

119TH CONGRESS
2^D SESSION

H. R. 9246

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2026

Mr. HERNÁNDEZ (for himself, Mr. BELL, Ms. HOYLE of Oregon, Mr. TRAN, Mr. LARSON of Connecticut, and Ms. ROSS) introduced the following bill; which was referred to the Committee on Natural Resources

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 Democratic Self Determination 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.

- Sec. 4. Plebiscite.
- Sec. 5. Nonpartisan voter education campaign.
- Sec. 6. Oversight.
- Sec. 7. Funds for voter education; plebiscites.
- Sec. 8. Bilingual voter educational materials and ballots.
- Sec. 9. Puerto Rico Oversight, Management, and Economic Stability Act.
- Sec. 10. Severability.

TITLE I—TRANSITION AND IMPLEMENTATION—INDEPENDENCE

- Sec. 101. Constitutional convention.
- Sec. 102. Character of the constitution.
- Sec. 103. Submission; Ratification.
- Sec. 104. Election of officers.
- Sec. 105. Conforming amendments to existing law.
- Sec. 106. Joint transition commission.
- Sec. 107. Proclamations by President of the United States; Head of State Of
Puerto Rico.
- Sec. 108. Legal and constitutional provisions.
- Sec. 109. Judicial pronouncements.
- Sec. 110. Citizenship and immigration laws after Puerto Rican independence.
- Sec. 111. Individual rights to economic benefits and grants.

TITLE II—TRANSITION AND IMPLEMENTATION— COMMONWEALTH (ESTADO LIBRE ASOCIADO)

- Sec. 201. United States-Puerto Rico Commonwealth Development Commission.
- Sec. 202. Approval; effective date.

TITLE III—TRANSITION AND IMPLEMENTATION—STATEHOOD

- Sec. 301. Presidential proclamation; admission into the union.
- Sec. 302. Conforming amendments to existing law.
- Sec. 303. Territory and boundaries.
- Sec. 304. Constitution.
- Sec. 305. Elections of senators and representatives, certification, and legal dis-
putes.
- Sec. 306. State title to land and property.
- Sec. 307. Continuity of laws, government, and obligations.
- Sec. 308. Judicial pronouncements.

TITLE IV—TRANSITION AND IMPLEMENTATION—SOVEREIGNTY IN FREE ASSOCIATION WITH THE UNITED STATES

- Sec. 401. Constitutional convention.
- Sec. 402. Character of the constitution.
- Sec. 403. Submission; ratification.
- Sec. 404. Election of officers.
- Sec. 405. Proclamations by President of the United States; Head of State of
Puerto Rico.
- Sec. 406. Legal and constitutional provisions.
- Sec. 407. Judicial pronouncements.
- Sec. 408. Citizenship and immigration laws after sovereignty through free asso-
ciation.
- Sec. 409. Conforming amendments to existing law.
- Sec. 410. Bilateral Negotiating Commission.
- Sec. 411. Articles of Free Association approval and effective date.

Sec. 412. Termination.

Sec. 413. Individual rights to economic benefits and grants.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The people of Puerto Rico are entitled to a
4 status resolution process that is democratic, credible,
5 inclusive, and capable of producing clear guidance to
6 Congress.

7 (2) A legitimate act of self-determination must
8 allow voters to express their preference across the
9 full range of status options with meaningful public
10 support, including both continuation of the current
11 relationship with the United States and alternatives
12 to that relationship.

13 (3) Congress has a responsibility to establish a
14 fair and inclusive process that allows the people of
15 Puerto Rico to express, in a clear and informed
16 manner, whether they wish to continue their current
17 relationship with the United States or pursue a dif-
18 ferent status, and, if a change is preferred, which
19 option they choose.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) UNITED STATES-PUERTO RICO COMMON-
23 WEALTH DEVELOPMENT COMMISSION.—The term
24 “United States-Puerto Rico Commonwealth Develop-

1 ment Commission” means the United States-Puerto
 2 Rico Commonwealth Development Commission es-
 3 tablished pursuant to section 201.

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

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

12 (4) INITIAL PLEBISCITE.—The term “initial
 13 plebiscite” means the plebiscite required by section
 14 4(a)(1).

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

17 (6) RUNOFF PLEBISCITE.—The term “runoff
 18 plebiscite” means the plebiscite required by section
 19 4(a)(4).

20 **SEC. 4. PLEBISCITE.**

21 (a) IN GENERAL.—

22 (1) INITIAL PLEBISCITE.—A plebiscite to re-
 23 solve Puerto Rico’s political status shall be held on
 24 March 14, 2027.

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

5 (A) Independence.

6 (B) Commonwealth (Estado Libre
7 Asociado).

8 (C) Statehood.

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

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

14 (4) RUNOFF PLEBISCITE.—If there is not a ma-
15 jority in favor of 1 of the 4 options defined in this
16 Act, then a runoff plebiscite shall be held on May
17 16, 2027, which shall offer eligible voters a choice of
18 the 2 options that received the most votes in the
19 plebiscite held under paragraph (1).

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

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

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

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

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

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

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

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

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

22 (3) COMMONWEALTH (ESTADO LIBRE
23 ASOCIADO).—If you agree, mark here _____.

24 (A) Puerto Rico is a self-governing Com-
25 monwealth of the United States. As a Common-

1 wealth, Puerto Rico has a measure of autonomy
2 comparable to that possessed by the States, and
3 is governed in accordance with Public Law 600
4 of 1950, Public Law 447 of 1952, and a con-
5 stitution ratified by the people of Puerto Rico.

6 (B) Persons born in Puerto Rico are citi-
7 zens of the United States, enjoy the protections
8 of the United States Constitution, and are eligi-
9 ble for Federal programs, including Social Se-
10 curity, Medicare, Medicaid, and nutrition assist-
11 ance. Federal law applies in Puerto Rico, and
12 the Government of the United States exercises
13 authority over matters of national interest simi-
14 lar to the States.

15 (C) Puerto Rico exercises autonomy over
16 fiscal and economic policy and is not subject to
17 the uniformity clause of the United States Con-
18 stitution. Residents of Puerto Rico generally do
19 not pay Federal income tax on income earned
20 within Puerto Rico, but pay Social Security,
21 Medicare, Self-Employment, Unemployment,
22 and customs and excise taxes.

