

117TH CONGRESS  
2D SESSION

# S. 4560

To enable the people of the Commonwealth of Puerto Rico to determine the political status of the Commonwealth of Puerto Rico, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 20, 2022

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To enable the people of the Commonwealth of Puerto Rico to determine the political status of the Commonwealth of Puerto Rico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Puerto Rico Status Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

## TITLE I—PLEBISCITES

- Sec. 101. Initial plebiscite; runoff plebiscite.
- Sec. 102. Nonpartisan voter education campaign.
- Sec. 103. Oversight.
- Sec. 104. Funds for voter education, plebiscites.

TITLE II—TRANSITION AND IMPLEMENTATION OF  
INDEPENDENCE STATUS

- Sec. 201. Definitions.
- Sec. 202. Constitutional convention.
- Sec. 203. Character of the constitution.
- Sec. 204. Submission; ratification.
- Sec. 205. Election of officers.
- Sec. 206. Conforming amendments to existing law.
- Sec. 207. Joint Transition Commission.
- Sec. 208. Proclamation by President.
- Sec. 209. Legal and constitutional provisions.
- Sec. 210. Judicial pronouncements.
- Sec. 211. Citizenship and immigration laws after Puerto Rican independence.
- Sec. 212. Individual rights to economic benefits and grants.

TITLE III—TRANSITION AND IMPLEMENTATION OF SOVEREIGNTY  
IN FREE ASSOCIATION WITH THE UNITED STATES OPTION

- Sec. 301. Definitions.
- Sec. 302. Constitutional convention.
- Sec. 303. Character of the constitution.
- Sec. 304. Submission; ratification.
- Sec. 305. Election of officers.
- Sec. 306. Conforming amendments to existing law.
- Sec. 307. Proclamation by President; head of state of the nation Puerto Rico.
- Sec. 308. Legal and constitutional provisions.
- Sec. 309. Judicial pronouncements.
- Sec. 310. Citizenship and immigration laws after sovereignty through free association.
- Sec. 311. Bilateral Negotiating Commission.
- Sec. 312. Articles of free association approval, effective date, and termination.
- Sec. 313. Individual rights to economic benefits and grants.

TITLE IV—TRANSITION AND IMPLEMENTATION OF STATEHOOD  
STATUS

- Sec. 401. Definitions.
- Sec. 402. Puerto Rico readiness for statehood; Presidential proclamation; admission into the Union of the United States.
- Sec. 403. Conforming amendments to existing law.
- Sec. 404. Territory and boundaries.
- Sec. 405. Constitution.
- Sec. 406. Elections of Senators and Representatives; certification; jurisdiction.
- Sec. 407. State title to land and property.
- Sec. 408. Continuity of laws, government, and obligations.
- Sec. 409. Judicial pronouncements.

TITLE V—TRANSITION AND IMPLEMENTATION OF  
COMMONWEALTH STATUS

Sec. 501. Bilateral Negotiating Commission.

Sec. 502. Approval; effective date.

TITLE VI—MISCELLANEOUS

Sec. 601. Application of Puerto Rico Oversight, Management, and Economic Stability Act.

Sec. 602. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in 1898, the United States gained posses-  
4 sion of Puerto Rico following the Spanish-American  
5 War;

6 (2) Spain formally ceded Puerto Rico to the  
7 United States of America under the Treaty of Peace  
8 between the United States of America and the King-  
9 dom of Spain, signed at Paris on December 10,  
10 1898 (30 Stat. 1754);

11 (3) after a brief period of military rule, the Act  
12 of April 12, 1900 (commonly known as the “Foraker  
13 Act”) (31 Stat. 77, chapter 191), was enacted to es-  
14 tablish a civil government in Puerto Rico, which—

15 (A) provided for—

16 (i) an executive branch headed by a  
17 Governor and an executive council, to be  
18 appointed by the President, with the advice  
19 and consent of the Senate; and

20 (ii) a house of delegates, to be elected  
21 by qualified voters of Puerto Rico; and

1 (B) was replaced in 1917 by a new organic  
2 Act for Puerto, the Act of March 2, 1917 (com-  
3 monly known as the “Jones-Shafroth Act”) (39  
4 Stat. 951, chapter 145), which—

5 (i) established an elected Senate;

6 (ii) provided a bill of rights;

7 (iii) provided United States citizenship  
8 to the people of Puerto Rico; and

9 (iv) in 1947, was amended to give  
10 qualified voters of Puerto Rico the right to  
11 elect a Governor;

12 (4) in 1950, Congress enacted the Act of July  
13 3, 1950 (commonly known as the “Puerto Rico Fed-  
14 eral Relations Act of 1950”) (64 Stat. 319, chapter  
15 446), which—

16 (A) established that, “fully recognizing the  
17 principle of government by consent”, the law  
18 was “adopted in the nature of a compact so  
19 that the people of Puerto Rico may organize a  
20 government pursuant to a constitution of their  
21 own adoption”; and

22 (B) on approval by the qualified voters of  
23 Puerto Rico in a referendum, authorized the  
24 Puerto Rico legislature to call a constitutional

1 convention to draft a constitution for Puerto  
2 Rico;

3 (5) in a popular referendum held on June 4,  
4 1951, 76.5 percent of the voters in Puerto Rico  
5 voted in favor of drafting a constitution for Puerto  
6 Rico;

7 (6) during the period beginning on September  
8 17, 1951, and ending on February 6, 1952, a con-  
9 stitutional convention was held in Puerto Rico;

10 (7) the constitution of the Commonwealth of  
11 Puerto Rico produced by the constitutional conven-  
12 tion was submitted to the people of Puerto Rico,  
13 who approved the constitution with 81.9 percent of  
14 the vote in a referendum held on March 3, 1952;

15 (8) after receiving the constitution of the Com-  
16 monwealth of Puerto Rico, the President—

17 (A) declared that the constitution of the  
18 Commonwealth of Puerto Rico—

19 (i) conformed fully with the applicable  
20 provisions of—

21 (I) the Act of July 3, 1950 (com-  
22 monly known as the “Puerto Rico  
23 Federal Relations Act of 1950”) (64  
24 Stat. 319, chapter 446); and

1 (II) the Constitution of the  
2 United States;

3 (ii) contained a bill of rights; and

4 (iii) provided for a republican form of  
5 government; and

6 (B) transmitted the constitution of the  
7 Commonwealth of Puerto Rico to Congress for  
8 approval;

9 (9) after receiving the Constitution of the Com-  
10 monwealth of Puerto Rico from the President, Con-  
11 gress—

12 (A) considered the constitution of the  
13 Commonwealth of Puerto Rico;

14 (B) found the constitution of the Common-  
15 wealth of Puerto Rico to conform to the appli-  
16 cable requirements; and

17 (C) with the approval of the Joint Resolu-  
18 tion of July 3, 1952 (66 Stat. 327, chapter  
19 567), conditionally approved the constitution of  
20 the Commonwealth of Puerto Rico;

21 (10) under Resolution number 34 of the con-  
22 stitutional convention of Puerto Rico, the constitu-  
23 tional convention of Puerto Rico accepted the condi-  
24 tions of Congress “in the name of the people of  
25 Puerto Rico”;

1           (11) the Governor of Puerto Rico subsequently  
2 issued a formal proclamation accepting the condi-  
3 tions of Congress on the constitution of the Com-  
4 monwealth of Puerto Rico;

5           (12) the constitution of the Commonwealth of  
6 Puerto Rico—

7                 (A) was subsequently amended by the con-  
8 stitutional convention; and

9                 (B) became effective on July 25, 1952;

10           (13) the amendments to the constitution of the  
11 Commonwealth of Puerto Rico were ratified by the  
12 people of the Commonwealth of Puerto Rico, with  
13 87.8 percent of voters approving the constitution of  
14 the Commonwealth of Puerto Rico in a referendum  
15 held on November 4, 1952;

16           (14) the United States informed the United Na-  
17 tions that, because the Commonwealth of Puerto  
18 Rico had become a self-governing jurisdiction, the  
19 United States would cease reporting on conditions in  
20 the Commonwealth of Puerto Rico under article 73  
21 of the United Nations Charter, which requires re-  
22 ports from member states responsible “for the ad-  
23 ministration of territories whose people have not yet  
24 attained the full measure of self-government.”;

1           (15) in response to the United States, the  
2           United Nations General Assembly acknowledged in  
3           United Nations General Assembly Resolution 748  
4           (1953) that “the people of the Commonwealth of  
5           Puerto Rico, by expressing their will in a free and  
6           democratic way, have achieved a new constitutional  
7           status and have effectively exercised their right to  
8           self-determination”;

9           (16) to bilaterally address the issue of Puerto  
10          Rico self-determination, Public Law 88–271 (78  
11          Stat. 17) established the United States-Puerto Rico  
12          Commission on the Status of Puerto Rico, composed  
13          of—

14                 (A) 7 members from the United States, of

15          whom—

16                         (i) 3 members were to be appointed  
17                         by the President;

18                         (ii) 2 members were to be Members of  
19                         the Senate, appointed by the President of  
20                         the Senate with the approval of the major-  
21                         ity and minority leaders of the Senate; and

22                         (iii) 2 members were to be Members  
23                         of the House of Representatives appointed  
24                         by the Speaker of the House of Represent-  
25                         atives, with the approval of the majority



1                   and minority leaders of the House of Rep-  
2                   resentatives; and

3                   (B) 6 members were to be from the Com-  
4                   monwealth of Puerto Rico;

5                   (17) in the report entitled “Report of the  
6                   United States-Puerto Rico Commission on the Sta-  
7                   tus of Puerto Rico” and dated August 1966, the  
8                   United States-Puerto Rico Commission on the Sta-  
9                   tus of Puerto Rico found that—

10                   (A) “all three forms of political status—  
11                   the Commonwealth, Statehood, and Independ-  
12                   ence—are valid and confer upon the people of  
13                   Puerto Rico equal dignity with equality of sta-  
14                   tus and national citizenship.”; and

15                   (B) “it is inconceivable that either the  
16                   United States or Puerto Rico would, by an act  
17                   of unilateral revocation, undermine the very  
18                   foundation of their common progress: the fun-  
19                   damental political and economic relationships  
20                   which were established on the basis of mutu-  
21                   ality.”;

22                   (18) pursuant to the findings and recommenda-  
23                   tions of the United States-Puerto Rico Commission  
24                   on the Status of Puerto Rico, the Puerto Rico legis-  
25                   lature enacted the Act of December 23, 1966 (Puer-

1 to Rico Act No. 1), which called for a plebiscite on  
2 the status of Puerto Rico;

3 (19) in the July 23, 1967, plebiscite—

4 (A) 60.4 percent of voters in the Common-  
5 wealth of Puerto Rico voted for commonwealth  
6 status;

7 (B) 39 percent of voters in the Common-  
8 wealth of Puerto Rico voted for statehood; and

9 (C) 0.6 percent of voters in the Common-  
10 wealth of Puerto Rico voted for independence;

11 (20) in 1989, on the joint request of the pro-  
12 Commonwealth Governor of Puerto Rico and the  
13 presidents of the pro-statehood and pro-independ-  
14 ence parties, the Senate took up the issue of Puerto  
15 Rico self-determination through S. 712 (101st Con-  
16 gress) and S. 244 (102nd Congress), which recog-  
17 nized that Commonwealth, statehood, and independ-  
18 ence were valid options for the status of Puerto  
19 Rico;

20 (21) the failure of the 1989 effort with respect  
21 to statehood and the coming to power in the Com-  
22 monwealth of Puerto Rico of a pro-statehood govern-  
23 ment in 1992, 1996, 2008, and 2016 prompted a  
24 string of locally legislated referenda, with each sub-  
25 sequent referendum increasingly deviating from Fed-

1 eral policy, particularly with respect to an effort to  
2 undermine the commonwealth status to the benefit  
3 of statehood;

4 (22) the first referendum was held in 1993, al-  
5 lowing each of the political parties to provide the  
6 definition of the particular status option, under  
7 which—

8 (A) 48.6 percent of voters in the Common-  
9 wealth of Puerto Rico voted for commonwealth  
10 status;

11 (B) 46.3 percent of voters in the Common-  
12 wealth of Puerto Rico voted for statehood; and

13 (C) 4.4 percent of voters in the Common-  
14 wealth of Puerto Rico voted for independence;

15 (23) during a second referendum held in  
16 1998—

17 (A) the pro-statehood government—

18 (i) drafted the ballot language for all  
19 status options; and

20 (ii) identified each status option by  
21 number rather than by name;

22 (B) in protest for what the pro-Common-  
23 wealth party considered to be an ill-defined  
24 Commonwealth option, the pro-Commonwealth

1 party asked supporters to vote for “none of the  
2 above”; and

3 (C) the results of the referendum were  
4 that—

5 (i) 50.3 percent of voters in the Com-  
6 monwealth of Puerto Rico voted for “none  
7 of the above”;

8 (ii) 46.5 percent of voters in the Com-  
9 monwealth of Puerto Rico voted for state-  
10 hood;

11 (iii) 2.5 percent of voters in the Com-  
12 monwealth of Puerto Rico voted for inde-  
13 pendence; and

14 (iv) 0.3 percent of voters in the Com-  
15 monwealth of Puerto Rico voted for free  
16 association;

17 (24) on May 29, 2009, pro-statehood Resident  
18 Commissioner Pedro Pierluisi introduced a bill in  
19 the House of Representatives, H. R. 2499 (111th  
20 Congress), which provided for—

