

118TH CONGRESS  
1ST SESSION

# S. 3231

To enable the people of Puerto Rico to choose a permanent, nonterritorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of that permanent, nonterritorial, fully self-governing political status, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2023

Mr. HEINRICH (for himself, Ms. CORTEZ MASTO, Mr. PADILLA, Mr. WYDEN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. SCHATZ, Mr. FETTERMAN, Mr. MARKEY, Mr. MERKLEY, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. REED, Mr. HICKENLOOPER, Mr. LUJÁN, Mr. CASEY, Mrs. MURRAY, Mr. SANDERS, Mr. BENNET, Mr. VAN HOLLEN, and Mr. BOOKER) 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 Puerto Rico to choose a permanent, nonterritorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of that permanent, nonterritorial, fully self-governing political status, 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.**

4 This Act may be cited as the “Puerto Rico Status  
5 Act”.

**1 SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Definitions.
- Sec. 5. Plebiscite.
- Sec. 6. Nonpartisan voter education campaign.
- Sec. 7. Oversight.
- Sec. 8. Funds for voter education; plebiscites.
- Sec. 9. Bilingual voter educational materials and ballots.
- Sec. 10. Puerto Rico Oversight, Management, and Economic Stability Act.
- Sec. 11. 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—SOVEREIGNTY IN FREE ASSOCIATION WITH THE UNITED STATES**

- Sec. 201. Constitutional convention.
- Sec. 202. Character of the constitution.
- Sec. 203. Submission; ratification.
- Sec. 204. Election of officers.
- Sec. 205. Proclamations by President of the United States; Head of State of Puerto Rico.
- Sec. 206. Legal and constitutional provisions.
- Sec. 207. Judicial pronouncements.
- Sec. 208. Citizenship and immigration laws after sovereignty through free association.
- Sec. 209. Conforming amendments to existing law.
- Sec. 210. Bilateral Negotiating Commission.
- Sec. 211. Articles of Free Association approval and effective date.
- Sec. 212. Termination.
- Sec. 213. Individual rights to economic benefits and grants.

**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 disputes.

Sec. 306. State title to land and property.

Sec. 307. Continuity of laws, government, and obligations.

Sec. 308. Judicial pronouncements.

1 **SEC. 3. FINDINGS.**

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

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) BILATERAL NEGOTIATING COMMISSION.—

15 The term “Bilateral Negotiating Commission”  
 16 means the Bilateral Negotiating Commission estab-  
 17 lished under section 209(a).

18 (2) ELECTIONS COMMISSION.—The term “Elec-  
 19 tions Commission” means the Puerto Rico State  
 20 Elections Commission (Comisión Estatal de  
 21 Elecciones de Puerto Rico, in Spanish).

22 (3) ELIGIBLE VOTERS.—The term “eligible vot-  
 23 ers” means bona fide residents of Puerto Rico who

1 are otherwise qualified to vote in general elections in  
2 Puerto Rico.

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

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

8 (6) RUNOFF PLEBISCITE.—The term “runoff  
9 plebiscite” means the plebiscite required by section  
10 5(a)(4).

11 **SEC. 5. PLEBISCITE.**

12 (a) IN GENERAL.—

13 (1) INITIAL PLEBISCITE.—A plebiscite to re-  
14 solve Puerto Rico’s political status shall be held on  
15 November 2, 2025.

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

20 (A) Independence.

21 (B) Sovereignty in Free Association with  
22 the United States.

23 (C) Statehood.

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

4           (4) RUNOFF PLEBISCITE.—If there is not a ma-  
5           jority in favor of one of the three options defined in  
6           this Act, then a runoff plebiscite shall be held on  
7           March 8, 2026, which shall offer eligible voters a  
8           choice of the two options that received the most  
9           votes in the plebiscite held under paragraph (1).

10          (b) BALLOT LANGUAGE.—A ballot for a plebiscite re-  
11         quired by subsection (a) shall include the following lan-  
12         guage, except that the ballot for the runoff plebiscite shall  
13         omit the option that received the fewest votes in the initial  
14         plebiscite:

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

19                 (2) INDEPENDENCE.—If you agree, mark here  
20                 \_\_\_\_\_.

21                         (A) Puerto Rico is a sovereign nation that  
22                         has full authority and responsibility over its ter-  
23                         ritory and population under a constitution of its  
24                         own adoption which shall be the supreme law of  
25                         the nation.

1 (B) Puerto Rico is vested with full powers  
2 and responsibilities consistent with the rights  
3 and responsibilities that devolve upon a sov-  
4 ereign nation under international law, including  
5 its own fiscal and monetary policy, immigration,  
6 trade, and the conduct in its own name and  
7 right of relations with other nations and inter-  
8 national organizations.

9 (C) Puerto Rico has full authority and re-  
10 sponsibility over its citizenship and immigration  
11 laws, and birth in Puerto Rico or relationship  
12 to persons with statutory United States citizen-  
13 ship by birth in the former territory shall cease  
14 to be a basis for United States nationality or  
15 citizenship, except that persons who have such  
16 United States citizenship have a right to retain  
17 United States nationality and citizenship for  
18 life, by entitlement or election as provided by  
19 Federal law.

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

1 with any other United States citizen or United  
 2 States business abroad) and to Puerto Rican  
 3 tax laws. Puerto Rico's status as an inde-  
 4 pendent, sovereign nation will be the controlling  
 5 factor in the taxation of Puerto Rican tax-  
 6 payers.

