

Comparative Print: Bill to Bill Differences

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Omitted text is shown ~~stricken~~, new matter that is proposed is in underlined italics, and existing text in which no change is being proposed is shown in regular roman. Typesetting and stylistic characteristics, particularly in the headings and indentations, may not conform to how the text, if adopted, would be illustrated in subsequent versions of legislation or public law.

Text of H.R. 8393, the Puerto Rico Status Act Offered by M. _____. [Showing the text of H.R. 8393, as reported by the Committee on Natural Resources, with modifications.]

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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SEC. 3. FINDINGS.

In recognition of the inherent limitations of Puerto Rico's territorial status, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, Congress seeks to enable the eligible voters of Puerto Rico to choose a permanent, non-territorial, fully self-governing political status for Puerto Rico and to provide for a transition to and the implementation of said permanent, nonterritorial, fully self-governing status.

SEC. 4. DEFINITIONS.

In this Act:

- (1) **BILATERAL NEGOTIATING COMMISSION.**—The term “Bilateral Negotiating Commission” means the Bilateral Negotiating Commission established under section 209(a).
- (2) **ELECTIONS COMMISSION.**—The term “Elections Commission” means the Puerto Rico State Elections Commission (Comisión Estatal de Elecciones de Puerto Rico, in Spanish).
- (3) **ELIGIBLE VOTERS.**—The term “eligible voters” means bona fide residents of Puerto Rico who are otherwise qualified to vote in general elections in Puerto Rico.
- (4) **INITIAL PLEBISCITE.**—The term “initial plebiscite” means the plebiscite required by section 5(a)(1).
- (5) **MAJORITY.**—The term “majority” means more than 50 percent.
- (6) **RUNOFF PLEBISCITE.**—The term “runoff plebiscite” means the plebiscite required by section 5(a)(4).

SEC. 5. PLEBISCITE.

(a) IN GENERAL.—

(1) INITIAL PLEBISCITE.—A plebiscite to resolve Puerto Rico’s political status shall be held on November 5, 2023.

(2) OPTIONS.—The plebiscite held under paragraph (1) shall offer eligible voters a choice of one of the three options which shall be presented on the ballot as follows:

(A) Independence.

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

(C) Statehood.

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

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

(b) BALLOT LANGUAGE.—A ballot for a plebiscite required by subsection (a) shall include the following language, except that the ballot for the runoff plebiscite shall omit the option that received the fewest votes in the initial plebiscite:

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

(2) INDEPENDENCE.—If you agree, mark here ____.

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

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who have such United States citizenship have a right to retain United States nationality and citizenship for life, by entitlement or election as provided by Federal law.

(D) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico’s status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers.

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

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

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

(B) Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, except as otherwise provided for in the Articles of Free Association to be negotiated by Puerto Rico and the United States.

(C) Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and persons who have United States citizenship have a right to retain United States nationality and citizenship for life by entitlement or election as provided by Federal law.

(D) Birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship. Individuals born in Puerto Rico to ~~parents both of whom are~~ *at least one parent who is a citizen of the* United States ~~citizens~~ shall be United States citizens at birth, consistent with the immigration laws of the United States, for the duration of the first agreement of the Articles of Free Association.

(E) Puerto Rico enters into Articles of Free Association with the United States, with such devolution and reservation of governmental functions and other bilateral arrangements as may be agreed to by both Parties under the Articles, which shall be terminable at will by either the United States or Puerto Rico at any time.

(F) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers. In addition, Puerto Rico will enter into an agreement with the United States to provide for "Sovereignty in Free Association" between the two nations. This agreement may modify the otherwise applicable tax rules, subject to negotiation and ratification by the two nations.

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

(H) All matters pertaining to the government-to-government relationship between Puerto Rico and the United States, which may include foreign affairs, trade, finance, taxation, currency, economic assistance, security and defense, dispute resolution and termination, shall be provided for in the Articles of Free Association.

(4) STATEHOOD.—If you agree, mark here ____.

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

(B) The residents of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect in Puerto Rico as in the other States of the Union.

(C) United States citizenship of those born in Puerto Rico is recognized, protected, and secured under the United States Constitution in the same way such citizenship is for all United States citizens born in the other States.

(D) Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. Instead, the State of Puerto Rico will become a State on equal footing with each of the current 50 States in the United States of America. Individuals and businesses resident in the State of Puerto Rico will be subject to United States Federal tax laws as well as applicable State tax laws.