21 (A) a 2-round vote on the status of the  
22 Commonwealth of Puerto Rico that provided for  
23 a first vote to “continue to have its present  
24 form of political status” or for “a different po-  
25 litical status”; and

1 (B) if the “different political status” op-  
2 tion received the most votes during the first  
3 vote, a second vote with the options of—

4 (i) independence;

5 (ii) sovereignty in association with the  
6 United States; and

7 (iii) statehood;

8 (25) an amendment to H. R. 2499 (111th Con-  
9 gress) was approved by the House of Representa-  
10 tives on April 29, 2010, to include the Common-  
11 wealth option on the second vote, with the proponent  
12 of the amendment stating that “Puerto Ricans’  
13 views should be given equal and fair consideration.”;

14 (26) H.R. 2499 (111th Congress), as amended,  
15 was approved by the House of Representatives, but  
16 was not considered in the Senate;

17 (27) in April 2011, the White House published  
18 a report of the Task Force on Puerto Rico Status  
19 that found that—

20 (A) the permissible status options for the  
21 Commonwealth of Puerto Rico include—

22 (i) statehood;

23 (ii) independence;

24 (iii) free association; and

25 (iv) commonwealth status; and

1 (B) “removing the Commonwealth option  
2 would raise real questions about the vote’s legit-  
3 imacy”;

4 (28) ignoring the amendment to H. R. 2499  
5 (111th Congress) described in paragraph (25), the  
6 pro-statehood government called for a locally legis-  
7 lated plebiscite in 2012 that adopted the 2-vote  
8 structure rejected by the House of Representatives  
9 that excluded the Commonwealth option in the sec-  
10 ond vote;

11 (29) to further stack the deck in the 2012 pleb-  
12 iscite—

13 (A) the first vote would be in favor or  
14 against the “current territorial status” (a ge-  
15 neric term intended to downplay the constitu-  
16 tional process of the Act of July 3, 1950 (com-  
17 monly known as the “Puerto Rico Federal Rela-  
18 tions Act of 1950”) (64 Stat. 319, chapter  
19 446)); and

20 (B) a second vote would be for—

21 (i) statehood;

22 (ii) independence; or

23 (iii) free association (which was con-  
24 fusingly referred to as “sovereign Com-  
25 monwealth”);

1           (30) the voting structure in the 2012 plebiscite  
2 had several evident defects, including that—

3           (A) the current commonwealth status could  
4 lose even if commonwealth status had the high-  
5 est voter preference; and

6           (B) by instructing individuals who voted  
7 for the current commonwealth status on the  
8 first question to answer the second question, re-  
9 gardless, the votes for the options of the second  
10 question would be inflated with those “second-  
11 preference” votes, so it would not be known  
12 how many voters actually preferred any of those  
13 options;

14          (31) the results of the 2012 plebiscite were a  
15 mixture of all the potential problems, as—

16          (A) the status quo received 828,077 votes  
17 on question 1, and statehood received 834,191  
18 votes on question 2, which is a difference of  
19 6,114 votes;

20          (B) it is not known how many voters that  
21 voted for the current status on question 1 voted  
22 for statehood on question 2; and

23          (C) since the law authorizing the plebiscite  
24 prohibited considering blank ballots for allo-  
25 cating percentages, the commonwealth status

1           was said to have obtained 46 percent of the  
2           vote in the first vote and statehood was said to  
3           have obtained 61 percent of the vote in the sec-  
4           ond vote;

5           (32) on May 15, 2013, the pro-statehood Resi-  
6           dent Commissioner introduced H. R. 2000 (113th  
7           Congress), which—

8                   (A) stated that statehood had obtained  
9                   61.16 percent of the votes of “voters who chose  
10                  an option”;

11                  (B) based on that characterization of the  
12                  results, called for a ratification vote that would  
13                  provide for a self-executing implementation of  
14                  the admission of the Commonwealth Puerto  
15                  Rico as a State of the Union of the United  
16                  States; and

17                  (C) was not acted on by the House of Rep-  
18                  resentatives;

19           (33) instead, the Consolidated Appropriations  
20           Act, 2014 (Public Law 113–76; 128 Stat. 5), appro-  
21           priated \$2,500,000 “for objective, nonpartisan voter  
22           education about, and a plebiscite on, options that  
23           would resolve Puerto Rico’s future political status,  
24           which shall be provided to the State Elections Com-



1 mission of Puerto Rico.”, with the accompanying re-  
2 port stating that—

3 (A) the \$2,500,000 was “for objective,  
4 nonpartisan voter education about, and a plebi-  
5 scite on, options that would resolve Puerto  
6 Rico’s future political status”;

7 (B) the “funds provided for the plebiscite  
8 shall not be obligated until 45 days after the  
9 Department of Justice notifies the Committees  
10 on Appropriations that it approves of an ex-  
11 penditure plan from the Puerto Rico Elections  
12 Commission for voter education and plebiscite  
13 administration, including approval of the plebi-  
14 scite ballot”; and

15 (C) the “notification shall include a finding  
16 that the voter education materials, plebiscite  
17 ballot, and related materials are not incompat-  
18 ible with the Constitution and laws and policies  
19 of the United State.”;

20 (34) on February 3, 2017, with the pro-state-  
21 hood party back in power locally, the Commonwealth  
22 of Puerto Rico passed Law Number 7, which called  
23 “for the immediate decolonization of Puerto Rico”  
24 through a plebiscite to be held on June 11, 2017;

1           (35) claiming that the Commonwealth option  
2 had been rejected in the 2012 plebiscite, the ballot  
3 for the 2017 plebiscite would offer only 2 options  
4 of—

5                   (A) statehood; and

6                   (B) free association or independence;

7           (36) on April 13, 2017, the Department of Jus-  
8 tice denied certification of the plebiscite, stating:  
9           “The Department has concluded that the plebiscite  
10 ballot is not compatible with these policies, as it is  
11 not drafted in a way that ensures that its result will  
12 accurately reflect the current popular will of the peo-  
13 ple of Puerto Rico. As transmitted, the ballot omits  
14 Puerto Rico’s current territorial status as an avail-  
15 able option and instead provides the people of Puer-  
16 to Rico with only two choices: ‘Statehood’ or ‘Free  
17 Association/Proclamation of Independence.’ This  
18 omission appears to be based on a determination  
19 that the people of Puerto Rico definitively rejected  
20 Puerto Rico’s current status in the plebiscite held on  
21 November 6, 2012. See Act No. 7–2017, Art. III  
22 §1(a). The Department does not believe that the re-  
23 sults of the 2012 plebiscite justify omitting Puerto  
24 Rico’s current status as an option on the ballot. For  
25 a variety of reasons, the validity of the 2012 plebi-

1 scite’s results ‘have been the subject of controversy’  
2 and debate. See Congressional Research Service,  
3 Puerto Rico’s Political Status and the 2012 Plebi-  
4 scite: Background and Key Questions, at 8 (June  
5 25, 2013) (‘CRS Report’). Furthermore, nearly five  
6 years have elapsed since that plebiscite, during  
7 which significant political, economic, and demo-  
8 graphic changes have occurred in Puerto Rico and  
9 the United States. As a result, it is uncertain that  
10 it is the present will of the people to reject Puerto  
11 Rico’s current status. Accordingly, any plebiscite  
12 that now seeks to ‘resolve Puerto Rico’s future polit-  
13 ical status,’ as the Appropriations Act contemplates,  
14 should include the current territorial status as an  
15 option. See 2011 Task Force Report, at 26 (noting  
16 that the current status ‘must be an available option  
17 for the people of Puerto Rico’). Otherwise, there  
18 would be ‘real questions about the vote’s legitimacy’  
19 and its ability to reflect accurately the will of the  
20 people. *Id.* Furthermore, the Department has deter-  
21 mined that the plebiscite ballot language contains  
22 several ambiguous and potentially misleading state-  
23 ments, which may hinder voters’ ability to make a  
24 fully informed choice as well as efforts to ascertain  
25 the will of the people from the plebiscite results. The

1 statements of concern are as follows: The ballot’s de-  
2 scription of the ‘Statehood’ option contains the fol-  
3 lowing statement: ‘I am aware that Statehood is  
4 [the] only option that guarantees the American citi-  
5 zenship by birth in Puerto Rico.’ This statement is  
6 inaccurate when considered in the context of all  
7 available status options, as under current law, Puer-  
8 to Ricans have an unconditional statutory right to  
9 birthright citizenship. The sentence therefore is po-  
10 tentially misleading and reinforces the ballot’s  
11 flawed omission of an option for retaining Puerto  
12 Rico’s current territorial status.”;

13 (37) the local government amended the bill pur-  
14 portedly to comply with the Department of Justice  
15 demands, but did not allow for Department of Jus-  
16 tice certification, provoking a massive boycott by the  
17 Commonwealth supporters and independence sup-  
18 porters;

19 (38) in the plebiscite of June 11, 2017—

20 (A) there was a historically low participa-  
21 tion rate of 23 percent of registered voters in  
22 the Commonwealth of Puerto Rico; and

23 (B) 508,862 voters in the Commonwealth  
24 of Puerto Rico voted for statehood, which was  
25 97 percent of votes cast;

1           (39) the same pro-statehood administration in  
2 the Commonwealth of Puerto Rico called for a new  
3 plebiscite in 2020 that would include an up-or-down  
4 statehood vote;

5           (40) by letter of July 29, 2020, addressed to  
6 the Chairman of the Puerto Rico Elections Commis-  
7 sion, the Department of Justice again rejected cer-  
8 tification, stating that—

9           (A) the United States has consistently re-  
10 mained neutral about the legally permissible  
11 status options for the Commonwealth of Puerto  
12 Rico, of which the current status is 1; and

13           (B) a plebiscite that asks voters if the  
14 Commonwealth of Puerto Rico should be admit-  
15 ted immediately into the Union of the United  
16 States as a State is regarded as a pro-statehood  
17 initiative that departs from that policy of neu-  
18 trality;

19           (41) Executive Order 13183 (48 U.S.C. 731  
20 note; relating to establishment of the President’s  
21 Task Force on Puerto Rico’s Status), states that the  
22 policy of the Executive branch is “to work with lead-  
23 ers of the Commonwealth and the Congress to clar-  
24 ify the options to enable Puerto Ricans to determine  
25 their preference among options for the islands’ fu-

1       ture status that are not incompatible with the Con-  
 2       stitution and basic laws and policies of the United  
 3       States; and to implement such an option if chosen  
 4       by a majority.”; and

5               (42) the status options for the Commonwealth  
 6       of Puerto Rico that are not incompatible with the  
 7       Constitution and basic laws and policies of the  
 8       United States are—

- 9                       (A) commonwealth status;
- 10                      (B) statehood;
- 11                      (C) independence; and
- 12                      (D) free association.

13 **SEC. 3. DEFINITIONS.**

14       In this Act:

15               (1) COMMONWEALTH GOVERNMENT.—The term  
 16       “Commonwealth government” means the govern-  
 17       ment of the Commonwealth of Puerto Rico (includ-  
 18       ing any department, agency, or instrumentality of  
 19       the government of the Commonwealth of Puerto  
 20       Rico).

21               (2) ELECTIONS COMMISSION.—The term “Elec-  
 22       tions Commission” means the Puerto Rico State  
 23       Commission on Elections.

24               (3) ELIGIBLE VOTER.—The term “eligible  
 25       voter” means a bona fide resident of the Common-

1       wealth of Puerto Rico who is otherwise qualified to  
2       vote in a general election in the Commonwealth of  
3       Puerto Rico.

4               (4) GOVERNOR.—The term “Governor” means  
5       the Governor of the Commonwealth of Puerto Rico.

6               (5) IMMIGRATION LAWS.—The term “immigra-  
7       tion laws” has the meaning given the term in section  
8       101 of the Immigration and Nationality Act (8  
9       U.S.C. 1101).

10              (6) INITIAL PLEBISCITE.—The term “initial  
11       plebiscite” means the plebiscite required by section  
12       101(a)(1).

13              (7) LEGISLATIVE ASSEMBLY.—The term “Leg-  
14       islative Assembly” means the Legislative Assembly  
15       of Puerto Rico.

16              (8) RUNOFF PLEBISCITE.—The term “runoff  
17       plebiscite” means the plebiscite required by section  
18       101(a)(4).

19              (9) STATUS OPTION.—The term “status op-  
20       tion” means an option described in section  
21       101(a)(2).

## 22                               **TITLE I—PLEBISCITES**

### 23       **SEC. 101. INITIAL PLEBISCITE; RUNOFF PLEBISCITE.**

24              (a) REQUIREMENT.—

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

4           (2) OPTIONS.—The initial plebiscite shall offer  
5 eligible voters a choice of 1 of the following 4 op-  
6 tions on the ballot:

7                   (A) Independence.

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

10                   (C) Statehood.

11                   (D) Commonwealth.

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

15           (4) RUNOFF PLEBISCITE.—If there is not a ma-  
16 jority vote in favor of 1 of the status options in the  
17 initial plebiscite, a runoff plebiscite shall be held on  
18 March 3, 2024, which shall offer eligible voters a  
19 choice on the ballot of the 2 status options that re-  
20 ceived the most votes in the initial plebiscite.

21           (b) BALLOT LANGUAGE.—A ballot for a plebiscite re-  
22 quired by subsection (a) shall include the following lan-  
23 guage:

24           “INSTRUCTIONS.—Mark the status option you choose  
25 as each is defined below. A ballot with more than 1 option



1 marked will not be counted. A ballot with no option  
2 marked will not be counted.

