

117TH CONGRESS }
2d Session } HOUSE OF REPRESENTATIVES { REPORT
117-

PUERTO RICO STATUS ACT

JULY --, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

VIEWS

[To accompany H.R. 8393]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 8393) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
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- Sec. 8. Funds for voter education; plebiscites.
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- Sec. 10. Puerto Rico Oversight, Management, and Economic Stability Act.
- Sec. 11. Severability.

TITLE I—TRANSITION AND IMPLEMENTATION — INDEPENDENCE

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

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

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

TITLE III—TRANSITION AND IMPLEMENTATION — STATEHOOD

- Sec. 301. Presidential proclamation; Admission into the Union.
- Sec. 302. Conforming amendments to existing law.
- Sec. 303. Territory and boundaries.
- Sec. 304. Constitution.
- Sec. 305. Elections of Senators and Representatives, certification, and legal disputes.
- Sec. 306. State title to land and property.
- Sec. 307. Continuity of laws, government, and obligations.
- Sec. 308. Judicial pronouncements.

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 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.

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 parents who are citizens 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 rec-

ommendations 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 cre-

ated 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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PURPOSE OF THE BILL

The purpose of H.R. 8393 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Puerto Rico has been a U.S. territory since 1898, when it was ceded to the United States by Spain under the treaty that ended the Spanish-American War. The U.S. Supreme Court has held that Puerto Rico has not been incorporated into the United States.¹ This means, among other things, that Puerto Rico's ultimate political status has not been resolved. Incorporated territories are those destined for statehood, whereas unincorporated territories can become sovereign nations or states.

Through its Territorial Clause (Article 4, Section 3, Clause 2), the U.S. Constitution gives Congress full plenary power to govern territories. The only limit on this power is that residents of the territories possess certain fundamental rights that cannot be abridged.

The power of Congress includes the authority to govern territories in local as well as national matters. Persons born in Puerto Rico have been granted U.S. citizenship by federal statute since 1917.² In 1950, Congress enacted a law authorizing Puerto Rico to draft a local constitution,³ which was ratified by the people of Puerto Rico and approved, with changes, by Congress in 1952.⁴

In the exercise of its powers, Congress may choose to treat Puerto Rico differently than the states, the District of Columbia, and other territories. While Puerto Rico is treated as a state for many purposes, there are significant exceptions with respect to certain programs (*e.g.*, Medicaid, Medicare, Supplemental Security Income) and tax law.

In addition, the U.S. Constitution does not directly provide for residents of territories to be represented in Congress or to participate in the election of the president of the United States. Pursuant to statute and the Rules of the House, the more than three million residents of Puerto Rico elect a single Resident Commissioner, who has been given membership in the U.S. House of Representatives and limited voting rights in committees. Because residents of Puerto Rico do not have anything approaching equal voting

¹ *Downes v. Bidwell*, 182 U.S. 244 (1901).

² Jones-Shafroth Act, Pub. L. No. 64-368, § 5, 39 Stat. 951, 953 (1917), <https://uscode.house.gov/statviewer.htm?volume=39&page=953>; *see also* Immigration and Nationality Act, Pub. L. No. 82-414, § 302, 66 Stat. 163, 236 (1952), <http://uscode.house.gov/statviewer.htm?volume=66&page=236> (codified as amended at 8 U.S.C. § 1402, http://uscode.house.gov/table3/1952_477.htm) (statutory compilation as amended through P.L. 117-103 at <https://www.govinfo.gov/content/pkg/COMPS-1376/pdf/COMPS-1376.pdf>).

³ Puerto Rico Federal Relations Act of 1950, Pub. L. No. 81-600, 64 Stat. 319 (1950), <http://uscode.house.gov/statviewer.htm?volume=64&page=319>.

⁴ Pub. L. No. 82-447, 66 Stat. 327 (1952), <http://uscode.house.gov/statviewer.htm?volume=66&page=327>.

representation in the government that enacts and enforces their national laws, they do not enjoy full democracy at the national government level.

At the same time, Puerto Rico does not have the powers that devolve upon a sovereign nation to join international organizations and enter into international agreements. In addition, Puerto Rico is unable to determine what federal laws apply and do not apply in its territory; nor its monetary, trade, and immigration policy.

In recent years, certain developments federally combined to make it clear that the current colonial territory status is no longer viable and can no longer provide either adequate political or economic benefits to the people of Puerto Rico. These developments include the enactment and implementation of the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA) and the decisions of the U.S. Supreme Court in cases including *U.S. v. Vaello Madero*.

The *Puerto Rico Oversight, Management and Economic Stability Act (PROMESA)*⁵ of 2016 was passed as a bipartisan compromise to enable the territory of Puerto Rico and its instrumentalities to restructure approximately \$70 billion in public sector debt. However, PROMESA also established a Financial Oversight and Management Board responsible for approving all budgets and spending of the government of Puerto Rico to ensure that the government's budgets are balanced and sustainable. While PROMESA was welcomed as a means of addressing Puerto Rico's unpayable public debt, the Oversight Board's ability to override decisions of the Governor and legislature of Puerto Rico, as well as a series of austerity measures they required, were highly criticized and opposed by the general population. It also led to a realization that the imposition of PROMESA and an unelected Oversight Board was only possible as a result of Puerto Rico's territorial status.

Additionally, in 2022, in *United States v. Vaello Madero*,⁶ the U.S. Supreme Court reversed a district court and an appellate court decision and upheld the constitutionality of excluding U.S. citizens residing in Puerto Rico from receiving Supplemental Security Income (SSI) benefits. The SSI program is one of the most successful social safety net programs in the United States, recognizing the dignity of millions of the most vulnerable, low-income U.S. citizens who are aged, blind, or disabled by providing them with a basic income. This decision meant that nearly 300,000 individuals in Puerto Rico would continue to be unable to access these important benefits on the island, which would normally be available to them if they resided in the states, because they live in the territory of Puerto Rico.

The debate over Puerto Rico's political status has been — and remains today — a central issue in the territory's political life. Lack of clear understanding in Puerto Rico regarding its viable, non-territorial status options is a chief reason for this legislation. A federal law would clarify the viable, constitutionally permissible status options and thereby ensure that the self-determination process is well-informed and productive. In addition to the current territory status, there are three non-territory status options for Puerto Rico: (1) Independence; (2) Sovereignty in Free Association with the United States, whereby Puerto Rico and the United States would enter into an agreement, the terms of which would be negotiated between the parties and which would be terminable by either party; and (3) Statehood.

⁵ Pub. L. No. 114-187, 130 Stat. 549 (2016), <http://uscode.house.gov/statviewer.htm?volume=130&page=549> (codified at various, see http://uscode.house.gov/table3/114_187.htm) (statutory compilation through P.L. as of September 19, 2019 at <https://www.govinfo.gov/content/pkg/COMPS-12101/pdf/COMPS-12101.pdf>).

⁶ 596 U.S. ____ (2022), https://www.supremecourt.gov/opinions/21pdf/20-303_6khn.pdf.

Origins of the Bill

On November 3, 2020, a referendum on political status was held in Puerto Rico. The referendum proposed a yes-or-no question, with voters having the option of voting for or against admitting Puerto Rico into the Union as a state. With a turnout of 54.72%, 52.52% of participants voted “yes” and 47.48% voted “no”. Although some highlighted these results as a clear majority in favor of admitting Puerto Rico as a state, others criticized the single-option vote as exclusionary of other non-territory status options and the majority threshold for admission as insufficient for deciding Puerto Rico’s political future. The referendum was non-binding and therefore did not require Congress to act on the results, which some participants and observers note may have dampened interest engaging with the question and participating in the referendum.

During the first session of the 117th Congress, two bills were introduced proposing different mechanisms to resolve Puerto Rico’s political status. First, H.R. 1522 would establish a process for the admission of Puerto Rico into the Union as a state, on an equal footing with all other states and based on a ratification vote of the people of Puerto Rico. The bill was introduced by Rep. Darren Soto (D-FL) and was cosponsored by 81 Members, including Resident Commissioner Jenniffer González-Colón (R-PR). Second, H.R. 2070 would establish a process for the people of Puerto Rico to vote on the political status of the territory and provide for congressional consideration of a joint resolution to ratify the self-determination option selected through a referendum. The bill was introduced by Rep. Nydia M. Velázquez (D-NY) and was cosponsored by 76 Members.