7 (E) The Constitution and laws of the  
 8 United States no longer apply in Puerto Rico  
 9 and United States sovereignty in Puerto Rico is  
 10 ended.

11 (3) SOVEREIGNTY IN FREE ASSOCIATION WITH  
 12 THE UNITED STATES.—If you agree, mark here  
 13 \_\_\_\_\_.

14 (A) Puerto Rico is a sovereign nation that  
 15 has full authority and responsibility over its ter-  
 16 ritory and population under a constitution of its  
 17 own adoption which shall be the supreme law of  
 18 the nation.

19 (B) Puerto Rico is vested with full powers  
 20 and responsibilities consistent with the rights  
 21 and responsibilities that devolve upon a sov-  
 22 eraign nation under international law, including  
 23 its own fiscal and monetary policy, immigration,  
 24 trade, and the conduct in its own name and  
 25 right of relations with other nations and inter-

1 national organizations, except as otherwise pro-  
2 vided for in the Articles of Free Association to  
3 be negotiated by Puerto Rico and the United  
4 States.

5 (C) Puerto Rico has full authority and re-  
6 sponsibility over its citizenship and immigration  
7 laws, and persons who have United States citi-  
8 zenship have a right to retain United States na-  
9 tionality and citizenship for life by entitlement  
10 or election as provided by Federal law.

11 (D) Birth in Puerto Rico shall cease to be  
12 a basis for United States nationality or citizen-  
13 ship. Individuals born in Puerto Rico to at least  
14 one parent who is a citizen of the United States  
15 shall be United States citizens at birth, con-  
16 sistent with the immigration laws of the United  
17 States, for the duration of the first agreement  
18 of the Articles of Free Association.

19 (E) Puerto Rico enters into Articles of  
20 Free Association with the United States, with  
21 such devolution and reservation of governmental  
22 functions and other bilateral arrangements as  
23 may be agreed to by both Parties under the Ar-  
24 ticles, which shall be terminable at will by ei-



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

3 (F) Puerto Rico will no longer be a posses-  
4 sion of the United States for purposes of the  
5 Internal Revenue Code. In general, United  
6 States citizens and United States businesses in  
7 the nation of Puerto Rico will be subject to  
8 United States Federal tax laws (as is the case  
9 with any other United States citizen or United  
10 States business abroad) and to Puerto Rican  
11 tax laws. Puerto Rico's status as an inde-  
12 pendent, sovereign nation will be the controlling  
13 factor in the taxation of Puerto Rican tax-  
14 payers. In addition, Puerto Rico will enter into  
15 an agreement with the United States to provide  
16 for "Sovereignty in Free Association" between  
17 the two nations. This agreement may modify  
18 the otherwise applicable tax rules, subject to ne-  
19 gotiation and ratification by the two nations.

20 (G) The Constitution of the United States  
21 no longer applies in Puerto Rico, the laws of  
22 the United States no longer apply in Puerto  
23 Rico except as otherwise provided in the Arti-  
24 cles of Free Association, and United States sov-  
25 ereignty in Puerto Rico is ended.

1 (H) All matters pertaining to the govern-  
 2 ment-to-government relationship between Puer-  
 3 to Rico and the United States, which may in-  
 4 clude foreign affairs, trade, finance, taxation,  
 5 currency, economic assistance, security and de-  
 6 fense, dispute resolution and termination, shall  
 7 be provided for in the Articles of Free Associa-  
 8 tion.

9 (4) STATEHOOD.—If you agree, mark here  
 10 \_\_\_\_\_.

11 (A) The State of Puerto Rico is admitted  
 12 into the Union on an equal footing with the  
 13 other States in all respects whatever and is a  
 14 part of the permanent union of the United  
 15 States of America, subject to the United States  
 16 Constitution, with powers not prohibited by the  
 17 Constitution to the States and reserved to the  
 18 State of Puerto Rico or to its residents.

19 (B) The residents of Puerto Rico are fully  
 20 self-governing with their rights secured under  
 21 the United States Constitution, which shall be  
 22 fully applicable in Puerto Rico and which, with  
 23 the laws and treaties of the United States, is  
 24 the supreme law and has the same force and ef-

1           fect in Puerto Rico as in the other States of the  
2           Union.

3           (C) United States citizenship of those born  
4           in Puerto Rico is recognized, protected, and se-  
5           cured under the United States Constitution in  
6           the same way such citizenship is for all United  
7           States citizens born in the other States.

8           (D) Puerto Rico will no longer be a posses-  
9           sion of the United States for purposes of the  
10          Internal Revenue Code. Instead, the State of  
11          Puerto Rico will become a State on equal foot-  
12          ing with each of the current 50 States in the  
13          United States of America. Individuals and busi-  
14          nesses resident in the State of Puerto Rico will  
15          be subject to United States Federal tax laws as  
16          well as applicable State tax laws.

17          (e) IMPLEMENTATION OF PLEBISCITE.—The plebi-  
18          scites authorized by this section shall be implemented by  
19          the Elections Commission, consistent with the laws of  
20          Puerto Rico and Federal law.

21          (d) RESULTS.—The Elections Commission shall in-  
22          form the President of the United States, the President pro  
23          tempore of the United States Senate, the Speaker of the  
24          United States House of Representatives, the Senate Com-

1 mittee on Energy and Natural Resources, and the House  
2 Committee on Natural Resources of—

3 (1) the results of the initial plebiscite not later  
4 than 30 calendar days after the initial plebiscite is  
5 held; and

6 (2) the results of the runoff plebiscite, if held,  
7 not later than 30 calendar days after the runoff  
8 plebiscite is held.

