Attorney General for review  
21 and the Elections Commission shall make not more than  
22 one submission of the ballot design and voter education  
23 materials to the Attorney General for review.

24 (b) EFFECT OF FAILURE TO COMPLY.—If the Attor-  
25 ney General fails to comply with subsection (c) within the

1 45-day period, the ballot design and voter education mate-  
2 rials shall be considered approved.

3 (c) REVIEW.—Not later than 45 days after receiving  
4 the ballot design and voter education materials under sub-  
5 section (a), the Attorney General shall review the ballot  
6 design and voter education materials to ensure consistency  
7 with this Act and to ensure that the three options defined  
8 in this Act are represented fairly, especially in the event  
9 that any of the three options are not represented on the  
10 Elections Commission by a member of a political party  
11 that supports such option, and—

12 (1) return the materials to the Elections Com-  
13 mission with comments and instructions for changes;  
14 or

15 (2) before the expiration of the 45-day period,  
16 inform the Elections Commission that no instruc-  
17 tions or requests for changes shall be made under  
18 paragraph (1), but that the Attorney General re-  
19 serves the right to submit instructions for changes  
20 in accordance with this section if additional informa-  
21 tion comes to the attention of the Attorney General  
22 during the remainder of the 45-day period.

23 (d) REVISION.—Not later than 45 days after receiv-  
24 ing comments and instructions for changes from the At-  
25 torney General under subsection (c), the Elections Com-

1 mission shall revise the ballot design and voter education  
2 materials as requested by the Attorney General.

3 (e) ELECTION OBSERVERS.—The Elections Commis-  
4 sion shall invite national and international election observ-  
5 ers to ensure transparency and confidence in the electoral  
6 process. Observers shall be present during the initial plebi-  
7 scite vote and during the runoff plebiscite vote.

8 **SEC. 8. FUNDS FOR VOTER EDUCATION; PLEBISCITES.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated such sums as are necessary  
11 for the Elections Commission to carry out a nonpartisan  
12 voter education campaign and an initial plebiscite and, if  
13 necessary, a runoff plebiscite under this Act.

14 (b) EXISTING FUNDS.—Notwithstanding any provi-  
15 sion of Public Law 113–76, funds made available under  
16 such Act to carry out a plebiscite on Puerto Rico’s status  
17 shall be made available to carry out this Act.

18 **SEC. 9. BILINGUAL VOTER EDUCATIONAL MATERIALS AND**

19 **BALLOTS.**

20 All voter educational materials and ballots used to  
21 carry out this Act shall be made available in English and  
22 Spanish.

1 **SEC. 10. PUERTO RICO OVERSIGHT, MANAGEMENT, AND**  
2 **ECONOMIC STABILITY ACT.**

3 Upon the admission of the State of Puerto Rico into  
4 the Union or on the date that the Government of the na-  
5 tion of Puerto Rico initially takes office:

6 (1) IN GENERAL.—The Puerto Rico Oversight,  
7 Management, and Economic Stability Act (48  
8 U.S.C. 2101 et seq.) shall no longer apply to the  
9 State of Puerto Rico or the nation of Puerto Rico,  
10 as the case may be.

11 (2) OVERSIGHT BOARD.—The Financial Over-  
12 sight and Management Board for Puerto Rico estab-  
13 lished under section 101(b)(1) of the Puerto Rico  
14 Oversight, Management, and Economic Stability Act  
15 (48 U.S.C. 2121(b)(1)) is terminated and all duties  
16 and responsibilities assigned to the Oversight Board  
17 shall return to the State of Puerto Rico or the na-  
18 tion of Puerto Rico, as the case may be.

19 (3) TRANSFER.—All funds, property, and assets  
20 of the board described in subparagraph (B) shall be  
21 transferred to the State of Puerto Rico or the nation  
22 of Puerto Rico, as the case may be.

23 **SEC. 11. SEVERABILITY.**

24 If any provision of this Act, or any section, sub-  
25 section, sentence, clause, phrase, or individual word, or the  
26 application thereof to any person or circumstance is held

1 invalid by a court of jurisdiction, the validity of the re-  
2 mainder of the Act and of the application of any such pro-  
3 vision, section, subsection, sentence, clause, phrase, or in-  
4 dividual word to other persons and circumstances shall not  
5 be affected thereby.

6 **TITLE I—TRANSITION AND IM-**  
7 **PLEMENTATION — INDE-**  
8 **PENDENCE**

9 **SEC. 101. CONSTITUTIONAL CONVENTION.**

10 (a) ELECTION OF DELEGATES.— Not later than 6  
11 months after the effective date of certification of a plebi-  
12 scite result under this Act in favor of independence, the  
13 legislature of Puerto Rico shall provide for the election of  
14 delegates to a constitutional Convention to formulate and  
15 draft a Constitution for the nation of Puerto Rico.

16 (b) ELIGIBLE VOTERS.—All eligible voters may vote  
17 in the election of delegates to the constitutional Conven-  
18 tion.

19 (c) GENERAL APPLICABILITY OF ELECTORAL  
20 LAW.—The laws of the territory of Puerto Rico relating  
21 to the electoral process shall apply to a special election  
22 held under this Act.

23 (d) INITIAL MEETING.—Not later than 3 months  
24 after the election of delegates to the constitutional Con-  
25 vention, the elected delegates shall meet at such time and



1 place as the legislature of Puerto Rico shall determine.  
2 The initial meeting shall constitute the establishment of  
3 the constitutional Convention.

4 **SEC. 102. CHARACTER OF THE CONSTITUTION.**

5 The constitutional Convention under section 101  
6 shall formulate and draft a Constitution for Puerto Rico  
7 that guarantees the protection of fundamental human  
8 rights, including—

9 (1) due process and equal protection under the  
10 law;

11 (2) freedom of speech, press, assembly, associa-  
12 tion, and religion;

13 (3) the rights of the accused;

14 (4) any other economic, social, and cultural  
15 rights as the constitutional Convention may deem  
16 appropriate and necessary; and

17 (5) provisions to ensure that no individual born  
18 in the nation of Puerto Rico shall be stateless at  
19 birth.

20 **SEC. 103. SUBMISSION; RATIFICATION.**

21 (a) SUBMISSION.—Not later than one year after the  
22 establishment of the constitutional Convention, the Con-  
23 stitution formulated and drafted by the constitutional  
24 Convention shall be submitted to the eligible voters of

1 Puerto Rico for ratification or rejection in a special elec-  
2 tion.

3 (b) MANNER OF ELECTION.—The special election  
4 held under this subsection shall be held in the manner pre-  
5 scribed by the legislature of Puerto Rico.

6 **SEC. 104. ELECTION OF OFFICERS.**

7 (a) IN GENERAL.—Not later than one month after  
8 the ratification of the Constitution under section 103, the  
9 Governor of the territory of Puerto Rico shall issue a proc-  
10 lamation calling for the election of such officers of the na-  
11 tion of Puerto Rico as may be required by the ratified  
12 Constitution.