The House Committee on Natural Resources held two hearings on the bills relating to Puerto Rico’s political status. The first hearing, on April 14, 2021, included the governor of Puerto Rico Mr. Pedro Pierluisi, who also serves as the president of the New Progressive Party; former governor of Puerto Rico Mr. Aníbal Acevedo-Vilá; the speaker of the Puerto Rico House of Representatives Mr. Rafael Hernández; senator Ms. María de Lourdes Santiago, who also serves as the vice president of the Puerto Rican Independence Party; the president of the Citizens’ Victory Movement party, Mr. Manuel Natal-Albelo; the vice president of the Puerto Rico Democratic Party, Ms. Johanne Vélez-García; the chair of the Puerto Rico Statehood Council, Mr. José Fuentes; and Columbia Law School Professor Dr. Christina D. Ponsa-Kraus.⁷

The second hearing, on June 16, 2021, included former U.S. Representative Luis Gutiérrez (D-IL); University of the District of Columbia Professor Dr. Rafael Cox Alomar; the Director of the Caribbean Institute of Human Rights, Ms. Annette Martínez-Orabona, the President of the League of United American Citizens (LULAC) Faith Council, Rev. Carmen Cabrera; Columbia Law School Professor Dr. Christina D. Ponsa-Kraus; Inter American University of Puerto Rico Professor Andrés L. Córdova; and University of Puerto Rico Associate Professor Dr. José Caraballo Cueto.⁸ In June, the Department of Justice also provided a section-by-section analysis of H.R. 1522 and H.R. 2070.⁹

With the guidance of House Majority Leader Steny H. Hoyer (D-MD), the sponsors of H.R. 1522 and H.R. 2070 first met in November 2021 to discuss a compromise bill that would combine elements of their respective bills and that would be supported by a majority of members of Congress. For approximately nine

⁷ *Hearing on H.R. 1522 & H.R. 2070 Before the H. Comm. on Nat. Res.*, 117th Cong. (2021), <https://www.govinfo.gov/content/pkg/CHRG-117hhrg44272/pdf/CHRG-117hhrg44272.pdf>.

⁸ *Hearing on H.R. 1522 & H.R. 2070 Before the H. Comm. on Nat. Res.*, 117th Cong. (2021), <https://www.govinfo.gov/content/pkg/CHRG-117hhrg44978/pdf/CHRG-117hhrg44978.pdf>.

⁹ U.S. DOJ, ANALYSIS OF H.R. 1522, THE PUERTO RICO STATEHOOD ADMISSION ACT (2021), <https://naturalresources.house.gov/imo/media/doc/DOJ%20Analysis%20of%20HR%201522.pdf>; U.S. DOJ, ANALYSIS OF H.R. 2070, THE PUERTO RICO SELF-DETERMINATION ACT OF 2021 (2021), <https://naturalresources.house.gov/imo/media/doc/DOJ%20Analysis%20of%20HR%202070.pdf>.

months, Leader Hoyer, the sponsors of the original bills regarding Puerto Rico’s political status, and the Committee on Natural Resources collaboratively drafted the text of a compromise bill.

On May 19, 2022, the Committee on Natural Resources released¹⁰ a discussion draft of the *Puerto Rico Status Act* and made it available on an online portal for public comment. Approximately 120 online comments were ultimately submitted in response to the request for public input.

On June 2, 2022, a congressional delegation including Chair Raúl M. Grijalva (D-AZ), Rep. Nydia M. Velázquez (D-NY), Rep. Jenniffer González-Colón (R-PR), and Rep. Alexandria Ocasio-Cortez (D-NY) visited Puerto Rico to receive feedback on the discussion draft. On June 2, 3, and 4, the delegation met with representatives of the Popular Democratic Party, Puerto Rican Independence Party, New Progressive Party, Citizens’ Victory Movement, Project Dignity Party, Puerto Rico Democratic Party, and Puerto Rico Republican Party. On June 4, 2022, the delegation also hosted a congressional Public Input Forum.¹¹ Registration for the event was open to the public, and all attendees were provided an opportunity to join a panel to provide testimony and respond to the delegation’s questions. Over the course of more than four hours, 38 witnesses provided testimony and 56 members of the public provided written comments.

Upon returning from Puerto Rico, negotiations on the compromise bill continued in Washington, DC, with a focus on incorporating feedback received from the public. In drafting the resulting bill, its authors also received input and technical assistance from the White House, U.S. Department of Justice, U.S. Citizenship and Immigration Services, the House Office of Legislative Counsel, the Congressional Budget Office, and constitutional law experts. These contributions were invaluable and are appreciated. Finally, the Committee extends its thanks to House Committee on the Judiciary Chair Jerrold Nadler (D-NY) and House Committee on Ways and Means Chair Richard Neal (D-MA) and their respective staffs for their extensive collaboration and expertise, which are reflected in the bill as introduced.

COMMITTEE ACTION

On July 15, 2022, House Committee on Natural Resources Chair Raúl M. Grijalva (D-AZ) introduced H.R. 8393, the Puerto Rico Status Act, with original cosponsors House Committee on Small Business Chair Nydia Velázquez (D-NY), Rep. Jenniffer González-Colón (R-PR), Rep. Darren Soto (D-FL), and House Majority Leader Steny H. Hoyer (D-MD). The bill was referred exclusively to the House Committee on Natural Resources.

On July 20, 2022, the Committee met to consider the bill. Chair Grijalva offered an amendment in the nature of a substitute, which consisted of the bill as introduced with two additional technical corrections.

Rep. Tom McClintock (R-CA) offered an amendment designated McClintock #070 to the amendment in the nature of a substitute. The amendment would have required that the plebiscite offer the option to retain current political status as a commonwealth. The amendment was not agreed to by a roll call vote of 15 yeas and 27 nays, as follows:

[Insert roll call sheet: “RC01_HR 8393 McClintock #070 to ANS.docx”]

¹⁰ *Hoyer and House Members to Hold Press Conference on the Puerto Rico Status Act Discussion Draft*, MAJORITY LEADER STENY HOYER (May 19, 2022), <https://www.facebook.com/LeaderHoyer/videos/714636899782581/>.

¹¹ House Natural Resources Committee Democrats, *Public Input Forum on Puerto Rico Status Act Discussion Draft*, YOUTUBE (June 4, 2022), <https://www.youtube.com/watch?v=lgO1r19adNI>.

Rep. McClintock offered an amendment designated McClintock #071 to the amendment in the nature of a substitute. The amendment would have required that the plebiscite offer the option to indicate that the voter would prefer “none of the above” status options. The amendment was not agreed to by a roll call vote of 14 yeas and 28 nays, as follows:

[Insert roll call sheet: “RC02_HR 8393 McClintock #071 to ANS.docx”]

Ranking Member Bruce Westerman (R-AR) offered an amendment designated Westerman #12 to the amendment in the nature of a substitute. The amendment would have required that the bill not take effect until the Financial Oversight and Management Board for Puerto Rico certifies that the Government of Puerto Rico has adequate access to credit markets and develops balanced budgets for four consecutive years as stated in section 209 of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

[Insert roll call sheet: “RC03_HR 8393 Westerman #12 to ANS.docx”]

Rep. McClintock offered an amendment designated McClintock #075 to the amendment in the nature of a substitute. The amendment would have required congressional approval of the result of the plebiscite by a two-thirds majority vote before its certification. The amendment was not agreed to by a roll call vote of 17 yeas and 26 nays, as follows:

[Insert roll call sheet: “RC04_HR 8393 McClintock #075 to ANS.docx”]

Rep. Lauren Boebert (R-CO) offered an amendment designated Boebert #4 to the amendment in the nature of a substitute. The amendment would have eliminated the section of the bill authorizing federal funds for the Puerto Rico State Elections Commission to carry out a nonpartisan voter education campaign, an initial plebiscite and, if necessary, a runoff plebiscite. In addition, the amendment proposed eliminating funds appropriated in 2014 from being made available to carry out the bill. The amendment was not agreed to by a roll call vote of 18 yeas and 25 nays, as follows:

[Insert roll call sheet: “RC05_HR 8393 Boebert #4 to ANS.docx”]

Rep. McClintock offered an amendment designated McClintock #074 to the amendment in the nature of a substitute. The amendment would have required that, if Puerto Rico were to become a state, English would be the official language of all federal business and communications and the official language of the State of Puerto Rico. The amendment would have required the State of Puerto Rico to “promote English as the official language of the state government, courts, and agencies” and would have required that English be the language of instruction in all public schools in the state. The amendment was not agreed to by a roll call vote of 14 yeas and 30 nays, as follows:

[Insert roll call sheet: “RC06_HR 8393 McClintock #074 to ANS.docx”]

Rep. McClintock offered an amendment designated McClintock #072 to the amendment in the nature of a substitute. The amendment would have required that a status option could be approved only if it receives two-thirds of the votes cast in a plebiscite or runoff plebiscite. The amendment was not agreed to by a roll call vote of 18 yeas and 27 nays, as follows:

[Insert roll call sheet: "RC07_HR 8393 McClintock #072 to ANS.docx"]

Ranking Member Westerman offered an amendment designated Westerman #7 to the amendment in the nature of a substitute. The amendment would have eliminated sections in this bill under the transition to Independence or Sovereignty in Free Association with the United States outlining a process for the nation of Puerto Rico to establish a new constitution and elect new officers. The amendment would also have eliminated the requirement that services rendered as part of vested benefits accrued would continue to be offered through the government of the nation of Puerto Rico, as well as the requirement that the nation of Puerto Rico not use individual contributions to the social security system for any purpose other than the operation of a social security system. The amendment was not agreed to by a roll call vote of 19 yeas and 26 nays, as follows:

[Insert roll call sheet: "RC08_HR 8393 Westerman #7 to ANS.docx"]

Ranking Member Westerman offered an amendment designated Westerman #2 to the amendment in the nature of a substitute. The amendment would have eliminated subsections in this bill under a transition to Independence or Sovereignty in Free Association with the United States that maintain federal transfer payments to individuals and to the government of the territory of Puerto Rico in the form of annual block grants to be used by the government of the nation of Puerto Rico for a period of 20 years. The amendment was not agreed to by a roll call vote of 18 yeas and 26 nays, as follows:

[Insert roll call sheet: "RC09_HR 8393 Westerman #2 to ANS.docx"]

Rep. Tom Tiffany (R-WI) offered an amendment designated Tiffany #10 to the amendment in the nature of a substitute. The amendment would have eliminated sections of this bill under a transition to Independence or Sovereignty in Free Association with the United States providing temporary travel and work authorizations for Puerto Rican citizens. The amendment was not agreed to by a roll call vote of 17 yeas and 26 nays, as follows:

[Insert roll call sheet: "RC10_HR 8393 Tiffany #10 to ANS.docx"]

Rep. Tiffany offered an amendment designated Tiffany #9 to the amendment in the nature of a substitute. The amendment would have eliminated sections under a transition to Sovereignty in Free Association with the United States regarding the extension of U.S. citizenship to persons born in Puerto Rico during the first Articles of Free Association. The amendment would also have eliminated this citizenship language on the federal plebiscite ballot. The amendment was not agreed to by a roll call vote of 17 yeas and 26 nays, as follows:

[Insert roll call sheet: "RC11_HR 8393 Tiffany #9 to ANS.docx"]

Rep. Jody B. Hice (R-GA) offered an amendment designated Hice #045 to the amendment in the nature of a substitute. The amendment would have required that, if the plebiscite resulted in Independence or Sovereignty in Free Association with the United States, the President not issue a proclamation on Puerto Rico status until Puerto Rico committed to not accepting any debt assistance from the Government of China or any person associated with that government. The amendment was not agreed to by a roll call vote of 18 yeas and 26 nays, as follows:

[Insert roll call sheet: "RC12_HR 8393 Hice #045 to ANS.docx"]

Rep. Hice offered an amendment designated Hice #046 to the amendment in the nature of a substitute. The amendment would have required that, under the transition to Independence, U.S. Department of Defense assets in Puerto Rico not be transferred to the nation of Puerto Rico. As such, the amendment would have mandated that the nation of Puerto Rico allow the United States to continue operating existing military bases and facilities in Puerto Rico. The amendment was not agreed to by a roll call vote of 18 yeas and 27 nays, as follows:

[Insert roll call sheet: "RC13_HR 8393 Hice #046 to ANS.docx"]

Rep. Hice offered an amendment designated Hice #047 (Revised) to the amendment in the nature of a substitute. The amendment would have required that Puerto Rico repay in full its public debt before a status proclamation could be issued. The amendment was not agreed to by a roll call vote of 18 yeas and 28 nays, as follows:

[Insert roll call sheet: "RC14_HR 8393 Hice #047 (revised) to ANS.docx"]

Rep. Hice offered an amendment designated Hice #048 to the amendment in the nature of a substitute. The amendment would have reiterated that all contracts, obligations, debts, and claims of Puerto Rico shall continue under each of the political status options. The amendment was not agreed to by a roll call vote of 17 yeas and 27 nays, as follows:

[Insert roll call sheet: "RC15_HR 8393 Hice #048 to ANS.docx"]

Rep. Hice offered an amendment designated Hice #049 to the amendment in the nature of a substitute. The amendment would have required that Puerto Rico commit to signing an extradition treaty with the United States before a status proclamation could be issued. The amendment was not agreed to by a roll call vote of 17 yeas and 27 nays, as follows:

[Insert roll call sheet: "RC16_HR 8393 Hice #049 to ANS.docx"]

Rep. Hice offered an amendment designated Hice #050 to the amendment in the nature of a substitute. The amendment would have provided that the bill not take effect until Puerto Rico "reimburses" the Federal Emergency Management Agency (FEMA) for disaster relief funds, including emergency funds provided in response to Hurricane Maria. The amendment was withdrawn.

No additional amendments were offered. The amendment in the nature of a substitute was agreed to by voice vote.

The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas and 20 nays, as follows:

[Insert roll call sheet: "RC17 HR 8393, Final Passage.docx"]

HEARINGS

For the purposes of clause 3(c)(6) of House Rule XIII, the following hearings were used to develop or consider this measure: hearing by the full Committee held on April 14, 2021, and hearing by the full Committee held on June 16, 2021.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

Section 1 provides that this Act may be cited as the "Puerto Rico Status Act".

Section 2. Table of Contents.

Section 3. Findings.

Section 3 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, nonterritorial, fully self-governing political status.

The Committee strongly believes that under the current territorial status, also known as Commonwealth status, the more than three million U.S. citizens residing in Puerto Rico are treated as second-class citizens, denied access to certain federal services and benefits, and unable to fully participate in our nation's democratic processes. At the same time, Puerto Rico's territory status does not grant the local government the powers that devolve upon a sovereign nation to reach its full political, economic, and social development. The Committee believes the preservation of Puerto Rico's colonial territory status would not resolve these issues. Therefore, it should not be included among the options on a federally sponsored plebiscite to determine the future political status of Puerto Rico.

Section 4. Definitions.

The Committee notes that the definition of "eligible voters" under this Act specifies bona fide residents of Puerto Rico who are otherwise qualified to vote in general elections in Puerto Rico. This definition was carefully deliberated by the authors of this bill and respects the local laws of the Government of Puerto Rico. The Committee also notes that an amendment to expand plebiscite voter eligibility to individuals residing outside of Puerto Rico¹² was overwhelmingly rejected in 2010 by the House of Representatives¹³ during its consideration of H.R. 2499,¹⁴ a bill that would have authorized a plebiscite on Puerto Rico's political status.

¹² 156 CONG. REC. H3047 (daily ed. Apr. 29, 2010) (Amendment No. 5 offered by Rep. Velázquez), <https://www.congress.gov/111/crec/2010/04/29/CREC-2010-04-29-pt1-PgH3029-3.pdf>.

¹³ *Roll Call 238, 111th Cong., 2nd Session*, OFFICE OF THE CLERK, U.S. HOUSE OF REPRESENTATIVES, <https://clerk.house.gov/Votes/2010238>.

¹⁴ 111th Cong. (2010), <https://www.congress.gov/bill/111th-congress/house-bill/2499>.

Section 5. Plebiscite.

Section 5(a) 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 would be required to approve any status option, and if none of the options receives a majority in an initial plebiscite set to occur on November 5, 2023; a runoff plebiscite would take place on March 3, 2024, for voters to choose among the two options that received the most votes in the initial plebiscite. Majority vote is defined as more than 50 percent of the valid votes cast.

The bill’s intent is to establish a path toward resolving the territorial status that Puerto Rico has held for more than a century. The non-territorial status options made available to Puerto Rico through this Act — Independence; Sovereignty in Free Association with the United States, as defined by this legislative text; and Statehood — are the non-territorial political status options acceptable under the United States Constitution and international law that would address the second-class treatment Puerto Rico receives due to its present territory status. Under territory status, Puerto Rico’s residents are denied access to certain federal services and benefits, and unable to participate in U.S. presidential elections or have voting representation in Congress. At the same time, Puerto Rico currently does not have the full powers that devolve upon a sovereign nation to enter into relations with other nations or international organizations. The Committee believes the preservation of Puerto Rico’s territory status would not resolve these issues, and it is, therefore, not included among the options on the plebiscite.

The Committee notes that the decision to exclude the current status is in tension with the recommendations provided by President Barack Obama’s Task Force on Puerto Rico’s Status in its March 2011 report.¹⁵ However, the Committee also notes that the Task Force’s report recognizes that, under a Commonwealth option, Puerto Rico would remain subject to the Territorial Clause of the U.S. Constitution. The authors of this bill agreed at the onset of their negotiations that including territory status among the options to be selected by voters would undermine the overall intent of the legislation to decolonize the island and resolve Puerto Rico’s political status.

The exclusion of a “None of the above” option in the plebiscite is based on the Committee’s belief that the inclusion of such an option falsely suggests the existence of a fourth non-territorial option for permanently resolving Puerto Rico’s political status beyond the three options of Independence, Sovereignty in Free Association with the United States, or Statehood. No other options exist that are compatible with the U.S. Constitution and international law. Such a belief defies the conclusions of the international community, the federal courts, and the executive branch.

