

[DISCUSSION DRAFT]117TH CONGRESS
2^D SESSION**H. R.** _____

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.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

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. Conforming amendments to existing law.
- Sec. 11. Puerto Rico Oversight, Management, and Economic Stability Act.
- Sec. 12. 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. Joint Transition Commission.
- Sec. 106. Proclamations by President of the United States; Head of State of Puerto Rico.
- Sec. 107. Legal and constitutional provisions.
- Sec. 108. Judicial pronouncements.
- Sec. 109. Citizenship; immigration.
- Sec. 110. 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; immigration.
- Sec. 209. Bilateral Negotiating Commission.
- Sec. 210. Articles of Free Association approval and effective date.
- Sec. 211. Termination.
- Sec. 212. Individual rights to economic benefits and grants.

TITLE III—TRANSITION AND IMPLEMENTATION — STATEHOOD

- Sec. 301. Presidential proclamation; Admission into the Union.
- Sec. 302. Territory and boundaries.
- Sec. 303. Constitution.
- Sec. 304. Elections of Senators and Representatives, certification, and legal disputes.
- Sec. 305. State title to land and property.

Sec. 306. Continuity of laws, government, and obligations.

Sec. 307. 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) RUNOFF PLEBISCITE.—The term “runoff
7 plebiscite” means the plebiscite required by section
8 5(a)(4).

9 **SEC. 5. PLEBISCITE.**

10 (a) IN GENERAL.—

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

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

18 (A) Independence.

19 (B) Sovereignty in Free Association with
20 the United States.

21 (C) Statehood.

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

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

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

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

16 (2) INDEPENDENCE.—If you agree, mark here
17 _____.

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

23 (B) Puerto Rico is vested with full powers
24 and responsibilities consistent with the rights
25 and responsibilities that devolve upon a sov-

1 ereign nation under international law, including
2 its own fiscal and monetary policy, immigration,
3 trade, and the conduct in its own name and
4 right of relations with other nations and inter-
5 national organizations.

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

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

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

24 (A) Puerto Rico is a sovereign nation that
25 has full authority and responsibility over its ter-

1 ritory and population under a constitution of its
2 own adoption which shall be the supreme law of
3 the nation.

4 (B) Puerto Rico is vested with full powers
5 and responsibilities consistent with the rights
6 and responsibilities that devolve upon a sov-
7 ereign nation under international law, except as
8 otherwise provided for in the Articles of Free
9 Association to be negotiated by Puerto Rico and
10 the United States.

11 (C) Puerto Rico has full authority and re-
12 sponsibility over its citizenship and immigration
13 laws, and persons who have United States citi-
14 zenship have a right to retain United States na-
15 tionality and citizenship for life by entitlement
16 or election as provided by Federal law.

17 (D) Birth in Puerto Rico shall cease to be
18 a basis for United States nationality or citizen-
19 ship, except that individuals born in Puerto
20 Rico to parents both of whom are United States
21 citizens shall be eligible to acquire United
22 States citizenship for the duration of the first
23 agreement of the Articles of Free Association.

24 (E) Puerto Rico enters into Articles of
25 Free Association with the United States, with

1 such devolution and reservation of governmental
2 functions and other bilateral arrangements as
3 may be agreed to by both Parties under the Ar-
4 ticles, which shall be terminable at will be either
5 the United States or Puerto Rico at any time.

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

12 (G) All matters pertaining to the govern-
13 ment-to-government relationship between Puer-
14 to Rico and the United States, which may in-
15 clude foreign affairs, trade, finance, taxation,
16 security and defense, dispute resolution and ter-
17 mination, shall be provided for in the Articles
18 of Free Association.