(c) IMPLEMENTATION OF PLEBISCITE.—The plebiscites authorized by this section shall be implemented by the Elections Commission, consistent with the laws of Puerto Rico and Federal law.

(d) RESULTS.—The Elections Commission shall inform the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources of—

- (1) the results of the initial plebiscite not later than 30 calendar days after the initial plebiscite is held; and
- (2) the results of the runoff plebiscite, if held, not later than 30 calendar days after the runoff plebiscite is held.

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

SEC. 6. NONPARTISAN VOTER EDUCATION CAMPAIGN.

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

(b) VOTER EDUCATION MATERIALS.—At a minimum, the voter education materials shall address for each option—

- (1) international representation;
- (2) citizenship and immigration; and
- (3) access and treatment under Federal law and programs.

SEC. 7. OVERSIGHT.

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

(b) EFFECT OF FAILURE TO COMPLY.—If the Attorney General fails to comply with subsection (c) within the 45-day period, the ballot design and voter education materials shall be considered approved.

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

- (1) return the materials to the Elections Commission with comments and instructions for changes; or
- (2) before the expiration of the 45-day period, inform the Elections Commission that no instructions or requests for changes shall be made under paragraph (1), but that the Attorney General reserves the right to submit instructions for changes in accordance with this section if additional information comes to the attention of the Attorney General during the remainder of the 45-day period.

(d) REVISION.—Not later than 45 days after receiving comments and instructions for changes from the Attorney General under subsection (c), the Elections Commission shall revise the ballot design and voter education materials as requested by the Attorney General.

(e) ELECTION OBSERVERS.—The Elections Commission shall invite national and international election observers to ensure transparency and confidence in the electoral process. Observers shall be present during the initial plebiscite vote and during the runoff plebiscite vote.

SEC. 8. FUNDS FOR VOTER EDUCATION; PLEBISCITES.

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

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

SEC. 9. BILINGUAL VOTER EDUCATIONAL MATERIALS AND BALLOTS.

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

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

Upon the admission of the State of Puerto Rico into the Union or on the date that the Government of the nation of Puerto Rico initially takes office:

- (1) **IN GENERAL.**—The Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2101 et seq.) shall no longer apply to the State of Puerto Rico or the nation of Puerto Rico, as the case may be.
- (2) **OVERSIGHT BOARD.**—The Financial Oversight and Management Board for Puerto Rico established under section 101(b)(1) of the Puerto Rico Oversight, Management, and Economic Stability Act (48 U.S.C. 2121(b)(1)) is terminated and all duties and responsibilities assigned to the Oversight Board shall return to the State of Puerto Rico or the nation of Puerto Rico, as the case may be.
- (3) **TRANSFER.**—All funds, property, and assets of the board described in subparagraph (B) shall be transferred to the State of Puerto Rico or the nation of Puerto Rico, as the case may be.

SEC. 11. SEVERABILITY.

If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid by a court of jurisdiction, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

TITLE I—TRANSITION AND IMPLEMENTATION — INDEPENDENCE

SEC. 101. CONSTITUTIONAL CONVENTION.

(a) **ELECTION OF DELEGATES.**— Not later than 6 months after the effective date of certification of a plebiscite result under this Act in favor of independence, the legislature of Puerto Rico shall provide for the election of delegates to a constitutional Convention to formulate and draft a Constitution for the nation of Puerto Rico.

(b) **ELIGIBLE VOTERS.**—All eligible voters may vote in the election of delegates to the constitutional Convention.

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

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

SEC. 102. CHARACTER OF THE CONSTITUTION.

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

- (1) due process and equal protection under the law;
- (2) freedom of speech, press, assembly, association, and religion;
- (3) the rights of the accused;
- (4) any other economic, social, and cultural rights as the constitutional Convention may deem appropriate and necessary; and
- (5) provisions to ensure that no individual born in the nation of Puerto Rico shall be stateless at birth.

SEC. 103. SUBMISSION; RATIFICATION.

(a) **SUBMISSION.**—Not later than one year after the establishment of the constitutional Convention, the Constitution formulated and drafted by the constitutional Convention shall be submitted to the eligible voters of Puerto Rico for ratification or rejection in a special election.

(b) **MANNER OF ELECTION.**—The special election held under this subsection shall be held in the manner prescribed by the legislature of Puerto Rico.

