

**Puerto Rico Status Act**  
**Section-by-Section Summary**

**Section 1. Short Title.**

Puerto Rico Status Act

**Section 2. Table of Contents.**

**Section 3. Findings.**

Recognizes the inherent limitations of Puerto Rico's territorial status and the Federal Government's responsibility to facilitate the selection of and transition to a permanent, non-territorial, fully self-governing political status.

**Section 4. Definitions.**

Defines terms included in this Act.

**Section 5. Plebiscite.**

Establishes a plebiscite to resolve Puerto Rico's political status that offers eligible voters three options: Independence, Sovereignty in Free Association with the United States, and Statehood. A majority vote is required to approve any status option, and if neither of the options receive a majority in the initial vote, a runoff plebiscite will take place for voters to choose among the two options that received the most votes.

Sets requirements for plebiscite ballot language, including descriptions of each of the three status options. Sets procedure for implementing the plebiscite and informing officials of the results.

Provides the United States District Court for the District of Puerto Rico jurisdiction of any dispute or controversy related to the electoral process.

**Section 6. Nonpartisan voter education campaign.**

Requires the Puerto Rico State Elections Commission to lead a nonpartisan voter education campaign that includes voter education materials related to the plebiscites at all voting locations. Specifies some of the topics that must be addressed in the voter education materials.

**Section 7. Oversight.**

Sets a process and timeline for the Elections Commission and United States Attorney General submitting, reviewing, and revising the plebiscite ballot design and voter education materials.

**Section 8. Funds for voter education; plebiscites.**

Authorizes necessary funds to carry out a nonpartisan voter education campaign, an initial plebiscite and, if necessary, a runoff plebiscite.

**Section 9. Bilingual voter educational materials and ballots.**

Requires all voter educational materials and ballots to be made available in English and Spanish.

**Section 10. Conforming amendments to existing law.**

Directs the President to review Federal law with respect to Puerto Rico and submit recommendations to Congress for changes to Federal law. Timelines for this process are further described in this section and vary according to the plebiscite results.

**Section 11. Puerto Rico Oversight, Management, and Economic Stability Act.**

Declares the Puerto Rico, Oversight, Management and Economic Stability Act (PROMESA) will no longer apply to the State of Puerto Rico or the nation of Puerto Rico.

Requires the termination of the Financial Oversight and Management Board of Puerto Rico and the transfer of all duties, responsibilities, funds, property, and assets of the Board to the State of Puerto Rico or the nation of Puerto Rico.

**Section 12. Severability.**

Provides any part of this Act held invalid by a court of jurisdiction does not invalidate the remainder of the Act.

**TITLE I—TRANSITION AND IMPLEMENTATION—INDEPENDENCE****Section 101. Constitutional convention.**

Requires the legislature of Puerto Rico to provide for an election of delegates to a constitutional Convention within six months of the certification of a plebiscite result in favor of independence to draft a constitution for the nation of Puerto Rico.

Provides all eligible voters may vote in the special election and that the electoral process will occur according to the laws of the territory of Puerto Rico.

Requires the elected delegates to the constitutional Convention to meet within three months after the special election. This initial meeting constitutes the establishment of the Convention.

**Section 102. Character of the constitution.**

Requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

**Section 103. Submission; Ratification.**

Requires the drafted constitution to be submitted to eligible voters for ratification or rejection in a special election within one year after the establishment of the constitutional Convention.

Provides the special election process will be determined by the legislature of Puerto Rico.

**Section 104. Election of officers.**

Requires the Governor of the territory of Puerto Rico to issue a proclamation within one month of the constitution's ratification calling for the election of officers of the nation of Puerto Rico. The election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Provides the Elections Commission will certify the results of the election of officers within ten days of the election. The Governor of the territory of Puerto Rico then informs certain United States Federal officials of the results, including the President.

Declares another special election will take place if voters reject the drafted constitution. Following the process described in Sections 101-103, eligible voters will elect officers to a constitutional Convention and officers are responsible for drafting a constitution to be ratified or rejected by voters.

#### **Section 105. Joint Transition Commission.**

Establishes a Joint Transition Commission within three months of the constitutional Convention's establishment. The Joint Transition Commission is responsible for expediting the transfer of all functions of the Federal Government in or relating to Puerto Rico to the nation of Puerto Rico.

#### **Section 106. Proclamations by President of the United States; Head of State of Puerto Rico.**

Requires the President of the United States to issue a proclamation within one month of the certification of elected officers of the nation of Puerto Rico to withdraw United States sovereignty exercised in Puerto Rico and to recognize the independence of the nation of Puerto Rico and the authority of its government under its constitution.