13 (b) REJECTION.—If the special election results in re-  
14 jection of the Constitution, the process provided for in sec-  
15 tions 101 through 103 shall be repeated, except that sec-  
16 tion 101(a) shall be applied by substituting—

17 (1) “the special election” for “a plebiscite”; and

18 (2) “rejecting of the Constitution” for “in favor  
19 of independence”.

20 (c) DEADLINE; PROCEDURES.—The election under  
21 subsection (a) shall be held—

22 (1) not later than 6 months after the date of  
23 ratification of the Constitution; and

1           (2) in accordance with the procedures and re-  
2           quirements established in the Constitution of the na-  
3           tion of Puerto Rico.

4           (d) CERTIFICATION OF RESULTS.—Not later than 10  
5           days after the election of officers under subsection (a), the  
6           Elections Commission shall certify the results of the elec-  
7           tion. The Governor of the territory of Puerto Rico shall  
8           inform the results of the election to the President of the  
9           United States, the President pro tempore of the United  
10          States Senate, the Speaker of the United States House  
11          of Representatives, the Committee on Energy and Natural  
12          Resources of the Senate, and the Committee on Natural  
13          Resources of the House of Representatives.

14       **SEC. 105. CONFORMING AMENDMENTS TO EXISTING LAW.**

15          (a) REVIEW.—Not later than 30 days after the initial  
16          meeting of a constitutional Convention under section  
17          101(d), the President shall initiate a review of Federal law  
18          with respect to Puerto Rico, including those regarding—

- 19               (1) taxation of persons and businesses;
- 20               (2) health care;
- 21               (3) housing;
- 22               (4) transportation;
- 23               (5) education; and
- 24               (6) entitlement programs.

1 (b) RECOMMENDATIONS.—Not later than one year  
2 after the date on which the President initiates a review  
3 under subsection (a), the President shall submit rec-  
4 ommendations to Congress for changes to Federal law  
5 identified during such review, as the President deems ap-  
6 propriate.

7 **SEC. 106. JOINT TRANSITION COMMISSION.**

8 (a) APPOINTMENT.—Not later than 3 months after  
9 the establishment of a constitutional Convention under  
10 section 101(d), a Joint Transition Commission shall be  
11 appointed in equal numbers by the President of the United  
12 States and the presiding officer of the Constitutional Con-  
13 vention of Puerto Rico.

14 (b) DUTIES.—The Joint Transition Commission shall  
15 be responsible for expediting the orderly transfer of all  
16 functions currently exercised by the Federal Government  
17 in Puerto Rico, or in relation to Puerto Rico to the nation  
18 of Puerto Rico, and shall recommend to Congress any ap-  
19 propriate legislation to carry out such transfer.

20 (c) COLLABORATION.—The Government of the terri-  
21 tory of Puerto Rico and the agencies of the Government  
22 of the United States shall collaborate with the Joint Tran-  
23 sition Commission and subsequently the officers of the na-  
24 tion of Puerto Rico, to provide for the orderly transfer  
25 of the functions under subsection (b).

1 **SEC. 107. PROCLAMATIONS BY PRESIDENT OF THE UNITED**  
2 **STATES; HEAD OF STATE OF PUERTO RICO.**

3 (a) PROCLAMATION.—Not later than one month after  
4 the official certification of the elected officers of the nation  
5 of Puerto Rico under section 104(d), the President of the  
6 United States shall by proclamation—

7 (1) withdraw and surrender all rights of posses-  
8 sion, supervision, jurisdiction, control, or sovereignty  
9 then existing and exercised by the United States  
10 over the territory and residents of Puerto Rico;

11 (2) recognize, on behalf of the United States of  
12 America, the independence of the nation of Puerto  
13 Rico and the authority of the government instituted  
14 by eligible voters of Puerto Rico under the Constitu-  
15 tion of their own adoption; and

16 (3) state that the effective date of withdrawal  
17 of the sovereignty of the United States and recogni-  
18 tion of independence shall be the same as the date  
19 of the proclamation.

20 (b) COPY OF PROCLAMATION FORWARDED.—The  
21 President of the United States shall forward a copy of the  
22 proclamation issued under subsection (a) not later than  
23 one week after signature to the presiding officer of the  
24 Constitutional Convention of Puerto Rico, the officer elect-  
25 ed as head of state of the nation, the President pro tem-  
26 pore of the United States Senate, the Speaker of the

1 United States House of Representatives, the Senate Com-  
2 mittee on Energy and Natural Resources, and the House  
3 Committee on Natural Resources.

4 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not  
5 later than one week after the date of receipt of the Presi-  
6 dential proclamation and with the advice of the officer  
7 elected as head of state of the nation, the presiding officer  
8 of the constitutional Convention shall determine the date  
9 on which the Government of the nation shall take office,  
10 and shall so notify the Governor of the territory of Puerto  
11 Rico, the President of the United States, the President  
12 pro tempore of the United States Senate, and the Speaker  
13 of the United States House of Representatives.

14 **SEC. 108. LEGAL AND CONSTITUTIONAL PROVISIONS.**

15 Upon the proclamation of independence as provided  
16 in this title, and except as otherwise provided in this title  
17 or in any separate agreements thereafter concluded be-  
18 tween the United States and the nation of Puerto Rico—

19 (1) all property, rights and interests which the  
20 United States may have acquired over Puerto Rico  
21 by virtue of the Treaty of Paris of 1898, and there-  
22 after by cession, purchase, or eminent domain, with  
23 the exception of such land and other property,  
24 rights, or interests as may have been sold or other-  
25 wise legally disposed of prior to the proclamation of

1 Independence, shall vest ipso facto in the nation of  
2 Puerto Rico; and

3 (2) except as provided in section 110, all laws  
4 of the United States applicable to the territory of  
5 Puerto Rico immediately prior to the proclamation  
6 of Independence shall no longer apply in the nation  
7 of Puerto Rico.

8 **SEC. 109. JUDICIAL PRONOUNCEMENTS.**

9 (a) JUDGMENTS BEFORE PROCLAMATION.—The na-  
10 tion of Puerto Rico shall recognize and give effect to all  
11 orders and judgments rendered by United States or terri-  
12 torial courts before the date of the proclamation of inde-  
13 pendence pursuant to the laws of the United States then  
14 applicable to the territory of Puerto Rico.

15 (b) CONTINUITY OF PENDING PROCEEDINGS.—All  
16 judicial proceedings pending in the courts of the territory  
17 of Puerto Rico on the day of the proclamation of independ-  
18 ence shall be continued in the corresponding courts under  
19 the Constitution of the nation of Puerto Rico.