SEC. 104. ELECTION OF OFFICERS.

(a) **IN GENERAL.**—Not later than one month after the ratification of the Constitution under section 103, the Governor of the territory of Puerto Rico shall issue a proclamation calling for the election of such officers of the nation of Puerto Rico as may be required by the ratified Constitution.

(b) **REJECTION.**—If the special election results in rejection of the Constitution, the process provided for in sections 101 through 103 shall be repeated, except that section 101(a) shall be applied by substituting—

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

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

- (1) not later than 6 months after the date of ratification of the Constitution; and
- (2) in accordance with the procedures and requirements established in the Constitution of the nation of Puerto Rico.

(d) **CERTIFICATION OF RESULTS.**—Not later than 10 days after the election of officers under subsection (a), the Elections Commission shall certify the results of the election. The Governor of the territory of Puerto Rico shall inform the results of the election to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

SEC. 105. CONFORMING AMENDMENTS TO EXISTING LAW.

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

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

(b) **RECOMMENDATIONS.**—Not later than one year after the date on which the President initiates a review under subsection (a), the President shall submit recommendations to Congress for changes to Federal law identified during such review, as the President deems appropriate.

SEC. 106. JOINT TRANSITION COMMISSION.

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

(b) **DUTIES.**—The Joint Transition Commission shall be responsible for expediting the orderly transfer of all functions currently exercised by the Federal Government in Puerto Rico, or in relation to Puerto Rico to the nation of Puerto Rico, and shall recommend to Congress any appropriate legislation to carry out such transfer.

(c) **COLLABORATION.**—The Government of the territory of Puerto Rico and the agencies of the Government of the United States shall collaborate with the Joint Transition Commission and subsequently the officers of the nation of Puerto Rico, to provide for the orderly transfer of the functions under subsection (b).

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

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

- (1) withdraw and surrender all rights of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States over the territory and residents of Puerto Rico;
- (2) recognize, on behalf of the United States of America, the independence of the nation of Puerto Rico and the authority of the government instituted by eligible voters of Puerto Rico under the Constitution of their own adoption; and
- (3) state that the effective date of withdrawal of the sovereignty of the United States and recognition of independence shall be the same as the date of the proclamation.

(b) COPY OF PROCLAMATION FORWARDED.—The President of the United States shall forward a copy of the proclamation issued under subsection (a) not later than one week after signature to the presiding officer of the Constitutional Convention of Puerto Rico, the officer elected as head of state of the nation, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources.

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

SEC. 108. LEGAL AND CONSTITUTIONAL PROVISIONS.

Upon the proclamation of independence as provided in this **Title**, and except as otherwise provided in this **Title** or in any separate agreements thereafter concluded between the United States and the nation of Puerto Rico—

- (1) all property, rights and interests which the United States may have acquired over Puerto Rico by virtue of the Treaty of Paris of 1898, and thereafter by cession, purchase, or eminent domain, with the exception of such land and other property, rights, or interests as may have been sold or otherwise legally disposed of prior to the proclamation of Independence, shall vest ipso facto in the nation of Puerto Rico; and
- (2) except as provided in section 110, all laws of the United States applicable to the territory of Puerto Rico immediately prior to the proclamation of Independence shall no longer apply in the nation of Puerto Rico.

SEC. 109. JUDICIAL PRONOUNCEMENTS.

(a) JUDGMENTS BEFORE PROCLAMATION.—The nation of Puerto Rico shall recognize and give effect to all orders and judgments rendered by United States or territorial courts before the date of the proclamation of independence pursuant to the laws of the United States then applicable to the territory of Puerto Rico.

(b) CONTINUITY OF PENDING PROCEEDINGS.—All judicial proceedings pending in the courts of the territory of Puerto Rico on the day of the proclamation of independence shall be continued in the corresponding courts under the Constitution of the nation of Puerto Rico.

(c) TRANSFER OF JUDICIAL POWER.—Upon the proclamation of independence, the judicial power of the United States shall no longer extend to Puerto Rico. All proceedings pending in the United States District Court for the District of Puerto Rico shall be transferred to the corresponding Puerto Rican courts of competence or other competent judicial authority under the Constitution of the nation of Puerto Rico for disposition in conformity with laws applicable at the time when the controversy in process arose. All proceedings pending in the United States Court of Appeals for the First Circuit, or in the Supreme Court of the United States, that initiated in, or that could have been initiated in, the courts of the territory or in the United States District Court for the District of Puerto Rico shall continue until their final disposition and shall be submitted to the competent authority of the nation of Puerto Rico for proper execution: *Provided*, That neither the United States

nor any of its officers is a party, in which case any final judgment shall be properly executed by the competent authority of the United States.