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

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

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

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

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

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) taxation of persons and businesses;

25 (2) international representation;

1 (3) citizenship and immigration; and

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

4 **SEC. 7. OVERSIGHT.**

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

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

17 (c) REVIEW.—Not later than 45 days after receiving
18 the ballot design and voter education materials under sub-
19 section (a), the Attorney General shall review the ballot
20 design and voter education materials to ensure consistency
21 with this Act and—

22 (1) return the materials to the Elections Com-
23 mission with comments and instructions for changes;
24 or

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

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

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

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated such sums as are necessary
17 for the Elections Commission to carry out a nonpartisan
18 voter education campaign and an initial plebiscite and, if
19 necessary, a runoff plebiscite under this Act.

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

1 **SEC. 9. BILINGUAL VOTER EDUCATIONAL MATERIALS AND**
2 **BALLOTS.**

3 All voter educational materials and ballots used to
4 carry out this Act shall be made available in English and
5 Spanish.

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

7 (a) REVIEW.—Not later than 30 days after the appli-
8 cable date described in subsection (c), the President shall
9 initiate a review of Federal law with respect to Puerto
10 Rico, including those regarding—

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

17 (b) RECOMMENDATIONS.—Not later than one year
18 after the date on which the President initiates a review
19 under subsection (a), the President shall submit rec-
20 ommendations to Congress for changes to Federal law
21 identified during such review.

22 (c) APPLICABLE DATE DESCRIBED.—The applicable
23 date described in this subsection is—

- 24 (1) in the event a certification of a plebiscite re-
25 sult under this Act is in favor of independence, the

1 date of the initial meeting of a constitutional Con-
2 vention under section 101(d);

3 (2) in the event a certification of a plebiscite re-
4 sult under this Act is in favor of sovereignty in free
5 association with the United States, the date of the
6 initial meeting of a constitutional Convention under
7 section 201(d); or

8 (3) in the event a certification of a plebiscite re-
9 sult under this Act is in favor of statehood, the date
10 of such certification.

11 **SEC. 11. PUERTO RICO OVERSIGHT, MANAGEMENT, AND**
12 **ECONOMIC STABILITY ACT.**

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

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

21 (2) **OVERSIGHT BOARD.**—The Financial Over-
22 sight and Management Board for Puerto Rico estab-
23 lished under section 101(b)(1) of the Puerto Rico
24 Oversight, Management, and Economic Stability Act
25 (48 U.S.C. 2121(b)(1)) is terminated and all duties

1 and responsibilities assigned to the Oversight Board
2 shall return to the State of Puerto Rico or the na-
3 tion of Puerto Rico, as the case may be.

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

8 **SEC. 12. SEVERABILITY.**

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

17 **TITLE I—TRANSITION AND IM-**
18 **PLEMENTATION — INDE-**
19 **PENDENCE**

20 **SEC. 101. CONSTITUTIONAL CONVENTION.**

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

1 to a constitutional Convention to formulate and draft a
2 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 proce-
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 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. JOINT TRANSITION COMMISSION.**

24 (a) APPOINTMENT.—Not later than 3 months after
25 the establishment of a constitutional Convention under

1 section 101(d), a Joint Transition Commission shall be
2 appointed in equal numbers by the President of the United
3 States and the presiding officer of the Constitutional Con-
4 vention of Puerto Rico.

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

11 (c) COLLABORATION.—The Government of the terri-
12 tory of Puerto Rico and the agencies of the Government
13 of the United States shall collaborate with the Joint Tran-
14 sition Commission and subsequently the officers of the na-
15 tion of Puerto Rico, to provide for the orderly transfer
16 of the functions under subsection (b).

17 **SEC. 106. PROCLAMATIONS BY PRESIDENT OF THE UNITED**
18 **STATES; HEAD OF STATE OF PUERTO RICO.**

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

23 (1) withdraw and surrender all rights of posses-
24 sion, supervision, jurisdiction, control, or sovereignty

1 then existing and exercised by the United States
2 over the territory and residents of Puerto Rico;

3 (2) recognize, on behalf of the United States of
4 America, the independence of the nation of Puerto
5 Rico and the authority of the Government instituted
6 by eligible voters of Puerto Rico under the Constitu-
7 tion of their own adoption; and

8 (3) state that the effective date of withdrawal
9 of the sovereignty of the United States and recogni-
10 tion of independence shall be the same as the date
11 of the proclamation.