20 (c) TRANSFER OF JUDICIAL POWER.—Upon the  
21 proclamation of independence, the judicial power of the  
22 United States shall no longer extend to Puerto Rico. All  
23 proceedings pending in the United States District Court  
24 for the District of Puerto Rico shall be transferred to the  
25 corresponding Puerto Rican courts of competence or other

1 competent judicial authority under the Constitution of the  
2 nation of Puerto Rico for disposition in conformity with  
3 laws applicable at the time when the controversy in proc-  
4 ess arose. All proceedings pending in the United States  
5 Court of Appeals for the First Circuit, or in the Supreme  
6 Court of the United States, that initiated in, or that could  
7 have been initiated in, the courts of the territory or in  
8 the United States District Court for the District of Puerto  
9 Rico shall continue until their final disposition and shall  
10 be submitted to the competent authority of the nation of  
11 Puerto Rico for proper execution: *Provided*, That neither  
12 the United States nor any of its officers is a party, in  
13 which case any final judgment shall be properly executed  
14 by the competent authority of the United States.

15 **SEC. 110. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
16 **PUERTO RICAN INDEPENDENCE.**

17 (a) IN GENERAL.—

18 (1) PUERTO RICAN NATIONALITY.—After the  
19 effective date of independence, the citizenship status  
20 of each individual born in Puerto Rico shall be de-  
21 termined in accordance with the Constitution and  
22 laws of the nation of Puerto Rico.

23 (2) UNITED STATES IMMIGRATION LAWS.—Ex-  
24 cept as described in this section, after the effective  
25 date of independence citizens of Puerto Rico seeking



1 to enter into the United States or obtain citizenship  
2 in the United States shall be subject to the immigra-  
3 tion laws of the United States (as such term is de-  
4 fined in section 101 of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1101)).

6 (b) EFFECT OF PUERTO RICAN CITIZENSHIP.—  
7 Nothing in this Act precludes or limits the applicability  
8 of section 349 of the Immigration and Nationality Act (8  
9 U.S.C. 1481), except that the provision of citizenship by  
10 the laws of Puerto Rico shall not constitute or otherwise  
11 serve as the basis of loss, or relinquishment of United  
12 States citizenship under such section.

13 (c) CITIZENSHIP AT BIRTH AFTER INDEPEND-  
14 ENCE.—An individual born in Puerto Rico after the effec-  
15 tive date of independence to at least one parent who be-  
16 came a United States citizen under section 302 of the Im-  
17 migration and Nationality Act (8 U.S.C. 1402) is not a  
18 United States citizen at birth under subsections (c), (d),  
19 or (g) of section 301 of the Immigration and Nationality  
20 Act (8 U.S.C. 1401(c), (d) or (g)).

21 (d) TRAVEL AND WORK AUTHORIZATION.—

22 (1) Any person in the following categories may  
23 enter, lawfully engage in occupations, and establish  
24 residence as a nonimmigrant in the United States  
25 and its territories and possessions without regard to

1 paragraphs (5)(A) and (7) of section 212(a) of the  
2 Immigration and Nationality Act (8 U.S.C. 1182(a);  
3 (5)(A) and (7))—

4 (A) a person who acquires the citizenship  
5 of Puerto Rico, at birth, on or after the effec-  
6 tive date of independence; or

7 (B) a naturalized citizen of Puerto Rico,  
8 who has been an actual resident there for not  
9 less than five years after attaining such natu-  
10 ralization and who holds a proof of such resi-  
11 dence.

12 Such persons shall be considered to have the permis-  
13 sion of the Secretary of Homeland Security to accept  
14 employment in the United States.

15 (2) The right of such persons to establish habit-  
16 ual residence in a territory or possession of the  
17 United States may, however, be subjected to non-  
18 discriminatory limitations provided for—

19 (A) in statutes or regulations of the United  
20 States; or

21 (B) in those statutes or regulations of the  
22 territory or possession concerned which are au-  
23 thorized by the laws of the United States.

24 (3) This subsection shall expire 25 years after  
25 the date of independence.

1 (e) CONFORMING AMENDMENTS.—

2 (1) IN GENERAL.—Section 101 of the Immigra-  
3 tion and Nationality Act (8 U.S.C. 1101) is amend-  
4 ed by striking “Puerto Rico,” in subsection (a) para-  
5 graph (36) and in subsection (a) paragraph (38).

6 (2) PRIOR TO INDEPENDENCE.—Puerto Rico  
7 shall be considered to be in the United States, as  
8 such term is defined in section 101(a)(38) of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1101(a)(38)) prior to the effective date of independ-  
11 ence.

12 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall limit the power and authority of the United  
14 States to change policy requirements for United States  
15 citizenship.

16 **SEC. 111. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**  
17 **AND GRANTS.**

18 (a) RIGHTS AND BENEFITS.—All vested rights and  
19 benefits which accrue to residents of the territory of Puer-  
20 to Rico under the laws of the United States from past  
21 services or contributions, such as rights and benefits for  
22 veterans or relatives of veterans of the Armed Forces of  
23 the United States, retired Government employees, or bene-  
24 ficiaries of old age, disability, or survivors’ insurance bene-  
25 fits under the Social Security Act, shall not be interrupted

1 after the proclamation of independence but will continue  
2 until such time as said rights and benefits are completely  
3 extinguished according to the applicable laws of the  
4 United States. All services which must be rendered as part  
5 of these rights and benefits shall be made available  
6 through the Government of the nation of Puerto Rico in  
7 accordance with agreements reached by the two nations.

8 (b) SOCIAL SECURITY SYSTEM.—Notwithstanding  
9 the provisions in subsection (a), all contributions made by  
10 employees and employers in Puerto Rico to the Social Se-  
11 curity system with respect to persons who, upon the proe-  
12 clamation of independence, are residents of the nation of  
13 Puerto Rico and are not yet eligible for old age, disability,  
14 or survivors' insurance benefits under the system, shall be  
15 transferred to the Government of the nation of Puerto  
16 Rico once said Government establishes its own social secu-  
17 rity system. The Government of the nation of Puerto Rico  
18 may not use these funds for any purpose other than the  
19 establishment and operation of a social security system.  
20 Upon the transfer described herein, the obligations of the  
21 United States Government under the Social Security Act  
22 with respect to such residents of the nation of Puerto Rico  
23 shall cease.

24 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

1           (1) BLOCK GRANTS.—All other Federal transfer  
2           payments to individuals and to the Government of  
3           the territory of Puerto Rico shall be maintained in  
4           the form of annual block grants to be used  
5           discretionally by the Government of the nation of  
6           Puerto Rico.

7           (2) ANNUAL AGGREGATE FUNDING.—During  
8           the ten fiscal years following the proclamation of  
9           independence, the annual block grants shall amount  
10          to the annual aggregate funding of all programs  
11          which currently extend to the territory of Puerto  
12          Rico, or of all programs which shall have been ex-  
13          tended to the territory of Puerto Rico during the fis-  
14          cal year immediately prior to the proclamation of  
15          independence, whichever shall be greater.