The decision to not count unmarked or “blank” ballots is responsive to past controversies where the existence of blank ballots has been used to undermine the public’s confidence in the result of a plebiscite. The omission of blank ballots helps prevent uncertainty and inconclusiveness so that a resolution to Puerto Rico’s political status may be achieved. In gathering feedback on the discussion draft of the bill, its authors frequently heard from the general public in favor of helping ensure the public’s confidence in the results, whatever the outcome.

The majority vote threshold of more than 50 percent of the valid votes cast is fundamental to democracy, dating back to the founding of the United States, and consistent with the Committee’s belief that imposing a higher threshold would place an unreasonable burden on the people of Puerto Rico and unfairly deter the success of any of the three status options included in the ballot. Given the division among

¹⁵ PRESIDENT’S TASK FORCE ON PUERTO RICO’S STATUS, REPORT BY THE PRESIDENT’S TASK FORCE ON PUERTO RICO’S STATUS (2011), https://obamawhitehouse.archives.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_Report.pdf.

eligible voters on the issue of Puerto Rico's political status, the Committee believes that the simple majority threshold, as defined in this Act, is the most effective to resolve Puerto Rico's political status and consistent with democratic norms and traditions.

The inclusion of a runoff plebiscite in the event that neither status option receives a majority vote in the initial plebiscite is partly responsive to the recommendations of President Obama's Task Force on Puerto Rico's Status. In its March 2011 report, the Task Force notes that a single plebiscite alone may result in a "fractured vote" that would undermine the confidence in the status option that receives the most votes, especially if such option receives only a narrow plurality. If necessary, a runoff plebiscite between the two options that receive the most votes in an initial plebiscite would instill voters with a greater level of confidence in the status that is ultimately selected.

The Committee notes that the language describing each of the three status options on the plebiscite ballot is consistent with the transition and implementation details included in Titles I, II, and III of this Act to ensure voters understand the implications of each option so that they may make an informed choice.

The requirement for Congress to act on the results of the plebiscite and implement the status option selected by a majority of voters is essential to resolving Puerto Rico's status and for instilling confidence in voters that their choice will be respected by Congress. Congress maintains its authority to pass contingent laws as it deems necessary to facilitate Puerto Rico's transition to a non-territorial status.

In addition to setting the procedures for implementing the plebiscite, the section requires informing officials of the results and 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.

Section 6(a) 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. Section 6(b) specifies some of the topics at minimum that must be addressed in the voter education materials.

The Committee believes that the voter education campaign topics specified in and required by the legislative text should be read expansively to best inform the people of Puerto Rico on the ramifications of their decision on the island's future status. In particular, the topic of "international representation" is intended to address Puerto Rico's eligibility under each status option for international events including the Olympics Games and the Miss Universe pageant under the rules of the organizations that run such events. Regarding the topic of "access and treatment under Federal law and programs," the voter education campaign should address access to federal programs such as Social Security, Medicaid, Medicare, and the Supplemental Nutrition Assistance Program, as well as topics that include taxation of individuals and businesses and official language for each of the status options. The Committee notes that any voter education campaign information related to taxation of individuals and business should be consistent with the plebiscite ballot language for each status options in Section 5. The Committee also notes that, in the event voters choose Independence or Sovereignty in Free Association with the United States, the nation of Puerto Rico would have the power to determine or not its official language. Similarly, in the event voters choose Statehood, the State of Puerto Rico, like the other several states, would have the power to define or not its official language. The United States does not have an official language, and there is no rule in the U.S. Constitution requiring the adoption of English for the admission of new states.

Section 7. Oversight.

Section 7(a) sets requirements for the Elections Commission to submit the ballot design and voter education materials for the plebiscite to the U.S. Attorney General for review. Section 7(b) sets out that if the U.S. Attorney General fails to comply with section 7(c), the ballot design and voter education materials shall be considered approved. Section 7(c) sets requirements for the U.S. Attorney General to review the ballot design and voter education materials for the plebiscite and return the information with comments and instructions to the Elections Commission or inform the Elections Commission that no changes are necessary. Section 7(d) sets requirements for the Elections Commission to revise the ballot design and voter education materials as requested by the Attorney General.

The Committee notes that, unlike the options of Independence and Statehood, the option of Sovereignty in Free Association with the United States is currently not represented by an official political party in Puerto Rico. This section empowers the U.S. Attorney General to review the ballot design and voter education materials to ensure that the three status options are represented fairly, especially in the event that Free Association is not represented on the Elections Commission.

Section 8. Funds for voter education; plebiscites.

Section 8(a) authorizes necessary funds for the Elections Commission to carry out a nonpartisan voter education campaign, an initial plebiscite and, if necessary, a runoff plebiscite under this Act. Section 8(b) makes available \$2,500,000 previously authorized in 2014 through Public Law 113-76 to carry out a plebiscite on Puerto Rico's political status.

The Committee notes the federal government's responsibility to resolve Puerto Rico's political status in recognition of the United States acquiring Puerto Rico by conquest, not consent, in the Spanish-American War. This responsibility would be carried out through the funding of an objective, nonpartisan voter education campaign; an initial plebiscite; and, if necessary, a runoff plebiscite to facilitate a democratic transition to a new political status for Puerto Rico.

Section 9. Bilingual voter education materials and ballots.

Section 9 requires that the Elections Commission makes available in English and Spanish all voter education materials and plebiscite ballots used to carry out this bill.

The Committee believes it is important to make all voter education materials and plebiscite ballots available in the official languages of Puerto Rico, which are English and Spanish.

Section 10. Puerto Rico Oversight, Management, and Economic Stability Act.

Section 10 provides that the Puerto Rico, Oversight, Management and Economic Stability Act (PROMESA) will no longer apply to Puerto Rico after it becomes a state or a nation. This section also 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.

The Committee notes that nothing in this bill provides that the debt of the territory of Puerto Rico and its instrumentalities will be assumed by the federal government, pardoned, or condoned. Sections 109, 207, and 308 establish that judgments rendered by federal or territorial courts before any change in status will remain in effect, which includes the debt restructuring agreements reached pursuant to PROMESA.

Section 11. Severability.

Section 11 provides that any part of this Act being 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.

Section 101(a) 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.

Section 101(b) provides that all eligible voters may vote in the election of delegates to the constitutional Convention.

Section 101(c) provides that the electoral process will occur according to the laws of the territory of Puerto Rico.

Section 101(d) 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.

The Committee notes the federal government's responsibility to facilitate a stable and orderly transition to an independent political status for Puerto Rico, should that option be selected by a majority of voters. This section stipulates a rigorous and democratic process for drafting a constitution for the nation of Puerto Rico to ensure a successful transition.

Section 102. Character of the constitution.

Section 102 requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

Section 103. Submission; Ratification.

Section 103(a) requires the drafted constitution to be submitted to eligible voters for ratification or rejection in a special election within one year of the establishment of the constitutional Convention.

Section 103(b) provides that the special election process will be determined by the legislature of Puerto Rico.

Section 104. Election of officers.

Section 104(a) 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.

Section 104(b) requires another special election 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 104(c) provides that the election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Section 104(d) provides that 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 U.S. federal officials of the results.

Section 105. Conforming amendments to existing law.

Section 105(a) directs the President to review federal law with respect to Puerto Rico within 30 days of the initial meeting of the constitutional Convention.

Section 105(b) directs the President to submit recommendations to Congress for changes to federal law within one year of initiating the review described in subsection 105(a).

The Committee notes that the transition to and implementation of the three non-territorial status options listed in this bill, including Independence, requires a review of federal law to address and resolve any conflicts between the laws of the United States, including the Constitution's uniformity provisions, and the laws of the state or nation of Puerto Rico. The deadlines for the President's review and submission to Congress reflect an urgency to ensure appropriate changes are made to avoid disruptions to the implementation of the status option selected by voters in the federal plebiscite.

Section 106. Joint Transition Commission.

Section 106(a) establishes a Joint Transition Commission within three months of the constitutional Convention's establishment.

Section 106(b) provides that 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(c) provides that the Government of the territory of Puerto Rico and U.S. agencies will collaborate with the Joint Transition Commission and subsequent officers of the nation of Puerto Rico to carry out the transfer of functions described in subsection (b).

The Committee notes its belief that the federal government should not impose extraneous requirements that would deter Puerto Rico's transition to a non-territorial status or infringe upon the sovereignty of the nation of Puerto Rico. Any matters beyond the scope of transferring government functions from one sovereign nation to another may be addressed by agreement between the United States and the nation of Puerto Rico following Puerto Rico's transition to an independent status.

Section 107. Proclamations by President of the United States; Head of State of Puerto Rico.

Section 107(a) 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.

Section 107(b) provides that the President shall forward a copy of the proclamation within one week of signature to certain government officials in Puerto Rico and the United States.

Section 107(c) requires the presiding officer of the constitutional Convention to determine, within one week of receiving the Presidential proclamation, the date that the Government of the nation of Puerto Rico takes office.