3           “(1) INDEPENDENCE.—If you agree, mark here  
4           \_\_\_\_\_.

5           “(A) Puerto Rico is a sovereign nation  
6           that has full authority and responsibility over  
7           its territory and population under a constitution  
8           of its own adoption which shall be the supreme  
9           law of the nation.

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

18           “(C) Puerto Rico has full authority and re-  
19           sponsibility over its citizenship and immigration  
20           laws. Birth in Puerto Rico or relationship to  
21           persons with statutory United States citizenship  
22           by birth in the former territory shall cease to  
23           be a basis for United States nationality or citi-  
24           zenship, except that persons who have such  
25           United States citizenship have a right to retain

1 United States nationality and citizenship for  
2 life, by entitlement or election, as provided by  
3 United States law.

4 “(D) Puerto Rico will no longer be a pos-  
5 session of the United States for purposes of the  
6 Internal Revenue Code of 1986 (or any suc-  
7 cessor code). United States citizens and United  
8 States businesses in Puerto Rico will be subject  
9 to United States Federal tax laws (as is the  
10 case with any other United States citizen or  
11 United States business located abroad) and to  
12 Puerto Rican tax laws. The status of Puerto  
13 Rico as an independent, sovereign nation will be  
14 the controlling factor in the taxation of Puerto  
15 Rican taxpayers.

16 “(E) The Constitution and laws of the  
17 United States no longer apply in Puerto Rico,  
18 and United States sovereignty in Puerto Rico is  
19 ended.

20 “(2) SOVEREIGNTY IN FREE ASSOCIATION WITH  
21 THE UNITED STATES.—If you agree, mark here

22 \_\_\_\_\_.

23 “(A) Puerto Rico is a sovereign nation  
24 that has full authority and responsibility over  
25 its territory and population under a constitution

1 of its own adoption, which shall be the supreme  
2 law of the nation.

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

14 “(C) Puerto Rico has full authority and re-  
15 sponsibility over its citizenship and immigration  
16 laws. Persons who have United States citizen-  
17 ship have a right to retain United States na-  
18 tionality and citizenship for life by entitlement  
19 or election as provided by United States law.

20 “(D) Birth in Puerto Rico shall cease to be  
21 a basis for United States nationality or citizen-  
22 ship, except that individuals born in Puerto  
23 Rico to parents, both of whom are United  
24 States citizens, shall be eligible to acquire  
25 United States citizenship for the duration of

1 the first agreement of the Articles of Free As-  
2 sociation.

3 “(E) Puerto Rico enters into Articles of  
4 Free Association with the United States, with  
5 such devolution and reservation of governmental  
6 functions and other bilateral arrangements as  
7 may be agreed to by the United States and  
8 Puerto Rico under the Articles of Free Associa-  
9 tion, which shall be terminable at will by either  
10 the United States or Puerto Rico at any time.

11 “(F) Puerto Rico will no longer be a pos-  
12 session of the United States for purposes of the  
13 Internal Revenue Code of 1986 (or any suc-  
14 cessor code). United States citizens and United  
15 States businesses in Puerto Rico will be subject  
16 to United States Federal tax laws (as is the  
17 case with any other United States citizen or  
18 United States business located abroad) and to  
19 Puerto Rican tax laws. The status of Puerto  
20 Rico as an independent, sovereign nation will be  
21 the controlling factor in the taxation of Puerto  
22 Rican taxpayers. Puerto Rico will enter into an  
23 agreement with the United States to provide for  
24 ‘Sovereignty in Free Association’ that may  
25 modify the otherwise-applicable tax rules, sub-

1           ject to negotiation and ratification by Puerto  
2           Rico and the United States.

3           “(G) The Constitution and the laws of the  
4           United States no longer apply in Puerto Rico,  
5           except as otherwise provided in the Articles of  
6           Free Association, and United States sovereignty  
7           in Puerto Rico is ended.

8           “(H) All matters pertaining to the govern-  
9           ment-to-government relationship between Puer-  
10          to Rico and the United States, which may in-  
11          clude foreign affairs, trade, finance, taxation,  
12          security, defense, dispute resolution, and termi-  
13          nation, shall be provided for in the Articles of  
14          Free Association.

15          “(3) STATEHOOD.—If you agree, mark here  
16          \_\_\_\_\_.

17          “(A) The State of Puerto Rico shall re-  
18          quest admission into the Union of the United  
19          States on an equal footing with the other States  
20          in all respects and as a part of the permanent  
21          Union of the United States, subject to the Con-  
22          stitution of the United States, with powers not  
23          prohibited by the Constitution of the United  
24          States to the States reserved to the State of  
25          Puerto Rico.

1           “(B) The residents of Puerto Rico shall,  
2           on admission, be fully self-governing with the  
3           rights of the residents secured under the Con-  
4           stitution of the United States, which shall be  
5           fully applicable in Puerto Rico and which, with  
6           the laws and treaties of the United States, is  
7           the supreme law and has the same force and ef-  
8           fect in Puerto Rico as in the other States of the  
9           Union of the United States.

10           “(C) United States citizenship of individ-  
11           uals born in Puerto Rico is recognized, pro-  
12           tected, and secured under the Constitution of  
13           the United States in the same way citizenship  
14           is recognized, protected, and secured for all  
15           United States citizens born in the other States.

16           “(D) On admission, Puerto Rico will no  
17           longer be considered to be a possession of the  
18           United States for purposes of the Internal Rev-  
19           enue Code of 1986 (or any successor code). In  
20           lieu of such consideration as a possession, the  
21           State of Puerto Rico will become a State on  
22           equal footing with each of the 50 States in the  
23           United States. Individuals and businesses resid-  
24           ing in the State of Puerto Rico will be subject

1 to United States Federal tax laws and to tax  
 2 laws of the State of Puerto Rico.

3 “(4) COMMONWEALTH—ESTADO LIBRE  
 4 ASOCIADO.—If you agree, mark here  
 5 \_\_\_\_\_.

6 “(A) A vote for Commonwealth—Estado  
 7 Libre Asociado shall be a reaffirmation of the  
 8 will of the people of Puerto Rico to retain their  
 9 Commonwealth—Estado Libre Asociado status.

10 “(B) To enable the development of Com-  
 11 monwealth—Estado Libre Asociado status, there  
 12 shall be created a United States—Puerto Rico  
 13 Negotiating Commission that will examine and  
 14 propose enhancements to the current status, in-  
 15 cluding the potential substitution of the Act of  
 16 July 3, 1950 (commonly known as the ‘Puerto  
 17 Rico Federal Relations Act of 1950’) (64 Stat.  
 18 319, chapter 446) for a formal compact.”.

19 (c) IMPLEMENTATION OF PLEBISCITE.—The plebi-  
 20 scites authorized by this section shall be implemented by  
 21 the Elections Commission, consistent with—

- 22 (1) the laws of Puerto Rico; and  
 23 (2) applicable Federal law.

24 (d) RESULTS.—The Elections Commission shall sub-  
 25 mit to the President, the President pro tempore of the

1 Senate, the Speaker of the House of Representatives, the  
2 Committee on Energy and Natural Resources of the Sen-  
3 ate, and the Committee on Natural Resources of the  
4 House of Representatives—

5           (1) not later than 30 calendar days after the  
6           date on which the initial plebiscite is held, the re-  
7           sults of the initial plebiscite; and

8           (2) not later than 30 calendar days after the  
9           date on which a runoff plebiscite is held, if applica-  
10          ble, the results of the runoff plebiscite.

11          (e) JURISDICTION OF DISTRICT COURT.—The United  
12 States District Court for the District of Puerto Rico shall  
13 have original and exclusive jurisdiction over any civil ac-  
14 tion alleging a dispute or controversy relating to a plebi-  
15 scite conducted under this section.

16 **SEC. 102. NONPARTISAN VOTER EDUCATION CAMPAIGN.**

17          (a) IN GENERAL.—Subject to section 103, the Elec-  
18 tions Commission shall—

19           (1) carry out a nonpartisan voter education  
20           campaign with respect to the plebiscites to be con-  
21           ducted under section 101 through traditional paid  
22           media; and

23           (2) make available at all voting locations in the  
24           Commonwealth of Puerto Rico voter education mate-



1 rials relating to the plebiscites to be conducted  
2 under section 101.

3 (b) REQUIREMENTS FOR VOTER EDUCATION MATE-  
4 RIALS.—At a minimum, the voter education materials  
5 made available under subsection (a)(2) shall address, for  
6 each status option—

7 (1) international representation;

8 (2) citizenship and immigration; and

9 (3) access and treatment under Federal law  
10 and programs.

11 (c) BILINGUAL VOTER EDUCATIONAL MATERIALS  
12 AND BALLOTS.—All voter educational materials and bal-  
13 lots made available for a plebiscite required by section 101  
14 shall be made available in English and Spanish.

15 **SEC. 103. OVERSIGHT.**

16 (a) SUBMISSION OF MATERIALS.—The Elections  
17 Commission shall submit to the Attorney General for re-  
18 view—

19 (1) not later than 60 days after the date of en-  
20 actment of this Act—

21 (A) the ballot design for the initial plebi-  
22 scite; and

23 (B) any voter education materials for the  
24 initial plebiscite to be made available in accord-  
25 ance with section 102; and

1           (2) not later than 30 days after the date on  
2           which an initial plebiscite is held in which there is  
3           not a majority vote in favor of 1 of the status op-  
4           tions—

5                   (A) the ballot design for the runoff plebi-  
6                   scite; and

7                   (B) any voter education materials for the  
8                   runoff plebiscite to be made available in accord-  
9                   ance with section 102.

10          (b) REVIEW.—Not later than 45 days after receiving  
11          ballot design and voter education materials under sub-  
12          section (a), the Attorney General shall—

13                (1) review the ballot design and voter education  
14                materials to ensure—

15                   (A) consistency with this Act; and

16                   (B) that each of 4 status options are rep-  
17                   resented fairly, particularly if any of the 4 op-  
18                   tions are not represented on the Elections Com-  
19                   mission by a member of a political party that  
20                   supports the status option; and

21                (2)(A) return the ballot design and voter edu-  
22                cation materials to the Elections Commission with  
23                comments and instructions for changes, as applica-  
24                ble; or

25                (B) inform the Elections Commission that—

1 (i) no instructions or requests for changes  
2 shall be made under subparagraph (A); but

3 (ii) the Attorney General reserves the right  
4 to submit instructions for changes in accord-  
5 ance with this section if additional information  
6 comes to the attention of the Attorney General  
7 during the remainder of the 45-day period.

8 (c) EFFECT OF FAILURE TO COMPLY.—If the Attor-  
9 ney General fails to comply with the requirements of sub-  
10 section (b) within the 45-day period described in that sub-  
11 section, the ballot design and voter education materials  
12 submitted under subsection (a) shall be considered to be  
13 approved.

14 (d) REVISION.—Not later than 45 days after receiv-  
15 ing comments and instructions for changes from the At-  
16 torney General under subsection (b)(2), the Elections  
17 Commission shall revise the ballot design and voter edu-  
18 cation materials in accordance with the comments and in-  
19 structions submitted by the Attorney General.

20 **SEC. 104. FUNDS FOR VOTER EDUCATION, PLEBISCITES.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated such sums as are nec-  
23 essary for the Elections Commission to carry out—

24 (1) a nonpartisan voter education campaign  
25 under section 102; and

1           (2)(A) an initial plebiscite; and

2           (B) if necessary, a runoff plebiscite.

3           (b) USE OF EXISTING FUNDS.—Notwithstanding any  
 4 other provision of the Consolidated Appropriations Act,  
 5 2014 (Public Law 113–76; 128 Stat. 5), the unobligated  
 6 balance of funds made available to carry out a plebiscite  
 7 on the status of the Commonwealth of Puerto Rico under  
 8 paragraph (1) under the heading “STATE AND LOCAL LAW  
 9 ENFORCEMENT ASSISTANCE” under the heading “OFFICE  
 10 OF JUSTICE PROGRAMS” under the heading “DEPART-  
 11 MENT OF JUSTICE” in title II of division B of that  
 12 Act (Public Law 113–76; 128 Stat. 61) shall be made  
 13 available to carry out this Act.

14 **TITLE II—TRANSITION AND IM-**  
 15 **PLEMENTATION OF INDE-**  
 16 **PENDENCE STATUS**

17 **SEC. 201. DEFINITIONS.**

18           In this title:

19           (1) CONSTITUTIONAL CONVENTION.—The term  
 20 “constitutional convention” means a constitutional  
 21 convention established under section 202(d)(2).

22           (2) PROCLAMATION.—The term “Proclama-  
 23 tion” means a Presidential proclamation issued  
 24 under section 208(a).

1 **SEC. 202. CONSTITUTIONAL CONVENTION.**

2 (a) ELECTION OF DELEGATES.—Not later than 180  
3 days after the effective date of certification of a plebiscite  
4 under this Act that favors independence, the Legislative  
5 Assembly shall provide for the election of delegates to a  
6 constitutional convention to formulate and draft a con-  
7 stitution for the nation of Puerto Rico.

8 (b) ELIGIBLE VOTERS.—All eligible voters may vote  
9 in the election of delegates to the constitutional convention  
10 under subsection (a).

