



## **H.R. 8393, THE PUERTO RICO STATUS ACT**

### **SECTION-BY-SECTION**

December 2022

#### **Section 1. Short Title.**

#### **Section 2. Table of Contents.**

#### **Section 3. Findings.**

Recognizes the inherent limitations of Puerto Rico's territorial status and the Federal Government's responsibility to facilitate the selection of and transition to a permanent, non-territorial, fully self-governing political status.

#### **Section 4. Definitions.**

#### **Section 5. Plebiscite.**

Establishes a plebiscite to resolve Puerto Rico's political status that offers eligible voters three options: Independence, Sovereignty in Free Association with the United States, and Statehood. A majority vote (50% +1) is required to approve any status option, and if none of the options receive a majority in the initial vote, a runoff plebiscite will take place for voters to choose among the two options that received the most votes.

Sets requirements for plebiscite ballot language, including descriptions of each of the three status options. Sets procedure for implementing the plebiscite and informing officials of the results.

Provides the United States District Court for the District of Puerto Rico jurisdiction of any dispute or controversy related to the electoral process.

#### **Section 6. Nonpartisan voter education campaign.**

Requires the Puerto Rico State Elections Commission to lead a nonpartisan voter education campaign that includes voter education materials related to the plebiscites at all voting locations. Specifies some of the topics at minimum that must be addressed in the voter education materials.

#### **Section 7. Oversight.**

Sets a process and timeline for the Elections Commission to submit, and the United States Attorney General to review and require revisions to, the plebiscite ballot design and voter education materials. This process includes the Commission's ability to invite national and international election observers to ensure transparency and confidence in the electoral process.

#### **Section 8. Funds for voter education; plebiscites.**

Authorizes necessary funds to carry out a nonpartisan voter education campaign, an initial plebiscite and, if necessary, a runoff plebiscite.

**Section 9. Bilingual voter educational materials and ballots.**

Requires all voter educational materials and ballots to be made available in English and Spanish.

**Section 10. Puerto Rico Oversight, Management, and Economic Stability Act.**

Provides that the Puerto Rico, Oversight, Management and Economic Stability Act (PROMESA) will no longer apply to Puerto Rico after it becomes a state or a nation.

Requires the termination of the Financial Oversight and Management Board of Puerto Rico and the transfer of all duties, responsibilities, funds, property, and assets of the Board to the State of Puerto Rico or the nation of Puerto Rico.

**Section 11. Severability.**

Provides that any part of this Act being held invalid by a court of jurisdiction does not invalidate the remainder of the Act.

**TITLE I—TRANSITION AND IMPLEMENTATION—INDEPENDENCE**

**Section 101. Constitutional convention.**

Requires the legislature of Puerto Rico to provide for an election of delegates to a constitutional Convention within six months of the certification of a plebiscite result in favor of independence to draft a constitution for the nation of Puerto Rico.

Provides that all eligible voters may vote in the special election and that the electoral process will occur according to the laws of the territory of Puerto Rico.

Requires the elected delegates to the constitutional Convention to meet within three months after the special election. This initial meeting constitutes the establishment of the Convention.

**Section 102. Character of the constitution.**

Requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

**Section 103. Submission; Ratification.**

Requires the drafted constitution to be submitted to eligible voters for ratification or rejection in a special election within one year after the establishment of the constitutional Convention.

Provides that the special election process will be determined by the legislature of Puerto Rico.

**Section 104. Election of officers.**

Requires the Governor of the territory of Puerto Rico to issue a proclamation within one month of the constitution's ratification calling for the election of officers of the nation of Puerto Rico. The election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Provides that the Elections Commission will certify the results of the election of officers within ten days of the election. The Governor of the territory of Puerto Rico then informs U.S. federal officials of the results.

Requires another special election if voters reject the drafted constitution. Following the process described in Sections 101–103, eligible voters will elect officers to a constitutional Convention and officers are responsible for drafting a constitution to be ratified or rejected by voters.