The Committee notes that, following the President's proclamation, Congress may pass contingent laws as it deems necessary to facilitate Puerto Rico's transition to independence.

Section 108. Legal and constitutional provisions.

Section 108 provides that all property, rights, and interests of the United States government over Puerto Rico is transferred to the nation of Puerto Rico. This section also provides that 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 109. Judicial pronouncements.

Section 109(a) provides that the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts before the proclamation of independence.

Section 109(b) provides that all pending proceedings of the territory of Puerto Rico on the day of the proclamation of independence shall continue in the corresponding courts under the Constitution of the nation of Puerto Rico.

Section 109(c) provides that 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.

The Committee notes that Sections 109, 207, and 308 establish that judgements rendered by federal or territorial courts before any change in status will remain in effect, which includes the debt restructuring agreements reached pursuant to PROMESA.

Section 110. Citizenship and immigration laws after Puerto Rican independence.

Section 110(a) provides that the Puerto Rican citizenship status of a person born in Puerto Rico will be determined according to the Constitution and laws of the nation of Puerto Rico. This section also provides that citizens of Puerto Rico seeking to enter the United States or obtain U.S. citizenship after the effective date of independence shall be subject to U.S. immigration laws.

The Committee notes that under Independence, Puerto Rican citizenship of a person born in Puerto Rico would be determined by the nation of Puerto Rico, and U.S. citizenship would be determined by Congress. The Committee also notes that, in general, the Immigration and Nationality Act (INA) would apply entirely to citizens of Puerto Rico after the effective date of independence, except as specifically and explicitly modified in section 110.

Section 110 (b) clarifies that the provision of Puerto Rican citizenship by the laws of Puerto Rico shall not constitute or otherwise serve as the basis of loss or relinquishment of U.S. citizenship.

Section 110(c) provides that 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 INA is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the INA.

The Committee notes that, generally, current law provides several scenarios for persons to be U.S. citizens when born outside of the United States to parents who are U.S. citizens. However, the new nation of Puerto Rico would be unique among foreign nations in that it would already be populated overwhelmingly by U.S. citizens. Keeping these default rules would prevent Puerto Rico from becoming a nation that is populated by a majority of its own citizens.

The bill's authors strongly believe that causing the nation of Puerto Rico to remain indefinitely with a population that is a majority citizens of the United States would not be in the interest of the nation of Puerto Rico or of the United States.

Accordingly, the bill would limit some of the scenarios in which persons born in the nation of Puerto Rico would be U.S. citizens at birth. Under Independence, INA sections 301(c), (d), and (g) would not provide U.S. citizenship to a person born in the nation of Puerto Rico if one of the U.S. citizen parents obtained their citizenship under INA section 302. INA sections 301(c), (d), and (g) would remain applicable

for persons born in Puerto Rico after a proclamation of Independence to parents who are U.S. citizens under provisions other than INA section 302.

Section 110(d) provides temporary authorizations for Puerto Rican citizens who are not U.S. citizens to enter, work, and establish residence as nonimmigrants in the United States without the need for a visa. However, the right of such persons to travel, work, or establish residence in the United States may be subjected to limitations provided for in statutes or regulations of the United States. These authorizations expire 25 years after independence.

These authorizations are modeled after travel, work, and residence authorizations already available to citizens of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Section 110(e) makes conforming amendments to section 101 of the INA and clarifies that Puerto Rico is considered to be in the United States, as such term is defined in section 101 of the INA, prior to independence.

Section 110(f) provides that nothing in this section limits the power and authority of the United States to change policy requirements for United States citizenship.

Section 111. Individual rights to economic benefits and grants.

Section 111(a) provides that 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.

Section 111(b) provides that all contributions made by employees and employers to Social Security 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 use these funds only 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.

Section 111(c) provides that 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 that currently extend to the territory of Puerto Rico or all programs that 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.

The Committee notes the federal government's responsibility to resolve Puerto Rico's political status in recognition of the United States acquiring Puerto Rico by conquest, not consent, in the Spanish-American War. This responsibility would be carried out through the provision of temporary support, in the form of federal transfer payments and economic benefits to the nation of Puerto Rico, to facilitate a stable transition to independence.

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

Section 201. Constitutional convention.

Section 201(a) 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 Sovereignty in Free Association with the United States to draft a constitution for the nation of Puerto Rico.

Section 201(b) provides that all eligible voters may vote in the election of delegates to the constitutional Convention.

Section 201(c) provides that the electoral process will occur according to the laws of the territory of Puerto Rico.

Section 201(d) 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.

The Committee notes the federal government's responsibility to facilitate a stable and orderly transition to a sovereignty in free association political status for Puerto Rico, should that option be selected by a majority of voters. This section stipulates a rigorous and democratic process for drafting a constitution for the nation of Puerto Rico to ensure a successful transition.

Section 202. Character of the constitution.

Section 202 requires the constitutional Convention to draft a constitution that guarantees the protection of fundamental human rights.

Section 203. Submission; Ratification.

Section 203(a) 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.

The Committee notes that the deadline for the ratification or rejection of a constitution is two years under Sovereignty in Free Association with the United States and one year under Independence. The additional year under Free Association is intended to provide sufficient time for the United States and the nation of Puerto Rico to reach an agreement to be codified in the first Articles of Free Association prior to bringing forth a constitution for a vote.

Section 203(b) provides that the special election process will be determined by the legislature of Puerto Rico.

Section 204. Election of officers.

Section 204(a) 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.

Section 204(b) requires another special election 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 204(c) provides that the election of officers will be held within six months of the constitution's ratification and conducted according to the requirements in the constitution.

Section 204(d) provides that 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 U.S. federal officials of the result.

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

Section 205(a) 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.

Section 205(b) provides that the President shall forward a copy of the proclamation within one week of signature to certain government officials in Puerto Rico and the United States.

Section 205(c) requires the presiding officer of the constitutional Convention to determine, within one week of receiving the Presidential proclamation, the date that the Government of the nation of Puerto Rico takes office.

The Committee notes that, following the President's proclamation, Congress may pass contingent laws as it deems necessary to facilitate Puerto Rico's transition to international sovereignty in free association with the United States.

Section 206. Legal and constitutional provisions.

Section 206 provides that all property, rights and interests of the United States government over Puerto Rico is transferred to the nation of Puerto Rico. This section also provides that 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.

Section 207(a) provides that the nation of Puerto Rico will recognize all orders and judgements made by the United States or territorial courts before the proclamation of international sovereignty through free association.

Section 207(b) provides that all pending proceedings of the territory of Puerto Rico on the day of the proclamation of international sovereignty through free association shall continue in the corresponding courts under the Constitution of the nation of Puerto Rico.

Section 207(c) provides that 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.

The Committee notes that Sections 109, 207, and 308 establish that judgements rendered by federal or territorial courts before any change in status will remain in effect, which includes the debt restructuring agreements reached pursuant to PROMESA.

Section 208. Citizenship and immigration laws after sovereignty through free association.

Section 208(a) provides that the Puerto Rican citizenship status of a person born in Puerto Rico will be determined according to the Constitution and laws of the nation of Puerto Rico. This section also provides that citizens of Puerto Rico seeking to enter the United States or obtain U.S. citizenship after the proclamation of international sovereignty through free association shall be subject to U.S. immigration laws.

The Committee notes that under Sovereignty in Free Association with the United States, Puerto Rican citizenship of a person born in Puerto Rico would be determined by the nation of Puerto Rico, and U.S. citizenship would be determined by Congress. The Committee also notes that, in general, the Immigration and Nationality Act (INA) would apply entirely to citizens of Puerto Rico after the proclamation of international sovereignty through free association, except as specifically and explicitly modified in section 208.

Section 208(b) clarifies that the provision of Puerto Rican citizenship by the laws of Puerto Rico shall not constitute or otherwise serve as the basis of loss or relinquishment of U.S. citizenship.

Section 208(c) provides that 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 INA is not a United States citizen at birth under subsections (c), (d), or (g) of section 301 of the INA — except as follows. During the first Articles of Free Association, an individual born in Puerto Rico to two parents who are U.S. citizens shall be a U.S. citizen at birth under section 301(c) of the INA if otherwise eligible. The duration of the Articles of Free Association is subject to negotiation and ratification by a sovereign Puerto Rico and United States.¹⁶

The Committee notes that, generally, current law provides several scenarios for persons to be U.S. citizens when born outside of the United States to parents who are U.S. citizens. However, the new nation of Puerto Rico would be unique among foreign nations in that it would already be populated overwhelmingly by U.S. citizens. Keeping these default rules would prevent Puerto Rico from becoming a nation that is populated by a majority of its own citizens.

The bill's authors strongly believe that causing the nation of Puerto Rico to remain indefinitely with a population that is a majority citizens of the United States would not be in the interest of the nation of Puerto Rico or of the United States.