11 (c) GENERAL APPLICABILITY OF ELECTORAL  
12 LAW.—The laws of the Commonwealth of Puerto Rico re-  
13 lating to the electoral process shall apply to an election  
14 held under subsection (a).

15 (d) INITIAL MEETING.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date of the election of delegates to the con-  
18 stitutional convention under subsection (a), the  
19 elected delegates shall meet at such time and place  
20 as the Legislative Assembly shall determine.

21 (2) ESTABLISHMENT.—The initial meeting of  
22 the elected delegates to the constitutional convention  
23 under paragraph (1) shall be considered to be the  
24 establishment of the constitutional convention.

1 **SEC. 203. CHARACTER OF THE CONSTITUTION.**

2 The constitutional convention shall formulate and  
3 draft a constitution for the nation of Puerto Rico that  
4 guarantees the protection of fundamental human rights,  
5 including—

6 (1) due process and equal protection under the  
7 law;

8 (2) freedom of speech, press, assembly, associa-  
9 tion, and religion;

10 (3) the rights of the accused;

11 (4) any other economic, social, and cultural  
12 rights as the constitutional convention may deter-  
13 mine to be necessary; and

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

17 **SEC. 204. SUBMISSION; RATIFICATION.**

18 (a) SUBMISSION.—Not later than 1 year after the  
19 date of establishment of the constitutional convention, the  
20 Elections Commission shall submit the constitution formu-  
21 lated and drafted by the delegates to the constitutional  
22 convention to the eligible voters for ratification or rejec-  
23 tion in a special election.

24 (b) MANNER OF ELECTION.—The special election  
25 held under subsection (a) shall be held in the manner pre-  
26 scribed by the Legislative Assembly.

1           (c) REJECTION.—If the constitution of the nation of  
 2 Puerto Rico is rejected in a special election held under  
 3 subsection (a), the process provided for under sections 202  
 4 and 203 and subsections (a) and (b) shall be repeated,  
 5 except that section 202(a) shall be applied by sub-  
 6 stituting—

- 7           (1) “the special election” for “a plebiscite”; and  
 8           (2) “rejects the Constitution” for “favors inde-  
 9           pendence”.

10 **SEC. 205. ELECTION OF OFFICERS.**

11           (a) IN GENERAL.—Not later than 30 days after the  
 12 date of ratification of the constitution of the nation of  
 13 Puerto Rico under section 204, the Governor shall issue  
 14 a proclamation calling for the election of any officers of  
 15 the nation of Puerto Rico that may be required by the  
 16 ratified constitution of the nation of Puerto Rico.

17           (b) DEADLINE; PROCEDURES.—The election of the  
 18 officers under subsection (a) shall be held—

19           (1) not later than 180 days after the date of  
 20 ratification of the constitution of the nation of Puer-  
 21 to Rico; and

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

1           (c) CERTIFICATION OF RESULTS.—Not later than 10  
2 days after the date of the election of officers under sub-  
3 section (a), the Elections Commission shall certify the re-  
4 sults of the election under that subsection.

5           (d) NOTICE.—As soon as practicable after the date  
6 of the certification under subsection (c), the Governor  
7 shall submit notice of the results of the election certified  
8 under that subsection to—

9                   (1) the President;

10                   (2) the President pro tempore of the Senate;

11                   (3) the Speaker of the House of Representa-  
12 tives;

13                   (4) the Committee on Energy and Natural Re-  
14 sources of the Senate; and

15                   (5) the Committee on Natural Resources of the  
16 House of Representatives.

17 **SEC. 206. CONFORMING AMENDMENTS TO EXISTING LAW.**

18           (a) REVIEW.—Not later than 30 days after the initial  
19 meeting of the constitutional convention under section  
20 202(d), the President shall initiate a review of Federal  
21 laws with respect to Puerto Rico, including Federal laws  
22 relating to—

23                   (1) taxation of persons and businesses;

24                   (2) health care;

25                   (3) housing;



1 (4) transportation;

2 (5) education; and

3 (6) entitlement programs.

4 (b) RECOMMENDATIONS.—Not later than 1 year  
5 after the date on which the President initiates a review  
6 under subsection (a), the President shall submit to Con-  
7 gress recommendations for changes to Federal laws identi-  
8 fied during the review, as the President determines to be  
9 appropriate.

10 **SEC. 207. JOINT TRANSITION COMMISSION.**

11 (a) APPOINTMENT.—Not later than 180 days after  
12 the date of establishment of the constitutional convention,  
13 a Joint Transition Commission shall be established, with  
14 the President and the presiding officer of the constitu-  
15 tional convention appointing an equal number of members  
16 to the Joint Transition Commission.

17 (b) DUTIES.—The Joint Transition Commission es-  
18 tablished under subsection (a) shall—

19 (1) be responsible for expediting the orderly  
20 transfer to the nation of Puerto Rico of all functions  
21 exercised by the Federal Government in the Com-  
22 monwealth of Puerto Rico or with respect to the  
23 Commonwealth of Puerto Rico;

1           (2) develop procedures relating to the oper-  
2           ations and governance of the Joint Transition Com-  
3           mission; and

4           (3) provide to the appropriate committees of  
5           Congress recommendations for any appropriate leg-  
6           islation to carry out the transfer under paragraph  
7           (1).

8           (c) COLLABORATION.—The Commonwealth govern-  
9           ment and Federal agencies shall collaborate with the Joint  
10          Transition Commission and the officers of the nation of  
11          Puerto Rico to provide for the orderly transfer of the func-  
12          tions under subsection (b)(1).

13       **SEC. 208. PROCLAMATION BY PRESIDENT.**

14          (a) PROCLAMATION.—Not later than 30 days after  
15          the date of certification of the elected officers of the nation  
16          of Puerto Rico under section 205(c), the President shall,  
17          by proclamation—

18               (1) withdraw and surrender all rights of posses-  
19               sion, supervision, jurisdiction, control, or sovereignty  
20               exercised by the United States over the Common-  
21               wealth of Puerto Rico and residents of the Common-  
22               wealth of Puerto Rico on the day before the date of  
23               issuance of the Proclamation;

24               (2) recognize, on behalf of the United States,  
25               the independence of the nation of Puerto Rico and

1 the authority of the government of the nation of  
2 Puerto Rico adopted by eligible voters under the  
3 constitution of the nation of Puerto Rico; and

4 (3) state that the effective date of withdrawal  
5 of the sovereignty of the United States and recogni-  
6 tion of independence of the nation of Puerto Rico  
7 shall be the date of issuance of the Proclamation.

8 (b) TRANSMISSION OF PROCLAMATION.—Not later  
9 than 7 days after the date of issuance of the Proclamation,  
10 the President shall transmit a copy of the Proclamation  
11 to each of—

12 (1) the presiding officer of the constitutional  
13 convention;

14 (2) the officer elected as head of state of the  
15 nation of Puerto Rico;

16 (3) the President pro tempore of the Senate;

17 (4) the Speaker of the House of Representa-  
18 tives;

19 (5) the Committee on Energy and Natural Re-  
20 sources of the Senate; and

21 (6) the Committee on Natural Resources of the  
22 House of Representatives.

23 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not  
24 later than 7 days after the date of receipt of the Proclama-  
25 tion under subsection (b) and with the advice of the officer

1 elected as head of state of the nation of Puerto Rico, the  
2 presiding officer of the constitutional convention shall—

3 (1) determine the date on which the govern-  
4 ment of the nation of Puerto Rico shall take office;  
5 and

6 (2) submit notice of the date determined under  
7 paragraph (1) to—

8 (A) the Governor;

9 (B) the President;

10 (C) the President pro tempore of the Sen-  
11 ate; and

12 (D) the Speaker of the House of Rep-  
13 resentatives.

14 **SEC. 209. LEGAL AND CONSTITUTIONAL PROVISIONS.**

15 On the date of issuance of the Proclamation and ex-  
16 cept as otherwise provided in this title or in any agree-  
17 ments between the United States and the nation of Puerto  
18 Rico—

19 (1) all property, rights, and interests that the  
20 United States may have acquired in the Common-  
21 wealth of Puerto Rico under the Treaty of Peace be-  
22 tween the United States of America and the King-  
23 dom of Spain, signed at Paris on December 10,  
24 1898 (30 Stat. 1754), and otherwise by cession, pur-  
25 chase, or eminent domain, with the exception of land

1 and other property, rights, or interests that may  
2 have been sold or otherwise legally disposed of before  
3 the date of issuance of the Proclamation, shall vest  
4 in the nation of Puerto Rico; and

5 (2) except as provided in section 212, all laws  
6 of the United States applicable to the Common-  
7 wealth of Puerto Rico on the day before the date of  
8 issuance of the Proclamation shall no longer apply  
9 in the nation of Puerto Rico.

10 **SEC. 210. JUDICIAL PRONOUNCEMENTS.**

11 (a) **JUDGMENTS BEFORE PROCLAMATION.**—The na-  
12 tion of Puerto Rico shall recognize and give effect to all  
13 orders and judgments rendered by courts of the United  
14 States or the Commonwealth of Puerto Rico on the day  
15 before the date of issuance of the Proclamation pursuant  
16 to the laws of the United States applicable to the Com-  
17 monwealth of Puerto Rico.

18 (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All  
19 judicial proceedings pending in the courts of the Common-  
20 wealth of Puerto Rico on the date of issuance of the Proc-  
21 lamation shall be continued in the corresponding courts  
22 under the constitution of the nation of Puerto Rico.

23 (c) **TRANSFER OF JUDICIAL POWER.**—

24 (1) **IN GENERAL.**—Beginning on the date of  
25 issuance of the Proclamation—

1           (A) the judicial power of the United States  
2 shall no longer extend to the nation of Puerto  
3 Rico;

4           (B) any proceeding pending in the United  
5 States District Court for the District of Puerto  
6 Rico as of that date shall be transferred to the  
7 applicable court in the nation of Puerto Rico or  
8 other competent judicial authority under the  
9 constitution of the nation of Puerto Rico for  
10 disposition in accordance with laws applicable  
11 on the date on which the controversy that is the  
12 subject of the proceeding arose; and

13           (C) any proceeding pending in the United  
14 States Court of Appeals for the First Circuit or  
15 in the Supreme Court of the United States as  
16 of that date that initiated in, or that could have  
17 been initiated in, the courts of the Common-  
18 wealth of Puerto Rico or in the United States  
19 District Court for the District of Puerto Rico  
20 shall—

21                   (i) continue until the date of final dis-  
22 position; and

23                   (ii) be submitted to the competent au-  
24 thority of the nation of Puerto Rico for  
25 proper execution.

1           (2) EXCEPTION.—Notwithstanding paragraph  
2           (1), if the United States or any officer of the United  
3           States is a party to a proceeding described in sub-  
4           paragraph (B) or (C) of that paragraph, any final  
5           judgment in that proceeding shall be properly exe-  
6           cuted by the competent authority of the United  
7           States.

8 **SEC. 211. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
9           **PUERTO RICAN INDEPENDENCE.**

10          (a) CITIZENSHIP STATUS.—

11           (1) PUERTO RICAN NATIONALITY.—Beginning  
12           on the date of issuance of the Proclamation, the citi-  
13           zenship status of each individual born in Puerto  
14           Rico shall be determined in accordance with the con-  
15           stitution and laws of the nation of Puerto Rico.

16           (2) UNITED STATES IMMIGRATION LAWS.—Ex-  
17           cept as provided in this section, beginning on the  
18           date of issuance of the Proclamation, a citizen of  
19           Puerto Rico seeking to enter into the United States  
20           or obtain citizenship in the United States shall be  
21           subject to the immigration laws.

22          (b) EFFECT OF PUERTO RICAN CITIZENSHIP.—

23           (1) IN GENERAL.—Except as provided in para-  
24           graph (2), nothing in this title precludes or limits

1 the applicability of section 349 of the Immigration  
2 and Nationality Act (8 U.S.C. 1481).

3 (2) EXCEPTION.—The provision of citizenship  
4 by the laws of the nation of Puerto Rico under sub-  
5 section (a)(1) shall not constitute, or otherwise serve  
6 as the basis of, loss or relinquishment of United  
7 States citizenship under section 349 of the Immigra-  
8 tion and Nationality Act (8 U.S.C. 1481).

9 (c) CITIZENSHIP AT BIRTH AFTER INDEPEND-  
10 ENCE.—An individual born in the nation of Puerto Rico  
11 after the date of issuance of the Proclamation to at least  
12 1 parent who became a United States citizen under section  
13 302 of the Immigration and Nationality Act (8 U.S.C.  
14 1402) shall not be considered to be a United States citizen  
15 at birth under subsection (c), (d), or (g) of section 301  
16 of that Act (8 U.S.C. 1401).

17 (d) TRAVEL AND WORK AUTHORIZATION.—

18 (1) IN GENERAL.—An individual in any of the  
19 following categories may enter, lawfully engage in  
20 occupations, and establish residence as a non-  
21 immigrant in the United States and territories and  
22 possessions of the United States without regard to  
23 paragraphs (5)(A) and (7) of section 212(a) of the  
24 Immigration and Nationality Act (8 U.S.C.  
25 1182(a)):



1           (A) An individual who acquires citizenship  
2 of Puerto Rico at birth, on or after the date of  
3 issuance of the Proclamation.

4           (B) A naturalized citizen of Puerto Rico  
5 who—

6                 (i) has been an actual resident of  
7 Puerto Rico for not fewer than 5 years  
8 after attaining naturalization; and

9                 (ii) holds a proof of that residence.