Requires the President of the United States to forward a copy of the proclamation to certain government officials in Puerto Rico and the United States within one week of signature.

Requires the presiding officer of the constitutional Convention to determine the date that the Government of the nation of Puerto Rico takes office within one week of receiving the Presidential proclamation.

#### **Section 107. Legal and constitutional provisions.**

Provides all property, rights and interests of the United States over Puerto Rico is transferred to the nation of Puerto Rico.

Provides all laws of the United States applicable to the territory of Puerto Rico prior to the proclamation of independence will no longer apply in the nation of Puerto Rico.

#### **Section 108. Judicial pronouncements.**

Provides the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts on the day before the proclamation of independence.

Provides the judicial power of the United States will no longer extend to Puerto Rico upon the proclamation of independence. Pending proceedings will be transferred to the corresponding courts of the nation of Puerto Rico for disposition according to the laws applicable at the time when the controversy arose.

#### **Section 109. Citizenship; immigration.**

Provides the citizenship status of a person born in Puerto Rico will be determined according to the Constitution and the laws of the nation of Puerto Rico. An individual born in Puerto Rico after independence to parents, neither of whom has had a residence in the United States prior to the individual's birth, is not a United States citizen, regardless of whether either parent is a United States citizen. Subsections (c), (d), and (g) of section 301 of the Immigration and Nationality Act (8 U.S.C. 1401(c), (d), (g)) will not apply to this individual.

Each citizen of the nation of Puerto Rico residing in the United States who is not a United States citizen is eligible to be naturalized as a United States citizen in accordance with the immigration laws (see section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

Sets a period of 25 years, beginning on the date of the proclamation of independence, during which a citizen of the nation of Puerto Rico who is not a United States citizen may reside and work in the United States without being admitted or authorized to work under United States immigration laws. Citizens of the nation of Puerto Rico will be subject to immigration laws after this 25-year period.

#### **Section 110. Individual rights to economic benefits and grants.**

Provides all vested rights and benefits available to residents of the territory of Puerto Rico will continue after the proclamation of independence until they are extinguished according to the applicable laws of the United States. All services provided as part of these rights and benefits will be available through the Government of the nation of Puerto Rico.

Provides all contributions made by employees and employers to the Social Security system with respect to residents of the nation of Puerto Rico, who are not yet eligible for old age, disability, or survivor's insurance benefits, be transferred to the Government of the nation of Puerto Rico once it establishes its own social security system. The Government of the nation of Puerto Rico may only use these funds to establish and operate a social security system. Once the transfer is made, the United States Government's obligations under the Social Security Act to such residents of the nation of Puerto Rico will end.

Provides all Federal transfer payments to the territory of Puerto Rico are maintained in the form of annual block grants to be used by the Government of the nation of Puerto Rico. For ten fiscal years following the proclamation of independence, the annual block grants will amount to the annual aggregate funding of either all programs which currently extend to the territory of Puerto Rico or all programs which will be extended during the fiscal year prior to the proclamation of independence, whichever is greater. Beginning on the eleventh fiscal year, the annual block grants will decrease at a rate of ten percent each year.

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

#### **Section 201. Constitutional convention.**

Requires the legislature of Puerto Rico to provide for an election of delegates to a constitutional Convention within six months of the certification of a plebiscite result being certified in favor of Sovereignty in Free Association with the United States to draft a constitution for the nation of Puerto Rico.

Provides all eligible voters may vote in the special election and the electoral process will occur according to the laws of the territory of Puerto Rico.

Requires the elected delegates to the constitutional Convention to meet within three months after the special election. This initial meeting constitutes the establishment of the Convention.

#### **Section 202. Character of the constitution.**

Requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

**Section 203. Submission; Ratification.**

Requires the drafted constitution to be submitted to eligible voters for ratification or rejection in a special election within two years of the establishment of the constitutional Convention.

Provides the special election process will be determined by the legislature of Puerto Rico.

**Section 204. Election of officers.**

Requires the Governor of the territory of Puerto Rico to issue a proclamation within one month of the constitution's ratification calling for the election of officers of the nation of Puerto Rico. The election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Provides the Elections Commission will certify the results of the election of officers within ten days of the election. The Governor of the territory of Puerto Rico then informs certain United States Federal officials of the results, including the President.

Declares another special election will take place if voters reject the drafted constitution. Following the process described in Sections 201-203, eligible voters will elect officers to a constitutional Convention and officers are responsible for drafting a constitution to be ratified or rejected by voters.