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

22 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not
23 later than one week after the date of receipt of the Presi-
24 dential proclamation and with the advice of the officer
25 elected as head of state of the nation, the presiding officer

1 of the constitutional Convention shall determine the date
2 on which the Government of the nation shall take office,
3 and shall so notify the Governor of the territory of Puerto
4 Rico, the President of the United States, the President
5 pro tempore of the United States Senate, and the Speaker
6 of the United States House of Representatives.

7 **SEC. 107. LEGAL AND CONSTITUTIONAL PROVISIONS.**

8 Upon the proclamation of independence as provided
9 in this title, and except as otherwise provided in this title
10 or in any separate agreements thereafter concluded be-
11 tween the United States and the nation of Puerto Rico—

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

21 (2) except as provided in section 110, all laws
22 of the United States applicable to the territory of
23 Puerto Rico immediately prior to the proclamation
24 of Independence shall no longer apply in the nation
25 of Puerto Rico.

1 **SEC. 108. JUDICIAL PRONOUNCEMENTS.**

2 (a) JUDGMENTS BEFORE PROCLAMATION.—The na-
3 tion of Puerto Rico shall recognize and give effect to all
4 orders and judgments rendered by United States or terri-
5 torial courts on the day before the date of the proclama-
6 tion of independence pursuant to the laws of the United
7 States then applicable to the territory of Puerto Rico.

8 (b) CONTINUITY OF PENDING PROCEEDINGS.—All
9 judicial proceedings pending in the courts of the territory
10 of Puerto Rico on the day of the proclamation of independ-
11 ence shall be continued in the corresponding courts under
12 the Constitution of the nation of Puerto Rico.

13 (c) TRANSFER OF JUDICIAL POWER.—Upon the
14 proclamation of independence, the judicial power of the
15 United States shall no longer extend to Puerto Rico. All
16 proceedings pending in the United States District Court
17 for the District of Puerto Rico shall be transferred to the
18 corresponding Puerto Rican courts of competence or other
19 competent judicial authority under the Constitution of the
20 nation of Puerto Rico for disposition in conformity with
21 laws applicable at the time when the controversy in proc-
22 ess arose. All proceedings pending in the United States
23 Court of Appeals for the First Circuit, or in the Supreme
24 Court of the United States, that initiated in, or that could
25 have been initiated in, the courts of the territory or in
26 the United States District Court for the District of Puerto

1 Rico shall continue until their final disposition and shall
2 be submitted to the competent authority of the nation of
3 Puerto Rico for proper execution: *Provided*, That neither
4 the United States nor any of its officers is a party, in
5 which case any final judgment shall be properly executed
6 by the competent authority of the United States.

7 **SEC. 109. CITIZENSHIP; IMMIGRATION.**

8 (a) CITIZENSHIP.—

9 (1) IN GENERAL.—The citizenship status of
10 each individual born in Puerto Rico shall be deter-
11 mined in accordance with the Constitution and laws
12 of the nation of Puerto Rico.

13 (2) CHILDREN BORN AFTER INDEPENDENCE.—

14 An individual born in Puerto Rico after the procla-
15 mation of independence to parents, neither of whom
16 has had a residence in the United States prior to the
17 birth of such individual, is not a citizen of the
18 United States, regardless of whether either parent is
19 a citizen of the United States, and subsections (c),
20 (d), and (g) of section 301 of the Immigration and
21 Nationality Act (8 U.S.C. 1401(c), (d), (g)) shall
22 not apply to an individual described in this para-
23 graph.

24 (b) CITIZENS OF PUERTO RICO RESIDING IN THE
25 UNITED STATES.—Each citizen of the nation of Puerto

1 Rico residing in the United States who is not a citizen
2 of the United States shall be eligible to be naturalized as
3 citizens of the United States in accordance with the immi-
4 gration laws (as such term is defined in section 101 of
5 the Immigration and Nationality Act (8 U.S.C. 1101)).