10           (2) EMPLOYMENT PERMISSION.—An individual  
11 described in subparagraph (A) or (B) of paragraph  
12 (1) shall be considered to have the permission of the  
13 Secretary of Homeland Security to accept employ-  
14 ment in the United States.

15           (3) LIMITATIONS.—The right of an individual  
16 described in subparagraph (A) or (B) of paragraph  
17 (1) to establish habitual residence in a territory or  
18 possession of the United States may be subjected to  
19 nondiscriminatory limitations provided for—

20                 (A) in laws or regulations of the United  
21 States; or

22                 (B) in laws or regulations of the applicable  
23 territory or possession that are authorized by  
24 Federal law.

1           (4) TERMINATION OF EFFECTIVENESS.—This  
2 subsection shall expire on the date that is 25 years  
3 after the date of issuance of the Proclamation.

4           (e) CONFORMING AMENDMENTS.—

5           (1) IN GENERAL.—Section 101(a) of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1101(a)) is  
7 amended—

8           (A) in paragraph (36), by striking “Puerto  
9 Rico,”; and

10           (B) in paragraph (38), by striking “Puerto  
11 Rico,”.

12           (2) EFFECTIVE DATE.—The amendments made  
13 by paragraph (1) shall take effect on the date of  
14 issuance of the Proclamation.

15           (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion limits the authority of the United States to change  
17 any requirement for United States citizenship.

18 **SEC. 212. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**

19 **AND GRANTS.**

20           (a) RIGHTS AND BENEFITS.—

21           (1) IN GENERAL.—Any vested rights and bene-  
22 fits that accrue to residents of the Commonwealth of  
23 Puerto Rico under the laws of the United States  
24 from past services or contributions, such as rights  
25 and benefits for veterans of the Armed Forces or eli-

1       gible relatives of veterans of the Armed Forces, re-  
2       tired Federal Government employees, or beneficiaries  
3       of old age, disability, or survivor benefits under the  
4       Social Security Act (42 U.S.C. 301 et seq.), shall  
5       not be interrupted after the date of issuance of the  
6       Proclamation, but shall continue until the date on  
7       which the rights and benefits are extinguished ac-  
8       cording to applicable Federal law.

9               (2) AGREEMENT REQUIRED.—All services to be  
10       provided as part of the rights and benefits described  
11       in paragraph (1) shall be made available through the  
12       government of the nation of Puerto Rico in accord-  
13       ance with agreements entered into by the govern-  
14       ment of the nation of Puerto Rico and the Govern-  
15       ment of the United States.

16       (b) SOCIAL SECURITY SYSTEM.—

17               (1) IN GENERAL.—Notwithstanding subsection  
18       (a) and subject to paragraph (2), the Secretary of  
19       the Treasury shall transfer all contributions made by  
20       employees and employers in the Commonwealth of  
21       Puerto Rico to the Social Security system under the  
22       Social Security Act (42 U.S.C. 301 et seq.) with re-  
23       spect to individuals who, as of the date of issuance  
24       of the Proclamation, are residents of the nation of  
25       Puerto Rico and are not yet eligible for old age, dis-

1 ability, or survivor benefits under the Social Security  
2 system to the government of the nation of Puerto  
3 Rico on the date on which the government of the na-  
4 tion of Puerto Rico establishes a social security sys-  
5 tem for the nation of Puerto Rico.

6 (2) USE OF FUNDS.—The government of the  
7 nation of Puerto Rico may not use the amounts  
8 transferred under paragraph (1) for any purpose  
9 other than the establishment and operation of a so-  
10 cial security system for the nation of Puerto Rico.

11 (3) OBLIGATIONS.—On the transfer of the  
12 amounts under paragraph (1), the obligations of the  
13 Federal Government under the Social Security Act  
14 (42 U.S.C. 301 et seq.) with respect to the residents  
15 of the nation of Puerto Rico shall cease.

16 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

17 (1) BLOCK GRANTS.—Any Federal transfer  
18 payments to individuals and to the Commonwealth  
19 government not described in subsection (a) or (b)  
20 shall be maintained in the form of annual block  
21 grants to be used by the government of the nation  
22 of Puerto Rico at the discretion of the government  
23 of the nation of Puerto Rico.

24 (2) ANNUAL AGGREGATE FUNDING.—During  
25 the 10-fiscal-year period beginning on the date of

1 issuance of the Proclamation, the amount of an an-  
2 nual block grant described in paragraph (1) shall be  
3 equal to the greater of—

4 (A) the annual aggregate funding of all  
5 programs described in that paragraph that ex-  
6 tend to the Commonwealth of Puerto Rico dur-  
7 ing the applicable fiscal year; and

8 (B) the annual aggregate funding of all  
9 programs described in that paragraph that were  
10 extended to the Commonwealth of Puerto Rico  
11 during the fiscal year immediately prior to the  
12 date of issuance of the Proclamation.

13 (3) DECREASE IN AMOUNT.—Beginning in the  
14 11th fiscal year after the date of issuance of the  
15 Proclamation, the amount of the annual block  
16 grants described in paragraph (1), as calculated  
17 under paragraph (2), shall decrease at the rate of 10  
18 percent each year.

19 (4) MODIFICATION OF TERMS.—The terms of  
20 this subsection may be modified by agreement be-  
21 tween the United States and the nation of Puerto  
22 Rico.

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

6 **SEC. 301. DEFINITIONS.**

7 In this title:

8 (1) **CONSTITUTIONAL CONVENTION.**—The term  
9 “constitutional convention” means a constitutional  
10 convention established under section 302(d)(2).

11 (2) **PROCLAMATION.**—The term “Proclama-  
12 tion” means a Presidential proclamation issued  
13 under section 307(a).

14 **SEC. 302. CONSTITUTIONAL CONVENTION.**

15 (a) **ELECTION OF DELEGATES.**—Not later than 180  
16 days after the effective date of certification of a plebiscite  
17 under this Act that favors sovereignty in free association  
18 with the United States, the Legislative Assembly shall pro-  
19 vide for the election of delegates to a constitutional con-  
20 vention to formulate and draft a constitution for the na-  
21 tion of Puerto Rico.

22 (b) **ELIGIBLE VOTERS.**—All eligible voters may vote  
23 in the election of delegates to the constitutional convention  
24 under subsection (a).

1           (c) GENERAL APPLICABILITY OF ELECTORAL  
2 LAW.—The laws of the Commonwealth of Puerto Rico re-  
3 lating to the electoral process shall apply to an election  
4 held under subsection (a).

5           (d) INITIAL MEETING.—

6           (1) IN GENERAL.—Not later than 180 days  
7 after the date of the election of delegates to the con-  
8 stitutional convention under subsection (a), the  
9 elected delegates shall meet at such time and place  
10 as the Legislative Assembly shall determine.

11           (2) ESTABLISHMENT.—The initial meeting of  
12 the elected delegates to the constitutional convention  
13 under paragraph (1) shall be considered to be the  
14 establishment of the constitutional convention.

15 **SEC. 303. CHARACTER OF THE CONSTITUTION.**

16           The constitutional convention shall formulate and  
17 draft a constitution for the nation of Puerto Rico that  
18 guarantees the protection of fundamental human rights,  
19 including—

20           (1) due process and equal protection under the  
21 law;

22           (2) freedom of speech, press, assembly, associa-  
23 tion, and religion;

24           (3) the rights of the accused;

1           (4) any other economic, social, and cultural  
2           rights as the constitutional convention may deter-  
3           mine to be necessary; and

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

7   **SEC. 304. SUBMISSION; RATIFICATION.**

8           (a) SUBMISSION.—Not later than 2 years after the  
9           date of establishment of the constitutional convention, the  
10          Elections Commission shall submit the constitution formu-  
11          lated and drafted by the delegates to the constitutional  
12          convention to the eligible voters for ratification or rejec-  
13          tion in a special election.

14          (b) MANNER OF ELECTION.—The special election  
15          held under subsection (a) shall be held in the manner pre-  
16          scribed by the Legislative Assembly.

17          (c) REJECTION.—If the constitution of the nation of  
18          Puerto Rico is rejected in a special election held under  
19          subsection (a), the process provided for under sections 302  
20          and 303 and subsections (a) and (b) shall be repeated,  
21          except that section 302(a) shall be applied by sub-  
22          stituting—

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

24                  (2) “rejects the Constitution” for “favors sov-  
25          ereignty in free association with the United States”.



1 **SEC. 305. ELECTION OF OFFICERS.**

2 (a) IN GENERAL.—Not later than 30 days after the  
3 date of ratification of the constitution of the nation of  
4 Puerto Rico under section 304, the Governor shall issue  
5 a proclamation calling for the election of any officers of  
6 the nation of Puerto Rico that may be required by the  
7 ratified constitution of the nation of Puerto Rico.

8 (b) DEADLINE; PROCEDURES.—The election of the  
9 officers under subsection (a) shall be held—

10 (1) not later than 180 days after the date of  
11 ratification of the constitution of the nation of Puer-  
12 to Rico; and

13 (2) in accordance with the procedures and re-  
14 quirements established by the constitution of the na-  
15 tion of Puerto Rico.

16 (c) CERTIFICATION OF RESULTS.—Not later than 10  
17 days after the date of the election of officers under sub-  
18 section (a), the Elections Commission shall certify the re-  
19 sults of the election under that subsection.

20 (d) NOTICE.—As soon as practicable after the date  
21 of the certification under subsection (c), the Governor  
22 shall submit notice of the results of the election certified  
23 under that subsection to—

24 (1) the President;

25 (2) the President pro tempore of the Senate;

1           (3) the Speaker of the House of Representa-  
2           tives;

3           (4) the Committee on Energy and Natural Re-  
4           sources of the Senate; and

5           (5) the Committee on Natural Resources of the  
6           House of Representatives.

7 **SEC. 306. CONFORMING AMENDMENTS TO EXISTING LAW.**

8           (a) REVIEW.—Not later than 30 days after the initial  
9           meeting of the constitutional convention under section  
10          302(d), the President shall initiate a review of Federal  
11          laws with respect to Puerto Rico, including Federal laws  
12          relating to—

13               (1) taxation of persons and businesses;

14               (2) health care;

15               (3) housing;

16               (4) transportation;

17               (5) education; and

18               (6) entitlement programs.

19          (b) RECOMMENDATIONS.—Not later than 1 year  
20          after the date on which the President initiates a review  
21          under subsection (a), the President shall submit to Con-  
22          gress recommendations for changes to Federal laws identi-  
23          fied during the review, as the President determines to be  
24          appropriate.

1 **SEC. 307. PROCLAMATION BY PRESIDENT; HEAD OF STATE**  
2 **OF THE NATION PUERTO RICO.**

3 (a) PROCLAMATION.—Not later than 30 days after  
4 the date of certification of the elected officers of the nation  
5 of Puerto Rico under section 305(c), the President shall,  
6 by proclamation—

7 (1) withdraw and surrender all rights of posses-  
8 sion, supervision, jurisdiction, control, or sovereignty  
9 exercised by the United States over the Common-  
10 wealth of Puerto Rico and residents of the Common-  
11 wealth of Puerto Rico on the day before the date of  
12 issuance of the Proclamation;

13 (2) recognize, on behalf of the United States,  
14 the international sovereignty through free associa-  
15 tion of the nation of Puerto Rico and the authority  
16 of the government of the nation of Puerto Rico insti-  
17 tuted by eligible voters under the constitution of the  
18 nation of Puerto Rico; and

19 (3) state that the effective date of withdrawal  
20 of the sovereignty of the United States and recogni-  
21 tion of international sovereignty through free asso-  
22 ciation shall be the date of issuance of the Proclama-  
23 tion.

24 (b) TRANSMISSION OF PROCLAMATION.—Not later  
25 than 7 days after the date of issuance of the Proclamation,

1 the President shall transmit a copy of the Proclamation  
2 to—

3 (1) the presiding officer of the constitutional  
4 convention;

5 (2) the officer elected as head of state of the  
6 nation of Puerto Rico;

7 (3) the President pro tempore of the Senate;

8 (4) the Speaker of the House of Representa-  
9 tives;

10 (5) the Committee on Energy and Natural Re-  
11 sources of the Senate; and

12 (6) the Committee on Natural Resources of the  
13 House of Representatives.

14 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not  
15 later than 7 days after the date of receipt of the Proclama-  
16 tion under subsection (b) and with the advice of the officer  
17 elected as head of state of the nation of Puerto Rico, the  
18 presiding officer of the constitutional convention shall—

19 (1) determine the date on which the govern-  
20 ment of the nation of Puerto Rico shall take office;  
21 and

22 (2) submit notice of the date determined under  
23 paragraph (1) to—

24 (A) the Governor;

25 (B) the President;

1 (C) the President pro tempore of the Sen-  
2 ate; and

3 (D) the Speaker of the House of Rep-  
4 resentatives.

5 **SEC. 308. LEGAL AND CONSTITUTIONAL PROVISIONS.**

6 On the date of issuance of the Proclamation and ex-  
7 cept as otherwise provided in this title or in any agree-  
8 ments between the United States and the nation of Puerto  
9 Rico—

10 (1) all property, rights, and interests that the  
11 United States may have acquired in and to the Com-  
12 monwealth of Puerto Rico under the Treaty of Peace  
13 between the United States of America and the King-  
14 dom of Spain, signed at Paris on December 10,  
15 1898 (30 Stat. 1754), and otherwise by cession, pur-  
16 chase, or eminent domain, with the exception of land  
17 and other property, rights, or interests that may  
18 have been sold or otherwise legally disposed of before  
19 the date of issuance of the Proclamation, shall vest  
20 in the nation of Puerto Rico; and

21 (2) except as provided in section 313, all laws  
22 of the United States applicable to the Common-  
23 wealth of Puerto Rico on the day before the date of  
24 issuance of the Proclamation shall no longer apply  
25 in the nation of Puerto Rico.

