

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2499, AS REPORTED
OFFERED BY MR. GUTIERREZ OF ILLINOIS AND
MS. VELÁZQUEZ OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1 SHORT TITLE.

2 This Act may be cited as the “Puerto Rico Democ-
3 racy Act of 2010”.

4 SEC. 2. DEFINITIONS.

5 For the purposes of this Act:

6 (1) COMMONWEALTH.—The term “Common-
7 wealth” means the Commonwealth of Puerto Rico.

8 (2) SELF-DETERMINATION OPTION.—The term
9 “Self-Determination Option” means an option—

10 (A) agreed to by a Constitutional Conven-
11 tion in the Commonwealth for a new or modi-
12 fied Commonwealth status, Statehood, or Inde-
13 pendence; and

14 (B) based on the sovereignty of the People
15 of Puerto Rico and not subject to the plenary
16 powers of the Territorial Clause of the Con-
17 stitution of the United States.

1 (3) SELF-DETERMINATION PROPOSAL.—The
2 term “Self-Determination Proposal” means a Self
3 Determination Option approved by the People of
4 Puerto Rico in a referendum held pursuant to sec-
5 tion 3.

6 (4) PEOPLE OF PUERTO RICO.—The term
7 “People of Puerto Rico” means residents in the
8 Commonwealth of Puerto Rico and non-resident
9 Puerto Ricans.

10 (5) NON-RESIDENT PUERTO RICANS.—The term
11 “non-resident Puerto Ricans” refers to individuals
12 who are not legal residents of the Commonwealth of
13 Puerto Rico and who are either born in Puerto Rico
14 or have one parent born in Puerto Rico.

15 (6) CONSTITUTIONAL CONVENTION.—The term
16 “Constitutional Convention” means a Convention of
17 delegates elected by the People of Puerto Rico and
18 convened pursuant to legislation approved by the
19 Commonwealth of Puerto Rico.

20 **SEC. 3. PROCESS FOR PUERTO RICO'S SELF-DETERMINA-**
21 **TION.**

22 (a) REFERENDUM.—The Government of Puerto Rico
23 is authorized to conduct a Referendum on the two self-
24 determination mechanisms described in subsections (b)
25 and (c). The two self-determination mechanisms set forth

1 on the ballot shall be preceded by the following statements:

2 “Instructions: Mark one of the following two options:

3 “a) The Government of Puerto Rico is authorized to
4 conduct a plebiscite on the following three political status
5 options:

6 “(1) Independence: Puerto Rico should become
7 fully independent from the United States.

8 “(2) Association with the United States: Puerto
9 Rico and the United States should form a political
10 association between nations that will not be subject
11 to the Territorial Clause of the United States Con-
12 stitution.

13 “(3) Statehood: Puerto Rico should be admitted
14 as a State of the Union.

15 “b) The People of Puerto Rico shall exercise its in-
16 herent authority to call a Constitutional Convention
17 through the election of delegates for the purpose of delib-
18 eration and approval of self-determination options for a
19 new or modified Commonwealth status, Statehood, or
20 Independence.”.

21 (b) FIRST SELF-DETERMINATION MECHANISM.—If a
22 majority of the people of Puerto Rico chooses option (a)
23 in the Referendum provided for under subsection (a), then
24 a plebiscite shall be conducted pursuant to section 4.

1 (c) SECOND SELF-DETERMINATION MECHANISM.—If
2 a majority of the people of Puerto Rico chooses option (b)
3 in the Referendum provided for under subsection (a), then
4 the implementation process for such option shall be con-
5 ducted pursuant to sections 5 through 7.

6 **SEC. 4. APPLICABLE LAWS AND OTHER REQUIREMENTS.**

7 (a) APPLICABLE LAWS.—All laws applicable to the
8 election of the Resident Commissioner shall, as appro-
9 priate and consistent with this Act, also apply to any plebi-
10 scites held pursuant to this Act.

11 (b) RULES AND REGULATIONS.—The Puerto Rico
12 State Elections Commission shall issue all rules and regu-
13 lations necessary to carry out the plebiscites under this
14 Act.

15 (c) ELIGIBILITY TO VOTE.—Each of the following
16 shall be eligible to vote in any plebiscite held under this
17 Act:

18 (1) All eligible voters under the electoral laws in
19 effect in Puerto Rico at the time the plebiscite is
20 held.

21 (2) All citizens born in Puerto Rico who com-
22 ply, to the satisfaction of the Puerto Rico State
23 Elections Commission, with all Commission require-
24 ments (other than the residency requirement) appli-
25 cable to eligibility to vote in a general election in

1 Puerto Rico. Persons eligible to vote under this sub-
2 section shall, upon timely request submitted to the
3 Commission in compliance with any terms imposed
4 by the Electoral Law of Puerto Rico, be entitled to
5 receive an absentee ballot for the plebiscite.

6 (d) CERTIFICATION OF PLEBISCITE RESULTS.—The
7 Puerto Rico State Elections Commission shall certify the
8 results of any plebiscite held under this Act to the Presi-
9 dent of the United States and to the Members of the Sen-
10 ate and House of Representatives of the United States.

11 (e) CERTIFICATION OF REFERENDUM RESULTS.—
12 The Puerto Rico State Elections Commission shall certify
13 the results of any Referendum held under this Act to the
14 President of the United States and to the Members of the
15 Senate and House of Representatives of the United States.

16 (f) CERTIFICATION OF THE PROCEEDING OF A CON-
17 STITUTIONAL CONVENTION.—The Puerto Rico Legisla-
18 ture shall establish the procedures to communicate to Fed-
19 eral Authorities the results of the deliberations and proc-
20 ess in the enabling legislation.

21 (g) PLEBISCITE COSTS.—All costs associated with
22 any plebiscite held under this Act (including the printing,
23 distribution, transportation, collection, and counting of all
24 ballots) shall be paid for by the Commonwealth of Puerto
25 Rico.

1 **SEC. 5. CONSTITUTIONAL CONVENTION.**

2 Congress recognizes the inherent authority of the
3 People of Puerto Rico to call a Constitutional Convention,
4 constituted by a number of delegates to be determined in
5 accordance with legislation approved by the Common-
6 wealth of Puerto Rico, for the purpose of proposing to the
7 People of Puerto Rico a Self-Determination Option, which
8 if approved by the People of Puerto Rico in a referendum
9 would be presented to Congress by the Constitutional Con-
10 vention as a Self-Determination Proposal.

11 **SEC. 6. SELF-DETERMINATION OPTION AND PROPOSAL.**

12 (a) APPROVAL OF PROPOSAL.—If the People of Puer-
13 to Rico approve the Self-Determination Proposal in a ref-
14 erendum, a joint resolution of Congress shall be enacted
15 approving the terms of the Self-Determination Proposal,
16 including provisions necessary to implement the Self-De-
17 termination Proposal. If Congress approves the Self-De-
18 termination Proposal with any changes or amendments,
19 it shall be submitted in a referendum vote to the People
20 of Puerto Rico for approval before it shall be effective.

21 (b) REJECTION OF PROPOSAL.—If a Self-Determina-
22 tion Proposal is rejected by Congress or is rejected by the
23 People of Puerto Rico in a referendum held pursuant to
24 subsection (a), the Constitutional Convention may recon-
25 vene for the purpose of deliberating to adopt another Self-

1 Determination Option to propose to the People of Puerto

2 Rico and Congress.

3 **SEC. 7. CONVENTION IN CONTINUOUS SESSION.**

4 A Constitutional Convention held pursuant to this

5 Act may remain in session until a Self-Determination Pro-

6 posal is enacted by Federal law.