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

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

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

21 (b) VOTER EDUCATION MATERIALS.—At a min-  
22 imum, the voter education materials shall address for each  
23 option—

24 (1) international representation;

25 (2) citizenship and immigration; and

1           (3) access and treatment under Federal law  
2           and programs.

3 **SEC. 7. OVERSIGHT.**

4           (a) SUBMISSION OF MATERIALS.—Not later than 60  
5 days after the date of the enactment of this Act, the Elec-  
6 tions Commission shall submit the ballot design and voter  
7 education materials for the plebiscites authorized under  
8 this Act to the United States Attorney General for review  
9 and the Elections Commission shall make not more than  
10 one submission of the ballot design and voter education  
11 materials to the Attorney General for review.

12          (b) EFFECT OF FAILURE TO COMPLY.—If the Attor-  
13 ney General fails to comply with subsection (c) within the  
14 45-day period, the ballot design and voter education mate-  
15 rials shall be considered approved.

16          (c) REVIEW.—Not later than 45 days after receiving  
17 the ballot design and voter education materials under sub-  
18 section (a), the Attorney General shall review the ballot  
19 design and voter education materials to ensure consistency  
20 with this Act and to ensure that the three options defined  
21 in this Act are represented fairly, especially in the event  
22 that any of the three options are not represented on the  
23 Elections Commission by a member of a political party  
24 that supports such option, and—

1           (1) return the materials to the Elections Com-  
2 mission with comments and instructions for changes;  
3 or

4           (2) before the expiration of the 45-day period,  
5 inform the Elections Commission that no instruc-  
6 tions or requests for changes shall be made under  
7 paragraph (1), but that the Attorney General re-  
8 serves the right to submit instructions for changes  
9 in accordance with this section if additional informa-  
10 tion comes to the attention of the Attorney General  
11 during the remainder of the 45-day period.

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

17       (e) ELECTION OBSERVERS.—The Elections Commis-  
18 sion shall invite national and international election observ-  
19 ers to ensure transparency and confidence in the electoral  
20 process. Observers shall be present during the initial plebi-  
21 scite vote and during the runoff plebiscite vote.

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

23       (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated such sums as are necessary  
25 for the Elections Commission to carry out a nonpartisan

1 voter education campaign and an initial plebiscite and, if  
 2 necessary, a runoff plebiscite under this Act.

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

7 **SEC. 9. BILINGUAL VOTER EDUCATIONAL MATERIALS AND**  
 8 **BALLOTS.**

9 All voter educational materials and ballots used to  
 10 carry out this Act shall be made available in English and  
 11 Spanish.

12 **SEC. 10. PUERTO RICO OVERSIGHT, MANAGEMENT, AND**  
 13 **ECONOMIC STABILITY ACT.**

14 Upon the admission of the State of Puerto Rico into  
 15 the Union or on the date that the Government of the na-  
 16 tion of Puerto Rico initially takes office:

17 (1) IN GENERAL.—The Puerto Rico Oversight,  
 18 Management, and Economic Stability Act (48  
 19 U.S.C. 2101 et seq.) shall no longer apply to the  
 20 State of Puerto Rico or the nation of Puerto Rico,  
 21 as the case may be.

22 (2) OVERSIGHT BOARD.—The Financial Over-  
 23 sight and Management Board for Puerto Rico estab-  
 24 lished under section 101(b)(1) of the Puerto Rico  
 25 Oversight, Management, and Economic Stability Act

1 (48 U.S.C. 2121(b)(1)) is terminated and all duties  
2 and responsibilities assigned to the Oversight Board  
3 shall return to the State of Puerto Rico or the na-  
4 tion of Puerto Rico, as the case may be.

5 (3) TRANSFER.—All funds, property, and assets  
6 of the board described in subparagraph (B) shall be  
7 transferred to the State of Puerto Rico or the nation  
8 of Puerto Rico, as the case may be.

9 **SEC. 11. SEVERABILITY.**

10 If any provision of this Act, or any section, sub-  
11 section, sentence, clause, phrase, or individual word, or the  
12 application thereof to any person or circumstance is held  
13 invalid by a court of jurisdiction, the validity of the re-  
14 mainder of the Act and of the application of any such pro-  
15 vision, section, subsection, sentence, clause, phrase, or in-  
16 dividual word to other persons and circumstances shall not  
17 be affected thereby.

18 **TITLE I—TRANSITION AND IM-**  
19 **PLEMENTATION—INDEPEND-**  
20 **ENCE**

21 **SEC. 101. CONSTITUTIONAL CONVENTION.**

22 (a) ELECTION OF DELEGATES.—Not later than 6  
23 months after the effective date of certification of a plebi-  
24 scite result under this Act in favor of independence, the  
25 legislature of Puerto Rico shall provide for the election of



1 delegates to a constitutional Convention to formulate and  
2 draft a Constitution 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 territory of Puerto Rico relating  
8 to the electoral process shall apply to a special election  
9 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. 102. CHARACTER OF THE CONSTITUTION.**

17 The constitutional Convention under section 101  
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. 103. SUBMISSION; RATIFICATION.**

8           (a) SUBMISSION.—Not later than one year 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. 104. ELECTION OF OFFICERS.**

18           (a) IN GENERAL.—Not later than one month after  
19 the ratification of the Constitution under section 103, the  
20 Governor of the territory of Puerto Rico shall issue a pro-  
21 clamation calling for the election of such officers of the na-  
22 tion of Puerto Rico as may be required by the ratified  
23 Constitution.