16          (3) DECREASE IN AMOUNT.—The annual block  
17          grants shall decrease thereafter on a straight-line  
18          basis, at the rate of ten percent each year, beginning  
19          on the eleventh fiscal year after the proclamation of  
20          independence. At any time during the aforemen-  
21          tioned transition period the terms of this subsection  
22          may be modified by agreement between the United  
23          States and the nation of Puerto Rico.

1 **TITLE II—TRANSITION AND IM-**  
2 **PLEMENTATION — SOV-**  
3 **EREIGNTY IN FREE ASSOCIA-**  
4 **TION WITH THE UNITED**  
5 **STATES**

6 **SEC. 201. CONSTITUTIONAL CONVENTION.**

7 (a) ELECTION OF DELEGATES.—Not later than 6  
8 months after the effective date of certification of a plebi-  
9 scite result under this Act in favor of Sovereignty in Free  
10 Association with the United States, the legislature of  
11 Puerto Rico shall provide for the election of delegates to  
12 a constitutional Convention to formulate and draft a Con-  
13 stitution for the nation of Puerto Rico.

14 (b) ELIGIBLE VOTERS.—All eligible voters may vote  
15 in the election of delegates to the constitutional Conven-  
16 tion.

17 (c) GENERAL APPLICABILITY OF ELECTORAL  
18 LAW.—The laws of the territory of Puerto Rico relating  
19 to the electoral process shall apply to a special election  
20 held under this Act.

21 (d) INITIAL MEETING.—Not later than 3 months  
22 after the election of delegates to the constitutional Con-  
23 vention, the elected delegates shall meet at such time and  
24 place as the legislature of Puerto Rico shall determine.

1 The initial meeting shall constitute the establishment of  
2 the constitutional Convention.

3 **SEC. 202. CHARACTER OF THE CONSTITUTION.**

4 The constitutional Convention under section 201  
5 shall formulate and draft a Constitution for Puerto Rico  
6 that guarantees the protection of fundamental human  
7 rights, including—

8 (1) due process and equal protection under the  
9 law;

10 (2) freedom of speech, press, assembly, associa-  
11 tion, and religion;

12 (3) the rights of the accused;

13 (4) any other economic, social, and cultural  
14 rights as the constitutional Convention may deem  
15 appropriate and necessary; and

16 (5) provisions to ensure that no individual born  
17 in the nation of Puerto Rico shall be stateless at  
18 birth.

19 **SEC. 203. SUBMISSION; RATIFICATION.**

20 (a) SUBMISSION.—Not later than 2 years after the  
21 establishment of the constitutional Convention, the Con-  
22 stitution formulated and drafted by the constitutional  
23 Convention shall be submitted to the eligible voters of  
24 Puerto Rico for ratification or rejection in a special elec-  
25 tion.

1 (b) MANNER OF ELECTION.—The special election  
2 held under this subsection shall be held in the manner pre-  
3 scribed by the legislature of Puerto Rico.

4 **SEC. 204. ELECTION OF OFFICERS.**

5 (a) IN GENERAL.—Not later than one month after  
6 the ratification of the Constitution under section 203, the  
7 Governor of the territory of Puerto Rico shall issue a pro-  
8 clamation calling for the election of such officers of the na-  
9 tion of Puerto Rico as may be required by the ratified  
10 Constitution.

11 (b) REJECTION.—If the special election results in re-  
12 jection of the Constitution, the process provided for in sec-  
13 tions 201 through 203 shall be repeated, except that sec-  
14 tion 201(a) shall be applied by substituting—

15 (1) “the special election” for “a plebiscite”; and

16 (2) “rejecting the Constitution” for “in favor of  
17 sovereignty in free association with the United  
18 States”.

19 (c) DEADLINE; PROCEDURES.—The election under  
20 subsection (a) shall be held—

21 (1) not later than 6 months after the date of  
22 ratification of the Constitution; and

23 (2) in accordance with the procedures and re-  
24 quirements established in the Constitution of the na-  
25 tion of Puerto Rico.



1 (d) CERTIFICATION OF RESULTS.—Not later than 10  
2 days after the election of officers under subsection (a), the  
3 Elections Commission shall certify the results of the elec-  
4 tion. The Governor of the territory of Puerto Rico shall  
5 inform the results of the election to the President of the  
6 United States, the President pro tempore of the United  
7 States Senate, the Speaker of the United States House  
8 of Representatives, the Committee on Energy and Natural  
9 Resources of the Senate, and the Committee on Natural  
10 Resources of the House of Representatives.

11 **SEC. 205. PROCLAMATIONS BY PRESIDENT OF THE UNITED**  
12 **STATES; HEAD OF STATE OF PUERTO RICO.**

13 (a) PROCLAMATION.—Not later than one month after  
14 the official certification of the elected officers of the nation  
15 of Puerto Rico under section 204, the President of the  
16 United States shall by proclamation—

17 (1) withdraw and surrender all rights of posses-  
18 sion, supervision, jurisdiction, control, or sovereignty  
19 then existing and exercised by the United States  
20 over the territory and residents of Puerto Rico;

21 (2) recognize, on behalf of the United States of  
22 America, the international sovereignty through free  
23 association of the nation of Puerto Rico and the au-  
24 thority of the government instituted by eligible vot-

1       ers of Puerto Rico under the Constitution of their  
2       own adoption; and

3           (3) state that the effective date of withdrawal  
4       of the sovereignty of the United States and recogni-  
5       tion of international sovereignty through free asso-  
6       ciation shall be the same as the date of the procla-  
7       mation.

8       (b) COPY OF PROCLAMATION FORWARDED.—The  
9       President of the United States shall forward a copy of the  
10      proclamation issued under subsection (a) not later than  
11      one week after signature to the presiding officer of the  
12      Constitutional Convention of Puerto Rico, the officer elect-  
13      ed as head of state of the nation, the President pro tem-  
14      pore of the United States Senate, the Speaker of the  
15      United States House of Representatives, the Senate Com-  
16      mittee on Energy and Natural Resources, and the House  
17      Committee on Natural Resources.

18      (c) DATE GOVERNMENT TO TAKE OFFICE.—Not  
19      later than one week after the date of receipt of the Presi-  
20      dential proclamation and with the advice of the officer  
21      elected as head of state of the nation, the presiding officer  
22      of the constitutional Convention shall determine the date  
23      on which the Government of the nation shall take office,  
24      and shall so notify the Governor of the territory of Puerto  
25      Rico, the President of the United States, the President

1 pro tempore of the United States Senate, and the Speaker  
2 of the United States House of Representatives.