SEC. 110. CITIZENSHIP AND IMMIGRATION LAWS AFTER PUERTO RICAN INDEPENDENCE.

(a) IN GENERAL.—

(1) PUERTO RICAN NATIONALITY.—After the effective date of independence, the citizenship status of each individual born in Puerto Rico shall be determined in accordance with the Constitution and laws of the nation of Puerto Rico.

(2) UNITED STATES IMMIGRATION LAWS.—Except as described in this section, after the effective date of independence citizens of Puerto Rico seeking to enter into the United States or obtain citizenship in the United States shall be subject to the immigration laws of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

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

(c) CITIZENSHIP AT BIRTH AFTER INDEPENDENCE.—An individual born in Puerto Rico after the effective date of independence to at least one parent who became a United States citizen under section 302 of the Immigration and Nationality Act (8 U.S.C. 1402) is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the Immigration and Nationality Act (8 U.S.C. 1401(c), (d) or (g)).

(d) TRAVEL AND WORK AUTHORIZATION.—

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

(A) a person who acquires the citizenship of Puerto Rico, at birth, on or after the effective date of independence; or

(B) a naturalized citizen of Puerto Rico, who has been an actual resident there for not less than five years after attaining such naturalization and who holds a proof of such residence.

Such persons shall be considered to have the permission of the Secretary of Homeland Security to accept employment in the United States.

(2) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for—

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

(B) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

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

(e) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by striking “Puerto Rico,” in subsection (a) paragraph (36) and in subsection (a) paragraph (38).

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

(f) RULE OF CONSTRUCTION.—Nothing in this section shall limit the power and authority of the United States to change policy requirements for United States citizenship.

SEC. 111. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS AND GRANTS.

(a) **RIGHTS AND BENEFITS.**—All vested rights and benefits which accrue to residents of the territory of Puerto Rico under the laws of the United States from past services or contributions, such as rights and benefits for veterans or relatives of veterans of the Armed Forces of the United States, retired Government employees, or beneficiaries of old age, disability, or survivors' insurance benefits under the Social Security Act, shall not be interrupted after the proclamation of independence but will continue until such time as said rights and benefits are completely extinguished according to the applicable laws of the United States. All services which must be rendered as part of these rights and benefits shall be made available through the Government of the nation of Puerto Rico in accordance with agreements reached by the two nations.

(b) **SOCIAL SECURITY SYSTEM.**—Notwithstanding the provisions in subsection (a), all contributions made by employees and employers in Puerto Rico to the Social Security system with respect to persons who, upon the proclamation of independence, are residents of the nation of Puerto Rico and are not yet eligible for old age, disability, or survivors' insurance benefits under the system, shall be transferred to the Government of the nation of Puerto Rico once said Government establishes its own social security system. The Government of the nation of Puerto Rico may not use these funds for any purpose other than the establishment and operation of a social security system. Upon the transfer described herein, the obligations of the United States Government under the Social Security Act with respect to such residents of the nation of Puerto Rico shall cease.

(c) **OTHER FEDERAL TRANSFER PAYMENTS.**—

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

(2) **ANNUAL AGGREGATE FUNDING.**—During the ten fiscal years following the proclamation of independence, the annual block grants shall amount to the annual aggregate funding of all programs which currently extend to the territory of Puerto Rico, or of all programs which shall have been extended to the territory of Puerto Rico during the fiscal year immediately prior to the proclamation of independence, whichever shall be greater.

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

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

SEC. 201. CONSTITUTIONAL CONVENTION.

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

(b) **ELIGIBLE VOTERS.**—All eligible voters may vote in the election of delegates to the constitutional Convention.

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

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

SEC. 202. CHARACTER OF THE CONSTITUTION.

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

- (1) due process and equal protection under the law;
- (2) freedom of speech, press, assembly, association, and religion;
- (3) the rights of the accused;
- (4) any other economic, social, and cultural rights as the constitutional Convention may deem appropriate and necessary; and
- (5) provisions to ensure that no individual born in the nation of Puerto Rico shall be stateless at birth.