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

1 tions 101 through 103 shall be repeated, except that sec-  
 2 tion 101(a) shall be applied by substituting—

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

4 (2) “rejecting of the Constitution” for “in favor  
 5 of independence”.

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

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

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

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

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

24 (a) REVIEW.—Not later than 30 days after the initial  
 25 meeting of a constitutional Convention under section

1 101(d), the President shall initiate a review of Federal law  
2 with respect to Puerto Rico, including those regarding—

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

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

15 **SEC. 106. JOINT TRANSITION COMMISSION.**

16 (a) APPOINTMENT.—Not later than 3 months after  
17 the establishment of a constitutional Convention under  
18 section 101(d), a Joint Transition Commission shall be  
19 appointed in equal numbers by the President of the United  
20 States and the presiding officer of the Constitutional Con-  
21 vention of Puerto Rico.

22 (b) DUTIES.—The Joint Transition Commission shall  
23 be responsible for expediting the orderly transfer of all  
24 functions currently exercised by the Federal Government  
25 in Puerto Rico, or in relation to Puerto Rico to the nation

1 of Puerto Rico, and shall recommend to Congress any ap-  
2 propriate legislation to carry out such transfer.

3 (c) COLLABORATION.—The Government of the terri-  
4 tory of Puerto Rico and the agencies of the Government  
5 of the United States shall collaborate with the Joint Tran-  
6 sition Commission and subsequently the officers of the na-  
7 tion of Puerto Rico, to provide for the orderly transfer  
8 of the functions under subsection (b).

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

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

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

19 (2) recognize, on behalf of the United States of  
20 America, the independence of the nation of Puerto  
21 Rico and the authority of the government instituted  
22 by eligible voters of Puerto Rico under the Constitu-  
23 tion of their own adoption; and

24 (3) state that the effective date of withdrawal  
25 of the sovereignty of the United States and recogni-

1       tion of independence shall be the same as the date  
2       of the proclamation.

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

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

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

24      Upon the proclamation of independence as provided  
25      in this title, and except as otherwise provided in this title

1 or in any separate agreements thereafter concluded be-  
2 tween the United States and the nation of Puerto Rico—

3           (1) all property, rights, and interests which the  
4 United States may have acquired over Puerto Rico  
5 by virtue of the Treaty of Paris of 1898, and there-  
6 after by cession, purchase, or eminent domain, with  
7 the exception of such land and other property,  
8 rights, or interests as may have been sold or other-  
9 wise legally disposed of prior to the proclamation of  
10 Independence, shall vest ipso facto in the nation of  
11 Puerto Rico; and

12           (2) except as provided in section 110, all laws  
13 of the United States applicable to the territory of  
14 Puerto Rico immediately prior to the proclamation  
15 of Independence shall no longer apply in the nation  
16 of Puerto Rico.

17 **SEC. 109. JUDICIAL PRONOUNCEMENTS.**

18           (a) **JUDGMENTS BEFORE PROCLAMATION.**—The na-  
19 tion of Puerto Rico shall recognize and give effect to all  
20 orders and judgments rendered by United States or terri-  
21 torial courts before the date of the proclamation of inde-  
22 pendence pursuant to the laws of the United States then  
23 applicable to the territory of Puerto Rico.

24           (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All  
25 judicial proceedings pending in the courts of the territory

1 of Puerto Rico on the day of the proclamation of independ-  
2 ence shall be continued in the corresponding courts under  
3 the Constitution of the nation of Puerto Rico.

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



1 **SEC. 110. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
2 **PUERTO RICAN INDEPENDENCE.**

3 (a) IN GENERAL.—

4 (1) PUERTO RICAN NATIONALITY.—After the  
5 effective date of independence, the citizenship status  
6 of each individual born in Puerto Rico shall be de-  
7 termined in accordance with the Constitution and  
8 laws of the nation of Puerto Rico.

9 (2) UNITED STATES IMMIGRATION LAWS.—Ex-  
10 cept as described in this section, after the effective  
11 date of independence citizens of Puerto Rico seeking  
12 to enter into the United States or obtain citizenship  
13 in the United States shall be subject to the immigra-  
14 tion laws of the United States (as such term is de-  
15 fined in section 101 of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1101)).

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

24 (c) CITIZENSHIP AT BIRTH AFTER INDEPEND-  
25 ENCE.—An individual born in Puerto Rico after the effec-  
26 tive date of independence to at least one parent who be-

1 came a United States citizen under section 302 of the Im-  
2 migration and Nationality Act (8 U.S.C. 1402) is not a  
3 United States citizen at birth under subsection (c), (d),  
4 or (g) of section 301 of the Immigration and Nationality  
5 Act (8 U.S.C. 1401(c), (d), or (g)).

6 (d) TRAVEL AND WORK AUTHORIZATION.—

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

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

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

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

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

5                   (A) in statutes or regulations of the United  
6 States; or

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

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

12 (e) CONFORMING AMENDMENTS.—

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

17           (2) PRIOR TO INDEPENDENCE.—Puerto Rico  
18 shall be considered to be in the United States, as  
19 such term is defined in section 101(a)(38) of the  
20 Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(38)) prior to the effective date of independ-  
22 ence.