23 (D) Puerto Rico has a distinct cultural
24 identity, history, and language, which the
25 United States recognizes and affirms as an in-

1 tegral part of Puerto Rico’s character within
2 American federalism. This distinct cultural
3 identity manifests through participation in
4 international events, including the Olympic
5 Games, under its own name and flag.

6 (E) The United States-Puerto Rico Com-
7 monwealth Development Commission shall be
8 created to examine, propose, and negotiate re-
9 forms to the current Commonwealth relation-
10 ship. Those reforms may include measures that
11 strengthen self-government; preserve, protect
12 and promote Puerto Rico’s distinct cultural
13 identity; identify ways of participation in Fed-
14 eral decision-making affecting Puerto Rico; and
15 strengthen participation in Federal programs.
16 Any change proposed by the United States-
17 Puerto Rico Commonwealth Development Com-
18 mission must be approved by the people of
19 Puerto Rico and Congress.

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

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

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

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

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

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

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

3 (5) SOVEREIGNTY IN FREE ASSOCIATION WITH
4 THE UNITED STATES.—If you agree, mark here
5 _____.

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

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

22 (C) Puerto Rico has full authority and re-
23 sponsibility over its citizenship and immigration
24 laws, and persons who have United States citi-
25 zenship have a right to retain United States na-

1 tionality and citizenship for life by entitlement
2 or election as provided by Federal law.

3 (D) Birth in Puerto Rico shall cease to be
4 a basis for United States nationality or citizen-
5 ship. Individuals born in Puerto Rico to at least
6 one parent who is a citizen of the United States
7 shall be United States citizens at birth, con-
8 sistent with the immigration laws of the United
9 States, for the duration of the first agreement
10 of the Articles of Free Association.

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

19 (F) Puerto Rico will no longer be a posses-
20 sion of the United States for purposes of the
21 Internal Revenue Code. In general, United
22 States citizens and United States businesses in
23 the nation of Puerto Rico will be subject to
24 United States Federal tax laws (as is the case
25 with any other United States citizen or United

1 States business abroad) and to Puerto Rican
2 tax laws. Puerto Rico's status as an inde-
3 pendent, sovereign nation will be the controlling
4 factor in the taxation of Puerto Rican tax-
5 payers. In addition, Puerto Rico will enter into
6 an agreement with the United States to provide
7 for "Sovereignty in Free Association" between
8 the two nations. This agreement may modify
9 the otherwise applicable tax rules, subject to ne-
10 gotiation and ratification by the two nations.

11 (G) The Constitution of the United States
12 no longer applies in Puerto Rico, the laws of
13 the United States no longer apply in Puerto
14 Rico except as otherwise provided in the Arti-
15 cles of Free Association, and United States sov-
16 ereignty in Puerto Rico is ended.

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

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

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

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

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

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

22 **SEC. 5. NONPARTISAN VOTER EDUCATION CAMPAIGN.**

23 (a) IN GENERAL.—The Elections Commission shall
24 carry out a nonpartisan voter education campaign through
25 traditional paid media and make available at all voting lo-

1 cations voter education materials related to the plebiscites
2 authorized under this Act consistent with the approval, in
3 accordance with section 6, of the Attorney General.

4 (b) VOTER EDUCATION MATERIALS.—At a min-
5 imum, the voter education materials shall address for each
6 option—

7 (1) international representation;

8 (2) citizenship and immigration; and

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

11 **SEC. 6. OVERSIGHT.**

12 (a) SUBMISSION OF MATERIALS.—Not later than 60
13 days after the date of the enactment of this Act, the Elec-
14 tions Commission shall submit the ballot design and voter
15 education materials for the plebiscites authorized under
16 this Act to the Attorney General for review and the Elec-
17 tions Commission shall make not more than 1 submission
18 of the ballot design and voter education materials to the
19 Attorney General for review.

20 (b) EFFECT OF FAILURE TO COMPLY.—If the Attor-
21 ney General fails to comply with subsection (c) within the
22 45-day period, the ballot design and voter education mate-
23 rials shall be considered approved.

24 (c) REVIEW.—Not later than 45 days after receiving
25 the ballot design and voter education materials under sub-

1 section (a), the Attorney General shall review the ballot
2 design and voter education materials to ensure consistency
3 with this Act and to ensure that the 4 options defined
4 in this Act are represented fairly, especially in the event
5 that any of the 4 options are not represented on the Elec-
6 tions Commission by a member of a political party that
7 supports such option, and—

8 (1) return the materials to the Elections Com-
9 mission with comments and instructions for changes;
10 or

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

19 (d) REVISION.—Not later than 45 days after receiv-
20 ing comments and instructions for changes from the At-
21 torney General under subsection (c), the Elections Com-
22 mission shall revise the ballot design and voter education
23 materials as requested by the Attorney General.

24 (e) ELECTION OBSERVERS.—The Elections Commis-
25 sion shall invite national and international election observ-

1 ers to ensure transparency and confidence in the electoral
2 process. Observers shall be present during the initial plebi-
3 scite vote and during the runoff plebiscite vote.

4 **SEC. 7. FUNDS FOR VOTER EDUCATION; PLEBISCITES.**

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

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

14 **SEC. 8. BILINGUAL VOTER EDUCATIONAL MATERIALS AND**
15 **BALLOTS.**

16 All voter educational materials and ballots used to
17 carry out this Act shall be made available in English and
18 Spanish.