SEC. 203. SUBMISSION; RATIFICATION.

(a) **SUBMISSION.**—Not later than 2 years after the establishment of the constitutional Convention, the Constitution formulated and drafted by the constitutional Convention shall be submitted to the eligible voters of Puerto Rico for ratification or rejection in a special election.

(b) **MANNER OF ELECTION.**—The special election held under this subsection shall be held in the manner prescribed by the legislature of Puerto Rico.

SEC. 204. ELECTION OF OFFICERS.

(a) **IN GENERAL.**—Not later than one month after the ratification of the Constitution under section 203, the Governor of the territory of Puerto Rico shall issue a proclamation calling for the election of such officers of the nation of Puerto Rico as may be required by the ratified Constitution.

(b) **REJECTION.**—If the special election results in rejection of the Constitution, the process provided for in sections 201 through 203 shall be repeated, except that section 201(a) shall be applied by substituting—

- (1) “the special election” for “a plebiscite”; and
- (2) “rejecting the Constitution” for “in favor of sovereignty in free association with the United States”.

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

- (1) not later than 6 months after the date of ratification of the Constitution; and
- (2) in accordance with the procedures and requirements established in the Constitution of the nation of Puerto Rico.

(d) **CERTIFICATION OF RESULTS.**—Not later than 10 days after the election of officers under subsection (a), the Elections Commission shall certify the results of the election. The Governor of the territory of Puerto Rico shall inform the results of the election to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

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

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

- (1) withdraw and surrender all rights of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States over the territory and residents of Puerto Rico;
- (2) recognize, on behalf of the United States of America, the international sovereignty through free association of the nation of Puerto Rico and the authority of the government instituted by eligible voters of Puerto Rico under the Constitution of their own adoption; and
- (3) state that the effective date of withdrawal of the sovereignty of the United States and recognition of international sovereignty through free association shall be the same as the date of the proclamation.

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

Constitutional Convention of Puerto Rico, the officer elected as head of state of the nation, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources.

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

SEC. 206. LEGAL AND CONSTITUTIONAL PROVISIONS.

Upon the proclamation of international sovereignty through free association as provided in this **Title**, and except as otherwise provided in this **Title** or in any separate agreements thereafter concluded between the United States and the nation of Puerto Rico—

(1) all property, rights and interests which the United States may have acquired over Puerto Rico by virtue of the Treaty of Paris of 1898, and thereafter by cession, purchase, or eminent domain, with the exception of such land and other property, rights, or interests as may have been sold or otherwise legally disposed of prior to the proclamation of international sovereignty through free association, shall vest ipso facto in the nation of Puerto Rico; and

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

SEC. 207. JUDICIAL PRONOUNCEMENTS.

(a) JUDGMENTS BEFORE PROCLAMATION.—The nation of Puerto Rico shall recognize and give effect to all orders and judgments rendered by United States or territorial courts before the date of the proclamation of international sovereignty through free association pursuant to the laws of the United States then applicable to the territory of Puerto Rico.

(b) CONTINUITY OF PENDING PROCEEDINGS.—All judicial proceedings pending in the courts of the territory of Puerto Rico on the day of the proclamation of international sovereignty through free association shall be continued in the corresponding courts under the Constitution of the nation of Puerto Rico.

(c) TRANSFER OF JUDICIAL POWER.—Upon the proclamation of international sovereignty through free association, the judicial power of the United States shall no longer extend to Puerto Rico. All proceedings pending in the United States District Court for the District of Puerto Rico shall be transferred to the corresponding Puerto Rican courts of competence or other competent judicial authority under the Constitution of the nation of Puerto Rico for disposition in conformity with laws applicable at the time when the controversy in process arose. All proceedings pending in the United States Court of Appeals for the First Circuit, or in the Supreme Court of the United States, that initiated in, or that could have been initiated in, the courts of the territory or in the United States District Court for the District of Puerto Rico shall continue until their final disposition and shall be submitted to the competent authority of the nation of Puerto Rico for proper execution: *Provided*, That neither the United States nor any of its officers is a party, in which case any final judgment shall be properly executed by the competent authority of the United States.

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

(a) IN GENERAL.—

(1) PUERTO RICAN NATIONALITY.—After the proclamation of international sovereignty through free association, the citizenship status of each individual born in Puerto Rico shall be determined in accordance with the Constitution and laws of the nation of Puerto Rico.