1 **SEC. 309. 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 courts of the United  
5 States or the Commonwealth of Puerto Rico on the day  
6 before the date of issuance of the Proclamation pursuant  
7 to the laws of the United States applicable to the Com-  
8 monwealth of Puerto Rico.

9 (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All  
10 judicial proceedings pending in the courts of the Common-  
11 wealth of Puerto Rico on the date of issuance of the Proc-  
12 lamation shall be continued in the corresponding courts  
13 under the constitution of the nation of Puerto Rico.

14 (c) **TRANSFER OF JUDICIAL POWER.**—

15 (1) **IN GENERAL.**—Beginning on the date of  
16 issuance of the Proclamation—

17 (A) the judicial power of the United States  
18 shall no longer extend to the nation of Puerto  
19 Rico;

20 (B) any proceeding pending in the United  
21 States District Court for the District of Puerto  
22 Rico as of that date shall be transferred to the  
23 applicable court in the nation of Puerto Rico or  
24 other competent judicial authority under the  
25 constitution of the nation of Puerto Rico for  
26 disposition in accordance with laws applicable

1 on the date on which the controversy that is the  
2 subject of the proceeding arose; and

3 (C) any proceeding pending in the United  
4 States Court of Appeals for the First Circuit or  
5 in the Supreme Court of the United States as  
6 of that date that initiated in, or that could have  
7 been initiated in, the courts of the Common-  
8 wealth of Puerto Rico or in the United States  
9 District Court for the District of Puerto Rico  
10 shall—

11 (i) continue until the date of final dis-  
12 position; and

13 (ii) be submitted to the competent au-  
14 thority of the nation of Puerto Rico for  
15 proper execution.

16 (2) EXCEPTION.—Notwithstanding paragraph  
17 (1), if the United States or any officer of the United  
18 States is a party to a proceeding described in sub-  
19 paragraph (B) or (C) of that paragraph, any final  
20 judgment in that proceeding shall be properly exe-  
21 cuted by the competent authority of the United  
22 States.

23 **SEC. 310. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
24 **SOVEREIGNTY THROUGH FREE ASSOCIATION.**

25 (a) CITIZENSHIP STATUS.—

1           (1) PUERTO RICAN NATIONALITY.—Beginning  
2           on the date of issuance of the Proclamation, the citi-  
3           zenship status of each individual born in Puerto  
4           Rico shall be determined in accordance with the con-  
5           stitution and laws of the nation of Puerto Rico.

6           (2) UNITED STATES IMMIGRATION LAWS.—Ex-  
7           cept as provided in this section, beginning on the  
8           date of issuance of the Proclamation, a citizen of  
9           Puerto Rico seeking to enter into the United States  
10          or obtain citizenship in the United States shall be  
11          subject to the immigration laws.

12          (b) EFFECT OF PUERTO RICAN CITIZENSHIP.—

13           (1) IN GENERAL.—Except as provided in para-  
14           graph (2), nothing in this title precludes or limits  
15           the applicability of section 349 of the Immigration  
16           and Nationality Act (8 U.S.C. 1481).

17           (2) EXCEPTION.—The provision of citizenship  
18           by the laws of the nation of Puerto Rico under sub-  
19           section (a)(1) shall not constitute, or otherwise serve  
20           as the basis of, loss or relinquishment of United  
21           States citizenship under section 349 of the Immigra-  
22           tion and Nationality Act (8 U.S.C. 1481).

23          (c) CITIZENSHIP AT BIRTH AFTER SOVEREIGNTY.—

24           (1) IN GENERAL.—Except as provided in para-  
25           graph (2), an individual born in the nation of Puerto



1 Rico after the date of issuance of the Proclamation  
2 to at least 1 parent who became a United States cit-  
3 izen under section 302 of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1402) shall not be considered  
5 to be a United States citizen at birth under sub-  
6 section (c), (d), or (g) of section 301 of that Act (8  
7 U.S.C. 1401).

8 (2) TRANSITION PERIOD.—During the initial  
9 implementation of the articles of free association  
10 under this title, an individual born in the nation of  
11 Puerto Rico to 2 parents who are citizens of the  
12 United States shall be considered to be a United  
13 States citizen at birth under section 301(c) of the  
14 Immigration and Nationality Act (8 U.S.C. 1401(e))  
15 if the individual is otherwise eligible for United  
16 States citizenship.

17 (d) TRAVEL AND WORK AUTHORIZATION.—

18 (1) IN GENERAL.—An individual in any of the  
19 following categories may enter, lawfully engage in  
20 occupations, and establish residence as a non-  
21 immigrant in the United States and territories and  
22 possessions of the United States without regard to  
23 paragraphs (5)(A) and (7) of section 212(a) of the  
24 Immigration and Nationality Act (8 U.S.C.  
25 1182(a)):

1           (A) An individual who acquires citizenship  
2 of Puerto Rico at birth, on or after the date of  
3 issuance of the Proclamation.

4           (B) A naturalized citizen of Puerto Rico  
5 who—

6                 (i) has been an actual resident of  
7 Puerto Rico for not fewer than 5 years  
8 after attaining naturalization; and

9                 (ii) holds a proof of that residence.

10           (2) EMPLOYMENT PERMISSION.—An individual  
11 described in subparagraph (A) or (B) of paragraph  
12 (1) shall be considered to have the permission of the  
13 Secretary of Homeland Security to accept employ-  
14 ment in the United States.

15           (3) LIMITATIONS.—The right of an individual  
16 described in subparagraph (A) or (B) of paragraph  
17 (1) to establish habitual residence in a territory or  
18 possession of the United States may be subjected to  
19 nondiscriminatory limitations provided for—

20                 (A) in laws or regulations of the United  
21 States; or

22                 (B) in laws or regulations of the applicable  
23 territory or possession that are authorized by  
24 Federal law.

1           (4) TERMINATION OF EFFECTIVENESS.—This  
2 subsection shall expire on termination of the articles  
3 of free association in accordance with section 312(e).

4 (e) CONFORMING AMENDMENTS.—

5           (1) IN GENERAL.—Section 101(a) of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1101(a)) is  
7 amended—

8           (A) in paragraph (36), by striking “Puerto  
9 Rico,”; and

10           (B) in paragraph (38), by striking “Puerto  
11 Rico,”.

12           (2) EFFECTIVE DATE.—The amendments made  
13 by paragraph (1) shall take effect on the date of  
14 issuance of the Proclamation.

15 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
16 tion limits the authority of the United States to change  
17 any requirement for United States citizenship.

18 **SEC. 311. 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 established, in  
22 accordance with this section, a commission, to be known  
23 as the “Bilateral Negotiating Commission”, which shall  
24 conduct negotiations on articles of free association with  
25 the United States.

1 (b) MEMBERS.—Not later than 90 days after the  
2 date of establishment of the constitutional convention—

3 (1) the constitutional convention shall elect, by  
4 majority vote of the delegates to the constitutional  
5 convention, 5 members from among the delegates of  
6 the constitutional convention to join the Bilateral  
7 Negotiating Commission on behalf of Puerto Rico;  
8 and

9 (2) the President shall appoint 5 members to  
10 the Bilateral Negotiating Commission, 1 of whom  
11 shall be nominated as ambassador, to negotiate on  
12 behalf of the United States.

13 (c) INITIAL MEETING.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of the election and appointment of the  
16 members to the Bilateral Negotiating Commission  
17 under subsection (b), the members of the Bilateral  
18 Negotiating Commission shall meet at such time and  
19 place as the Legislative Assembly determines to be  
20 appropriate.

21 (2) ESTABLISHMENT.—The initial meeting  
22 under paragraph (1) shall be considered to be the  
23 establishment of the Bilateral Negotiating Commis-  
24 sion.

1 (d) DUTIES.—The Bilateral Negotiating Commission  
2 shall—

3 (1) be responsible for expediting the orderly  
4 transfer to the nation of Puerto Rico of all functions  
5 exercised on the day before the date of the Procla-  
6 mation by the Government of the United States in  
7 the Commonwealth of Puerto Rico;

8 (2) provide to Congress recommendations on  
9 any appropriate legislation to carry out the transfer  
10 under paragraph (1), including such appropriate en-  
11 abling legislation as may be required by the articles  
12 of free association;

13 (3) negotiate all matters pertaining to the gov-  
14 ernment-to-government relationship between Puerto  
15 Rico and the United States through the development  
16 of the articles of free association, including foreign  
17 affairs, trade, finance, taxation, security, and de-  
18 fense, dispute resolution, immigration, economic ben-  
19 efits (including grants), and termination of the free  
20 association status; and

21 (4) to the maximum extent practicable, com-  
22 plete the articles of free association not later than  
23 2 years after the date of establishment of the con-  
24 stitutional convention.

1 (e) COLLABORATION.—The Commonwealth govern-  
 2 ment and Federal agencies shall collaborate with the Bi-  
 3 lateral Negotiating Commission to provide for the orderly  
 4 transfer of the functions of government as required by the  
 5 articles of free association completed under this section.

6 **SEC. 312. ARTICLES OF FREE ASSOCIATION APPROVAL, EF-**  
 7 **FECTIVE DATE, AND TERMINATION.**

8 (a) APPROVAL.—The articles of free association com-  
 9 pleted by the Bilateral Negotiating Commission under sec-  
 10 tion 311 shall take effect on mutual agreement between  
 11 the Government of the United States and the Government  
 12 of Puerto Rico after approval by—

13 (1) a separate ratification vote on the articles  
 14 of free association by the eligible voters in the spe-  
 15 cial election held under section 304; and

16 (2) the Government of the United States, in ac-  
 17 cordance with procedures under the Constitution of  
 18 the United States.

19 (b) REJECTION.—If a special election under sub-  
 20 section (a)(1) results in rejection of the articles of free  
 21 association, the process provided for in section 311 and  
 22 subsection (a) shall be repeated.

23 (c) TERMINATION.—The articles of free association  
 24 between the United States and the nation of Puerto Rico  
 25 approved under this section may be terminated at will by

1 the United States or the nation of Puerto Rico at any  
2 time.

3 **SEC. 313. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**  
4 **AND GRANTS.**

5 (a) RIGHTS AND BENEFITS.—

6 (1) IN GENERAL.—Any vested rights and bene-  
7 fits that accrue to residents of the Commonwealth of  
8 Puerto Rico under the laws of the United States  
9 from past services or contributions, such as rights  
10 and benefits for veterans of the Armed Forces or  
11 relatives of veterans of the Armed Forces, retired  
12 Federal Government employees, or beneficiaries of  
13 old age, disability, or survivor benefits under the So-  
14 cial Security Act (42 U.S.C. 301 et seq.), shall not  
15 be interrupted after the date of issuance of the Proc-  
16 lamation, but shall continue until the date on which  
17 the rights and benefits are extinguished according to  
18 applicable Federal law.

19 (2) AGREEMENT REQUIRED.—All services to be  
20 provided as part of the rights and benefits described  
21 in paragraph (1) shall be made available through the  
22 government of the nation of Puerto Rico in accord-  
23 ance with agreements entered into by the govern-  
24 ment of the nation of Puerto Rico and the Govern-  
25 ment of the United States.

1 (b) SOCIAL SECURITY SYSTEM.—

2 (1) IN GENERAL.—Notwithstanding subsection  
3 (a) and subject to paragraph (2), on the date on  
4 which the government of the nation of Puerto Rico  
5 establishes a social security system for the nation of  
6 Puerto Rico, the Secretary of the Treasury shall  
7 transfer to the government of the nation of Puerto  
8 Rico all contributions made by employees and em-  
9 ployers in the Commonwealth of Puerto Rico to the  
10 Social Security system under the Social Security Act  
11 (42 U.S.C. 301 et seq.) with respect to individuals  
12 who, as of the date of issuance of the Proclamation,  
13 are residents of the nation of Puerto Rico and are  
14 not yet eligible for old age, disability, or survivor  
15 benefits under the Social Security system under the  
16 Social Security Act (42 U.S.C. 301 et seq.).

17 (2) USE OF FUNDS.—The government of the  
18 nation of Puerto Rico may not use the amounts  
19 transferred under paragraph (1) for any purpose  
20 other than the establishment and operation of a so-  
21 cial security system for the nation of Puerto Rico.

22 (3) OBLIGATIONS.—On the transfer of the  
23 amounts under paragraph (1), the obligations of the  
24 United States Government under the Social Security



1 Act (42 U.S.C. 301 et seq.) with respect to residents  
2 of the nation of Puerto Rico shall cease.

3 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

4 (1) IN GENERAL.—Any Federal transfer pay-  
5 ments to individuals and to the Commonwealth gov-  
6 ernment not described in subsection (a) or (b) shall  
7 be maintained in the form of annual block grants to  
8 be used by the government of the nation of Puerto  
9 Rico at the discretion of the government of the na-  
10 tion of Puerto Rico.