19 **SEC. 9. PUERTO RICO OVERSIGHT, MANAGEMENT, AND**
20 **ECONOMIC STABILITY ACT.**

21 Upon the admission of the State of Puerto Rico into
22 the Union, on the date that the Government of the nation
23 of Puerto Rico initially takes office, or 2 years after the
24 certification that the Commonwealth option received the
25 majority of votes cast—

1 (1) the Puerto Rico Oversight, Management,
2 and Economic Stability Act (48 U.S.C. 2101 et seq.)
3 shall no longer apply to the State of Puerto Rico,
4 the Commonwealth of Puerto Rico, or the nation of
5 Puerto Rico, as the case may be;

6 (2) the Financial Oversight and Management
7 Board for Puerto Rico established under section
8 101(b)(1) of the Puerto Rico Oversight, Manage-
9 ment, and Economic Stability Act (48 U.S.C.
10 2121(b)(1)) is terminated and all duties and respon-
11 sibilities assigned to the Oversight Board shall re-
12 turn to the State of Puerto Rico, the Commonwealth
13 of Puerto Rico, or the nation of Puerto Rico, as the
14 case may be; and

15 (3) all funds, property, and assets of the board
16 described in paragraph (2) shall be transferred to
17 the State of Puerto Rico, the Commonwealth of
18 Puerto Rico, or the nation of Puerto Rico, as the
19 case may be.

20 **SEC. 10. SEVERABILITY.**

21 If any provision of this Act, or any section, sub-
22 section, sentence, clause, phrase, or individual word, or the
23 application thereof to any person or circumstance is held
24 invalid by a court of jurisdiction, the validity of the re-
25 mainder of the Act and of the application of any such pro-

1 vision, section, subsection, sentence, clause, phrase, or in-
2 dividual word to other persons and circumstances shall not
3 be affected thereby.

4 **TITLE I—TRANSITION AND IM-**
5 **PLEMENTATION—INDEPEND-**
6 **ENCE**

7 **SEC. 101. CONSTITUTIONAL CONVENTION.**

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

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

17 (c) GENERAL APPLICABILITY OF ELECTORAL
18 LAW.—The laws of the Commonwealth of Puerto Rico re-
19 lating to the electoral process shall apply to a special elec-
20 tion held under this Act.

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

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

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

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

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

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

12 (3) the rights of the accused;

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

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

19 **SEC. 103. SUBMISSION; RATIFICATION.**

20 (a) SUBMISSION.—Not later than 1 year after the es-
21 tablishment of the constitutional Convention, the Con-
22 stitution formulated and drafted by the constitutional
23 Convention shall be submitted to the eligible voters of
24 Puerto Rico for ratification or rejection in a special elec-
25 tion.

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

4 **SEC. 104. ELECTION OF OFFICERS.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 ratification of the Constitution under section 103, the
7 Governor of the Commonwealth of Puerto Rico shall issue
8 a proclamation calling for the election of such officers of
9 the nation of Puerto Rico as may be required by the rati-
10 fied Constitution.

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

- 15 (1) “the special election” for “a plebiscite”; and
16 (2) “rejecting of the Constitution” for “in favor
17 of independence”.

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

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

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

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

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

12 (a) REVIEW.—Not later than 30 days after the initial
13 meeting of a constitutional Convention under section
14 101(d), the President shall initiate a review of Federal law
15 with respect to Puerto Rico, including those regarding—

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

22 (b) RECOMMENDATIONS.—Not later than 1 year
23 after the date on which the President initiates a review
24 under subsection (a), the President shall submit rec-
25 ommendations to Congress for changes to Federal law

1 identified during such review, as the President deems ap-
2 propriate.

3 **SEC. 106. JOINT TRANSITION COMMISSION.**

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

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

16 (c) COLLABORATION.—The Government of the Com-
17 monwealth of Puerto Rico and the agencies of the Govern-
18 ment of the United States shall collaborate with the Joint
19 Transition Commission and subsequently the officers of
20 the nation of Puerto Rico, to provide for the orderly trans-
21 fer of the functions under subsection (b).

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

24 (a) PROCLAMATION.—Not later than 30 days after
25 the official certification of the elected officers of the nation

1 of Puerto Rico under section 104(d), the President of the
2 United States shall by proclamation—

3 (1) withdraw and surrender all rights of posses-
4 sion, supervision, jurisdiction, control, or sovereignty
5 then existing and exercised by the United States
6 over the territory and residents of Puerto Rico;

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

12 (3) state that the effective date of withdrawal
13 of the sovereignty of the United States and recogni-
14 tion of independence shall be the same as the date
15 of the proclamation.

16 (b) COPY OF PROCLAMATION FORWARDED.—The
17 President of the United States shall forward a copy of the
18 proclamation issued under subsection (a) not later than
19 1 week after signature to the presiding officer of the Con-
20 stitutional Convention of Puerto Rico, the officer elected
21 as head of state of the nation, the President pro tempore
22 of the United States Senate, the Speaker of the United
23 States House of Representatives, the Senate Committee
24 on Energy and Natural Resources, and the House Com-
25 mittee on Natural Resources.

1 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not
2 later than 1 week after the date of receipt of the Presi-
3 dential proclamation and with the advice of the officer
4 elected as Head of State of the nation, the presiding offi-
5 cer of the constitutional Convention shall determine the
6 date on which the Government of the nation shall take
7 office, and shall so notify the Governor of the Common-
8 wealth of Puerto Rico, the President of the United States,
9 the President pro tempore of the United States Senate,
10 and the Speaker of the United States House of Represent-
11 atives.

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

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

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

1 (2) except as provided in section 110, all laws
2 of the United States applicable to the Common-
3 wealth of Puerto Rico immediately prior to the proc-
4 lamation of Independence shall no longer apply in
5 the nation of Puerto Rico.

6 **SEC. 109. JUDICIAL PRONOUNCEMENTS.**

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

13 (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All
14 judicial proceedings pending in the courts of the Common-
15 wealth of Puerto Rico on the day of the proclamation of
16 independence shall be continued in the corresponding
17 courts under the Constitution of the nation of Puerto
18 Rico.

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

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

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

16 (a) IN GENERAL.—

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

22 (2) UNITED STATES IMMIGRATION LAWS.—Ex-
23 cept as described in this section, after the effective
24 date of independence citizens of Puerto Rico seeking
25 to enter into the United States or obtain citizenship

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

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

12 (c) CITIZENSHIP AT BIRTH AFTER INDEPEND-
13 ENCE.—An individual born in Puerto Rico after the effec-
14 tive date of independence to at least 1 parent who became
15 a United States citizen under section 302 of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1402) is not a United
17 States citizen at birth under subsection (c), (d), or (g)
18 of section 301 of the Immigration and Nationality Act (8
19 U.S.C. 1401(c), (d), or (g)).