**Section 105. Conforming amendments to existing law.**

Directs the President to review Federal law with respect to Puerto Rico within 30 days of the initial meeting of the constitutional Convention and submit recommendations as the President deems appropriate to Congress for changes to Federal law within one year of initiating the review.

**Section 106. Joint Transition Commission.**

Establishes a Joint Transition Commission within three months of the constitutional Convention's establishment. The Joint Transition Commission is responsible for expediting the transfer of all functions of the Federal Government in or relating to Puerto Rico to the nation of Puerto Rico.

**Section 107. Proclamations by President of the United States; Head of State of Puerto Rico.**

Requires the President of the United States to issue a proclamation within one month of the certification of elected officers of the nation of Puerto Rico to withdraw United States sovereignty exercised in Puerto Rico and to recognize the independence of the nation of Puerto Rico and the authority of its government under its constitution.

Requires the presiding officer of the constitutional Convention to determine, within one week of receiving the Presidential proclamation, the date that the Government of the nation of Puerto Rico takes office.

**Section 108. Legal and constitutional provisions.**

Provides that all property, rights, and interests of the United States government over Puerto Rico is transferred to the nation of Puerto Rico.

Provides that all laws of the United States applicable to the territory of Puerto Rico prior to the proclamation of independence will no longer apply in the nation of Puerto Rico.

**Section 109. Judicial pronouncements.**

Provides that the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts before the proclamation of independence.

Provides that the judicial power of the United States will no longer extend to Puerto Rico upon the proclamation of independence. Pending proceedings will be transferred to the corresponding courts of the nation of Puerto Rico for disposition according to the laws applicable at the time when the controversy arose.

**Section 110. Citizenship and immigration laws after Puerto Rican independence.**

Provides that the Puerto Rican citizenship status of a person born in Puerto Rico will be determined according to the Constitution and laws of the nation of Puerto Rico after the effective date of independence.

Provides that citizens of Puerto Rico seeking to enter the United States or obtain U.S. citizenship after the effective date of independence shall be subject to U.S. immigration laws.

Clarifies that the provision of Puerto Rican citizenship by the laws of Puerto Rico shall not constitute or otherwise serve as the basis of loss or relinquishment of U.S. citizenship.

Provides that an individual born in Puerto Rico after the effective date of independence to at least one parent who became a United States citizen under section 302 of the Immigration and Nationality Act (INA) is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the INA.

Describes temporary authorizations for Puerto Rican citizens who are not U.S. citizens to enter, work, and establish residence as a nonimmigrant in the United States without the need for a visa. However, the right of such persons to establish residence in the United States may be subjected to limitations provided for in statutes or regulations of the United States. These authorizations are modeled after travel, work, and residence authorizations available to citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These authorizations expire 25 years after independence.

### **Section 111. Individual rights to economic benefits and grants.**

Provides that all vested rights and benefits available to residents of the territory of Puerto Rico will continue after the proclamation of independence until they are extinguished according to the applicable laws of the United States. All services provided as part of these rights and benefits will be available through the Government of the nation of Puerto Rico.

Provides that all contributions made by employees and employers to Social Security with respect to residents of the nation of Puerto Rico, who are not yet eligible for old age, disability, or survivor's insurance benefits, be transferred to the Government of the nation of Puerto Rico once it establishes its own social security system. The Government of the nation of Puerto Rico may use these funds only to establish and operate a social security system. Once the transfer is made, the United States Government's obligations under the Social Security Act to such residents of the nation of Puerto Rico will end.

Provides that all Federal transfer payments to the territory of Puerto Rico are maintained in the form of annual block grants to be used by the Government of the nation of Puerto Rico. For ten fiscal years following the proclamation of independence, the annual block grants will amount to the annual aggregate funding of either all programs that currently extend to the territory of Puerto Rico or all programs that will be extended during the fiscal year prior to the proclamation of independence, whichever is greater. Beginning on the eleventh fiscal year, the annual block grants will decrease at a rate of ten percent each year.