Accordingly, the bill would limit some of the scenarios in which persons born in the nation of Puerto Rico would be U.S. citizens at birth. Under Sovereignty in Free Association with the United States, INA sections 301(c), (d), and (g) would not provide U.S. citizenship to a person born in the nation of Puerto Rico if one of the U.S. citizen parents obtained their citizenship under INA section 302, with one key exception as follows. During the first Articles of Free Association, INA sections 301(c) would remain available as in other foreign countries — that is, a person born in Puerto Rico to two U.S. citizens would be a U.S. citizen under INA section 301(c) (regardless of whether the parents obtained their U.S. citizenships under INA 302 or under another provision of law).

The Committee notes that the period under section 208(c)(2), providing that an individual born in Puerto Rico to two U.S. citizens shall be a U.S. citizen at birth during the implementation of the first Articles of Free Association, is a transition period. The bill's authors strongly believe that causing the nation of Puerto Rico to remain indefinitely with a population that is a majority citizens of the United States would not be in the interest of the nation of Puerto Rico or of the United States.

¹⁶ The existing Compacts of Free Association between the United States and the Freely Associated States — the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau — are largely permanent. However, key terms regarding financial assistance require reauthorization, so in practice the agreements are reviewed periodically. The financial assistance terms were originally authorized with a duration of 15 years. They since have been renewed for 20-year periods for RMI and FSM and for 15 years for Palau.

Section 208(d) describes temporary authorizations for Puerto Rican citizens who are not U.S. citizens to enter, work, and establish residence as nonimmigrants in the United States without the need for a visa. However, the right of such persons to travel, work, or establish residence in the United States may be subjected to limitations provided for in statutes or regulations of the United States. These authorizations expire upon the termination of the Articles of Free Association.

These authorizations are modeled after travel, work, and residence authorizations available to citizens of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Section 208(e) makes conforming amendments to section 101 of the INA and clarifies that Puerto Rico is considered to be in the United States, as such term is defined in section 101 of the INA, prior to international sovereignty through free association.

Section 208(f) provides that nothing in this section limits the power and authority of the United States to change policy requirements for United States citizenship.

Section 209. Conforming amendments to existing law.

Section 209(a) directs the President to review federal law with respect to Puerto Rico within 30 days of the initial meeting of the constitutional Convention.

Section 209(b) directs the President to submit recommendations to Congress for changes to federal law within one year of initiating the review described in subsection 205(a).

The Committee notes that the transition to and implementation of the three non-territorial status options listed in this bill, including Sovereignty in Free Association with the United States, requires a review of federal law to address and resolve any conflicts between the laws of the United States, including the Constitution's uniformity provisions, and the laws of the state or nation of Puerto Rico. The deadlines for the President's review and submission to Congress reflect an urgency to ensure appropriate changes are made to avoid disruptions to the implementation of the status option selected by voters in the federal plebiscite.

Section 210. Bilateral Negotiating Commission.

Section 210(a) 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.

Section 210(b) 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.

Section 210(c) requires the Bilateral Negotiating Commission to meet within three months of the election and designation of its members. This initial meeting constitutes the establishment of the Commission.

Section 210(d) describes that the Bilateral Negotiating 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.

Section 210(e) requires that the Government of the territory of Puerto Rico and the agencies of the Government of the United States will collaborate with the Commission to provide for the orderly transfer of functions described in subsection 210(d).

Section 211. Articles of Free Association approval and effective date.

Section 211(a) provides that 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 of Puerto Rico in a special election held under Section 203 and by the Government of the United States in accordance with its constitutional processes.

Section 211(b) requires that the process for negotiating, drafting, and approving Articles of Free Association be repeated if the special election results in the rejection of the Articles of Free Association.

Section 212. Termination.

Section 212 provides that the Articles of Free Association between the United States and Puerto Rico may be terminated at will by either party at any time.

The Committee notes the ability for either the United States or the nation of Puerto Rico to terminate the Articles of Free Association is consistent with U.S. and international law and the ability of two sovereign nations to enter into or terminate agreements between nations.

Section 213. Individual rights to economic benefits and grants.

Section 213(a) provides that 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 agreements reached by the two nations.

Section 213(b) provides that all contributions made by employees and employers to Social Security 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 use these funds only 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.

Section 213(c) provides that 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 that currently extend to the territory of Puerto Rico or all programs that 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.

Section 213(d) provides that the terms and conditions of this section may be revised by agreement under the Articles of Free Association.

The Committee notes the federal government's responsibility to resolve Puerto Rico's political status in recognition of the United States acquiring Puerto Rico by conquest, not consent, in the Spanish-American War. This responsibility would be carried out through the provision of temporary support, in the

form of federal transfer payments and economic benefits to the nation of Puerto Rico, to facilitate a stable transition to sovereignty.

TITLE III – TRANSITION AND IMPLEMENTATION – STATEHOOD

Section 301. Presidential proclamation; Admission into the Union.

Section 301 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 effective date of the plebiscite results in favor of statehood. This section also provides that 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 the other states upon the date selected by the President. Puerto Rico will remain unincorporated until its admission.

The Committee notes that, following the President’s proclamation, Congress may pass contingent laws as it deems necessary to facilitate Puerto Rico’s admission as a state and to ensure the State of Puerto Rico’s conformity with existing laws of the United States and the Constitution’s uniformity provisions. The Committee also notes that the provision to maintain Puerto Rico’s “unincorporated” status until its admission as a state reflects the recommendation of the Department of Justice in its section-by-section analysis of H.R. 1522 to include such language to clearly express an intent to avoid disruptions that would result from the immediate application of the Constitution’s uniformity requirements in Puerto Rico.

Section 302. Conforming amendments to existing law.

Section 302(a) directs the President to review federal law with respect to Puerto Rico within 30 days of the certification of a plebiscite result in favor of statehood.

Section 302(b) directs the Presidents to submit recommendations to Congress for changes to federal law within one year of initiating the review referred to in subsection 302(a).

The Committee notes that the transition to and implementation of the three non-territorial status options listed in this bill, including Statehood, requires a review of federal law to address and resolve any conflicts between the laws of the United States, including the Constitution’s uniformity provisions, and the laws of the state or nation of Puerto Rico. The deadlines for the President’s review and submission to Congress reflect an urgency to ensure appropriate changes are made to avoid disruptions to the implementation of the status option selected by voters in the federal plebiscite.

Section 303. Territory and boundaries.

Section 303 specifies the territory and boundaries of the State of Puerto Rico, including all the islands and territorial waters in the seaward boundary currently under the territory of Puerto Rico’s jurisdiction.

Section 304. Constitution

Section 304 declares the Constitution of the territory of Puerto Rico, previously 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. This section also 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 305. Elections of Senators and Representatives, certification, and legal disputes.

Section 305(a) 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.

Section 305(b) provides that 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.

Section 305(c) provides that the State of Puerto Rico shall be entitled to Senators and Representatives in the U.S. Congress who possess all the rights and privileges afforded to representatives of the other states. This section also provides that two senatorial offices shall be separately identified and designated in the first election of Senators and that 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, and the State of Puerto Rico will subsequently be entitled to the number of Representatives provided for by applicable law based on the next reapportionment. In addition, this section also requires the Elections Commission to certify the results of the primary and general elections for representation in Congress to the Governor and requires the Governor to declare and transmit the results within ten days of each certification. Finally, this section provides the United States District Court for the District of Puerto Rico jurisdiction over any dispute or controversy related to the electoral process.

Section 306. State title to land and property.

Section 306(a) provides that 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.

Section 306(b) provides that 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.

Section 306(c) 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 307. Continuity of laws, government, and obligations.

Section 307 provides that all territorial laws existing upon the President's proclamation of Puerto Rico's admission into the Union will remain in place under the State of Puerto Rico until the state amends, modifies, or repeals such laws. All United States laws will have the same force and effect within the State of Puerto Rico as in other states. This section also provides that individuals holding legislative, executive, and judicial offices of the territory of Puerto Rico will continue their duties when Puerto Rico becomes a state of the Union. In addition, all contracts, obligations, debts, and claims of the territory of Puerto Rico at the time of admission continue as those of the State of Puerto Rico. Finally, this section provides that all United States laws reserving free use or enjoyment of property that vests in or is conveyed to the State of Puerto Rico will cease to be effective.

Section 308. Judicial pronouncements.

Section 308(a) provides for all pending actions in any court of the territory of Puerto Rico to proceed within the appropriate state courts as established under the Constitution of the State of Puerto Rico or within the U.S. District Court for the District of Puerto Rico as appropriate.

Section 308(b) provides that all civil causes of action and criminal offenses that arise before admission but that do not have pending action at the time of admission will be subject to prosecution in the appropriate state courts or in the U.S. District Court for the District of Puerto Rico.

Section 308(c) provides parties with the same rights of judicial review and appeal regarding any case of the U.S. District Court for the District of Puerto Rico or the Supreme Court of Puerto Rico upon admission into the Union as before admission.