20 (d) TRAVEL AND WORK AUTHORIZATION.—

21 (1) NONIMMIGRANT RESIDENCE.—Any person
22 in the following categories may enter, lawfully en-
23 gage in occupations, and establish residence as a
24 nonimmigrant in the United States and its terri-
25 tories and possessions without regard to paragraphs

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

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

7 (B) a naturalized citizen of Puerto Rico,
8 who has been an actual resident there for not
9 less than 5 years after attaining such natu-
10 ralization and who holds a proof of such resi-
11 dence.

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

15 (2) LIMITATION.—The right of such persons to
16 establish habitual residence in a territory or posses-
17 sion of the United States may, however, be subjected
18 to nondiscriminatory limitations provided for—

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

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

24 (3) TERMINATION.—This subsection shall ex-
25 pire 25 years after the date of independence.

1 (e) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

24 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

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

7 (2) ANNUAL AGGREGATE FUNDING.—During
8 the 10 fiscal years following the proclamation of
9 independence, the annual block grants shall amount
10 to the annual aggregate funding of all programs
11 which currently extend to the Commonwealth of
12 Puerto Rico, or of all programs which shall have
13 been extended to the Commonwealth of Puerto Rico
14 during the fiscal year immediately prior to the pro-
15 clamation of independence, whichever shall be great-
16 er.

17 (3) DECREASE IN AMOUNT.—The annual block
18 grants shall decrease thereafter on a straight-line
19 basis, at the rate of 10 percent each year, beginning
20 on the eleventh fiscal year after the proclamation of
21 independence. At any time during the aforemen-
22 tioned transition period the terms of this subsection
23 may be modified by agreement between the United
24 States and the nation of Puerto Rico.

1 **TITLE II—TRANSITION AND IM-**
2 **PLEMENTATION—COMMON-**
3 **WEALTH (ESTADO LIBRE**
4 **ASOCIADO)**

5 **SEC. 201. UNITED STATES-PUERTO RICO COMMONWEALTH**
6 **DEVELOPMENT COMMISSION.**

7 (a) IN GENERAL.—If a plebiscite conducted under
8 this Act results in a majority vote for the Commonwealth-
9 Estado Libre Asociado status option, there shall be estab-
10 lished, in accordance with this section, a commission, to
11 be known as the “United States-Puerto Rico Common-
12 wealth Development Commission”, which shall examine,
13 propose, and negotiate reforms to the Commonwealth-
14 Estado Libre Asociado.

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

18 (1) 6 appointed by the political party or organi-
19 zation that advocates for Commonwealth in the pleb-
20 iscite;

21 (2) 2 members of the United States Senate, 1
22 appointed by the Majority Leader and 1 appointed
23 by the Minority Leader;

1 (3) 2 members of the House of Representatives,
2 1 appointed by the Speaker and 1 appointed by the
3 Minority Leader; and

4 (4) 2 members appointed by the President of
5 the United States.

6 (c) INITIAL MEETING.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date on which the members of the United
9 States-Puerto Rico Commonwealth Development
10 Commission are appointed under subsection (b), the
11 United States-Puerto Rico Commonwealth Develop-
12 ment Commission shall hold a meeting at such time
13 and such place as the members of the United States-
14 Puerto Rico Commonwealth Development Commis-
15 sion determine to be appropriate.

16 (2) ESTABLISHMENT.—The initial meeting
17 under paragraph (1) shall be considered to be the
18 establishment of the United States-Puerto Rico
19 Commonwealth Development Commission.

20 (d) DUTIES.—The United States-Puerto Rico Com-
21 monwealth Development Commission shall propose re-
22 forms to the Commonwealth-Estado Libre Asociado status
23 not later than 2 years after the date of the initial meeting
24 of the United States-Puerto Rico Commonwealth Develop-
25 ment Commission.

1 (e) COLLABORATION.—The Commonwealth govern-
2 ment and Federal agencies shall collaborate with the
3 United States-Puerto Rico Commonwealth Development
4 Commission in carrying out the duties of the United
5 States-Puerto Rico Commonwealth Development Commis-
6 sion under this title.

7 (f) TERMINATION.—The Commission shall operate
8 for a period no longer than 5 years or until a majority
9 of its members agree to its termination.

10 **SEC. 202. APPROVAL; EFFECTIVE DATE.**

11 Any reform, including a new compact agreement, or
12 a set of reforms between the Federal Government and the
13 Commonwealth government proposed by the United
14 States-Puerto Rico Commonwealth Development Commis-
15 sion under section 201 shall take effect on the date of
16 approval of the proposed reform—

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

19 (A) not later than 180 days after the date
20 on which the United States-Puerto Rico Com-
21 monwealth Development Commission releases
22 the proposed reform; and

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

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

3 **TITLE III—TRANSITION AND**
4 **IMPLEMENTATION—STATEHOOD**

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

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

9 (1) upon receipt of the Elections Commission’s
10 certification of the plebiscite results pursuant to sec-
11 tion 5(d), the President shall issue a proclamation
12 declaring the date that Puerto Rico is admitted as
13 a State of the Union on an equal footing with all
14 other States, which shall be a date not later than 1
15 year after the effective date of the plebiscite results;

16 (2) the President shall cause such proclamation
17 to be submitted to the Governor of Puerto Rico, the
18 legislature of Puerto Rico, the President pro tem-
19 pore of the United States Senate, the Speaker of the
20 United States House of Representatives, the Senate
21 Committee on Energy and Natural Resources, and
22 the House Committee on Natural Resources;

23 (3) subject to the provisions of this Act, and
24 upon the date declared by the President for admis-
25 sion of Puerto Rico as a State under the proclama-

1 tion under paragraph (1), the Commonwealth of
2 Puerto Rico shall be a State of the United States of
3 America and as such admitted into the Union on an
4 equal footing with the other States in all respects.
5 Upon admission, Puerto Rico shall be known as the
6 State of Puerto Rico; and

7 (4) Puerto Rico shall remain unincorporated
8 until its admission as a State of the Union under
9 paragraph (3).