6 (c) PUERTO RICO CITIZENS IMMIGRATION TO THE
7 UNITED STATES.—

8 (1) TRANSITION RULE.—During the period be-
9 ginning on the date of the proclamation of the inde-
10 pendence and ending on the date that is 25 years
11 after such date, each citizen of the nation of Puerto
12 Rico who is not a citizen of the United States may
13 reside and work in the United States without being
14 admitted to the United States or being authorized to
15 work in the United States under the immigration
16 laws (as such term is defined in section 101 of the
17 Immigration and Nationality Act (8 U.S.C. 1101)).

18 (2) APPLICATION OF THE IMMIGRATION
19 LAWS.—At end of the 25-year period described in
20 paragraph (1), citizens of the nation of Puerto Rico
21 shall be subject to the immigration laws (as such
22 term is defined in section 101 of the Immigration
23 and Nationality Act (8 U.S.C. 1101)).

1 **SEC. 110. 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 independence but will continue
12 until such time as said rights and benefits are completely
13 extinguished according to the applicable laws of the
14 United States. All services which must be rendered as part
15 of these rights and benefits shall be made available
16 through the Government of the nation of Puerto Rico in
17 accordance with agreements reached by the two nations.

18 (b) SOCIAL SECURITY SYSTEM.—Notwithstanding
19 the provisions in subsection (a), all contributions made by
20 employees and employers in Puerto Rico to the Social Se-
21 curity system with respect to persons who, upon the proc-
22 lamation of independence, are residents of the nation of
23 Puerto Rico and are not yet eligible for old age, disability,
24 or survivors' insurance benefits under the system, shall be
25 transferred to the Government of the nation of Puerto
26 Rico once said Government establishes its own social secu-

1 rity system. The Government of the nation of Puerto Rico
2 may not use these funds for any purpose other than the
3 establishment and operation of a social security system.
4 Upon the transfer described herein, the obligations of the
5 United States Government under the Social Security Act
6 with respect to such residents of the nation of Puerto Rico
7 shall cease.

8 (c) OTHER FEDERAL TRANSFER PAYMENTS.—

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

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

24 (3) DECREASE IN AMOUNT.—The annual block
25 grants shall decrease thereafter on a straight-line

1 basis, at the rate of ten percent each year, beginning
2 on the eleventh fiscal year after the proclamation of
3 independence. At any time during the aforementioned
4 tioned transition period the terms of this subsection
5 may be modified by agreement between the United
6 States and the nation of Puerto Rico.

7 **TITLE II—TRANSITION AND IM-**
8 **PLEMENTATION — SOV-**
9 **EREIGNTY IN FREE ASSOCIA-**
10 **TION WITH THE UNITED**
11 **STATES**

12 **SEC. 201. CONSTITUTIONAL CONVENTION.**

13 (a) ELECTION OF DELEGATES.—Not later than 6
14 months after the date of certification of a plebiscite result
15 under this Act in favor of Sovereignty in Free Association
16 with the United States, the legislature of Puerto Rico shall
17 provide for the election of delegates to a constitutional
18 Convention to formulate and draft a Constitution for the
19 nation of Puerto Rico.

20 (b) ELIGIBLE VOTERS.—All eligible voters may vote
21 in the election of delegates to the constitutional Conven-
22 tion.

23 (c) GENERAL APPLICABILITY OF ELECTORAL
24 LAW.—The laws of the territory of Puerto Rico relating

1 to the electoral process shall apply to a special election
2 held under this Act.