## **TITLE II—TRANSITION AND IMPLEMENTATION—SOVEREIGNTY IN FREE ASSOCIATION WITH THE UNITED STATES**

### **Section 201. Constitutional convention.**

Requires the legislature of Puerto Rico to provide for an election of delegates to a constitutional Convention within six months of the certification of a plebiscite result being certified in favor of Sovereignty in Free Association with the United States to draft a constitution for the nation of Puerto Rico.

Provides that all eligible voters may vote in the special election and that the electoral process will occur according to the laws of the territory of Puerto Rico.

Requires the elected delegates to the constitutional Convention to meet within three months after the special election. This initial meeting constitutes the establishment of the Convention.

**Section 202. Character of the constitution.**

Requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

**Section 203. Submission; Ratification.**

Requires the drafted constitution to be submitted to eligible voters for ratification or rejection in a special election within two years of the establishment of the constitutional Convention.

Provides that the special election process will be determined by the legislature of Puerto Rico.

**Section 204. Election of officers.**

Requires the Governor of the territory of Puerto Rico to issue a proclamation within one month of the constitution's ratification calling for the election of officers of the nation of Puerto Rico. The election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Provides that the Elections Commission will certify the results of the election of officers within ten days of the election. The Governor of the territory of Puerto Rico then informs U.S. federal officials of the result.

Requires another special election if voters reject the drafted constitution. Following the process described in Sections 201–203, eligible voters will elect officers to a constitutional Convention and officers are responsible for drafting a constitution to be ratified or rejected by voters.

**Section 205. Proclamations by president of the United States; Head of State of Puerto Rico.**

Requires the President of the United States to issue a proclamation within one month of the certification of elected officers of the nation of Puerto Rico to withdraw United States sovereignty exercised in Puerto Rico and to recognize the international sovereignty through free association of the nation of Puerto Rico and the authority of its government under its constitution.

Requires the presiding officer of the constitutional Convention to determine, within one week of receiving the Presidential proclamation, the date that the Government of the nation of Puerto Rico takes office.

**Section 206. Legal and constitutional provisions.**

Provides that all property, rights and interests of the United States government over Puerto Rico is transferred to the nation of Puerto Rico.

Provides that all laws of the United States applicable to the territory of Puerto Rico prior to the proclamation of international sovereignty through free association will no longer apply in the nation of Puerto Rico.

**Section 207. Judicial pronouncements.**

Provides that the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts before the proclamation of international sovereignty through free association.

Provides that the judicial power of the United States will no longer extend to Puerto Rico upon the proclamation of international sovereignty through free association. Pending proceedings will be transferred to the corresponding courts of the nation of Puerto Rico for disposition according to the laws applicable at the time when the controversy arose.

**Section 208. Citizenship and immigration laws after sovereignty through free association**

Provides that the Puerto Rican citizenship status of a person born in Puerto Rico will be determined according to the Constitution and laws of the nation of Puerto Rico after the proclamation of international sovereignty through free association.

Provides that citizens of Puerto Rico seeking to enter the United States or obtain U.S. citizenship after the proclamation of international sovereignty through free association shall be subject to U.S. immigration laws.

Clarifies that the provision of Puerto Rican citizenship by the laws of Puerto Rico shall not constitute or otherwise serve as the basis of loss or relinquishment of U.S. citizenship.

Provides that an individual born in Puerto Rico after the proclamation of international sovereignty through free association to at least one parent who became a United States citizen under section 302 of the INA is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the INA — except as follows. During the first Articles of Free Association, an individual born in Puerto Rico to at least one parent who is a U.S. citizen shall be a U.S. citizen at birth under section 301 of the INA if otherwise eligible.