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

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

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

22 (b) RECOMMENDATIONS.—Not later than 1 year
23 after the date on which the President initiates a review
24 under subsection (a), the President shall submit any rec-
25 ommendations to Congress for changes to Federal law

1 identified during such review, as the President deems ap-
2 propriate.

3 **SEC. 303. TERRITORY AND BOUNDARIES.**

4 The State of Puerto Rico shall consist of all of the
5 islands, together with their appurtenant reefs, seafloor,
6 submerged lands, and territorial waters in the seaward
7 boundary, presently under the jurisdiction of the Common-
8 wealth of Puerto Rico.

9 **SEC. 304. CONSTITUTION.**

10 (a) IN GENERAL.—The Constitution of the Common-
11 wealth of Puerto Rico, as approved by Public Law 82–
12 447 and subsequently amended as of the date of enact-
13 ment of this Act is hereby found to be republican in form
14 and in conformity with the Constitution of the United
15 States and the principles of the Declaration of Independ-
16 ence, and is hereby accepted, ratified, and confirmed as
17 the Constitution of the State of Puerto Rico.

18 (b) FUTURE CONSTITUTIONS.—The Constitution of
19 the State of Puerto Rico—

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

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

1 **SEC. 305. ELECTIONS OF SENATORS AND REPRESENTA-**
2 **TIVES, CERTIFICATION, AND LEGAL DIS-**
3 **PUTES.**

4 (a) ELECTIONS OF SENATORS AND REPRESENTA-
5 TIVES.—Not more than 1 month after the proclamation
6 under section 301, the Governor of Puerto Rico shall issue
7 a declaration that shall designate and announce the dates
8 and other requirements for primary and general elections
9 under applicable Federal and local law for representation
10 in the Senate and the House of Representatives of the
11 United States upon admission of Puerto Rico as a State.

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

16 (c) SENATORS AND REPRESENTATIVES.—

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

24 (2) FIRST ELECTION OF SENATORS.—In the
25 first election of Senators, the 2 senatorial offices
26 shall be separately identified and designated, and no

1 person may be a candidate for both offices. Nothing
2 in this section shall impair the privilege of the Sen-
3 ate to determine the class and term to which each
4 of the Senators elected shall be assigned, with the
5 exception that the Senators shall not be in the same
6 class.

7 (3) FIRST ELECTION OF REPRESENTATIVES.—
8 In the first election of Representatives, and subse-
9 quent elections until the next Census-based reappor-
10 tionment cycle, the State of Puerto Rico shall be en-
11 titled to the same number of Representatives as the
12 State whose most recent Census population was clos-
13 est to, but less than, that of Puerto Rico, and such
14 Representatives shall be in addition to the member-
15 ship of the House of Representatives as now pre-
16 scribed by law. Any such increase in the membership
17 shall not operate to either increase or decrease the
18 permanent membership of the House of Representa-
19 tives as prescribed in the Act of August 8, 1911 (37
20 Stat. 13), nor shall such temporary increase affect
21 the basis of apportionment established by the Act of
22 November 15, 1941 (55 Stat. 761), for the 83d Con-
23 gress and each Congress thereafter, unless Congress
24 acts to increase the total number of Members of the
25 House of Representatives. Thereafter, the State of

1 Puerto Rico shall be entitled to such number of Rep-
2 resentatives as provided for by applicable law based
3 on the next reapportionment. The apportionment of
4 congressional districts for the first election and sub-
5 sequent election of Representatives shall be con-
6 ducted as provided for by the Constitution and laws
7 of the State of Puerto Rico for State legislative dis-
8 tricts.

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

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

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

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

8 (b) FEDERAL TITLE.—Any lands and other prop-
9 erties that, as of the date of admission of Puerto Rico
10 into the Union, are set aside pursuant to law for the use
11 of the United States under any of the following shall re-
12 main the property of the United States:

13 (1) Act of Congress.

14 (2) Executive order.

15 (3) Proclamation of the President.

16 (4) Proclamation of the Governor of the Com-
17 monwealth of Puerto Rico.

18 (c) CONTINENTAL SHELF.—The State of Puerto Rico
19 shall have the exclusive right to explore, exploit, lease, pos-
20 sess, and use all seabed, natural, and mineral resources
21 lying within 3 marine leagues (9 nautical miles) from its
22 shore, as granted under section 8 of the Act of March 2,
23 1917 (48 U.S.C. 749; 39 Stat. 954). All other rights of
24 sovereignty in regards to the continental shelf and waters,
25 shall belong to the United States, except those already
26 vested in Puerto Rico.

1 **SEC. 307. CONTINUITY OF LAWS, GOVERNMENT, AND OBLI-**
2 **GATIONS.**

3 Upon the admission of the State of Puerto Rico into
4 the Union—

5 (1) all of the territorial laws in force in Puerto
6 Rico on the date of issuance of the proclamation de-
7 scribed in section 301(1) not inconsistent with this
8 Act or the Constitution of the State of Puerto Rico
9 shall be and continue in force and effect throughout
10 the State, until amended, modified, or repealed by
11 the State. All of the laws of the United States shall
12 have the same force and effect within the State as
13 in the other several States;

14 (2) the individuals holding legislative, executive,
15 and judicial offices of Puerto Rico shall continue to
16 discharge the duties of their respective offices when
17 Puerto Rico becomes a State of the Union in, under,
18 or by authority of the government of the State, as
19 provided by the constitution and laws of the State;

20 (3) all contracts, obligations, liabilities, debts,
21 and claims of the Commonwealth of Puerto Rico and
22 its instrumentalities at the moment of admission
23 shall continue in full force and effect as the con-
24 tracts, obligations, liabilities, debts, and claims of
25 the State of Puerto Rico and its instrumentalities

1 when Puerto Rico becomes a State of the Union;
2 and

3 (4) all laws of the United States reserving to
4 the United States the free use or enjoyment of prop-
5 erty which vests in or is conveyed to the State of
6 Puerto Rico or its political subdivisions pursuant to
7 this section or reserving the right to alter, amend,
8 or repeal laws relating thereto, shall cease to be ef-
9 fective.