23           (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion shall limit the power and authority of the United

1 States to change policy requirements for United States  
2 citizenship.

3 **SEC. 111. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**  
4 **AND GRANTS.**

5 (a) RIGHTS AND BENEFITS.—All vested rights and  
6 benefits which accrue to residents of the territory of Puer-  
7 to Rico under the laws of the United States from past  
8 services or contributions, such as rights and benefits for  
9 veterans or relatives of veterans of the Armed Forces of  
10 the United States, retired Government employees, or bene-  
11 ficiaries of old age, disability, or survivors' insurance bene-  
12 fits under the Social Security Act, shall not be interrupted  
13 after the proclamation of independence but will continue  
14 until such time as said rights and benefits are completely  
15 extinguished according to the applicable laws of the  
16 United States. All services which must be rendered as part  
17 of these rights and benefits shall be made available  
18 through the Government of the nation of Puerto Rico in  
19 accordance with agreements reached by the two nations.

20 (b) SOCIAL SECURITY SYSTEM.—Notwithstanding  
21 the provisions in subsection (a), all contributions made by  
22 employees and employers in Puerto Rico to the Social Se-  
23 curity system with respect to persons who, upon the proe-  
24 clamation of independence, are residents of the nation of  
25 Puerto Rico and are not yet eligible for old age, disability,

1 or survivors' insurance benefits under the system, shall be  
2 transferred to the Government of the nation of Puerto  
3 Rico once said Government establishes its own social secu-  
4 rity system. The Government of the nation of Puerto Rico  
5 may not use these funds for any purpose other than the  
6 establishment and operation of a social security system.  
7 Upon the transfer described herein, the obligations of the  
8 United States Government under the Social Security Act  
9 with respect to such residents of the nation of Puerto Rico  
10 shall cease.

11 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

12 (1) BLOCK GRANTS.—All other Federal transfer  
13 payments to individuals and to the Government of  
14 the territory of Puerto Rico shall be maintained in  
15 the form of annual block grants to be used  
16 discretionally by the Government of the nation of  
17 Puerto Rico.

18 (2) ANNUAL AGGREGATE FUNDING.—During  
19 the ten fiscal years following the proclamation of  
20 independence, the annual block grants shall amount  
21 to the annual aggregate funding of all programs  
22 which currently extend to the territory of Puerto  
23 Rico, or of all programs which shall have been ex-  
24 tended to the territory of Puerto Rico during the fis-

1 cal year immediately prior to the proclamation of  
2 independence, whichever shall be greater.

3 (3) DECREASE IN AMOUNT.—The annual block  
4 grants shall decrease thereafter on a straight-line  
5 basis, at the rate of ten percent each year, beginning  
6 on the eleventh fiscal year after the proclamation of  
7 independence. At any time during the aforementioned  
8 transition period the terms of this subsection  
9 may be modified by agreement between the United  
10 States and the nation of Puerto Rico.

11 **TITLE II—TRANSITION AND IM-**  
12 **PLEMENTATION—SOV-**  
13 **EREIGNTY IN FREE ASSOCIA-**  
14 **TION WITH THE UNITED**  
15 **STATES**

16 **SEC. 201. CONSTITUTIONAL CONVENTION.**

17 (a) ELECTION OF DELEGATES.—Not later than 6  
18 months after the effective date of certification of a plebi-  
19 scite result under this Act in favor of Sovereignty in Free  
20 Association with the United States, the legislature of  
21 Puerto Rico shall provide for the election of delegates to  
22 a constitutional Convention to formulate and draft a Con-  
23 stitution for the nation of Puerto Rico.

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

4 (c) GENERAL APPLICABILITY OF ELECTORAL  
5 LAW.—The laws of the territory of Puerto Rico relating  
6 to the electoral process shall apply to a special election  
7 held under this Act.

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

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

15 The constitutional Convention under section 201  
16 shall formulate and draft a Constitution for Puerto Rico  
17 that guarantees the protection of fundamental human  
18 rights, including—

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

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

23 (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. 203. 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. 204. ELECTION OF OFFICERS.**

18          (a) IN GENERAL.—Not later than one month after  
19          the ratification of the Constitution under section 203, the  
20          Governor of the territory of Puerto Rico shall issue a proc-  
21          lamation calling for the election of such officers of the na-  
22          tion of Puerto Rico as may be required by the ratified  
23          Constitution.

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



1 tions 201 through 203 shall be repeated, except that sec-  
2 tion 201(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 territory of Puerto Rico shall  
18 inform the results of the election to the President of the  
19 United States, the President pro tempore of the United  
20 States Senate, the Speaker of the United States House  
21 of Representatives, the Committee on Energy and Natural  
22 Resources of the Senate, and the Committee on Natural  
23 Resources of the House of Representatives.

1 **SEC. 205. 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 204, the President of the  
6 United States shall by proclamation—

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

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

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

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

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

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

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

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

22 (1) all property, rights, and interests which the  
 23 United States may have acquired over Puerto Rico  
 24 by virtue of the Treaty of Paris of 1898, and there-  
 25 after by cession, purchase, or eminent domain, with

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

7 (2) except as provided in section 209, all laws  
8 of the United States applicable to the territory of  
9 Puerto Rico immediately prior to the proclamation  
10 of international sovereignty through free association  
11 shall no longer apply in the nation of Puerto Rico.