(2) UNITED STATES IMMIGRATION LAWS.—Except as described in this section, after the proclamation of international sovereignty through free association, citizens of Puerto Rico seeking to enter into the United

States or obtain citizenship in the United States shall be subject to the immigration laws of the United States (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

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

(c) CITIZENSHIP AT BIRTH AFTER SOVEREIGNTY.—

(1) IN GENERAL.—Except as described in paragraph (2), an individual born in Puerto Rico after the proclamation of international sovereignty through free association to at least one parent who became a United States citizen under section 302 of the Immigration and Nationality Act (8 U.S.C. 1402) is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the Immigration and Nationality Act (8 U.S.C. 1401 (c), (d) or (g)).

(2) TRANSITION PERIOD.—During the implementation of the first Articles of Free Association, an individual born in Puerto Rico to ~~two~~ at least one ~~parents~~ parent who ~~are~~ is a ~~citizens~~ citizen of the United States shall be a United States citizen at birth under ~~subsection (c) of~~ section 301 ~~(c)~~ of the Immigration and Nationality Act (8 U.S.C. 1401 ~~(c)~~) if otherwise eligible.

(d) TRAVEL AND WORK AUTHORIZATION.—

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

(A) a person who acquires the citizenship of Puerto Rico, at birth, on or after the effective date of international sovereignty through free association; or

(B) a naturalized citizen of Puerto Rico, who has been an actual resident there for not less than five years after attaining such naturalization and who holds a proof of such residence.

Such persons shall be considered to have the permission of the Secretary of Homeland Security to accept employment in the United States.

(2) The right of such persons to establish habitual residence in a territory or possession of the United States may, however, be subjected to nondiscriminatory limitations provided for—

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

(B) in those statutes or regulations of the territory or possession concerned which are authorized by the laws of the United States.

(3) This subsection shall expire upon the termination of the Articles of Free Association in accordance with section 211.

(e) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by striking “Puerto Rico,” in subsection (a) paragraph (36) and in subsection (a) paragraph (38).

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

(f) RULE OF CONSTRUCTION.—Nothing in this section shall limit the power and authority of the United States to change policy requirements for United States citizenship.

SEC. 209. CONFORMING AMENDMENTS TO EXISTING LAW.

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

(1) taxation of persons and businesses;

- (2) health care;
- (3) housing;
- (4) transportation;
- (5) education; and
- (6) entitlement programs.

(b) **RECOMMENDATIONS.**—Not later than one year after the date on which the President initiates a review under subsection (a), the President shall submit recommendations to Congress for changes to Federal law identified during such review, as the President deems appropriate.

SEC. 210. BILATERAL NEGOTIATING COMMISSION.

(a) **IN GENERAL.**—If a plebiscite held under this Act results in a majority vote for sovereignty in free association with the United States, there shall be a Bilateral Negotiating Commission which shall conduct negotiations on Articles of Free Association with the United States.

(b) **MEMBERS.**—Not later than 3 months after the establishment of the constitutional Convention under section 201—

- (1) the Convention shall elect, by majority vote, 5 members from among its delegates to join the Bilateral Negotiating Commission on behalf of Puerto Rico; and
- (2) the President of the United States shall designate 5 members to the Bilateral Negotiating Commission, one of whom shall also be nominated for the rank of Ambassador, to negotiate on behalf of the United States.

(c) **INITIAL MEETING.**—Not later than 3 months after the election and designation of members to the Bilateral Negotiating Commission, members shall meet at such time and place as the legislature of Puerto Rico shall determine. Such meeting shall constitute the establishment of the Bilateral Negotiating Commission.

(d) **DUTIES.**—The Bilateral Negotiating Commission shall—

- (1) be responsible for expediting the orderly transfer of all functions currently exercised by the Government of the United States in Puerto Rico, to Puerto Rico, and shall recommend to Congress any appropriate legislation to carry into effect such transfer, including any appropriate enabling legislation as may be required by the Articles of Free Association;
- (2) negotiate all matters pertaining to the government-to-government relationship between Puerto Rico and the United States through the development of the Articles of Free Association, including foreign affairs, trade, finance, taxation, currency, economic assistance, security and defense, dispute resolution, immigration, economic benefits (including grants), and termination of the free association status; and
- (3) endeavor to complete the Articles of Free Association not later than 2 years after the commencement of the constitutional Convention.