3 **SEC. 206. LEGAL AND CONSTITUTIONAL PROVISIONS.**

4 Upon the proclamation of international sovereignty  
5 through free association as provided in this title, and ex-  
6 cept as otherwise provided in this title or in any separate  
7 agreements thereafter concluded between the United  
8 States and the nation of Puerto Rico—

9 (1) all property, rights and interests which the  
10 United States may have acquired over Puerto Rico  
11 by virtue of the Treaty of Paris of 1898, and there-  
12 after by cession, purchase, or eminent domain, with  
13 the exception of such land and other property,  
14 rights, or interests as may have been sold or other-  
15 wise legally disposed of prior to the proclamation of  
16 international sovereignty through free association,  
17 shall vest ipso facto in the nation of Puerto Rico;  
18 and

19 (2) except as provided in section 209, all laws  
20 of the United States applicable to the territory of  
21 Puerto Rico immediately prior to the proclamation  
22 of international sovereignty through free association  
23 shall no longer apply in the nation of Puerto Rico.

1 **SEC. 207. JUDICIAL PRONOUNCEMENTS.**

2 (a) JUDGMENTS BEFORE PROCLAMATION.—The na-  
3 tion of Puerto Rico shall recognize and give effect to all  
4 orders and judgments rendered by United States or terri-  
5 torial courts before the date of the proclamation of inter-  
6 national sovereignty through free association pursuant to  
7 the laws of the United States then applicable to the terri-  
8 tory of Puerto Rico.

9 (b) CONTINUITY OF PENDING PROCEEDINGS.—All  
10 judicial proceedings pending in the courts of the territory  
11 of Puerto Rico on the day of the proclamation of inter-  
12 national sovereignty through free association shall be con-  
13 tinued in the corresponding courts under the Constitution  
14 of the nation of Puerto Rico.

15 (c) TRANSFER OF JUDICIAL POWER.—Upon the  
16 proclamation of international sovereignty through free as-  
17 sociation, the judicial power of the United States shall no  
18 longer extend to Puerto Rico. All proceedings pending in  
19 the United States District Court for the District of Puerto  
20 Rico shall be transferred to the corresponding Puerto  
21 Rican courts of competence or other competent judicial  
22 authority under the Constitution of the nation of Puerto  
23 Rico for disposition in conformity with laws applicable at  
24 the time when the controversy in process arose. All pro-  
25 ceedings pending in the United States Court of Appeals  
26 for the First Circuit, or in the Supreme Court of the

1 United States, that initiated in, or that could have been  
2 initiated in, the courts of the territory or in the United  
3 States District Court for the District of Puerto Rico shall  
4 continue until their final disposition and shall be sub-  
5 mitted to the competent authority of the nation of Puerto  
6 Rico for proper execution: *Provided*, That neither the  
7 United States nor any of its officers is a party, in which  
8 case any final judgment shall be properly executed by the  
9 competent authority of the United States.

10 **SEC. 208. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
11 **SOVEREIGNTY THROUGH FREE ASSOCIATION.**

12 (a) IN GENERAL.—

13 (1) PUERTO RICAN NATIONALITY.—After the  
14 proclamation of international sovereignty through  
15 free association, the citizenship status of each indi-  
16 vidual born in Puerto Rico shall be determined in  
17 accordance with the Constitution and laws of the na-  
18 tion of Puerto Rico.

19 (2) UNITED STATES IMMIGRATION LAWS.—Ex-  
20 cept as described in this section, after the proclama-  
21 tion of international sovereignty through free asso-  
22 ciation, citizens of Puerto Rico seeking to enter into  
23 the United States or obtain citizenship in the United  
24 States shall be subject to the immigration laws of  
25 the United States (as such term is defined in section

1 101 of the Immigration and Nationality Act (8  
2 U.S.C. 1101)).

3 (b) EFFECT OF PUERTO RICAN CITIZENSHIP.—

4 Nothing in this Act precludes or limits the applicability  
5 of section 349 of the Immigration and Nationality Act (8  
6 U.S.C. 1481), except that the provision of citizenship by  
7 the laws of Puerto Rico shall not constitute or otherwise  
8 serve as the basis of loss, or relinquishment of United  
9 States citizenship under such section.

10 (c) CITIZENSHIP AT BIRTH AFTER SOVEREIGNTY.—

11 (1) IN GENERAL.—Except as described in para-  
12 graph (2), an individual born in Puerto Rico after  
13 the proclamation of international sovereignty  
14 through free association to at least one parent who  
15 became a United States citizen under section 302 of  
16 the Immigration and Nationality Act (8 U.S.C.  
17 1402) is not a United States citizen at birth under  
18 subsections (c), (d), or (g) of section 301 of the Im-  
19 migration and Nationality Act (8 U.S.C. 1401 (c),  
20 (d) or (g)).

21 (2) TRANSITION PERIOD.—During the imple-  
22 mentation of the first Articles of Free Association,  
23 an individual born in Puerto Rico to at least one  
24 parent who is a citizen of the United States shall be  
25 a United States citizen at birth under section 301

1 of the Immigration and Nationality Act (8 U.S.C.  
2 1401) if otherwise eligible.

3 (d) TRAVEL AND WORK AUTHORIZATION.—

4 (1) Any person in the following categories may  
5 enter, lawfully engage in occupations, and establish  
6 residence as a nonimmigrant in the United States  
7 and its territories and possessions without regard to  
8 paragraphs (5)(A) and (7) of section 212(a) of the  
9 Immigration and Nationality Act (8 U.S.C. 1182(a);  
10 (5)(A) and (7)):

11 (A) a person who acquires the citizenship  
12 of Puerto Rico, at birth, on or after the effec-  
13 tive date of international sovereignty through  
14 free association; or

15 (B) a naturalized citizen of Puerto Rico,  
16 who has been an actual resident there for not  
17 less than five years after attaining such natu-  
18 ralization and who holds a proof of such resi-  
19 dence.

20 Such persons shall be considered to have the permis-  
21 sion of the Secretary of Homeland Security to accept  
22 employment in the United States.

23 (2) The right of such persons to establish habit-  
24 ual residence in a territory or possession of the

1 United States may, however, be subjected to non-  
2 discriminatory limitations provided for—

3 (A) in statutes or regulations of the United  
4 States; or

5 (B) in those statutes or regulations of the  
6 territory or possession concerned which are au-  
7 thorized by the laws of the United States.

8 (3) This subsection shall expire upon the termi-  
9 nation of the Articles of Free Association in accord-  
10 ance with section 211.

11 (e) CONFORMING AMENDMENTS.—

12 (1) IN GENERAL.—Section 101 of the Immigra-  
13 tion and Nationality Act (8 U.S.C. 1101) is amend-  
14 ed by striking “Puerto Rico,” in subsection (a) para-  
15 graph (36) and in subsection (a) paragraph (38).

16 (2) PRIOR TO SOVEREIGNTY.—Puerto Rico  
17 shall be considered to be in the United States, as  
18 such term is defined in section 101(a)(38) of the  
19 Immigration and Nationality Act (8 U.S.C.  
20 1101(a)(38)) prior to the date of international sov-  
21 ereignty through free association.

22 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall limit the power and authority of the United  
24 States to change policy requirements for United States  
25 citizenship.