The Committee notes that Sections 109, 207, and 308 establish that judgements rendered by federal or territorial courts before any change in status will remain in effect, which includes the debt restructuring agreements reached pursuant to PROMESA.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of Rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Committee adopts as its own any finalized additional materials of the Director of the Congressional Budget Office regarding the bill, should such materials be made available before House passage of the bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of Rule XIII, the general performance goals and objectives of this bill are 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.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of Rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee if such estimate is not publicly available on CBO's website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

[Insert Ramseyer material from OLC: "h8393_Ram_xml"]

DISSENTING VIEWS

[Insert: "HR 8393 Dissenting Views.pdf"]

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. McClintock amendment #070 to the ANS

Disposition: Was not agreed to by a roll call vote of 15 yeas and 27 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL		X	
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	15	27	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. McClintock amendment #071 to the ANS

Disposition: Was not agreed to by a roll call vote of 14 yeas and 28 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL		X	
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	14	28	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Ranking Member Westerman amendment #12 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (<i>RM</i>)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. McClintock amendment #075 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	17	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Boebert amendment #4 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	25	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. McClintock amendment #074 to the ANS

Disposition: Was not agreed to by a roll call vote of 14 yeas and 30 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	14	30	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. McClintock amendment #072 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 27 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	27	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Ranking Member Westerman amendment #7 to the ANS

Disposition: Was not agreed to by a roll call vote of 19 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (<i>RM</i>)	X		
21	Mr. Wittman, VA	X		
	TOTALS	19	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Ranking Member Westerman amendment #2 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Tiffany amendment #10 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	17	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Tiffany amendment #9 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	17	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Hice amendment #045 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 26 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	26	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Hice amendment #046 to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 27 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	27	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Hice amendment #047 (revised) to the ANS

Disposition: Was not agreed to by a roll call vote of 18 yeas and 28 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	18	28	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Hice amendment #048 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 27 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	17	27	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment: Rep. Hice amendment #049 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 27 nays.¹

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Ms. Conway, CA	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR		X	
8	Mr. Graves, LA			
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
	TOTALS	17	27	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

¹ During the markup, the total on this vote was announced incorrectly. The numbers above are accurate and authoritative.

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 8393

Amendment:

Disposition: Final Passage: H.R. 8393, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas and 20 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (21)	Y	N	P
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Ms. Conway, CA		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX			
7	Miss González-Colón, PR	X		
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA		X	
13	Mr. Moore, UT		X	
14	Mr. Obernolte, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI		X	
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)		X	
21	Mr. Wittman, VA		X	
	TOTALS	25	20	
	Total: 47 / Quorum: 16 / Report: 24	YEAS	NAYS	PRESENT

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

IMMIGRATION AND NATIONALITY ACT

* * * * *

TITLE I—GENERAL

DEFINITIONS

SECTION 101. (a) As used in this Act—

(1) The term “administrator” means the official designated by the Secretary of State pursuant to section 104(b) of this Act.

(2) The term “advocates” includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.

(3) The term “alien” means any person not a citizen or national of the United States.

(4) The term “application for admission” has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.

(5) The term “Attorney General” means the Attorney General of the United States.

(6) The term “border crossing identification card” means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and (B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.

(7) The term “clerk of court” means a clerk of a naturalization court.

(8) The terms “Commissioner” and “Deputy Commissioner” mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(9) The term “consular officer” means any consular, diplomatic, or other officer or employee of the United States designated under regulations prescribed under authority contained in this Act, for

the purpose of issuing immigrant or nonimmigrant visas or, when used in title III, for the purpose of adjudicating nationality.

(10) The term “crewman” means a person serving in any capacity on board a vessel or aircraft.

(11) The term “diplomatic visa” means a nonimmigrant visa bearing that title and issued to a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

(12) The term “doctrine” includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(13)(A) The terms “admission” and “admitted” mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

(i) has abandoned or relinquished that status,
(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(14) The term “foreign state” includes outlying possessions of a foreign state, but self-governing dominions and territories under mandate or trusteeship shall be regarded as separate foreign states.

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A)(i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien’s immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of

the officials and employees who have a nonimmigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

(D)(i) an alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, as defined in section 258(a) (other than a fishing vessel having its home port or an operating base in the United States), or aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft;

(ii) an alien crewman serving in good faith as such in any capacity required for normal operations and service aboard a fishing vessel having its home port or an operating base in the United States who intends to land temporarily in Guam or the Commonwealth of the Northern Mariana Islands and solely in pursuit of his calling as a crewman and to depart from Guam or the Commonwealth of the Northern Mariana Islands with the vessel on which he arrived;

(E) an alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him: (i) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; (ii) solely to develop and direct the operations of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; or (iii) solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1);

(F)(i) an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the

purpose of pursuing such a course of study consistent with section 214(l) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(G)(i) a designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representatives, and members of his or their immediate family;

(ii) other accredited representatives of such a foreign government to such international organizations, and the members of their immediate families;

(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which he is an accredited representative is not a member of such international organization, and the members of his immediate family;

(iv) officers, or employees of such international organizations, and the members of their immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

(H) an alien (i) (b) subject to section 212(j)(2), who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model, who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary

an application under section 212(n)(1), or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 214(g)(8)(A), who is engaged in a specialty occupation described in section 214(i)(3), and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 212(t)(1), or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), and the pressing of apples for cider on a farm, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative if accompanying or following to join him;

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the

United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(K) subject to subsections (d) and (p) of section 214, an alien who—

(i) is the fiancée or fiancé of a citizen of the United States (other than a citizen described in section 204(a)(1)(A)(viii)(I)) and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

(ii) has concluded a valid marriage with a citizen of the United States (other than a citizen described in section 204(a)(1)(A)(viii)(I)) who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(L) subject to section 214(c)(2), an alien who, within 3 years preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him;

(M)(i) an alien having a residence in a foreign country which he has no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program) in the United States particularly designated by him and approved by the Attorney General, after consultation with the Secretary of Education, which institution shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant nonacademic student and if any such institution fails to make reports promptly the approval shall be withdrawn, (ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i) (or under analogous authority under paragraph (27)(L)), but only if and while the alien is a child, or (ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I) (or under analogous authority under paragraph (27)(L));

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)(I) seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events,

(II) is an integral part of such actual performance,

(III)(a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or (b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing long-standing working relationship or, with respect to the specific production, because significant production (including pre- and post-production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and

(IV) has a foreign residence which the alien has no intention of abandoning; or

(iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;

(P) an alien having a foreign residence which the alien has no intention of abandoning who—

(i)(a) is described in section 214(c)(4)(A) (relating to athletes), or (b) is described in section 214(c)(4)(B) (relating to entertainment groups);

(ii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or orga-

nizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers;

(iii)(I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and

(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or non-commercial program that is culturally unique; or

(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;

(Q)(i) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers; or (ii)(I) an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society, and (II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii);

(S) subject to section 214(k), an alien—

(i) who the Attorney General determines—

(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(ii) who the Secretary of State and the Attorney General jointly determine—

(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 36(a) of the State Department Basic Authorities Act of 1956,

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(T)(i) subject to section 214(o), an alien who the Secretary of Homeland Security, or in the case of subclause (III)(aa) the Secretary of Homeland Security, in consultation with the Attorney General, determines—

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000;

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking, including physical presence on account of the alien having been allowed entry into the United States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking;

(III)(aa) has complied with any reasonable request for assistance in the Federal, State or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime;

(bb) in consultation with the Attorney General, as appropriate, is unable to cooperate with a request described in item (aa) due to physical or psychological trauma; or

(cc) has not attained 18 years of age; and

(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried

siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien;

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; or

(III) any parent or unmarried sibling under 18 years of age of an alien described in subclause (I) or (II) who the Secretary of Homeland Security, in consultation with the law enforcement officer investigating a severe form of trafficking, determines faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

(U)(i) subject to section 214(p), an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hos-

tage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18, United States Code); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 214(q), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d)) of a petition to accord a status under section 203(a)(2)(A) that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act, if—

(i) such petition has been pending for 3 years or more;

or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 203(a)(2)(A); or

(II) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 245, pursuant to the approval of such petition, remains pending.

(16) The term "immigrant visa" means an immigrant visa required by this Act and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this Act.

(17) The term "immigration laws" includes this Act and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion or removal of aliens.

(18) The term "immigration officer" means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this Act or any section thereof.

(19) The term "ineligible to citizenship," when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time, permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76), or under any section of this Act, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term “national” means a person owing permanent allegiance to a state.

(22) The term “national of the United States” means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term “naturalization” means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

(25) The term “noncombatant service” shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term “nonimmigrant visa” means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this Act.