(e) **COLLABORATION.**—The Government of the territory of Puerto Rico and the agencies of the Government of the United States shall collaborate with the Bilateral Negotiating Commission to provide for the orderly transfer of the functions of government as required by the Articles of Free Association.

SEC. 211. ARTICLES OF FREE ASSOCIATION APPROVAL AND EFFECTIVE DATE.

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

- (1) a separate ratification vote on the Articles by the eligible voters in the special election held under section 203; and
- (2) the Government of the United States in accordance with its constitutional processes.

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

SEC. 212. TERMINATION.

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

SEC. 213. INDIVIDUAL RIGHTS TO ECONOMIC BENEFITS AND GRANTS.

(a) **RIGHTS AND BENEFITS.**—All vested rights and benefits which accrue to residents of the territory of Puerto Rico under the laws of the United States from past services or contributions, such as rights and benefits for veterans or relatives of veterans of the Armed Forces of the United States, retired Government employees, or beneficiaries of old age, disability, or survivors' insurance benefits under the Social Security Act, shall not be interrupted after the proclamation of international sovereignty through free association but will continue until such time as said rights and benefits are completely extinguished according to the applicable laws of the United States. All services which must be rendered as part of these rights and benefits shall be made available through the Government of the nation of Puerto Rico in accordance with agreements reached by the two nations.

(b) **SOCIAL SECURITY SYSTEM.**—Notwithstanding subsection (a), all contributions made by employees and employers in Puerto Rico to the Social Security system with respect to persons who, upon the proclamation of international sovereignty through free association, are residents of the nation of Puerto Rico and are not yet eligible for old age, disability, or survivors' insurance benefits under the system, shall be transferred to the Government of the nation of Puerto Rico once said Government establishes its own social security system. The Government of the nation of Puerto Rico may not use these funds for any purpose other than the establishment and operation of a social security system. Upon the transfer described herein, the obligations of the United States Government under the Social Security Act with respect to such residents of the nation of Puerto Rico shall cease.

(c) **OTHER FEDERAL TRANSFER PAYMENTS.**—All other Federal transfer payments to individuals and to the Government of the territory of Puerto Rico shall be maintained in the form of annual block grants to be used discretionally by the Government of the nation of Puerto Rico—

(1) during the 10 fiscal years following the proclamation of international sovereignty through free association, the annual block grants shall amount to the annual aggregate funding of all programs which currently extend to the territory of Puerto Rico, or of all programs which shall have been extended to the territory of Puerto Rico during the fiscal year immediately prior to the proclamation of international sovereignty through free association, whichever shall be greater; and

(2) the annual block grants shall decrease thereafter on a straight-line basis, at the rate of ten percent each year, beginning on the eleventh fiscal year after the proclamation of international sovereignty through free association. At any time during the aforementioned transition period the terms of this subsection may be modified by agreement between the United States and the nation of Puerto Rico.

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

TITLE III—TRANSITION AND IMPLEMENTATION — STATEHOOD

SEC. 301. PRESIDENTIAL PROCLAMATION; ADMISSION INTO THE UNION.

If a plebiscite held under this Act results in a majority vote for statehood:

(1) **PRESIDENTIAL PROCLAMATION; DATE OF ADMISSION.**—Upon receipt of the Elections Commission's certification of the plebiscite results pursuant to section 5(d), the President shall issue a proclamation declaring the date that Puerto Rico is admitted as a State of the Union on an equal footing with all other States, which shall be a date not later than one year after the effective date of the plebiscite results.

(2) **SUBMISSION OF PROCLAMATION.**—The President shall cause such proclamation to be submitted to the Governor of Puerto Rico, the legislature of Puerto Rico, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources.

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

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

SEC. 302. CONFORMING AMENDMENTS TO EXISTING LAW.

(a) REVIEW.—Not later than 30 days after the certification of a plebiscite result under this Act in favor of statehood, the President shall initiate a review of Federal law with respect to Puerto Rico, including those regarding—

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

(b) RECOMMENDATIONS.—Not later than one year after the date on which the President initiates a review under subsection (a), the President shall submit any recommendations to Congress for changes to Federal law identified during such review, as the President deems appropriate.

SEC. 303. TERRITORY AND BOUNDARIES.

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

SEC. 304. CONSTITUTION.