Describes temporary authorizations for Puerto Rican citizens who are not U.S. citizens to enter, work, and establish residence as a nonimmigrant in the United States without the need for a visa. However, the right of such persons to establish residence in the United States may be subjected to limitations provided for in statutes or regulations of the United States. These authorizations are modeled after travel, work, and residence authorizations available to citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. These authorizations expire upon the termination of the Articles of Free Association.

**Section 209. Conforming amendments to existing law.**

Directs the President to review Federal law with respect to Puerto Rico within 30 days of the initial meeting of the constitutional Convention and submit recommendations as the President deems appropriate to Congress for changes to Federal law within one year of initiating the review.

**Section 210. Bilateral Negotiating Commission.**

Establishes a Bilateral Negotiating Commission to conduct negotiations on Articles of Free Association with the United States if a plebiscite results in a majority vote for sovereignty in free association with the United States. The Commission is responsible for (1) expediting the transfer of all functions of the United States government in Puerto Rico to Puerto Rico, (2) negotiating the development of the Articles of Free Association, and (3) completing the Articles of Free Association within two years of the establishment of the constitutional Convention.

Requires members to be assigned to the Bilateral Negotiating Commission within three months of the establishment of the constitutional Convention. The Convention will elect, by majority vote, five members among its delegates and the President of the United States will designate five members, including one with the rank of Ambassador.

Requires the Bilateral Negotiating Commission to meet within three months of the election and designation of its members.

Requires that the Government of the territory of Puerto Rico and the agencies of the Government of the United States will collaborate with the Commission.

**Section 211. Articles of Free Association approval and effective date.**

Provides that the Articles of Free Association are effective upon mutual agreement between the Government of the United States and the Government of Puerto Rico and after approval by a separate ratification vote by eligible voters of Puerto Rico in a special election held under Section 203 and by the Government of the United States in accordance with its constitutional processes.

Requires that the process for negotiating, drafting, and approving Articles of Free Association be repeated if the special election results in the rejection of the Articles of Free Association.

**Section 212. Termination.**

Provides that the Articles of Free Association between the United States and Puerto Rico may be terminated at will by either party at any time.

**Section 213. Individual rights to economic benefits and grants.**

Provides that all vested rights and benefits available to residents of the territory of Puerto Rico will continue after the proclamation of international sovereignty through free association until they are extinguished according to the applicable laws of the United States. All services provided as part of these rights and benefits will be available through the Government of the nation of Puerto Rico according to agreements reached by the two nations.

Provides that all contributions made by employees and employers to Social Security with respect to residents of the nation of Puerto Rico, who are not yet eligible for old age, disability, or survivor's insurance benefits, be transferred to the Government of the nation of Puerto Rico once it establishes its own social security system. The Government of the nation of Puerto Rico may use these funds only to establish and operate a social security system. Once the transfer is made, the United States Government's obligations under the Social Security Act to such residents of the nation of Puerto Rico will end.

Provides that all Federal transfer payments to the territory of Puerto Rico are maintained in the form of annual block grants to be used by the Government of the nation of Puerto Rico. For ten fiscal years following the proclamation of international sovereignty through free association, the annual block grants will amount to the annual aggregate funding of either all programs that currently extend to the territory of Puerto Rico or all programs that will be extended during the fiscal year prior to the proclamation of international sovereignty through free association, whichever is greater. Beginning on the eleventh fiscal year, the annual block grants will decrease at a rate of ten percent each year.

Provides that the terms and conditions of this section may be revised by agreement under the Articles of Free Association.

### **TITLE III—TRANSITION AND IMPLEMENTATION—STATEHOOD**

#### **Section 301. Presidential proclamation; Admission into the Union.**

Requires the President to issue a proclamation declaring the date that Puerto Rico is admitted as a State of the Union. This date must be within one year after the effective date of the plebiscite results in favor of statehood.

Provides that the territory of Puerto Rico will be a State of the United States of America, known as the State of Puerto Rico, and admitted into the Union on an equal footing with the other States upon the date selected by the President. Puerto Rico will remain unincorporated until its admission.