(27) The term “special immigrant” means—

(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of title III, apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant’s spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before September 30, 2015, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before September 30, 2015, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who—

(i) is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director

thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status; or

(ii) is the surviving spouse or child of an employee of the United States Government abroad: *Provided*, That the employee performed faithful service for a total of not less than 15 years or was killed in the line of duty;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3 (a)(1) of the Panama Canal Act of 1979) enters into force, who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty, and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and (i) who, before the date on which such Panama Canal Treaty of 1977 enters into force, has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or (ii) who on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977, who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after the date of such death or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;

(J) an immigrant who is present in the United States—

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of

the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that—

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;

(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years, and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant;

(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the "Protocol on the Status of International Military Headquarters" set up pursuant to the North Atlantic Treaty, or as a dependent); and

(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998 (M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.

(28) The term "organization" means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

(32) The term "profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term "residence" means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

(34) The term "Service" means the Immigration and Naturalization Service of the Department of Justice.

(35) The term "spouse", "wife", or "husband" does not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term "State" includes the District of Columbia, [Puerto Rico,] Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

(37) The term "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party

and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, [Puerto Rico,] Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

(39) The term “unmarried”, when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term “world communism” means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term “graduates of a medical school” means aliens who have graduated from a medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term “refugee” means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

(43) The term “aggravated felony” means—

- (A) murder, rape, or sexual abuse of a minor;
- (B) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded \$10,000;

(E) an offense described in—

(i) section 842 (h) or (i) of title 18, United States Code, or section 844 (d), (e), (f), (g), (h), or (i) of that title (relating to explosive materials offenses);

(ii) section 922(g) (1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18, United States Code (relating to firearms offenses); or

(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment at least one year;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) at least one year;

(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18, United States Code (relating to child pornography);

(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations), or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of one year imprisonment or more may be imposed;

(K) an offense that—

(i) relates to the owning, controlling, managing, or supervising of a prostitution business;

(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

(L) an offense described in—

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code;

- (ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents); or
- (iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents);
- (M) an offense that—
 - (i) involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000; or
 - (ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds \$10,000;
- (N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act
- (O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;
- (P) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act;
- (Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more;
- (R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;
- (S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;
- (T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and
- (U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective

date), the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph.

(44)(A) The term “managerial capacity” means an assignment within an organization in which the employee primarily—

(i) manages the organization, or a department, subdivision, function, or component of the organization;

(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;

(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor’s supervisory duties unless the employees supervised are professional.

(B) The term “executive capacity” means an assignment within an organization in which the employee primarily—

(i) directs the management of the organization or a major component or function of the organization;

(ii) establishes the goals and policies of the organization, component, or function;

(iii) exercises wide latitude in discretionary decision-making; and

(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.

(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney General shall take into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.

(45) The term “substantial” means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.

(46) The term “extraordinary ability” means, for purposes of section 101(a)(15)(O)(i), in the case of the arts, distinction.

(47)(A) The term “order of deportation” means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.

(B) The order described under subparagraph (A) shall become final upon the earlier of—

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

(48)(A) The term “conviction” means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—

(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s liberty to be imposed.

(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part.

(49) The term “stowaway” means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.

(50) The term “intended spouse” means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).

(51) The term “VAWA self-petitioner” means an alien, or a child of the alien, who qualifies for relief under—

(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

(B) clause (ii) or (iii) of section 204(a)(1)(B);

(C) section 216(c)(4)(C);

(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).

(52) The term “accredited language training program” means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education.

(b) As used in titles I and II—

(1) The term “child” means an unmarried person under twenty-one years of age who is—

(A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;

(E)(i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household: *Provided*, That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years; or

(F)(i) a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen who is at least 25 years of age, at least 1 of whom personally saw and observed the child before or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence: *Provided*, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: *Provided further*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is com-

ing to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).

(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

(V) in the case of a child who has not been adopted—

(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such

parentage, be accorded any right, privilege, or status under this chapter; or

(iii) subject to the same provisos as in clauses (i) and

(ii), a child who—

(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).

(2) The term “parent”, “father”, or “mother” means a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in (1) above, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term “parent” does not include the natural father or the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term “person” means an individual or an organization.

(4) The term “immigration judge” means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 240. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

(5) The term “adjacent islands” includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in title III—

(1) The term “child” means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child’s residence or domicile, or under the law of the father’s residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 320 and 321 of title III, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms “parent”, “father”, and “mother” include in the case of a posthumous child a deceased parent, father, and mother.

(e) For the purpose of this Act—

(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(f) For the purposes of this Act—

No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established, is, or was—

(1) a habitual drunkard;

(3) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (10)(A) of section 212(a) of this Act; or subparagraphs (A) and (B) of section 212(a)(2) and subparagraph (C) thereof of such section (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marijuana); if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

(4) one whose income is derived principally from illegal gambling activities;

(5) one who has been convicted of two or more gambling offenses committed during such period;

(6) one who has given false testimony for the purpose of obtaining any benefits under this Act;

(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;

(8) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43)); or

(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).

The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character. In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (includ-

ing an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.

(g) For the purposes of this Act any alien ordered deported or removed (whether before or after the enactment of this Act) who has left the United States, shall be considered to have been deported or removed in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(h) For purposes of section 212(a)(2)(E), the term “serious criminal offense” means—

- (1) any felony;
- (2) any crime of violence, as defined in section 16 of title 18 of the United States Code; or
- (3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—

(1) the Secretary of Homeland Security, the Attorney General, and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien’s options while in the United States and the resources available to the alien; and

(2) the Secretary of Homeland Security shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an “employment authorized” endorsement or other appropriate work permit.

* * * * *

Dissenting Views on H.R. 8393

I strongly oppose H.R. 8393 as reported by the Committee on Natural Resources. H.R. 8393 is fraught with wide ranging process concerns and policy considerations that would impact the lives of more than 3 million American citizens on the island of Puerto Rico. The bill implicates the jurisdiction of several other House committees who have not yet been given the appropriate time to fully study the ramifications of the legislation.

Introduced mere days before the House Natural Resources Committee's markup, H.R. 8393, the *Puerto Rico Status Act*, would authorize an unprecedented federally sponsored plebiscite that would allow the people of Puerto Rico to choose to become an independent nation, to be sovereign in free association with the United States, or to become a U.S. state. This vote would occur on November 5, 2023. Titles I through III of the bill establish the processes by which each of those status transitions would occur. If no one option receives a majority vote, this bill would authorize a runoff on March 3, 2024.

Troublingly, this bill is self-executing, meaning that once a winning option has been declared through the plebiscite no further action from Congress is required. While this approach may be expedient for proponents of the legislation, it abdicates one of Congress' basic constitutional duties, "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

The congressional committees of jurisdiction with the expertise to craft legislation affecting complex issues such as U.S. citizenship, taxation and entitlement programs, foreign policy, and other such complicated issues, have not yet had the opportunity to provide input on the many matters contemplated within the legislation.

The question of Puerto Rico's political status is a life altering decision for the people of Puerto Rico. Just as we would expect the people of Puerto Rico to deliberate its questions, understand its consequences and accept responsibility for the choice, so should Congress. The issues raised by this legislation are far too important for this Committee to act without thorough debate and proper deliberation.

H.R. 8393 contradicts itself, offering Puerto Rico the promise of independence while prescribing actions that should be taken by the newly sovereign nation. It promises the trappings of U.S. citizenship without the obligations or responsibilities of being a part of the United States. I believe it is unconscionable that the federal government would continue federal funding to a new nation that would not pay any taxes to the United States.

If the Democrat Majority was serious about placing Puerto Rico on a stable footing into the future, this Committee would be advancing legislation to address the reliability of the island's energy grid, ensure its fiscal solvency, repair its infrastructure, or tackle any of the other tangible needs of the people of Puerto Rico.

According to an independent investigative report, Puerto Rico was in crisis in 2017 with \$70 billion in debt and \$49 billion in unfunded pension liabilities. By the end of 2021, the

Financial Oversight Management Board (FOMB) assisted Puerto Rico with the largest municipal debt restructuring in the history of the United States. Currently, Puerto Rico is carrying \$7 billion in restructured debt, and the Board is working to help Puerto Rico's electric power authority restructure \$9 billion worth of debt.

This legislation could stall or stop altogether the positive progress that has been made by the government of Puerto Rico and the FOMB. Any responsible legislation to change Puerto Rico's political status should be predicated on first getting the Island's fiscal house in order. Ensuring a stable financial footing for the government and institutions of Puerto Rico should be completed before any status change. Doing so will benefit all in Puerto Rico.

It is unfortunate that action on this legislation has occurred less than one week after it was introduced instead of holding open, transparent hearings so that our members and the people of Puerto Rico can fully assess what this bill proposes and what it means for them and for future generations.

Congress should give these U.S. citizens the respect of allowing a full, robust, and transparent process take place to address questions of the island's political status and its many implications not only for the people of Puerto Rico but also for all Americans. Pushing this legislation through Congress and ignoring established legislative processes is the wrong approach.



Bruce Westerman
Ranking Member
House Committee on Natural Resources