**Section 205. Proclamations by president of the United States; Head of State of Puerto Rico.**

Requires the President of the United States to issue a proclamation within one month of the certification of elected officers of the nation of Puerto Rico to withdraw United States sovereignty exercised in Puerto Rico and to recognize the international sovereignty through free association of the nation of Puerto Rico and the authority of its government under its constitution.

Requires the President of the United States to forward a copy of the proclamation to certain government officials in Puerto Rico and the United States within one week of signature.

Requires the presiding officer of the constitutional Convention to determine the date that the Government of the nation of Puerto Rico takes office within one week of receiving the Presidential proclamation.

**Section 206. Legal and constitutional provisions.**

Provides all property, rights and interests of the United States over Puerto Rico is transferred to the nation of Puerto Rico.

Provides all laws of the United States applicable to the territory of Puerto Rico prior to the proclamation of international sovereignty through free association will no longer apply in the nation of Puerto Rico.

**Section 207. Judicial pronouncements.**

Provides the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts on the day before the proclamation of international sovereignty through free association.

Provides the judicial power of the United States will no longer extend to Puerto Rico upon the proclamation of international sovereignty through free association. Pending proceedings will be transferred to the corresponding courts of the nation of Puerto Rico for disposition according to the laws applicable at the time when the controversy arose.

**Section 208. Citizenship; immigration.**

Provides the citizenship status of a person born in Puerto Rico will be determined according to the Constitution and the laws of the nation of Puerto Rico. For the duration of the first agreement of the Articles of Free Association between the nation of Puerto Rico and the United States, an individual born in Puerto Rico to parents, both of whom acquired United States citizenship under section 302 of the Immigration and Nationality Act (8 U.S.C. 1402), shall acquire United States citizenship under the Immigration and Nationality Act in the same manner as children under section 301(c) of the Immigration and Nationality Act (8 U.S.C. 1401(c)).

Each citizen of the nation of Puerto Rico residing in the United States who is not a United States citizen is eligible to be naturalized as a United States citizen in accordance with the immigration laws (see section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

Provides a citizen of the nation of Puerto Rico who is not a United States citizen may reside and work in the United States without being admitted or authorized to work under immigration laws, beginning on the date of the entry into effect of the Articles of Free Association. Citizens of the nation of Puerto Rico would be subject to immigration laws on the day after the termination of the Articles of Free Association.

**Section 209. Bilateral Negotiating Commission.**

Establishes a Bilateral Negotiating Commission to conduct negotiations on Articles of Free Association with the United States if a plebiscite results in a majority vote for sovereignty in free association with the United States. The Commission is responsible for (1) expediting the transfer of all functions of the United States government in Puerto Rico to Puerto Rico, (2) negotiating the development of the Articles of Free Association, and (3) completing the Articles of Free Association within two years of the establishment of the constitutional Convention.

Requires members to be assigned to the Bilateral Negotiating Commission within three months of the establishment of the constitutional Convention. The Convention will elect, by majority vote, five members among its delegates and the President of the United States will designate five members (including one with the rank of Ambassador).

Requires the Bilateral Negotiating Commission to meet within three months of the election and designation of its members.

Provides the Government of the territory of Puerto Rico and the agencies of the Government of the United States will collaborate with the Commission.

**Section 210. Articles of Free Association approval and effective date.**

Declares the Articles of Free Association are effective upon mutual agreement between the Government of the United States and the Government of Puerto Rico and after approval by a separate ratification vote by eligible voters in a special election (see Section 203 for the special election process) and by the Government of the United States in accordance with its constitutional process.

Declares the approval process of the Articles of Free Association is repeated if the special election results in the rejection of the Articles of Free Association.

**Section 211. Termination.**

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

**Section 212. Individual rights to economic benefits and grants.**

Provides all vested rights and benefits available to residents of the territory of Puerto Rico will continue after the proclamation of international sovereignty through free association until they are extinguished according to the applicable laws of the United States. All services provided as part of these rights and benefits will be available through the Government of the nation of Puerto Rico according to the agreements reached by the two nations.

Provides all contributions made by employees and employers to the Social Security system with respect to residents of the nation of Puerto Rico, who are not yet eligible for old age, disability, or survivor's insurance benefits, be transferred to the Government of the nation of Puerto Rico once it establishes its own social security system. The Government of the nation of Puerto Rico may only use these funds to establish and operate a social security system. Once the transfer is made, the United States Government's obligations under the Social Security Act to such residents of the nation of Puerto Rico will end.