1 **SEC. 209. CONFORMING AMENDMENTS TO EXISTING LAW.**

2 (a) REVIEW.—Not later than 30 days after the initial  
3 meeting of a constitutional Convention under section  
4 201(d), the President shall initiate a review of Federal law  
5 with respect to Puerto Rico, including those regarding—

- 6 (1) taxation of persons and businesses;
- 7 (2) health care;
- 8 (3) housing;
- 9 (4) transportation;
- 10 (5) education; and
- 11 (6) entitlement programs.

12 (b) RECOMMENDATIONS.—Not later than one year  
13 after the date on which the President initiates a review  
14 under subsection (a), the President shall submit rec-  
15 ommendations to Congress for changes to Federal law  
16 identified during such review, as the President deems ap-  
17 propriate.

18 **SEC. 210. BILATERAL NEGOTIATING COMMISSION.**

19 (a) IN GENERAL.—If a plebiscite held under this Act  
20 results in a majority vote for sovereignty in free associa-  
21 tion with the United States, there shall be a Bilateral Ne-  
22 gotiating Commission which shall conduct negotiations on  
23 Articles of Free Association with the United States.

24 (b) MEMBERS.—Not later than 3 months after the  
25 establishment of the constitutional Convention under sec-  
26 tion 201—

1           (1) the Convention shall elect, by majority vote,  
2           5 members from among its delegates to join the Bi-  
3           lateral Negotiating Commission on behalf of Puerto  
4           Rico; and

5           (2) the President of the United States shall  
6           designate 5 members to the Bilateral Negotiating  
7           Commission, one of whom shall also be nominated  
8           for the rank of Ambassador, to negotiate on behalf  
9           of the United States.

10          (c) INITIAL MEETING.—Not later than 3 months  
11 after the election and designation of members to the Bilat-  
12 eral Negotiating Commission, members shall meet at such  
13 time and place as the legislature of Puerto Rico shall de-  
14 termine. Such meeting shall constitute the establishment  
15 of the Bilateral Negotiating Commission.

16          (d) DUTIES.—The Bilateral Negotiating Commission  
17 shall—

18           (1) be responsible for expediting the orderly  
19           transfer of all functions currently exercised by the  
20           Government of the United States in Puerto Rico, to  
21           Puerto Rico, and shall recommend to Congress any  
22           appropriate legislation to carry into effect such  
23           transfer, including any appropriate enabling legisla-  
24           tion as may be required by the Articles of Free As-  
25           sociation;

1           (2) negotiate all matters pertaining to the gov-  
2           ernment-to-government relationship between Puerto  
3           Rico and the United States through the development  
4           of the Articles of Free Association, including foreign  
5           affairs, trade, finance, taxation, currency, economic  
6           assistance, security and defense, dispute resolution,  
7           immigration, economic benefits (including grants),  
8           and termination of the free association status; and

9           (3) endeavor to complete the Articles of Free  
10          Association not later than 2 years after the com-  
11          mencement of the constitutional Convention.

12         (e) COLLABORATION.—The Government of the terri-  
13         tory of Puerto Rico and the agencies of the Government  
14         of the United States shall collaborate with the Bilateral  
15         Negotiating Commission to provide for the orderly trans-  
16         fer of the functions of government as required by the Arti-  
17         cles of Free Association.

18         **SEC. 211. ARTICLES OF FREE ASSOCIATION APPROVAL AND**

19                         **EFFECTIVE DATE.**

20         (a) APPROVAL.—The Articles of Free Association  
21         shall come into effect upon mutual agreement between the  
22         Government of the United States and the Government of  
23         Puerto Rico after completion of approval by—

1 (1) a separate ratification vote on the Articles  
2 by the eligible voters in the special election held  
3 under section 203; and

4 (2) the Government of the United States in ac-  
5 cordance with its constitutional processes.

6 (b) REJECTION.—If the special election under sub-  
7 section (a)(1) results in rejection of the Articles of Free  
8 Association, the process provided for in section 210 and  
9 subsection (a) shall be repeated.

10 **SEC. 212. TERMINATION.**

11 The Articles of Free Association between the United  
12 States and Puerto Rico may be terminated at will by ei-  
13 ther party at any time.

14 **SEC. 213. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**  
15 **AND GRANTS.**

16 (a) RIGHTS AND BENEFITS.—All vested rights and  
17 benefits which accrue to residents of the territory of Puer-  
18 to Rico under the laws of the United States from past  
19 services or contributions, such as rights and benefits for  
20 veterans or relatives of veterans of the Armed Forces of  
21 the United States, retired Government employees, or bene-  
22 ficiaries of old age, disability, or survivors' insurance bene-  
23 fits under the Social Security Act, shall not be interrupted  
24 after the proclamation of international sovereignty  
25 through free association but will continue until such time

1 as said rights and benefits are completely extinguished ac-  
2 cording to the applicable laws of the United States. All  
3 services which must be rendered as part of these rights  
4 and benefits shall be made available through the Govern-  
5 ment of the nation of Puerto Rico in accordance with  
6 agreements reached by the two nations.

7 (b) SOCIAL SECURITY SYSTEM.—Notwithstanding  
8 subsection (a), all contributions made by employees and  
9 employers in Puerto Rico to the Social Security system  
10 with respect to persons who, upon the proclamation of  
11 international sovereignty through free association, are  
12 residents of the nation of Puerto Rico and are not yet eli-  
13 gible for old age, disability, or survivors' insurance bene-  
14 fits under the system, shall be transferred to the Govern-  
15 ment of the nation of Puerto Rico once said Government  
16 establishes its own social security system. The Govern-  
17 ment of the nation of Puerto Rico may not use these funds  
18 for any purpose other than the establishment and oper-  
19 ation of a social security system. Upon the transfer de-  
20 scribed herein, the obligations of the United States Gov-  
21 ernment under the Social Security Act with respect to  
22 such residents of the nation of Puerto Rico shall cease.

23 (c) OTHER FEDERAL TRANSFER PAYMENTS.—All  
24 other Federal transfer payments to individuals and to the  
25 Government of the territory of Puerto Rico shall be main-

1 tained in the form of annual block grants to be used  
2 discretionally by the Government of the nation of Puerto  
3 Rico—

4           (1) during the 10 fiscal years following the  
5 proclamation of international sovereignty through  
6 free association, the annual block grants shall  
7 amount to the annual aggregate funding of all pro-  
8 grams which currently extend to the territory of  
9 Puerto Rico, or of all programs which shall have  
10 been extended to the territory of Puerto Rico during  
11 the fiscal year immediately prior to the proclamation  
12 of international sovereignty through free association,  
13 whichever shall be greater; and

14           (2) the annual block grants shall decrease  
15 thereafter on a straight-line basis, at the rate of ten  
16 percent each year, beginning on the eleventh fiscal  
17 year after the proclamation of international sov-  
18 ereignty through free association. At any time dur-  
19 ing the aforementioned transition period the terms  
20 of this subsection may be modified by agreement be-  
21 tween the United States and the nation of Puerto  
22 Rico.