11 (2) ANNUAL AGGREGATE FUNDING.—During  
12 the 10-fiscal-year period beginning on the date of  
13 issuance of the Proclamation, the amount of an an-  
14 nual block grant described in paragraph (1) shall be  
15 equal to the greater of—

16 (A) the annual aggregate funding of all  
17 programs described in that paragraph that ex-  
18 tend to the Commonwealth of Puerto Rico dur-  
19 ing the applicable fiscal year; and

20 (B) the annual aggregate funding of all  
21 programs described in that paragraph that have  
22 been extended to the Commonwealth of Puerto  
23 Rico during the fiscal year immediately prior to  
24 the date of issuance of the Proclamation.

1           (3) DECREASE IN AMOUNT.—Beginning in the  
 2           11th fiscal year after the date of issuance of the  
 3           Proclamation, the amount of the annual block  
 4           grants described in paragraph (1), as calculated  
 5           under paragraph (2), shall decrease at the rate of 10  
 6           percent each year.

7           (4) MODIFICATION OF TERMS.—The terms of  
 8           this subsection may be modified by agreement be-  
 9           tween the United States and the nation of Puerto  
 10          Rico.

11          (d) REVISION.—The terms and conditions of sub-  
 12          sections (a) and (b) may be revised as part of an agree-  
 13          ment under the articles of free association approved under  
 14          section 312.

15          **TITLE IV—TRANSITION AND IM-**  
 16          **PLEMENTATION OF STATE-**  
 17          **HOOD STATUS**

18          **SEC. 401. DEFINITIONS.**

19          In this title:

20               (1) ADMISSION DATE.—The term “admission  
 21               date” means the date on which the Commonwealth  
 22               of Puerto Rico is admitted as a State of the Union  
 23               of the United States, as established under section  
 24               402(b)(1).

1           (2) PROCLAMATION.—The term “Proclama-  
 2           tion” means a Presidential proclamation issued  
 3           under section 402(b)(1).

4 **SEC. 402. PUERTO RICO READINESS FOR STATEHOOD;**  
 5                           **PRESIDENTIAL PROCLAMATION; ADMISSION**  
 6                           **INTO THE UNION OF THE UNITED STATES.**

7           (a) ASSESSMENT OF READINESS FOR STATEHOOD.—

8                   (1) IN GENERAL.—On receipt of a certification  
 9                   of the plebiscite results of the Elections Commission  
 10                  pursuant to section 101(d) in which the statehood  
 11                  status option is favored, the Comptroller General of  
 12                  the United States shall conduct a study on the read-  
 13                  iness of the Commonwealth of Puerto Rico for state-  
 14                  hood, under which the Comptroller General of the  
 15                  United States shall examine—

16                           (A) whether the majority of eligible voters  
 17                           that voted for statehood in the plebiscite re-  
 18                           flects a sufficiently stable majority such that it  
 19                           is likely that the majority of the eligible votes  
 20                           would not revert to a minority of eligible voters  
 21                           in a future plebiscite;

22                           (B) whether the proposed new State, with  
 23                           a per capita income of \$13,318, according to  
 24                           the 2020 decennial census, has sufficient re-  
 25                           sources—

1 (i) to support the State government;

2 and

3 (ii) to provide the applicable State

4 share of the costs of the Federal Govern-

5 ment; and

6 (C) the impact on existing States of the

7 United States and the United States as a whole

8 of—

9 (i) the fact that the population of the

10 Commonwealth of Puerto Rico—

11 (I) is greater than the population

12 of 29 other States; and

13 (II) is greater than the popu-

14 lation of any State as of the date on

15 which the State entered the Union of

16 the United States;

17 (ii) the fact that, of the 98.7 percent

18 of the population of the Commonwealth of

19 Puerto Rico that is Hispanic, a substantial

20 proportion considers Puerto Rico to be a

21 Spanish-speaking, Latino Nation; and

22 (iii) the fact that 43.4 percent of the

23 population of the Commonwealth of Puerto

24 Rico is below the poverty line, according to

25 the 2020 decennial census.

1           (2) DEADLINE.—Not later than 2 years after  
2           the date of enactment of this Act, the Comptroller  
3           General of the United States shall submit to the ap-  
4           propriate committees of Congress a report describing  
5           the results of the study under paragraph (1).

6           (3) VOTE.—As soon as practicable after the  
7           date of submission of the study under paragraph  
8           (2), the Senate and the House of Representatives  
9           shall each hold a vote on the admission of the Com-  
10          monwealth of Puerto Rico as a State of the Union  
11          of the United States.

12          (b) PRESIDENTIAL PROCLAMATION; DATE OF ADMIS-  
13          SION.—

14               (1) IN GENERAL.—On receipt of notice of a ma-  
15               jority vote in the Senate and the House of Rep-  
16               resentatives in favor of the admission of the Com-  
17               monwealth of Puerto Rico as a State of the Union  
18               of the United States under subsection (a)(3), the  
19               President shall issue a proclamation declaring the  
20               date on which the Commonwealth of Puerto Rico is  
21               admitted as a State of the Union of the United  
22               States, subject to paragraph (2).

23               (2) REQUIREMENT.—The date referred to in  
24               paragraph (1) shall be a date not later than 1 year

1 after the date on which the President receives the  
2 notice under that paragraph.

3 (3) SUBMISSION OF PROCLAMATION.—The  
4 President shall submit the Proclamation to—

5 (A) the Governor;

6 (B) the President pro tempore of the Sen-  
7 ate;

8 (C) the Speaker of the House of Rep-  
9 resentatives;

10 (D) the Committee on Energy and Natural  
11 Resources of the Senate; and

12 (E) the Committee on Natural Resources  
13 of the House of Representatives.

14 (4) ADMISSION INTO THE UNION OF THE  
15 UNITED STATES.—

16 (A) IN GENERAL.—Subject to the provi-  
17 sions of this Act, on the admission date, the  
18 Commonwealth of Puerto Rico shall be a State  
19 of the United States and admitted into the  
20 Union of the United States on an equal footing  
21 with the other States in all respects.

22 (B) DESIGNATION.—On admission into the  
23 Union of the United States under subparagraph  
24 (A), the Commonwealth of Puerto Rico shall be  
25 known as “the State of Puerto Rico”.

1 (C) INCORPORATION.—The Commonwealth  
2 of Puerto Rico shall remain unincorporated  
3 until the admission date.

4 **SEC. 403. CONFORMING AMENDMENTS TO EXISTING LAW.**

5 (a) REVIEW.—Not later than 30 days after the date  
6 of certification of the plebiscite results of the Elections  
7 Commission pursuant to section 101(d) in which the state-  
8 hood status option is favored, the President shall initiate  
9 a review of Federal laws with respect to Puerto Rico, in-  
10 cluding Federal laws relating to—

- 11 (1) taxation of persons and businesses;
- 12 (2) health care;
- 13 (3) housing;
- 14 (4) transportation;
- 15 (5) education; and
- 16 (6) entitlement programs.

17 (b) RECOMMENDATIONS.—Not later than 1 year  
18 after the date on which the President initiates a review  
19 under subsection (a), the President shall submit to Con-  
20 gress recommendations for changes to Federal laws identi-  
21 fied during the review, as the President determines to be  
22 appropriate.

23 **SEC. 404. TERRITORY AND BOUNDARIES.**

24 The State of Puerto Rico shall consist of all of the  
25 islands, appurtenant reefs, seafloor, submerged land, and

1 territorial waters in the seaward boundary under the juris-  
2 diction of the Commonwealth of Puerto Rico on the day  
3 before the admission date.

4 **SEC. 405. CONSTITUTION.**

5 (a) FINDING; DECLARATION.—Congress—

6 (1) finds that the constitution of the Common-  
7 wealth of Puerto Rico approved by Public Law 82-  
8 447 (66 Stat. 327, chapter 567), as subsequently  
9 amended and in effect as of the day before the date  
10 of enactment of this Act is—

11 (A) republican in form; and

12 (B) in conformity with the Constitution of  
13 the United States and the principles of the Dec-  
14 laration of Independence; and

15 (2) declares that the constitution of the Com-  
16 monwealth of Puerto Rico approved by Public Law  
17 82-447 (66 Stat. 327, chapter 567), as subsequently  
18 amended and in effect as of the day before the date  
19 of enactment of this Act, is accepted, ratified, and  
20 confirmed as the constitution of the State of Puerto  
21 Rico.

22 (b) REQUIREMENT.—The constitution of the State of  
23 Puerto Rico—

24 (1) shall remain republican in form; and

25 (2) shall not be repugnant to—



1 (A) the Constitution of the United States;  
2 or  
3 (B) the principles of the Declaration of  
4 Independence.

5 **SEC. 406. ELECTIONS OF SENATORS AND REPRESENTA-**  
6 **TIVES; CERTIFICATION; JURISDICTION.**

7 (a) ELECTIONS OF SENATORS AND REPRESENTA-  
8 TIVES.—Not later than 30 days after the date of issuance  
9 of the Proclamation, the Governor shall issue a declaration  
10 to designate and announce the dates and other require-  
11 ments for primary and general elections under applicable  
12 Federal and local law for representation of the State of  
13 Puerto Rico in the Senate and the House of Representa-  
14 tives on admission of the State of Puerto Rico into the  
15 Union of the United States.

16 (b) RESIDENT COMMISSIONER.—The office of Resi-  
17 dent Commissioner of Puerto Rico shall cease to exist on  
18 the swearing in of the first Member of the House of Rep-  
19 resentatives from the State of Puerto Rico.

20 (c) SENATORS AND REPRESENTATIVES.—

21 (1) IN GENERAL.—On admission into the Union  
22 of the United States, the State of Puerto Rico shall  
23 be entitled to representation in the Senate and  
24 House of Representatives, with the Senators and

1 Representatives from the State of Puerto Rico enti-  
2 tled—

3 (A) to be admitted to seats in Congress;

4 and

5 (B) to all the rights and privileges of Sen-  
6 ators and Representatives of the other States in  
7 Congress.

8 (2) FIRST ELECTION OF SENATORS.—

9 (A) IN GENERAL.—In the first election of  
10 Senators from the State of Puerto Rico held  
11 after the admission date—

12 (i) the 2 senatorial offices shall be  
13 separately identified and designated; and

14 (ii) no individual may be a candidate  
15 for both Senatorial offices designated  
16 under clause (i).

17 (B) EFFECT.—Nothing in this paragraph  
18 affects the privilege of the Senate to determine  
19 the class and term to which each of the Sen-  
20 ators elected under this paragraph shall be as-  
21 signed, except that the 2 Senators may not be  
22 in same class.

23 (3) ELECTION OF REPRESENTATIVES.—

24 (A) INITIAL ELECTIONS.—

1 (i) IN GENERAL.—In the first election  
2 of Representatives from the State of Puer-  
3 to Rico held after the admission date and  
4 each election thereafter until the first cen-  
5 sus-based reapportionment election held  
6 after the admission date—

7 (I) the State of Puerto Rico shall  
8 be entitled to the same number of  
9 Representatives as the State, the most  
10 recent census population of which was  
11 closest to, but not more than, the pop-  
12 ulation of the State of Puerto Rico;  
13 and

14 (II) the Representatives elected  
15 shall be in addition to the number of  
16 Members of the House of Representa-  
17 tives as prescribed by law.

18 (ii) INCREASE.—Any temporary in-  
19 crease in the membership in the number of  
20 Members of the House of Representatives  
21 under clause (i)(II) shall not—

22 (I) increase or decrease the per-  
23 manent membership of the House of  
24 Representatives as prescribed in sec-  
25 tions 1 and 2 of the Act entitled “An

1 Act for the apportionment of Rep-  
2 resentatives in Congress among the  
3 several States under the Thirteenth  
4 Census”, approved August 8, 1911 (2  
5 U.S.C. 2); or

6 (II) affect the basis of reappor-  
7 tionment established by section 22 of  
8 the Act entitled “An Act to provide  
9 for the fifteenth and subsequent de-  
10 cennial censuses and to provide for  
11 apportionment of Representatives in  
12 Congress”, approved June 18, 1929  
13 (2 U.S.C. 2a), unless Congress in-  
14 creases the total number of Members  
15 of the House of Representatives.

16 (B) CENSUS-BASED REAPPORTIONMENT  
17 ELECTIONS.—

18 (i) IN GENERAL.—During the first  
19 census-based reapportionment election held  
20 after the admission date and each election  
21 thereafter, the State of Puerto Rico shall  
22 be entitled to the number of Representa-  
23 tives as provided for by applicable law,  
24 based on the applicable reapportionment.

1                   (ii) APPLICABLE LAW.—The appor-  
 2                   tionment of congressional districts for an  
 3                   election under clause (i) shall be conducted  
 4                   as provided for by the constitution and  
 5                   laws of the State of Puerto Rico for State  
 6                   legislative districts.

7                   (d) CERTIFICATION OF RESULTS.—

8                   (1) IN GENERAL.—The Elections Commission  
 9                   shall certify the results of the initial primary and  
 10                  general elections for representation in the Senate  
 11                  and the House of Representatives from the State of  
 12                  Puerto Rico under paragraph (2) or (3)(A) of sub-  
 13                  section (c) to the Governor of the State of Puerto  
 14                  Rico.

15                  (2) TRANSMISSION; DECLARATION.—Not later  
 16                  than 10 days after the date of a certification under  
 17                  paragraph (1), the Governor of the State of Puerto  
 18                  Rico shall—

19                         (A) declare the results of the primary or  
 20                         general election, as applicable; and

21                         (B) transmit the results of the election  
 22                         to—

23                                 (i) the President;

24                                 (ii) the President pro tempore of the  
 25                                 Senate; and

1 (iii) the Speaker of the House of Rep-  
2 resentatives.