10 **SEC. 308. JUDICIAL PRONOUNCEMENTS.**

11 (a) PENDING.—No writ, action, indictment, cause, or
12 proceeding pending in any court of the Commonwealth of
13 Puerto Rico, shall abate by reason of the admission of the
14 State of Puerto Rico into the Union, but shall proceed
15 within such appropriate State courts as shall be estab-
16 lished under the Constitution of the State of Puerto Rico,
17 or shall continue in the United States District Court for
18 the District of Puerto Rico, as the nature of the case may
19 require.

20 (b) NOT YET PENDING.—All civil causes of action
21 and all criminal offenses, which shall have arisen or been
22 committed before the admission of the State, but as to
23 which no writ, action, indictment, or proceeding shall be
24 pending at the date of such admission, shall be subject
25 to prosecution in the appropriate State courts or in the

1 United States District Court for the District of Puerto
2 Rico in like manner, to the same extent, and with like
3 right of appellate review, as if such State had been created
4 and such State courts had been established prior to the
5 accrual of such causes of action or the commission of such
6 offenses. The admission of the State shall effect no change
7 in the procedural or substantive laws governing causes of
8 action and criminal offenses which shall have arisen or
9 been committed, and any such criminal offenses as shall
10 have been committed against the laws of the Common-
11 wealth of Puerto Rico, shall be tried and punished by the
12 appropriate courts of the State, and any such criminal of-
13 fenses as shall have been committed against the laws of
14 the United States shall be tried and punished in the
15 United States District Court for the District of Puerto
16 Rico.

17 (c) APPEALS.—Parties shall have the same rights of
18 judicial review of final decisions of the United States Dis-
19 trict Court for the District of Puerto Rico or the Supreme
20 Court of Puerto Rico, in any case finally decided prior to
21 the admission of the State of Puerto Rico into the Union,
22 whether or not an appeal therefrom shall have been per-
23 fected prior to such admission. The United States Court
24 of Appeals for the First Circuit and the Supreme Court
25 of the United States, shall have the same jurisdiction in

1 such cases as by law provided prior to the admission of
2 the State into the Union. Any mandate issued subsequent
3 to the admission of the State, shall be to the United States
4 District Court for the District of Puerto Rico or a court
5 of the State, as appropriate. Parties shall have the same
6 rights of appeal from and appellate review of all orders,
7 judgments, and decrees of the United States District
8 Court for the District of Puerto Rico and of the Supreme
9 Court of Puerto Rico, in any case pending at the time
10 of admission of the State into the Union, and the Supreme
11 Court of Puerto Rico and the Supreme Court of the
12 United States shall have the same jurisdiction therein, as
13 by law provided in any case arising subsequent to the ad-
14 mission of the State into the Union.

15 **TITLE IV—TRANSITION AND IM-**
16 **PLEMENTATION—SOV-**
17 **EREIGNTY IN FREE ASSOCIA-**
18 **TION WITH THE UNITED**
19 **STATES**

20 **SEC. 401. CONSTITUTIONAL CONVENTION.**

21 (a) **ELECTION OF DELEGATES.**—Not later than 6
22 months after the effective date of certification of a plebi-
23 scite result under this Act in favor of Sovereignty in Free
24 Association with the United States, the legislature of
25 Puerto Rico shall provide for the election of delegates to

1 a constitutional Convention to formulate and draft a Con-
2 stitution for the nation of Puerto Rico.

3 (b) ELIGIBLE VOTERS.—All eligible voters may vote
4 in the election of delegates to the constitutional Conven-
5 tion.

6 (c) GENERAL APPLICABILITY OF ELECTORAL
7 LAW.—The laws of the Commonwealth of Puerto Rico re-
8 lating to the electoral process shall apply to a special elec-
9 tion held under this Act.

10 (d) INITIAL MEETING.—Not later than 3 months
11 after the election of delegates to the constitutional Con-
12 vention, the elected delegates shall meet at such time and
13 place as the legislature of Puerto Rico shall determine.
14 The initial meeting shall constitute the establishment of
15 the constitutional Convention.

16 **SEC. 402. CHARACTER OF THE CONSTITUTION.**

17 The constitutional Convention under section 401
18 shall formulate and draft a Constitution for Puerto Rico
19 that guarantees the protection of fundamental human
20 rights, including—

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

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

25 (3) the rights of the accused;

1 (4) any other economic, social, and cultural
2 rights as the constitutional Convention may deem
3 appropriate and 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. 403. SUBMISSION; RATIFICATION.**

8 (a) SUBMISSION.—Not later than 2 years after the
9 establishment of the constitutional Convention, the Con-
10 stitution formulated and drafted by the constitutional
11 Convention shall be submitted to the eligible voters of
12 Puerto Rico for ratification or rejection in a special elec-
13 tion.

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

17 **SEC. 404. ELECTION OF OFFICERS.**

18 (a) IN GENERAL.—Not later than one month after
19 the ratification of the Constitution under section 403, the
20 Governor of the Commonwealth of Puerto Rico shall issue
21 a proclamation calling for the election of such officers of
22 the nation of Puerto Rico as may be required by the rati-
23 fied Constitution.

24 (b) REJECTION.—If the special election results in re-
25 jection of the Constitution, the process provided for in sec-

1 tions 401 through 403 shall be repeated, except that sec-
2 tion 401(a) shall be applied by substituting—

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

4 (2) “rejecting the Constitution” for “in favor of
5 sovereignty in free association with the United
6 States”.

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

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

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

14 (d) CERTIFICATION OF RESULTS.—Not later than 10
15 days after the election of officers under subsection (a), the
16 Elections Commission shall certify the results of the elec-
17 tion. The Governor of the Commonwealth of Puerto Rico
18 shall inform the results of the election to the President
19 of the United States, the President pro tempore of the
20 United States Senate, the Speaker of the United States
21 House of Representatives, the Committee on Energy and
22 Natural Resources of the Senate, and the Committee on
23 Natural Resources of the House of Representatives.