23           (d) REVISION.—The terms and conditions of this  
24 subsection may be revised as part of an agreement under  
25 the Articles of Free Association.

1 **TITLE III—TRANSITION AND IM-**  
2 **PLEMENTATION — STATE-**  
3 **HOOD**

4 **SEC. 301. PRESIDENTIAL PROCLAMATION; ADMISSION INTO**  
5 **THE UNION.**

6 If a plebiscite held under this Act results in a major-  
7 ity vote for statehood:

8 (1) PRESIDENTIAL PROCLAMATION; DATE OF  
9 ADMISSION.—Upon receipt of the Elections Commis-  
10 sion’s certification of the plebiscite results pursuant  
11 to section 5(d), the President shall issue a proclama-  
12 tion declaring the date that Puerto Rico is admitted  
13 as a State of the Union on an equal footing with all  
14 other States, which shall be a date not later than  
15 one year after the effective date of the plebiscite re-  
16 sults.

17 (2) SUBMISSION OF PROCLAMATION.—The  
18 President shall cause such proclamation to be sub-  
19 mitted to the Governor of Puerto Rico, the legisla-  
20 ture of Puerto Rico, the President pro tempore of  
21 the United States Senate, the Speaker of the United  
22 States House of Representatives, the Senate Com-  
23 mittee on Energy and Natural Resources, and the  
24 House Committee on Natural Resources.

1           (3) ADMISSION INTO THE UNION.—Subject to  
2           the provisions of this Act, and upon the date de-  
3           clared by the President for admission of Puerto Rico  
4           as a State under the proclamation under paragraph  
5           (1), the territory of Puerto Rico shall be a State of  
6           the United States of America and as such admitted  
7           into the Union on an equal footing with the other  
8           States in all respects. Upon admission, Puerto Rico  
9           shall be known as the State of Puerto Rico.

10           (4) INCORPORATION.—Puerto Rico shall remain  
11           unincorporated until its admission as a State of the  
12           Union under paragraph (3).

13 **SEC. 302. CONFORMING AMENDMENTS TO EXISTING LAW.**

14           (a) REVIEW.—Not later than 30 days after the cer-  
15           tification of a plebiscite result under this Act in favor of  
16           statehood, the President shall initiate a review of Federal  
17           law with respect to Puerto Rico, including those regard-  
18           ing—

19                   (1) taxation of persons and businesses;

20                   (2) health care;

21                   (3) housing;

22                   (4) transportation;

23                   (5) education; and

24                   (6) entitlement programs.



1 (b) RECOMMENDATIONS.—Not later than one year  
2 after the date on which the President initiates a review  
3 under subsection (a), the President shall submit any rec-  
4 ommendations to Congress for changes to Federal law  
5 identified during such review, as the President deems ap-  
6 propriate.

7 **SEC. 303. TERRITORY AND BOUNDARIES.**

8 The State of Puerto Rico shall consist of all of the  
9 islands, together with their appurtenant reefs, seafloor,  
10 submerged lands, and territorial waters in the seaward  
11 boundary, presently under the jurisdiction of the territory  
12 of Puerto Rico.

13 **SEC. 304. CONSTITUTION.**

14 (a) IN GENERAL.—The Constitution of the territory  
15 of Puerto Rico, as approved by Public Law 82–447 and  
16 subsequently amended as of the date of enactment of this  
17 Act is hereby found to be republican in form and in con-  
18 formity with the Constitution of the United States and  
19 the principles of the Declaration of Independence, and is  
20 hereby accepted, ratified, and confirmed as the Constitu-  
21 tion of the State of Puerto Rico.

22 (b) FUTURE CONSTITUTIONS.—The Constitution of  
23 the State of Puerto Rico—

24 (1) shall always be republican in form; and

1           (2) shall not be repugnant to the Constitution  
2           of the United States and the principles of the Dec-  
3           laration of Independence.

4 **SEC. 305. ELECTIONS OF SENATORS AND REPRESENTA-**  
5                           **TIVES, CERTIFICATION, AND LEGAL DIS-**  
6                           **PUTES.**

7           (a) ELECTIONS OF SENATORS AND REPRESENTA-  
8 TIVES.—Not more than one month after the proclamation  
9 under section 301, the Governor of Puerto Rico shall issue  
10 a declaration that shall designate and announce the dates  
11 and other requirements for primary and general elections  
12 under applicable Federal and local law for representation  
13 in the Senate and the House of Representatives of the  
14 United States upon admission of Puerto Rico as a State.

15           (b) RESIDENT COMMISSIONER.—The office of Resi-  
16 dent Commissioner of Puerto Rico shall cease to exist  
17 upon the swearing in of the first Representative from the  
18 State of Puerto Rico to the House of Representatives.

19           (c) SENATORS AND REPRESENTATIVES.—

20           (1) IN GENERAL.—Upon its admission into the  
21 Union, the State of Puerto Rico shall be entitled to  
22 Senators and Representatives who shall be entitled  
23 to be admitted to seats in the Congress of the  
24 United States and to all the rights and privileges of

1 Senators and Representatives of the other States in  
2 the Congress of the United States.

3 (2) FIRST ELECTION OF SENATORS.—In the  
4 first election of Senators, the two senatorial offices  
5 shall be separately identified and designated, and no  
6 person may be a candidate for both offices. Nothing  
7 in this section shall impair the privilege of the Sen-  
8 ate to determine the class and term to which each  
9 of the Senators elected shall be assigned, with the  
10 exception that the Senators shall not be in the same  
11 class.

12 (3) FIRST ELECTION OF REPRESENTATIVES.—  
13 In the first election of Representatives, and subse-  
14 quent elections until the next Census-based reappor-  
15 tionment cycle, the State of Puerto Rico shall be en-  
16 titled to the same number of Representatives as the  
17 State whose most recent Census population was clos-  
18 est to, but less than, that of Puerto Rico, and such  
19 Representatives shall be in addition to the member-  
20 ship of the House of Representatives as now pre-  
21 scribed by law. Any such increase in the membership  
22 shall not operate to either increase or decrease the  
23 permanent membership of the House of Representa-  
24 tives as prescribed in the Act of August 8, 1911 (37  
25 Stat. 13), nor shall such temporary increase affect

1 the basis of apportionment established by the Act of  
2 November 15, 1941 (55 Stat. 761), for the 83d Con-  
3 gress and each Congress thereafter, unless Congress  
4 acts to increase the total number of Members of the  
5 House of Representatives. Thereafter, the State of  
6 Puerto Rico shall be entitled to such number of Rep-  
7 resentatives as provided for by applicable law based  
8 on the next reapportionment. The apportionment of  
9 congressional districts for the first election and sub-  
10 sequent election of Representatives shall be con-  
11 ducted as provided for by the Constitution and laws  
12 of the State of Puerto Rico for state legislative dis-  
13 tricts.