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

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

10 The constitutional Convention under section 201
11 shall formulate and draft a Constitution for Puerto Rico
12 that guarantees the protection of fundamental human
13 rights, including—

14 (1) due process and equal protection under the
15 law;

16 (2) freedom of speech, press, assembly, associa-
17 tion, and religion;

18 (3) the rights of the accused;

19 (4) any other economic, social, and cultural
20 rights as the constitutional Convention may deem
21 appropriate and necessary; and

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

1 **SEC. 203. SUBMISSION; RATIFICATION.**

2 (a) SUBMISSION.—Not later than 2 years after the
3 establishment of the constitutional Convention, the Con-
4 stitution formulated and drafted by the constitutional
5 Convention shall be submitted to the eligible voters of
6 Puerto Rico for ratification or rejection in a special elec-
7 tion.

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

11 **SEC. 204. ELECTION OF OFFICERS.**

12 (a) IN GENERAL.—Not later than one month after
13 the ratification of the Constitution under section 203, the
14 Governor of the territory of Puerto Rico shall issue a proc-
15 lamation calling for the election of such officers of the na-
16 tion of Puerto Rico as may be required by the ratified
17 Constitution.

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

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

23 (2) “rejecting the Constitution” for “in favor of
24 sovereignty in free association with the United
25 States”.

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

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

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

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

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

20 (a) PROCLAMATION.—Not later than one month after
21 the official certification of the elected officers of the nation
22 of Puerto Rico under section 204, the President of the
23 United States shall by proclamation—

24 (1) withdraw and surrender all rights of posses-
25 sion, supervision, jurisdiction, control, or sovereignty

1 then existing and exercised by the United States
2 over the territory and residents of Puerto Rico;

3 (2) recognize, on behalf of the United States of
4 America, the international sovereignty through free
5 association of the nation of Puerto Rico and the au-
6 thority of the government instituted by eligible vot-
7 ers of Puerto Rico under the Constitution of their
8 own adoption; and

9 (3) state that the effective date of withdrawal
10 of the sovereignty of the United States and recogni-
11 tion of international sovereignty through free asso-
12 ciation shall be the same as the date of the procla-
13 mation.

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

24 (c) DATE GOVERNMENT TO TAKE OFFICE.—Not
25 later than one week after the date of receipt of the Presi-

1 denial proclamation and with the advice of the officer
2 elected as head of state of the nation, the presiding officer
3 of the constitutional Convention shall determine the date
4 on which the Government of the nation shall take office,
5 and shall so notify the Governor of the territory of Puerto
6 Rico, the President of the United States, the President
7 pro tempore of the United States Senate, and the Speaker
8 of the United States House of Representatives.

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

10 Upon the proclamation of international sovereignty
11 through free association as provided in this title, and ex-
12 cept as otherwise provided in this title or in any separate
13 agreements thereafter concluded between the United
14 States and the nation of Puerto Rico—

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

1 (2) except as provided in section 209, all laws
2 of the United States applicable to the territory of
3 Puerto Rico immediately prior to the proclamation
4 of international sovereignty through free association
5 shall no longer apply in the nation of Puerto Rico.

6 **SEC. 207. 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 on the day before the date of the proclama-
11 tion of international sovereignty through free association
12 pursuant to the laws of the United States then applicable
13 to the territory of Puerto Rico.

14 (b) CONTINUITY OF PENDING PROCEEDINGS.—All
15 judicial proceedings pending in the courts of the territory
16 of Puerto Rico on the day of the proclamation of inter-
17 national sovereignty through free association shall be con-
18 tinued in the corresponding courts under the Constitution
19 of the nation of Puerto Rico.

20 (c) TRANSFER OF JUDICIAL POWER.—Upon the
21 proclamation of international sovereignty through free as-
22 sociation, the judicial power of the United States shall no
23 longer extend to Puerto Rico. All proceedings pending in
24 the United States District Court for the District of Puerto
25 Rico shall be transferred to the corresponding Puerto

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

16 **SEC. 208. CITIZENSHIP; IMMIGRATION.**

17 (a) CITIZENSHIP.—

18 (1) IN GENERAL.—The citizenship status of
19 each individual born in Puerto Rico shall be deter-
20 mined in accordance with the Constitution and laws
21 of the nation of Puerto Rico.