#### **Section 302. Conforming amendments to existing law.**

Directs the President to review Federal law with respect to Puerto Rico within 30 days of the certification of a plebiscite result in favor of statehood and submit recommendations as the President deems appropriate to Congress for changes to Federal law within one year of initiating the review.

#### **Section 303. Territory and boundaries.**

Specifies the territory and boundaries of the State of Puerto Rico, including all the islands currently under Puerto Rico's jurisdiction.

#### **Section 304. Constitution.**

Declares the Constitution of the territory of Puerto Rico, previously found to be republican in form and aligned with the Constitution of the United States and the Declaration of Independence, is accepted as the Constitution of the State of Puerto Rico. Requires all future constitutions of the State of Puerto Rico also be republican in form and not contrary to the United States Constitution or the Declaration of Independence.

#### **Section 305. Elections of Senators and Representatives, certification, and legal disputes.**

Requires the Governor of Puerto Rico to announce the dates and other requirements for primary and general elections for representation in the Senate and the House of Representatives of the United States within one month of the President's proclamation to admit Puerto Rico as a state.

Provides that the office of the Resident Commissioner of Puerto Rico will cease to exist upon swearing in the first Representative from the State of Puerto Rico to the House of Representatives.

Provides for two senatorial offices separately identified and designated in the first election of Senators.

Provides that the State of Puerto Rico is entitled to the same number of Representatives as the State whose most recent census population was closest to, but less than, that of Puerto Rico in the first election of Representatives and subsequent elections until the next census-based reapportionment cycle. The addition of these Representatives will temporarily increase the membership of the House of Representatives prescribed by law. The State of Puerto Rico will



subsequently be entitled to the number of Representatives provided for by applicable law based on the next reapportionment.

Requires the Elections Commission to certify the results of the primary and general elections for representation in Congress to the Governor and requires the Governor to declare and transmit the results within ten days of each certification.

Provides the United States District Court for the District of Puerto Rico jurisdiction over any dispute or controversy related to the electoral process.

**Section 306. State title to land and property.**

Provides that the State of Puerto Rico retains title to all property held by the territory of Puerto Rico on the date of admission of Puerto Rico into the Union. Any property that has been set aside for the use of the United States at the time of admission of Puerto Rico into the Union will remain the property of the United States.

Provides the State of Puerto Rico exclusive right to all seabed, natural, and mineral resources within three marine leagues (nine nautical miles) from its shore. All other rights of sovereignty regarding the continental shelf and waters will belong to the United States, except those already vested in Puerto Rico.

**Section 307. Continuity of laws, government, and obligations.**

Provides that all territorial laws existing upon the President's proclamation of Puerto Rico's admission into the Union will remain in place under State of Puerto Rico until the State amends, modifies, or repeals such laws. All United States laws will have the same force and effect within the State of Puerto Rico as in other states.

Provides that individuals holding legislative, executive, and judicial offices of the territory of Puerto Rico will continue their duties when Puerto Rico becomes a State of the Union.

Provides that all contracts, obligations, debts, and claims of the territory of Puerto Rico at the time of admission continue as those of the State of Puerto Rico.

Provides that all United States laws reserving free use or enjoyment of property that vests in or is conveyed to the State of Puerto Rico will cease to be effective.

**Section 308. Judicial pronouncements.**

Provides for all pending actions in any court of the territory of Puerto Rico to proceed within the appropriate State courts as established under the Constitution of the State of Puerto Rico or within the U.S. District Court for the District of Puerto Rico as appropriate.

Provides that all civil causes of action and criminal offenses that arise before admission but that do not have pending action at the time of admission will be subject to prosecution in the appropriate State courts or in the U.S. District Court for the District of Puerto Rico.

Provides parties with the same rights of judicial review and appeal regarding any case of the U.S. District Court for the District of Puerto Rico or the Supreme Court of Puerto Rico upon admission into the Union as before admission.