12 **SEC. 207. JUDICIAL PRONOUNCEMENTS.**

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

20 (b) **CONTINUITY OF PENDING PROCEEDINGS.**—All  
21 judicial proceedings pending in the courts of the territory  
22 of Puerto Rico on the day of the proclamation of inter-  
23 national sovereignty through free association shall be con-  
24 tinued in the corresponding courts under the Constitution  
25 of the nation of Puerto Rico.

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

22 **SEC. 208. CITIZENSHIP AND IMMIGRATION LAWS AFTER**  
23 **SOVEREIGNTY THROUGH FREE ASSOCIATION.**

24           (a) IN GENERAL.—

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

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

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

23          (c) CITIZENSHIP AT BIRTH AFTER SOVEREIGNTY.—

24                  (1) IN GENERAL.—Except as described in para-  
25          graph (2), an individual born in Puerto Rico after

1 the proclamation of international sovereignty  
2 through free association to at least one parent who  
3 became a United States citizen under section 302 of  
4 the Immigration and Nationality Act (8 U.S.C.  
5 1402) is not a United States citizen at birth under  
6 subsection (c), (d), or (g) of section 301 of the Im-  
7 migration and Nationality Act (8 U.S.C. 1401 (c),  
8 (d), or (g)).

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

16 (d) TRAVEL AND WORK AUTHORIZATION.—

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

24 (A) a person who acquires the citizenship  
25 of Puerto Rico, at birth, on or after the effec-

1           tive date of international sovereignty through  
2           free association; or

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

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

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

15                   (A) in statutes or regulations of the United  
16          States; or

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

20           (3) This subsection shall expire upon the termi-  
21          nation of the Articles of Free Association in accord-  
22          ance with section 211.

23          (e) CONFORMING AMENDMENTS.—

24                   (1) IN GENERAL.—Section 101 of the Immigra-  
25          tion and Nationality Act (8 U.S.C. 1101) is amend-



1 ed by striking “Puerto Rico,” in subsection (a) para-  
2 graph (36) and in subsection (a) paragraph (38).

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

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

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

14 (a) **REVIEW.**—Not later than 30 days after the initial  
15 meeting of a constitutional Convention under section  
16 201(d), the President shall initiate a review of Federal law  
17 with respect to Puerto Rico, including those regarding—

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

24 (b) **RECOMMENDATIONS.**—Not later than one year  
25 after the date on which the President initiates a review

1 under subsection (a), the President shall submit rec-  
2 ommendations to Congress for changes to Federal law  
3 identified during such review, as the President deems ap-  
4 propriate.

5 **SEC. 210. BILATERAL NEGOTIATING COMMISSION.**

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

11 (b) MEMBERS.—Not later than 3 months after the  
12 establishment of the constitutional Convention under sec-  
13 tion 201—

14 (1) the Convention shall elect, by majority vote,  
15 5 members from among its delegates to join the Bi-  
16 lateral Negotiating Commission on behalf of Puerto  
17 Rico; and

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

23 (c) INITIAL MEETING.—Not later than 3 months  
24 after the election and designation of members to the Bilat-  
25 eral Negotiating Commission, members shall meet at such

1 time and place as the legislature of Puerto Rico shall de-  
2 termine. Such meeting shall constitute the establishment  
3 of the Bilateral Negotiating Commission.

4 (d) DUTIES.—The Bilateral Negotiating Commission  
5 shall—

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

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

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

1 (e) COLLABORATION.—The Government of the terri-  
 2 tory of Puerto Rico and the agencies of the Government  
 3 of the United States shall collaborate with the Bilateral  
 4 Negotiating Commission to provide for the orderly trans-  
 5 fer of the functions of government as required by the Arti-  
 6 cles of Free Association.

7 **SEC. 211. ARTICLES OF FREE ASSOCIATION APPROVAL AND**  
 8 **EFFECTIVE DATE.**

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

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

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

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

22 **SEC. 212. TERMINATION.**

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

1 **SEC. 213. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS**  
2 **AND GRANTS.**

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

19 (b) SOCIAL SECURITY SYSTEM.—Notwithstanding  
20 subsection (a), all contributions made by employees and  
21 employers in Puerto Rico to the Social Security system  
22 with respect to persons who, upon the proclamation of  
23 international sovereignty through free association, are  
24 residents of the nation of Puerto Rico and are not yet eli-  
25 gible for old age, disability, or survivors' insurance bene-  
26 fits under the system, shall be transferred to the Govern-

1 ment of the nation of Puerto Rico once said Government  
2 establishes its own social security system. The Govern-  
3 ment of the nation of Puerto Rico may not use these funds  
4 for any purpose other than the establishment and oper-  
5 ation of a social security system. Upon the transfer de-  
6 scribed herein, the obligations of the United States Gov-  
7 ernment under the Social Security Act with respect to  
8 such residents of the nation of Puerto Rico shall cease.

9 (c) OTHER FEDERAL TRANSFER PAYMENTS.—All  
10 other Federal transfer payments to individuals and to the  
11 Government of the territory of Puerto Rico shall be main-  
12 tained in the form of annual block grants to be used  
13 discretionally by the Government of the nation of Puerto  
14 Rico—

15 (1) during the 10 fiscal years following the  
16 proclamation of international sovereignty through  
17 free association, the annual block grants shall  
18 amount to the annual aggregate funding of all pro-  
19 grams which currently extend to the territory of  
20 Puerto Rico, or of all programs which shall have  
21 been extended to the territory of Puerto Rico during  
22 the fiscal year immediately prior to the proclamation  
23 of international sovereignty through free association,  
24 whichever shall be greater; and

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

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

13           **TITLE III—TRANSITION AND**  
 14 **IMPLEMENTATION—STATEHOOD**

15 **SEC. 301. PRESIDENTIAL PROCLAMATION; ADMISSION INTO**  
 16 **THE UNION.**

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

19           (1) PRESIDENTIAL PROCLAMATION; DATE OF  
 20 ADMISSION.—Upon receipt of the Elections Commis-  
 21 sion’s certification of the plebiscite results pursuant  
 22 to section 5(d), the President shall issue a proclama-  
 23 tion declaring the date that Puerto Rico is admitted  
 24 as a State of the Union on an equal footing with all  
 25 other States, which shall be a date not later than

1 one year after the effective date of the plebiscite re-  
2 sults.