22 (2) TRANSITIONAL NATURALIZATION ADJUST-
23 MENT PERIOD.—For the duration of the first agree-
24 ment of Articles of Free Association, an individual
25 born in Puerto Rico to parents, both of whom ac-

1 quired United States citizenship under section 302
2 of the Immigration and Nationality Act (8 U.S.C.
3 1402), shall acquire United States citizenship under
4 the Immigration and Nationality Act in the same
5 manner as children under section 301(c) of the Im-
6 migration and Nationality Act (8 U.S.C. 1401(c)).

7 (b) CITIZENS OF PUERTO RICO RESIDING IN THE
8 UNITED STATES.—Each citizen of the nation of Puerto
9 Rico residing in the United States who is not a citizen
10 of the United States shall be eligible to be naturalized as
11 citizens of the United States in accordance with the immi-
12 gration laws (as such term is defined in section 101 of
13 the Immigration and Nationality Act (8 U.S.C. 1101)).

14 (c) PUERTO RICO CITIZENS IMMIGRATION TO THE
15 UNITED STATES.—

16 (1) IN GENERAL.—Beginning on the date of the
17 entry into effect of the Articles of Free Association
18 pursuant to section 210, each citizen of the nation
19 of Puerto Rico who is not a citizen of the United
20 States may reside and work in the United States
21 without being admitted to the United States or
22 being authorized to work in the United States under
23 the immigration laws (as such term is defined in sec-
24 tion 101 of the Immigration and Nationality Act (8
25 U.S.C. 1101)).

1 (2) TERMINATION.—Citizens of the nation of
2 Puerto Rico shall be subject to the immigration laws
3 beginning on the day after the termination of the
4 Articles of Free Association in accordance with sec-
5 tion 211.

6 **SEC. 209. BILATERAL NEGOTIATING COMMISSION.**

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

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

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

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

24 (c) INITIAL MEETING.—Not later than 3 months
25 after the election and designation of members to the Bilat-

1 eral Negotiating Commission, members shall meet at such
2 time and place as the legislature of Puerto Rico shall de-
3 termine. Such meeting shall constitute the establishment
4 of the Bilateral Negotiating Commission.

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

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

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

23 (3) endeavor to complete the Articles of Free
24 Association not later than 2 years after the com-
25 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. 210. 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. 211. 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. 212. 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 IM-**
14 **PLEMENTATION — STATE-**
15 **HOOD**

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

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

20 (1) PRESIDENTIAL PROCLAMATION; DATE OF
21 ADMISSION.—Upon receipt of the Elections Commis-
22 sion’s certification of the plebiscite results pursuant
23 to section 5(d), the President shall issue a proclama-
24 tion declaring the date that Puerto Rico is admitted
25 as a State of the Union on an equal footing with all

1 other States, which shall be a date not later than
2 one year after the date on which the President re-
3 ceived the Elections Commission's certification of
4 the plebiscite results.

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

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

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

1 **SEC. 302. TERRITORY AND BOUNDARIES.**

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

7 **SEC. 303. CONSTITUTION.**

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

16 (b) FUTURE CONSTITUTIONS.—The Constitution of
17 the State of Puerto Rico—

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

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

22 **SEC. 304. ELECTIONS OF SENATORS AND REPRESENTA-**
23 **TIVES, CERTIFICATION, AND LEGAL DIS-**
24 **PUTES.**

25 (a) ELECTIONS OF SENATORS AND REPRESENTA-
26 TIVES.—Not more than one month after the proclamation

1 under section 301, the Governor of Puerto Rico shall issue
2 a declaration that shall designate and announce the dates
3 and other requirements for primary and general elections
4 under applicable Federal and local law for representation
5 in the Senate and the House of Representatives of the
6 United States upon admission of Puerto Rico as a State.

7 (b) RESIDENT COMMISSIONER.—The office of Resi-
8 dent Commissioner of Puerto Rico shall cease to exist
9 upon the swearing in of the first Representative from the
10 State of Puerto Rico to the House of Representatives.