1 **SEC. 405. PROCLAMATIONS BY PRESIDENT OF THE UNITED**
2 **STATES; HEAD OF STATE OF PUERTO RICO.**

3 (a) PROCLAMATION.—Not later than one month after
4 the official certification of the elected officers of the nation
5 of Puerto Rico under section 404, the President of the
6 United States shall by proclamation—

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

12 (2) recognize, on behalf of the United States of
13 America, the international sovereignty through free
14 association of the nation of Puerto Rico and the au-
15 thority of the government instituted by eligible vot-
16 ers of Puerto Rico under the Constitution of their
17 own adoption; and

18 (3) state that the effective date of withdrawal
19 of the sovereignty of the United States and recogni-
20 tion of international sovereignty through free asso-
21 ciation shall be the same as the date of the procla-
22 mation.

23 (b) COPY OF PROCLAMATION FORWARDED.—The
24 President of the United States shall forward a copy of the
25 proclamation issued under subsection (a) not later than
26 one week after signature to the presiding officer of the

1 Constitutional Convention of Puerto Rico, the officer elect-
2 ed as head of state of the nation, the President pro tem-
3 pore of the United States Senate, the Speaker of the
4 United States House of Representatives, the Senate Com-
5 mittee on Energy and Natural Resources, and the House
6 Committee on Natural Resources.

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

17 **SEC. 406. LEGAL AND CONSTITUTIONAL PROVISIONS.**

18 Upon the proclamation of international sovereignty
19 through free association as provided in this title, and ex-
20 cept as otherwise provided in this title or in any separate
21 agreements thereafter concluded between the United
22 States and the nation of Puerto Rico—

23 (1) all property, rights and interests which the
24 United States may have acquired over Puerto Rico
25 by virtue of the Treaty of Paris of 1898, and there-

1 after by cession, purchase, or eminent domain, with
2 the exception of such land and other property,
3 rights, or interests as may have been sold or other-
4 wise legally disposed of prior to the proclamation of
5 international sovereignty through free association,
6 shall vest ipso facto in the nation of Puerto Rico;
7 and

8 (2) except as provided in section 409, all laws
9 of the United States applicable to the Common-
10 wealth of Puerto Rico immediately prior to the proc-
11 lamation of international sovereignty through free
12 association shall no longer apply in the nation of
13 Puerto Rico.

14 **SEC. 407. JUDICIAL PRONOUNCEMENTS.**

15 (a) **JUDGMENTS BEFORE PROCLAMATION.**—The na-
16 tion of Puerto Rico shall recognize and give effect to all
17 orders and judgments rendered by United States or terri-
18 torial courts before the date of the proclamation of inter-
19 national sovereignty through free association pursuant to
20 the laws of the United States then applicable to the Com-
21 monwealth of Puerto Rico.

22 (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All
23 judicial proceedings pending in the courts of the Common-
24 wealth of Puerto Rico on the day of the proclamation of
25 international sovereignty through free association shall be

1 continued in the corresponding courts under the Constitu-
2 tion of the nation of Puerto Rico.

3 (c) TRANSFER OF JUDICIAL POWER.—Upon the
4 proclamation of international sovereignty through free as-
5 sociation, the judicial power of the United States shall no
6 longer extend to Puerto Rico. All proceedings pending in
7 the United States District Court for the District of Puerto
8 Rico shall be transferred to the corresponding Puerto
9 Rican courts of competence or other competent judicial
10 authority under the Constitution of the nation of Puerto
11 Rico for disposition in conformity with laws applicable at
12 the time when the controversy in process arose. All pro-
13 ceedings pending in the United States Court of Appeals
14 for the First Circuit, or in the Supreme Court of the
15 United States, that initiated in, or that could have been
16 initiated in, the courts of the territory or in the United
17 States District Court for the District of Puerto Rico shall
18 continue until their final disposition and shall be sub-
19 mitted to the competent authority of the nation of Puerto
20 Rico for proper execution: *Provided*, That neither the
21 United States nor any of its officers is a party, in which
22 case any final judgment shall be properly executed by the
23 competent authority of the United States.

1 **SEC. 408. CITIZENSHIP AND IMMIGRATION LAWS AFTER**
2 **SOVEREIGNTY THROUGH FREE ASSOCIATION.**

3 (a) IN GENERAL.—

4 (1) PUERTO RICAN NATIONALITY.—After the
5 proclamation of international sovereignty through
6 free association, the citizenship status of each indi-
7 vidual born in Puerto Rico shall be determined in
8 accordance with the Constitution and laws of the na-
9 tion of Puerto Rico.

10 (2) UNITED STATES IMMIGRATION LAWS.—Ex-
11 cept as described in this section, after the proclama-
12 tion of international sovereignty through free asso-
13 ciation, citizens of Puerto Rico seeking to enter into
14 the United States or obtain citizenship in the United
15 States shall be subject to the immigration laws of
16 the United States (as such term is defined in section
17 101 of the Immigration and Nationality Act (8
18 U.S.C. 1101)).

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

26 (c) CITIZENSHIP AT BIRTH AFTER SOVEREIGNTY.—

1 (1) IN GENERAL.—Except as described in para-
2 graph (2), an individual born in Puerto Rico after
3 the proclamation of international sovereignty
4 through free association to at least one parent who
5 became a United States citizen under section 302 of
6 the Immigration and Nationality Act (8 U.S.C.
7 1402) is not a United States citizen at birth under
8 subsection (e), (d), or (g) of section 301 of the Im-
9 migration and Nationality Act (8 U.S.C. 1401 (e),
10 (d) or (g)).

11 (2) TRANSITION PERIOD.—During the imple-
12 mentation of the first Articles of Free Association,
13 an individual born in Puerto Rico to at least one
14 parent who is a citizen of the United States shall be
15 a United States citizen at birth under section 301
16 of the Immigration and Nationality Act (8 U.S.C.
17 1401) if otherwise eligible.

18 (d) TRAVEL AND WORK AUTHORIZATION.—

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

1 (A) a person who acquires the citizenship
2 of Puerto Rico, at birth, on or after the effec-
3 tive date of international sovereignty through
4 free association; or

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

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

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

17 (A) in statutes or regulations of the United
18 States; or

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

22 (3) This subsection shall expire upon the termi-
23 nation of the Articles of Free Association in accord-
24 ance with section 411.

25 (e) CONFORMING AMENDMENTS.—

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

5 (2) PRIOR TO SOVEREIGNTY.—Puerto Rico
6 shall be considered to be in the United States, as
7 such term is defined in section 101(a)(38) of the
8 Immigration and Nationality Act (8 U.S.C.
9 1101(a)(38)) prior to the date of international sov-
10 ereignty through free association.