3 (2) SUBMISSION OF PROCLAMATION.—The  
4 President shall cause such proclamation to be sub-  
5 mitted to the Governor of Puerto Rico, the legisla-  
6 ture of Puerto Rico, the President pro tempore of  
7 the United States Senate, the Speaker of the United  
8 States House of Representatives, the Senate Com-  
9 mittee on Energy and Natural Resources, and the  
10 House Committee on Natural Resources.

11 (3) ADMISSION INTO THE UNION.—Subject to  
12 the provisions of this Act, and upon the date de-  
13 clared by the President for admission of Puerto Rico  
14 as a State under the proclamation under paragraph  
15 (1), the territory of Puerto Rico shall be a State of  
16 the United States of America and as such admitted  
17 into the Union on an equal footing with the other  
18 States in all respects. Upon admission, Puerto Rico  
19 shall be known as the State of Puerto Rico.

20 (4) INCORPORATION.—Puerto Rico shall remain  
21 unincorporated until its admission as a State of the  
22 Union under paragraph (3).

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

24 (a) REVIEW.—Not later than 30 days after the cer-  
25 tification of a plebiscite result under this Act in favor of



1 statehood, the President shall initiate a review of Federal  
2 law with respect to Puerto Rico, including those regard-  
3 ing—

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

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

16 **SEC. 303. TERRITORY AND BOUNDARIES.**

17 The State of Puerto Rico shall consist of all of the  
18 islands, together with their appurtenant reefs, seafloor,  
19 submerged lands, and territorial waters in the seaward  
20 boundary, presently under the jurisdiction of the territory  
21 of Puerto Rico.

22 **SEC. 304. CONSTITUTION.**

23 (a) **IN GENERAL.**—The Constitution of the territory  
24 of Puerto Rico, as approved by Public Law 82–447 and  
25 subsequently amended as of the date of enactment of this

1 Act is hereby found to be republican in form and in con-  
2 formity with the Constitution of the United States and  
3 the principles of the Declaration of Independence, and is  
4 hereby accepted, ratified, and confirmed as the Constitu-  
5 tion of the State of Puerto Rico.

6 (b) FUTURE CONSTITUTIONS.—The Constitution of  
7 the State of Puerto Rico—

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

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

12 **SEC. 305. ELECTIONS OF SENATORS AND REPRESENTA-**  
13 **TIVES, CERTIFICATION, AND LEGAL DIS-**  
14 **PUTES.**

15 (a) ELECTIONS OF SENATORS AND REPRESENTA-  
16 TIVES.—Not more than one month after the proclamation  
17 under section 301, the Governor of Puerto Rico shall issue  
18 a declaration that shall designate and announce the dates  
19 and other requirements for primary and general elections  
20 under applicable Federal and local law for representation  
21 in the Senate and the House of Representatives of the  
22 United States upon admission of Puerto Rico as a State.

23 (b) RESIDENT COMMISSIONER.—The office of Resi-  
24 dent Commissioner of Puerto Rico shall cease to exist

1 upon the swearing in of the first Representative from the  
2 State of Puerto Rico to the House of Representatives.

3 (c) SENATORS AND REPRESENTATIVES.—

4 (1) IN GENERAL.—Upon its admission into the  
5 Union, the State of Puerto Rico shall be entitled to  
6 Senators and Representatives who shall be entitled  
7 to be admitted to seats in the Congress of the  
8 United States and to all the rights and privileges of  
9 Senators and Representatives of the other States in  
10 the Congress of the United States.

11 (2) FIRST ELECTION OF SENATORS.—In the  
12 first election of Senators, the two senatorial offices  
13 shall be separately identified and designated, and no  
14 person may be a candidate for both offices. Nothing  
15 in this section shall impair the privilege of the Sen-  
16 ate to determine the class and term to which each  
17 of the Senators elected shall be assigned, with the  
18 exception that the Senators shall not be in the same  
19 class.

20 (3) FIRST ELECTION OF REPRESENTATIVES.—  
21 In the first election of Representatives, and subse-  
22 quent elections until the next Census-based reappor-  
23 tionment cycle, the State of Puerto Rico shall be en-  
24 titled to the same number of Representatives as the  
25 State whose most recent Census population was clos-

1 est to, but less than, that of Puerto Rico, and such  
2 Representatives shall be in addition to the member-  
3 ship of the House of Representatives as now pre-  
4 scribed by law. Any such increase in the membership  
5 shall not operate to either increase or decrease the  
6 permanent membership of the House of Representa-  
7 tives as prescribed in the Act of August 8, 1911 (37  
8 Stat. 13), nor shall such temporary increase affect  
9 the basis of apportionment established by the Act of  
10 November 15, 1941 (55 Stat. 761), for the 83d Con-  
11 gress and each Congress thereafter, unless Congress  
12 acts to increase the total number of Members of the  
13 House of Representatives. Thereafter, the State of  
14 Puerto Rico shall be entitled to such number of Rep-  
15 resentatives as provided for by applicable law based  
16 on the next reapportionment. The apportionment of  
17 congressional districts for the first election and sub-  
18 sequent election of Representatives shall be con-  
19 ducted as provided for by the Constitution and laws  
20 of the State of Puerto Rico for state legislative dis-  
21 tricts.