11 (c) SENATORS AND REPRESENTATIVES.—

12 (1) IN GENERAL.—Upon its admission into the
13 Union, the State of Puerto Rico shall be entitled to
14 Senators and Representatives who shall be entitled
15 to be admitted to seats in the Congress of the
16 United States and to all the rights and privileges of
17 Senators and Representatives of the other States in
18 the Congress of the United States.

19 (2) FIRST ELECTION OF SENATORS.—In the
20 first election of Senators, the two senatorial offices
21 shall be separately identified and designated, and no
22 person may be a candidate for both offices. Nothing
23 in this section shall impair the privilege of the Sen-
24 ate to determine the class and term to which each
25 of the Senators elected shall be assigned, with the

1 exception that the Senators shall not be in same
2 class.

3 (3) FIRST ELECTION OF REPRESENTATIVES.—

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

1 sequent election of Representatives shall be con-
2 ducted as provided for by the Constitution and laws
3 of the State of Puerto Rico for state legislative dis-
4 tricts.

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

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

20 **SEC. 305. STATE TITLE TO LAND AND PROPERTY.**

21 (a) STATE TITLE.—The State of Puerto Rico and its
22 political subdivisions and dependencies shall have and re-
23 tain title to all property, real and personal, held by the
24 territory of Puerto Rico and its political subdivisions and

1 dependencies on the date of the admission of Puerto Rico
2 into the Union.

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

7 (1) Act of Congress;

8 (2) Executive order;

9 (3) proclamation of the President; or

10 (4) proclamation of the Governor of the terri-
11 tory of Puerto Rico,

12 shall remain the property of the United States.

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

22 **SEC. 306. CONTINUITY OF LAWS, GOVERNMENT, AND OBLI-**
23 **GATIONS.**

24 Upon the admission of the State of Puerto Rico into
25 the Union:

1 (1) CONTINUITY OF LAWS.—All of the terri-
2 torial laws in force in Puerto Rico on the date of
3 issuance of the proclamation described in section
4 301(1) not inconsistent with this Act or the Con-
5 stitution of the State of Puerto Rico shall be and
6 continue in force and effect throughout the State,
7 until amended, modified, or repealed by the State.
8 All of the laws of the United States shall have the
9 same force and effect within the State as in the
10 other several States.

11 (2) CONTINUITY OF GOVERNMENT.—The indi-
12 viduals holding legislative, executive, and judicial of-
13 fices of Puerto Rico shall continue to discharge the
14 duties of their respective offices when Puerto Rico
15 becomes a State of the Union in, under, or by au-
16 thority of the government of the State, as provided
17 by the constitution and laws of the State.

18 (3) CONTINUITY OF OBLIGATIONS.—All con-
19 tracts, obligations, liabilities, debts, and claims of
20 the territory of Puerto Rico and its instrumentalities
21 at the moment of admission shall continue in full
22 force and effect as the contracts, obligations, liabil-
23 ities, debts, and claims of the State of Puerto Rico
24 and its instrumentalities when Puerto Rico becomes
25 a State of the Union.

1 (4) USE AND ENJOYMENT OF PROPERTY.—All
2 laws of the United States reserving to the United
3 States the free use or enjoyment of property which
4 vests in or is conveyed to the State of Puerto Rico
5 or its political subdivisions pursuant to this section
6 or reserving the right to alter, amend, or repeal laws
7 relating thereto, shall cease to be effective.

8 **SEC. 307. JUDICIAL PRONOUNCEMENTS.**

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

18 (b) NOT YET PENDING.—All civil causes of action
19 and all criminal offenses, which shall have arisen or been
20 committed before the admission of the State, but as to
21 which no writ, action, indictment, or proceeding shall be
22 pending at the date of such admission, shall be subject
23 to prosecution in the appropriate State courts or in the
24 United States District Court for the District of Puerto
25 Rico in like manner, to the same extent, and with like

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

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

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