Provides all Federal transfer payments to the territory of Puerto Rico are maintained in the form of annual block grants to be used by the Government of the nation of Puerto Rico. For ten fiscal years following the proclamation of international sovereignty through free association, the annual block grants will amount to the annual aggregate funding of either all programs which currently extend to the territory of Puerto Rico or all programs which will be extended during the fiscal year prior to the proclamation of international sovereignty through free association, whichever is greater. Beginning on the eleventh fiscal year, the annual block grants will decrease at a rate of ten percent each year.

Declares the terms and conditions of this section may be revised by agreement under the Articles of Free Association.

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

**Section 301. Presidential proclamation; Admission into the Union.**

Requires the President to issue a proclamation declaring the date that Puerto Rico is admitted as a State of the Union. This date must be within one year of the President's receipt of the Election Commission's certification of the plebiscite results in favor of statehood.

Requires the President to submit the proclamation to certain government officials in Puerto and the United States.

Declares the territory of Puerto Rico will be a State of the United States of America, known as the State of Puerto Rico, and admitted into the Union on an equal footing with other States upon the date selected by the President. Puerto Rico will remain unincorporated until its admission.

**Section 302. Territory and boundaries.**

Provides the State of Puerto Rico will consist of all the islands currently under the territory of Puerto Rico's jurisdiction.

**Section 303. Constitution.**

Declares the Constitution of the territory of Puerto Rico, once found to be republican in form and aligned with the Constitution of the United States and the Declaration of Independence, is accepted as the Constitution of the State of Puerto Rico. Requires all future constitutions of the State of Puerto Rico also be republican in form and not contrary to the United States Constitution or the Declaration of Independence.

**Section 304. Elections of Senators and Representatives, certification, and legal disputes.**

Requires the Governor of Puerto Rico to announce the dates and other requirements for primary and general elections for representation in the Senate and the House of Representatives of the United States within one month of the President's proclamation to admit Puerto Rico as a state.

Declares the office of the Resident Commissioner of Puerto Rico will cease to exist upon swearing in the first Representative from the State of Puerto Rico to the House of Representatives.

Declares two senatorial offices will be separately identified and designated in the first election of Senators and no person may be a candidate for both offices.

Declares the State of Puerto Rico is 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 in the first election of Representatives and subsequent elections until the next Census-based reapportionment cycle. The addition of these Representatives will temporarily increase the membership of the House of Representatives prescribed by law. The State of Puerto Rico will subsequently be entitled to the number of Representatives provided for by applicable law based on the next reapportionment.

Requires the Elections Commission to certify the results of the primary and general elections for representation in Congress to the Governor and the Governor must declare and transmit the results within ten days of each certification.

Provides the United States District Court for the District of Puerto Rico jurisdiction of any dispute or controversy related to the electoral process.

**Section 305. State title to land and property.**

Provides the State of Puerto Rico retains title to all property held by the territory of Puerto Rico on the date of admission of Puerto Rico into the Union. Any property that has been set aside for the use of the United States at the time of admission of Puerto Rico into the Union will remain the property of the United States.

Provides the State of Puerto Rico exclusive right to all seabed, natural, and mineral resources within three marine leagues (nine nautical miles) from its shore. All other rights of sovereignty regarding the continental shelf and waters will belong to the United States, except those already vested in Puerto Rico.

**Section 306. Continuity of laws, government, and obligations.**

Requires all existing territorial laws upon the President's proclamation of Puerto Rico's admission into the Union will continue throughout the State of Puerto Rico. All United States laws will have the same force and effect within the State of Puerto Rico as in other states.

Declares individuals holding legislative, executive, and judicial offices of Puerto Rico will continue their duties when Puerto Rico becomes a State of the Union.



Declares all contracts, obligations, debts, and claims of the territory of Puerto Rico at the time of admission will continue as those of the State of Puerto Rico.

Declares all United States laws reserving free use or enjoyment of property conveyed to the State of Puerto Rico will cease to be effective.

**Section 307. Judicial pronouncements.**

Provides all pending action in any court of the territory of Puerto Rico will proceed within the appropriate State courts as established under the Constitution of the State of Puerto Rico or within the United States District Court for the District of Puerto Rico.

Provides all civil causes of action and criminal offenses that arise before admission but that do not have pending action will be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Puerto Rico.

Provides parties will have the same rights of judicial review of final decisions and the same rights of appeal regarding any case of the United States District Court for the District of Puerto Rico or the Supreme Court of Puerto Rico upon admission into the Union. Any mandate issued after admission will be to the United States District Court for the District of Puerto Rico or a court of the State.