3 (e) JURISDICTION OF DISTRICT COURT.—The United  
4 States District Court for the District of Puerto Rico shall  
5 have original and exclusive jurisdiction over any civil ac-  
6 tion alleging a dispute or controversy relating to any elec-  
7 toral process conducted under this section.

8 **SEC. 407. STATE TITLE TO LAND AND PROPERTY.**

9 (a) STATE TITLE.—The State of Puerto Rico and po-  
10 litical subdivisions of the State of Puerto Rico shall have  
11 and retain title in and to all property, real and personal,  
12 held by the Commonwealth of Puerto Rico and political  
13 subdivisions of the Commonwealth of Puerto Rico on the  
14 day before the admission date.

15 (b) FEDERAL TITLE.—There shall remain the prop-  
16 erty of the United States any land and other property  
17 that, as of the admission date, is set aside for the use  
18 of the United States under—

- 19 (1) an Act of Congress;  
20 (2) an Executive order;  
21 (3) a Presidential proclamation; or  
22 (4) a proclamation of the Governor.

23 (c) OUTER CONTINENTAL SHELF.—

24 (1) STATE OF PUERTO RICO.—The State of  
25 Puerto Rico shall have the exclusive right to explore,

1 exploit, lease, possess, and use all seabed and nat-  
2 ural and mineral resources lying within 3 marine  
3 leagues or 9 nautical miles from the shoreline of the  
4 State of Puerto Rico, as granted under section 8 of  
5 the Act of March 2, 1917 (39 Stat. 954, chapter  
6 145; 48 U.S.C. 749).

7 (2) UNITED STATES.—All other rights of sov-  
8 ereignty with respect to the outer Continental Shelf  
9 of the State of Puerto Rico shall belong to the  
10 United States, except in cases in which the rights  
11 are vested in the Commonwealth of Puerto Rico on  
12 the day before the admission date.

13 **SEC. 408. CONTINUITY OF LAWS, GOVERNMENT, AND OBLI-**  
14 **GATIONS.**

15 As of the admission date—

16 (1) all of the territorial laws in effect in the  
17 Commonwealth of Puerto Rico on the date of  
18 issuance of the Proclamation that are not incon-  
19 sistent with this Act or the constitution of the State  
20 of Puerto Rico shall continue in force and effect  
21 throughout the State of Puerto Rico, until amended,  
22 modified, or repealed by the State of Puerto Rico;

23 (2) all of the laws of the United States shall  
24 have the same force and effect within the State of  
25 Puerto Rico as in the other States;

1           (3) the individuals holding legislative, executive,  
2           and judicial offices of the Commonwealth of Puerto  
3           Rico shall continue to discharge the duties of the re-  
4           spective offices in, under, or by authority of the gov-  
5           ernment of the State of Puerto Rico, as provided by  
6           the constitution and laws of the State;

7           (4) all contracts, obligations, liabilities, debts,  
8           and claims of the Commonwealth of Puerto Rico and  
9           instrumentalities of the Commonwealth of Puerto  
10          Rico in effect on the admission date shall continue  
11          in full force and effect as the contracts, obligations,  
12          liabilities, debts, and claims of the State of Puerto  
13          Rico and instrumentalities of the State of Puerto  
14          Rico; and

15          (5) all laws of the United States reserving to  
16          the United States the free use or enjoyment of prop-  
17          erty that vests in or is conveyed to the State of  
18          Puerto Rico or political subdivisions of the State of  
19          Puerto Rico pursuant to this section or reserving the  
20          right to alter, amend, or repeal laws relating to the  
21          property shall cease to be effective.

22 **SEC. 409. JUDICIAL PRONOUNCEMENTS.**

23          (a) PENDING.—A writ, action, indictment, cause, or  
24          proceeding pending in any court of the Commonwealth of  
25          Puerto Rico as of the admission date—



1           (1) shall not abate by reason of the admission  
2 of the State of Puerto Rico into the Union of the  
3 United States; but

4           (2) shall, as the nature of the case may re-  
5 quire—

6           (A) proceed within any appropriate State  
7 court established under the constitution of the  
8 State of Puerto Rico; or

9           (B) continue in the United States District  
10 Court for the District of Puerto Rico.

11 (b) NOT YET PENDING.—

12           (1) IN GENERAL.—Any civil cause of action or  
13 criminal offense that arose or was committed before  
14 the admission date, but with respect to which no  
15 writ, action, indictment, or proceeding is pending on  
16 the admission date, shall be subject to prosecution in  
17 the appropriate State court or in the United States  
18 District Court for the District of Puerto Rico, to the  
19 same extent, and with the same right of appellate re-  
20 view, as if the State court had been established be-  
21 fore the accrual of the cause of action or the com-  
22 mission of the offense.

23           (2) PROCEDURAL OR SUBSTANTIVE LAWS.—

24           (A) IN GENERAL.—The admission of the  
25 State of Puerto Rico into the Union of the

1 United States shall not affect a change in the  
2 procedural or substantive laws with respect to a  
3 cause of action or criminal offense that arose or  
4 was committed as of the admission date.

5 (B) TRIAL.—Any criminal offense de-  
6 scribed in subparagraph (A)—

7 (i) that was committed in violation of  
8 the laws of the Commonwealth of Puerto  
9 Rico shall be tried by the appropriate court  
10 of the State of Puerto Rico; and

11 (ii) that was committed in violation of  
12 the laws of the United States shall be tried  
13 in the United States District Court for the  
14 District of Puerto Rico.

15 (c) APPEALS.—

16 (1) BEFORE ADMISSION DATE.—

17 (A) IN GENERAL.—Parties to an action  
18 shall have the same rights of judicial review of  
19 final decisions of the United States District  
20 Court for the District of Puerto Rico or the Su-  
21 preme Court of Puerto Rico in any case decided  
22 before the admission date, regardless of wheth-  
23 er an appeal was perfected prior to the admis-  
24 sion date.

1           (B) JURISDICTION.—The United States  
2           Court of Appeals for the First Circuit and the  
3           Supreme Court of the United States shall have  
4           the same jurisdiction in an action described in  
5           subparagraph (A) as by law provided prior to  
6           the admission date.

7           (2) AFTER ADMISSION DATE.—Any mandate  
8           issued after the admission date shall be to the  
9           United States District Court for the District of  
10          Puerto Rico or a court of the State of Puerto Rico,  
11          as appropriate.

12          (3) PENDING ACTION.—

13               (A) IN GENERAL.—Parties shall have the  
14               same rights of appeal from, and appellate re-  
15               view of, all orders, judgments, and decrees of  
16               the United States District Court for the Dis-  
17               trict of Puerto Rico and of the Supreme Court  
18               of Puerto Rico in any case pending on the ad-  
19               mission date.

20               (B) JURISDICTION.—The Supreme Court  
21               of Puerto Rico and the Supreme Court of the  
22               United States shall have the same jurisdiction  
23               in an action described in subparagraph (A) as  
24               the jurisdiction provided in any case arising  
25               after the admission date.

1 **TITLE V—TRANSITION AND IM-**  
2 **PLEMENTATION OF COMMON-**  
3 **WEALTH STATUS**

4 **SEC. 501. BILATERAL NEGOTIATING COMMISSION.**

5 (a) IN GENERAL.—If a plebiscite conducted under  
6 this Act results in a majority vote for the Commonwealth–  
7 Estado Libre Asociado status option, there shall be estab-  
8 lished, in accordance with this section, a commission, to  
9 be known as the “Bilateral Negotiating Commission”,  
10 which shall conduct studies and negotiations on changes  
11 to the Commonwealth–Estado Libre Asociado status with-  
12 in the general framework of commonwealth status, includ-  
13 ing the potential for a compact agreement between the  
14 United States and the Commonwealth of Puerto Rico to  
15 replace the Act of July 3, 1950 (commonly known as the  
16 “Puerto Rico Federal Relations Act of 1950”) (64 Stat.  
17 319, chapter 446).

18 (b) MEMBERSHIP.—Not later than 180 days after the  
19 date on which the results of a plebiscite in favor of com-  
20 monwealth status are submitted under section 101(d)—

21 (1) the political party or organization rep-  
22 resenting the Commonwealth–Estado Libre Asociado  
23 status option in the plebiscite shall appoint 5 mem-  
24 bers to the Bilateral Negotiating Commission; and

1           (2) the President shall appoint 5 members to  
2 the Bilateral Negotiating Commission.

3           (c) INITIAL MEETING.—

4           (1) IN GENERAL.—Not later than 90 days after  
5 the date on which the members of the Bilateral Ne-  
6 gotiating Commission are appointed under sub-  
7 section (b), the Bilateral Negotiating Commission  
8 shall hold a meeting at such time and such place as  
9 the members of the Bilateral Negotiating Commis-  
10 sion determine to be appropriate.

11           (2) ESTABLISHMENT.—The initial meeting  
12 under paragraph (1) shall be considered to be the  
13 establishment of the Bilateral Negotiating Commis-  
14 sion.

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

17           (1)(A) examine, discuss, and negotiate improve-  
18 ments to the Commonwealth–Estado Libre Asociado  
19 status;

20           (B) draft a compact agreement that would re-  
21 place the Act of July 3, 1950 (commonly known as  
22 the “Puerto Rico Federal Relations Act of 1950”)  
23 (64 Stat. 319, chapter 446), within the general  
24 framework of the Commonwealth–Estado Libre  
25 Asociado status; and

1 (C) propose the draft compact agreement to eli-  
2 gible voters in a ratification vote in accordance with  
3 section 502(a)(1); and

4 (2) to the maximum extent practicable, com-  
5 plete the work of the Bilateral Negotiating Commis-  
6 sion not later than 2 years after the date of the ini-  
7 tial meeting of the Bilateral Negotiating Commis-  
8 sion.

9 (e) COLLABORATION.—The Commonwealth govern-  
10 ment and Federal agencies shall collaborate with the Bi-  
11 lateral Negotiating Commission in carrying out the duties  
12 of the Bilateral Negotiating Commission under this title.

13 **SEC. 502. APPROVAL; EFFECTIVE DATE.**

14 (a) APPROVAL.—A compact agreement between the  
15 Federal Government and the Commonwealth government  
16 proposed by the Bilateral Negotiating Commission under  
17 section 501 shall take effect on the date of approval of  
18 the proposed compact agreement—

19 (1) in a ratification vote by eligible voters in a  
20 special election that is held—

21 (A) not later than 180 days after the date  
22 on which the Bilateral Negotiating Commission  
23 releases the proposed compact agreement; and

24 (B) in accordance with procedures devel-  
25 oped by the Legislative Assembly; and

1           (2) by the Federal Government, in accordance  
2           with applicable Federal law and the Constitution.

3           (b) REJECTION.—If the special election under sub-  
4           section (a)(1) results in a rejection of the proposed com-  
5           pact agreement, the process provided in section 501 and  
6           subsection (a) shall be repeated.

## 7           **TITLE VI—MISCELLANEOUS**

### 8           **SEC. 601. APPLICATION OF PUERTO RICO OVERSIGHT,** 9                           **MANAGEMENT, AND ECONOMIC STABILITY** 10                          **ACT.**

11           (a) IN GENERAL.—On the applicable date described  
12           in subsection (b)—

13                   (1) the Puerto Rico Oversight, Management,  
14                   and Economic Stability Act (48 U.S.C. 2101 et seq.)  
15                   shall no longer apply to the State of Puerto Rico,  
16                   the nation of Puerto Rico, or the Commonwealth of  
17                   Puerto Rico, as applicable; and

18                   (2)(A) the Financial Oversight and Manage-  
19                   ment Board established by section 101(b)(1) of the  
20                   Puerto Rico Oversight, Management, and Economic  
21                   Stability Act (48 U.S.C. 2121(b)(1)) shall be termi-  
22                   nated;

23                   (B) all duties and responsibilities assigned to  
24                   the Financial Oversight and Management Board  
25                   under that Act as of that date shall return to the

1 State of Puerto Rico, the nation of Puerto Rico, or  
2 the Commonwealth of Puerto Rico, as applicable;  
3 and

4 (C) all funds, property, and assets of the Fi-  
5 nancial Oversight and Management Board as of that  
6 date shall be transferred to the State of Puerto  
7 Rico, the nation of Puerto Rico, or the Common-  
8 wealth of Puerto Rico, as applicable.

9 (b) APPLICABLE DATE DESCRIBED.—The applicable  
10 date described in this subsection is—

11 (1) the date on which the government of the na-  
12 tion of Puerto Rico takes office, as established under  
13 section 208(c) or 307(c);

14 (2) the date on which the Commonwealth of  
15 Puerto Rico is admitted as a State of the Union of  
16 the United States, as declared under a Presidential  
17 proclamation issued under section 402(b)(1); or

18 (3) the date of ratification by eligible voters of  
19 a compact agreement for the Commonwealth of  
20 Puerto Rico under section 502(a)(1).

21 **SEC. 602. SEVERABILITY.**

22 If any provision of this Act, or the application of a  
23 provision of this Act to any person or circumstance, is held  
24 to be invalid by a court of jurisdiction, the remainder of



1 this Act, and the application of the provisions to any per-  
2 son or circumstance, shall not be affected by the holding.

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