14 (d) CERTIFICATION OF RESULTS.—The Elections  
15 Commission shall certify the results of primary and gen-  
16 eral elections for representation in the Senate and the  
17 House of Representatives of the United States to the Gov-  
18 ernor. Not later than 10 days after the date of each certifi-  
19 cation, the Governor shall declare the results of the pri-  
20 mary and general elections, and transmit the results of  
21 each election to the President of the United States, the  
22 President pro tempore of the Senate, and the Speaker of  
23 the House of Representatives.

24 (e) JURISDICTION OF DISTRICT COURT.—The United  
25 States District Court for the District of Puerto Rico shall

1 have original and exclusive jurisdiction of any civil action  
2 alleging a dispute or controversy pertaining to electoral  
3 processes conducted under this section.

4 **SEC. 306. STATE TITLE TO LAND AND PROPERTY.**

5 (a) STATE TITLE.—The State of Puerto Rico and its  
6 political subdivisions and dependencies shall have and re-  
7 tain title to all property, real and personal, held by the  
8 territory of Puerto Rico and its political subdivisions and  
9 dependencies on the date of the admission of Puerto Rico  
10 into the Union.

11 (b) FEDERAL TITLE.—Any lands and other prop-  
12 erties that, as of the date of admission of Puerto Rico  
13 into the Union, are set aside pursuant to law for the use  
14 of the United States under any—

15 (1) Act of Congress;

16 (2) Executive order;

17 (3) proclamation of the President; or

18 (4) proclamation of the Governor of the terri-  
19 tory of Puerto Rico,

20 shall remain the property of the United States.

21 (c) CONTINENTAL SHELF.—The State of Puerto Rico  
22 shall have the exclusive right to explore, exploit, lease, pos-  
23 sess, and use all seabed, natural, and mineral resources  
24 lying within three marine leagues (nine nautical miles)  
25 from its shore, as granted under section 8 of the Act of

1 March 2, 1917 (48 U.S.C. 749; 39 Stat. 954). All other  
2 rights of sovereignty in regards to the continental shelf  
3 and waters, shall belong to the United States, except those  
4 already vested in Puerto Rico.

5 **SEC. 307. CONTINUITY OF LAWS, GOVERNMENT, AND OBLI-**  
6 **GATIONS.**

7 Upon the admission of the State of Puerto Rico into  
8 the Union:

9 (1) CONTINUITY OF LAWS.—All of the terri-  
10 torial laws in force in Puerto Rico on the date of  
11 issuance of the proclamation described in section  
12 301(1) not inconsistent with this Act or the Con-  
13 stitution of the State of Puerto Rico shall be and  
14 continue in force and effect throughout the State,  
15 until amended, modified, or repealed by the State.  
16 All of the laws of the United States shall have the  
17 same force and effect within the State as in the  
18 other several States.

19 (2) CONTINUITY OF GOVERNMENT.—The indi-  
20 viduals holding legislative, executive, and judicial of-  
21 fices of Puerto Rico shall continue to discharge the  
22 duties of their respective offices when Puerto Rico  
23 becomes a State of the Union in, under, or by au-  
24 thority of the government of the State, as provided  
25 by the constitution and laws of the State.

1           (3) CONTINUITY OF OBLIGATIONS.—All con-  
2           tracts, obligations, liabilities, debts, and claims of  
3           the territory of Puerto Rico and its instrumentalities  
4           at the moment of admission shall continue in full  
5           force and effect as the contracts, obligations, liabil-  
6           ities, debts, and claims of the State of Puerto Rico  
7           and its instrumentalities when Puerto Rico becomes  
8           a State of the Union.

9           (4) USE AND ENJOYMENT OF PROPERTY.—All  
10          laws of the United States reserving to the United  
11          States the free use or enjoyment of property which  
12          vests in or is conveyed to the State of Puerto Rico  
13          or its political subdivisions pursuant to this section  
14          or reserving the right to alter, amend, or repeal laws  
15          relating thereto, shall cease to be effective.

16 **SEC. 308. JUDICIAL PRONOUNCEMENTS.**

17          (a) PENDING.—No writ, action, indictment, cause, or  
18          proceeding pending in any court of the territory of Puerto  
19          Rico, shall abate by reason of the admission of the State  
20          of Puerto Rico into the Union, but shall proceed within  
21          such appropriate State courts as shall be established  
22          under the Constitution of the State of Puerto Rico, or  
23          shall continue in the United States District Court for the  
24          District of Puerto Rico, as the nature of the case may  
25          require.

1 (b) NOT YET PENDING.—All civil causes of action  
2 and all criminal offenses, which shall have arisen or been  
3 committed before the admission of the State, but as to  
4 which no writ, action, indictment, or proceeding shall be  
5 pending at the date of such admission, shall be subject  
6 to prosecution in the appropriate State courts or in the  
7 United States District Court for the District of Puerto  
8 Rico in like manner, to the same extent, and with like  
9 right of appellate review, as if such State had been created  
10 and such State courts had been established prior to the  
11 accrual of such causes of action or the commission of such  
12 offenses. The admission of the State shall effect no change  
13 in the procedural or substantive laws governing causes of  
14 action and criminal offenses which shall have arisen or  
15 been committed, and any such criminal offenses as shall  
16 have been committed against the laws of the territory of  
17 Puerto Rico, shall be tried and punished by the appro-  
18 priate courts of the State, and any such criminal offenses  
19 as shall have been committed against the laws of the  
20 United States shall be tried and punished in the United  
21 States District Court for the District of Puerto Rico.

22 (c) APPEALS.—Parties shall have the same rights of  
23 judicial review of final decisions of the United States Dis-  
24 trict Court for the District of Puerto Rico or the Supreme  
25 Court of Puerto Rico, in any case finally decided prior to



1 the admission of the State of Puerto Rico into the Union,  
2 whether or not an appeal therefrom shall have been per-  
3 fected prior to such admission. The United States Court  
4 of Appeals for the First Circuit and the Supreme Court  
5 of the United States, shall have the same jurisdiction in  
6 such cases as by law provided prior to the admission of  
7 the State into the Union. Any mandate issued subsequent  
8 to the admission of the State, shall be to the United States  
9 District Court for the District of Puerto Rico or a court  
10 of the State, as appropriate. Parties shall have the same  
11 rights of appeal from and appellate review of all orders,  
12 judgments, and decrees of the United States District  
13 Court for the District of Puerto Rico and of the Supreme  
14 Court of Puerto Rico, in any case pending at the time  
15 of admission of the State into the Union, and the Supreme  
16 Court of Puerto Rico and the Supreme Court of the  
17 United States shall have the same jurisdiction therein, as  
18 by law provided in any case arising subsequent to the ad-  
19 mission of the State into the Union.