22 (d) CERTIFICATION OF RESULTS.—The Elections  
23 Commission shall certify the results of primary and gen-  
24 eral elections for representation in the Senate and the  
25 House of Representatives of the United States to the Gov-

1 error. Not later than 10 days after the date of each certifi-  
 2 cation, the Governor shall declare the results of the pri-  
 3 mary and general elections, and transmit the results of  
 4 each election to the President of the United States, the  
 5 President pro tempore of the Senate, and the Speaker of  
 6 the House of Representatives.

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

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

13 (a) STATE TITLE.—The State of Puerto Rico and its  
 14 political subdivisions and dependencies shall have and re-  
 15 tain title to all property, real and personal, held by the  
 16 territory of Puerto Rico and its political subdivisions and  
 17 dependencies on the date of the admission of Puerto Rico  
 18 into the Union.

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

- 23 (1) Act of Congress;  
 24 (2) Executive order;  
 25 (3) proclamation of the President; or

1           (4) proclamation of the Governor of the terri-  
2           tory of Puerto Rico,  
3 shall remain the property of the United States.

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

13 **SEC. 307. CONTINUITY OF LAWS, GOVERNMENT, AND OBLI-**  
14 **GATIONS.**

15           Upon the admission of the State of Puerto Rico into  
16 the Union:

17           (1) CONTINUITY OF LAWS.—All of the terri-  
18 torial laws in force in Puerto Rico on the date of  
19 issuance of the proclamation described in section  
20 301(1) not inconsistent with this Act or the Con-  
21 stitution of the State of Puerto Rico shall be and  
22 continue in force and effect throughout the State,  
23 until amended, modified, or repealed by the State.  
24 All of the laws of the United States shall have the

1 same force and effect within the State as in the  
2 other several States.

3 (2) CONTINUITY OF GOVERNMENT.—The indi-  
4 viduals holding legislative, executive, and judicial of-  
5 fices of Puerto Rico shall continue to discharge the  
6 duties of their respective offices when Puerto Rico  
7 becomes a State of the Union in, under, or by au-  
8 thority of the government of the State, as provided  
9 by the constitution and laws of the State.

10 (3) CONTINUITY OF OBLIGATIONS.—All con-  
11 tracts, obligations, liabilities, debts, and claims of  
12 the territory of Puerto Rico and its instrumentalities  
13 at the moment of admission shall continue in full  
14 force and effect as the contracts, obligations, liabil-  
15 ities, debts, and claims of the State of Puerto Rico  
16 and its instrumentalities when Puerto Rico becomes  
17 a State of the Union.

18 (4) USE AND ENJOYMENT OF PROPERTY.—All  
19 laws of the United States reserving to the United  
20 States the free use or enjoyment of property which  
21 vests in or is conveyed to the State of Puerto Rico  
22 or its political subdivisions pursuant to this section  
23 or reserving the right to alter, amend, or repeal laws  
24 relating thereto, shall cease to be effective.

1 **SEC. 308. JUDICIAL PRONOUNCEMENTS.**

2 (a) PENDING.—No writ, action, indictment, cause, or  
3 proceeding pending in any court of the territory of Puerto  
4 Rico, shall abate by reason of the admission of the State  
5 of Puerto Rico into the Union, but shall proceed within  
6 such appropriate State courts as shall be established  
7 under the Constitution of the State of Puerto Rico, or  
8 shall continue in the United States District Court for the  
9 District of Puerto Rico, as the nature of the case may  
10 require.

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



1 Puerto Rico, shall be tried and punished by the appro-  
2 priate courts of the State, and any such criminal offenses  
3 as shall have been committed against the laws of the  
4 United States shall be tried and punished in the United  
5 States District Court for the District of Puerto Rico.

6 (c) APPEALS.—Parties shall have the same rights of  
7 judicial review of final decisions of the United States Dis-  
8 trict Court for the District of Puerto Rico or the Supreme  
9 Court of Puerto Rico, in any case finally decided prior to  
10 the admission of the State of Puerto Rico into the Union,  
11 whether or not an appeal therefrom shall have been per-  
12 fected prior to such admission. The United States Court  
13 of Appeals for the First Circuit and the Supreme Court  
14 of the United States, shall have the same jurisdiction in  
15 such cases as by law provided prior to the admission of  
16 the State into the Union. Any mandate issued subsequent  
17 to the admission of the State, shall be to the United States  
18 District Court for the District of Puerto Rico or a court  
19 of the State, as appropriate. Parties shall have the same  
20 rights of appeal from and appellate review of all orders,  
21 judgments, and decrees of the United States District  
22 Court for the District of Puerto Rico and of the Supreme  
23 Court of Puerto Rico, in any case pending at the time  
24 of admission of the State into the Union, and the Supreme  
25 Court of Puerto Rico and the Supreme Court of the

1 United States shall have the same jurisdiction therein, as  
2 by law provided in any case arising subsequent to the ad-  
3 mission of the State into the Union.

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