(a) IN GENERAL.—The Constitution of the territory of Puerto Rico, as approved by Public Law 82–447 and subsequently amended as of the date of enactment of this Act is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed as the Constitution of the State of Puerto Rico.

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

- (1) shall always be republican in form; and
- (2) shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

SEC. 305. ELECTIONS OF SENATORS AND REPRESENTATIVES, CERTIFICATION, AND LEGAL DISPUTES.

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

(b) RESIDENT COMMISSIONER.—The office of Resident Commissioner of Puerto Rico shall cease to exist upon the swearing in of the first Representative from the State of Puerto Rico to the House of Representatives.

(c) SENATORS AND REPRESENTATIVES.—

- (1) IN GENERAL.—Upon its admission into the Union, the State of Puerto Rico shall be entitled to Senators and Representatives who shall be entitled to be admitted to seats in the Congress of the United States and

to all the rights and privileges of Senators and Representatives of the other States in the Congress of the United States.

(2) FIRST ELECTION OF SENATORS.—In the first election of Senators, the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. Nothing in this section shall impair the privilege of the Senate to determine the class and term to which each of the Senators elected shall be assigned, with the exception that the Senators shall not be in the same class.

(3) FIRST ELECTION OF REPRESENTATIVES.—In the first election of Representatives, and subsequent elections until the next Census-based reapportionment cycle, the State of Puerto Rico shall be entitled to the same number of Representatives as the State whose most recent Census population was closest to, but less than, that of Puerto Rico, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law. Any such increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13), nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761), for the 83d Congress and each Congress thereafter, unless Congress acts to increase the total number of Members of the House of Representatives. Thereafter, the State of Puerto Rico shall be entitled to such number of Representatives as provided for by applicable law based on the next reapportionment. The apportionment of congressional districts for the first election and subsequent election of Representatives shall be conducted as provided for by the Constitution and laws of the State of Puerto Rico for state legislative districts.

(d) CERTIFICATION OF RESULTS.—The Elections Commission shall certify the results of primary and general elections for representation in the Senate and the House of Representatives of the United States to the Governor. Not later than 10 days after the date of each certification, the Governor shall declare the results of the primary and general elections, and transmit the results of each election to the President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives.

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

SEC. 306. STATE TITLE TO LAND AND PROPERTY.

(a) STATE TITLE.—The State of Puerto Rico and its political subdivisions and dependencies shall have and retain title to all property, real and personal, held by the territory of Puerto Rico and its political subdivisions and dependencies on the date of the admission of Puerto Rico into the Union.

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

- (1) Act of Congress;
- (2) Executive order;
- (3) proclamation of the President; or
- (4) proclamation of the Governor of the territory of Puerto Rico,

shall remain the property of the United States.

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

SEC. 307. CONTINUITY OF LAWS, GOVERNMENT, AND OBLIGATIONS.

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

(1) CONTINUITY OF LAWS.—All of the territorial laws in force in Puerto Rico on the date of issuance of the proclamation described in section 301(1) not inconsistent with this Act or the Constitution of the State of Puerto Rico shall be and continue in force and effect throughout the State, until amended, modified, or

repealed by the State. All of the laws of the United States shall have the same force and effect within the State as in the other several States.

(2) CONTINUITY OF GOVERNMENT.—The individuals holding legislative, executive, and judicial offices of Puerto Rico shall continue to discharge the duties of their respective offices when Puerto Rico becomes a State of the Union in, under, or by authority of the government of the State, as provided by the constitution and laws of the State.

(3) CONTINUITY OF OBLIGATIONS.—All contracts, obligations, liabilities, debts, and claims of the territory of Puerto Rico and its instrumentalities at the moment of admission shall continue in full force and effect as the contracts, obligations, liabilities, debts, and claims of the State of Puerto Rico and its instrumentalities when Puerto Rico becomes a State of the Union.

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

SEC. 308. JUDICIAL PRONOUNCEMENTS.

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

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

(c) APPEALS.—Parties shall have the same rights of judicial review of final decisions of the United States District Court for the District of Puerto Rico or the Supreme Court of Puerto Rico, in any case finally decided prior to the admission of the State of Puerto Rico into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the First Circuit and the Supreme Court of the United States, shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State, shall be to the United States District Court for the District of Puerto Rico or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Puerto Rico and of the Supreme Court of Puerto Rico, in any case pending at the time of admission of the State into the Union, and the Supreme Court of Puerto Rico and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

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