



## H.R. 8393, *Puerto Rico Status Act*

### Frequently Asked Questions

November 7, 2022

#### **1. What opportunities were available to residents of Puerto Rico and other members of the public to provide input on this legislation?**

This Congress, the House Committee on Natural Resources held two hearings on bills relating to Puerto Rico's political status that eventually became the *Puerto Rico Status Act*. The first hearing, held on April 14, 2021, included testimony from elected officials and legal experts. The second hearing, held on June 16, 2021, included testimony from residents and human rights and legal experts. All witnesses were provided the opportunity to give their testimony in Spanish with the assistance of an interpreter.

On May 19, 2022, the Committee on Natural Resources released a discussion draft of the *Puerto Rico Status Act* and made it available on an online portal for public comment, which was followed by an unofficial Spanish translation of the discussion draft. 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. 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. All witnesses were provided the opportunity to give their testimony and provide written comments in Spanish.

#### **2. Why is territory status not included among the political status options on the plebiscite ballot?**

The intent of this legislation is to establish a path for decolonizing Puerto Rico from the territorial status that it 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; and Statehood — are the only 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 are 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 preservation of Puerto Rico’s territory status would not resolve these issues and including territory status among the options to be selected by voters would undermine the overall intent of the legislation.

**3. Why are Puerto Ricans residing in the states or abroad unable to participate in the plebiscite?**

“Eligible voters” in this bill are defined as bona fide residents of Puerto Rico who are otherwise qualified to vote in general elections in Puerto Rico. This definition respects the electoral laws of the Government of Puerto Rico.

The U.S. House of Representatives has overwhelmingly rejected past recommendations to expand voter eligibility to individuals residing outside of Puerto Rico within previous legislation regarding Puerto Rico’s political status.

**4. In the event a majority of voters choose Independence or Sovereignty in Free Association with the United States, why does a transition to these status options require a constitutional convention?**

The federal government has a responsibility to the U.S. citizens residing in Puerto Rico to facilitate a stable and orderly transition. Should one of those options be selected by a majority of voters, a constitutional convention is necessary to ensure a rigorous and democratic process is in place for drafting a constitution for the nation of Puerto Rico so it may successfully transition to an independent or freely associated status.

**5. In the event a majority of voters choose Independence or Sovereignty in Free Association with the United States, why does a transition to these status options provide financial support to Puerto Rico?**

The federal government has a responsibility to resolve Puerto Rico’s political status in recognition of the United States acquiring Puerto Rico by conquest, not consent, more than a century ago. If Independence or Sovereignty in Free Association with the United States is selected by a majority of voters, 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.

**6. Why is the process for obtaining U.S. citizenship different for Puerto Rico compared to other countries under Independence and Sovereignty in Free Association with the United States?**

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. Therefore, the bill proposes limitations to some of the scenarios in which persons born in the nation of Puerto Rico would be U.S. citizens at birth. [Click here](#) for more information about the citizenship provisions in the bill.

**7. What is the difference between Independence and Sovereignty in Free Association regarding the transferring of U.S. citizenship from a parent to their child?**

Under Independence and Sovereignty in Free Association with the United States, Puerto Rican citizenship would be determined by the nation of Puerto Rico, and U.S. citizenship would be determined by the U.S. Congress.

[Click here](#) for more information about the citizenship provisions in the bill.

**8. If a majority of eligible voters in Puerto Rico choose Statehood, will the transition process for admitting Puerto Rico as a state occur within one year?**

This bill recognizes that any of the three non-territorial status options — Independence, Sovereignty in Free Association with the U.S., and Statehood — will require contingent federal laws to facilitate Puerto Rico’s full transition to a new political status.

Under the transition process of the three non-territorial status options, the President must conduct a review of federal law to address and resolve any conflicts between the laws of the United States and the laws of the state or nation of Puerto Rico. The President must then submit recommendations to Congress for changes to federal law within a year of initiating the review. This review process ensures that appropriate changes are made by Congress to avoid disruptions to the implementation of the status option selected by voters in the federal plebiscite.