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

15 **SEC. 409. CONFORMING AMENDMENTS TO EXISTING LAW.**

16 (a) REVIEW.—Not later than 30 days after the initial
17 meeting of a constitutional Convention under section
18 401(d), the President shall initiate a review of Federal law
19 with respect to Puerto Rico, including those regarding—

20 (1) taxation of persons and businesses;

21 (2) health care;

22 (3) housing;

23 (4) transportation;

24 (5) education; and

25 (6) entitlement programs.

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

7 **SEC. 410. BILATERAL NEGOTIATING COMMISSION.**

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

13 (b) MEMBERS.—Not later than 3 months after the
14 establishment of the constitutional Convention under sec-
15 tion 401—

16 (1) the Convention shall elect, by majority vote,
17 5 members from among its delegates to join the Bi-
18 lateral Negotiating Commission on behalf of Puerto
19 Rico; and

20 (2) the President of the United States shall
21 designate 5 members to the Bilateral Negotiating
22 Commission, one of whom shall also be nominated
23 for the rank of Ambassador, to negotiate on behalf
24 of the United States.

1 (c) INITIAL MEETING.—Not later than 3 months
2 after the election and designation of members to the Bilat-
3 eral Negotiating Commission, members shall meet at such
4 time and place as the legislature of Puerto Rico shall de-
5 termine. Such meeting shall constitute the establishment
6 of the Bilateral Negotiating Commission.

7 (d) DUTIES.—The Bilateral Negotiating Commission
8 shall—

9 (1) be responsible for expediting the orderly
10 transfer of all functions currently exercised by the
11 Government of the United States in Puerto Rico, to
12 Puerto Rico, and shall recommend to Congress any
13 appropriate legislation to carry into effect such
14 transfer, including any appropriate enabling legisla-
15 tion as may be required by the Articles of Free As-
16 sociation;

17 (2) negotiate all matters pertaining to the gov-
18 ernment-to-government relationship between Puerto
19 Rico and the United States through the development
20 of the Articles of Free Association, including foreign
21 affairs, trade, finance, taxation, currency, economic
22 assistance, security and defense, dispute resolution,
23 immigration, economic benefits (including grants),
24 and termination of the free association status; and

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

4 (e) COLLABORATION.—The Government of the Com-
5 monwealth of Puerto Rico and the agencies of the Govern-
6 ment of the United States shall collaborate with the Bilat-
7 eral Negotiating Commission to provide for the orderly
8 transfer of the functions of government as required by the
9 Articles of Free Association.

10 **SEC. 411. ARTICLES OF FREE ASSOCIATION APPROVAL AND**
11 **EFFECTIVE DATE.**

12 (a) APPROVAL.—The Articles of Free Association
13 shall come into effect upon mutual agreement between the
14 Government of the United States and the Government of
15 Puerto Rico after completion of approval by—

16 (1) a separate ratification vote on the Articles
17 by the eligible voters in the special election held
18 under section 403; and

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

21 (b) REJECTION.—If the special election under sub-
22 section (a)(1) results in rejection of the Articles of Free
23 Association, the process provided for in section 410 and
24 subsection (a) shall be repeated.

1 **SEC. 412. TERMINATION.**

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

5 **SEC. 413. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**
6 **AND GRANTS.**

7 (a) **RIGHTS AND BENEFITS.**—All vested rights and
8 benefits which accrue to residents of the Commonwealth
9 of Puerto Rico under the laws of the United States from
10 past services or contributions, such as rights and benefits
11 for veterans or relatives of veterans of the Armed Forces
12 of the United States, retired Government employees, or
13 beneficiaries of old age, disability, or survivors' insurance
14 benefits under the Social Security Act, shall not be inter-
15 rupted after the proclamation of international sovereignty
16 through free association but will continue until such time
17 as said rights and benefits are completely extinguished ac-
18 cording to the applicable laws of the United States. All
19 services which must be rendered as part of these rights
20 and benefits shall be made available through the Govern-
21 ment of the nation of Puerto Rico in accordance with
22 agreements reached by the two nations.

23 (b) **SOCIAL SECURITY SYSTEM.**—Notwithstanding
24 subsection (a), all contributions made by employees and
25 employers in Puerto Rico to the Social Security system
26 with respect to persons who, upon the proclamation of

1 international sovereignty through free association, are
2 residents of the nation of Puerto Rico and are not yet eli-
3 gible for old age, disability, or survivors' insurance bene-
4 fits under the system, shall be transferred to the Govern-
5 ment of the nation of Puerto Rico once said Government
6 establishes its own social security system. The Govern-
7 ment of the nation of Puerto Rico may not use these funds
8 for any purpose other than the establishment and oper-
9 ation of a social security system. Upon the transfer de-
10 scribed herein, the obligations of the United States Gov-
11 ernment under the Social Security Act with respect to
12 such residents of the nation of Puerto Rico shall cease.

13 (c) OTHER FEDERAL TRANSFER PAYMENTS.—All
14 other Federal transfer payments to individuals and to the
15 Government of the Commonwealth of Puerto Rico shall
16 be maintained in the form of annual block grants to be
17 used discretionally by the Government of the nation of
18 Puerto Rico—

19 (1) during the 10 fiscal years following the
20 proclamation of international sovereignty through
21 free association, the annual block grants shall
22 amount to the annual aggregate funding of all pro-
23 grams which currently extend to the Commonwealth
24 of Puerto Rico, or of all programs which shall have
25 been extended to the Commonwealth of Puerto Rico

1 during the fiscal year immediately prior to the pro-
2 clamation of international sovereignty through free
3 association, whichever shall be greater; and

4 (2) the annual block grants shall decrease
5 thereafter on a straight-line basis, at the rate of ten
6 percent each year, beginning on the eleventh fiscal
7 year after the proclamation of international sov-
8 ereignty through free association. At any time dur-
9 ing the aforementioned transition period the terms
10 of this subsection may be modified by agreement be-
11 tween the United States and the nation of Puerto
12 Rico.

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

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